



**ANNUAL REPORT ON THE TESTING AND  
INSPECTION ACTIVITIES OF THE  
DEPARTMENT OF AGRICULTURE AND  
CONSUMER SERVICES  
WEIGHTS AND MEASURES PROGRAM**

**Matthew J. Lohr, Commissioner**

**October 1, 2010**

## TABLE OF CONTENTS

Executive Summary

- I. Overview
- II. Inspection and Complaint Investigation Activities

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Department of Agriculture and Consumer Services Weights and Measures Program**

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**PUBLICATION YEAR 2010**

**Document Title**

Annual Report on the Testing and Inspection Activities of the Department of Agriculture and Consumer Services Weights and Measures Program

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Commissioner of Agriculture and Consumer Services (herein, Commissioner)

**Enabling Authority**

§3.2-5609(B) of the Code of Virginia

**EXECUTIVE SUMMARY**

During the fiscal year ending June 30, 2010, staff assigned to the weights and measures program in the Virginia Department of Agriculture and Consumer Services inspected 46,304 weights and measures devices that are used in commercial transactions in the Commonwealth and investigated 687 consumer complaints.

## **I. OVERVIEW**

The weights and measures program (program) provides uniformity in the administration of weights and measures laws, regulations, and standards to promote equity between buyers and sellers in the marketplace and prevent unfair competition among regulated industries. Weights and measures devices used commercially in Virginia include retail petroleum product dispensers, retail scales, truck stop dispensers, vehicle tank meters, vehicle scales, liquefied petroleum gas (LPG) dispensers, bulk plant meters, warehouse scales, farm scales, vehicle on-board weighing systems, hopper scales, livestock scales, and railroad scales.

The General Fund appropriation for FY 2010 was \$2,564,047 but budget reductions of \$364,838 reduced program funding to \$2,199,209.

During the reporting period, 33.5 full-time equivalent (FTE) positions were assigned to the program. One-half FTE was allocated to the program manager, three FTEs provided managerial and administrative support, two FTEs were allocated to the Metrology Laboratory, and one FTE was allocated to the regulation and sampling of motor fuel quality. Nineteen FTEs were involved in the testing of retail motor fuel devices and retail computing scales, as well as medium-capacity bench, counter, and floor scales; these positions were also tasked with determining the accuracy of point-of-sales systems, verifying the accuracy of packaged commodities, enforcing advertising and method-of-sale requirements, and investigating consumer complaints. Eight positions were engaged in the testing and inspection of large-capacity weighing and measuring devices, such as fuel oil and LPG meters – both vehicle mounted and bulk – as well as large-capacity scales.

## **II. INSPECTION AND COMPLAINT INVESTIGATION ACTIVITIES**

During the reporting period, program staff inspected 46,304 weights and measures devices. Staff inspected 36,502 devices used to dispense petroleum products, including gasoline, diesel fuel, fuel oils, liquefied petroleum gas (LPG), and kerosene; approximately 96% of these inspections involved retail motor fuel dispensers. Staff inspected 9,802 devices used to weigh retail purchases, road and other construction materials, agricultural products, and household goods; approximately 84% of these inspections involved retail scales. Staff also conducted 1,295 device re-inspections.

Staff collected 3,836 motor fuel samples to verify motor fuel quality (e.g. octane levels, ethanol content, etc.). Staff inspected 6,047 store-prepared packaged commodities (e.g. pre-packaged ground beef, steak, seafood, etc.) for accurate weight. Staff conducted 14,062 point-of-sale pricing verifications on systems such as grocery store check-out scanners.

The Metrology Laboratory staff conducted 2,994 calibration tests. Staff also tested approximately 4,058 radar tuning forks.

The program assessed a total of approximately \$101,710 in civil penalties for 535 documented violations of the Virginia Weights and Measures Law.

Staff investigated 687 consumer complaints during the reporting period and dedicated approximately 2,777 hours of investigation to these complaints.