



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

**Matthew J. Lohr, Commissioner**

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

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§ 3.2-5609(B) of the Code of Virginia

**EXECUTIVE SUMMARY**

During the fiscal year ending June 30, 2011, staff assigned to the weights and measures program in the Virginia Department of Agriculture and Consumer Services inspected 62,323 weighing and measuring devices used in commercial transactions in the Commonwealth. The frequency of inspections per device was approximately 30 months. Staff also collected 4,270 motor fuel samples, and investigated 616 consumer complaints.

## I. OVERVIEW

The weights and measures program (program) promotes equity and fair competition in the marketplace through the uniform administration of weights and measures laws and regulations. The General Fund appropriation for FY 2011 was \$2,056,457, and 31.5 full-time equivalent (FTE) positions were assigned to the program.

Staff tests retail petroleum product dispensers, which are devices used to dispense gasoline, diesel fuel, fuel oils, liquefied petroleum gas, and kerosene. Staff also tests devices used to weigh retail purchases, road and other construction materials, agricultural products, and household goods; these devices include retail scales, medium-capacity bench, counter, and floor scales, as well as large capacity devices such as bulk plant meters, warehouse scales, farm scales, vehicle on-board weighing systems, hopper scales, livestock scales, and railroad scales. Currently, the number of devices used commercially in Virginia that are subject to inspection by weights and measures staff is estimated at 120,215, as follows:

<b>Device Type</b>	<b>Estimated Number</b>
Petroleum Product Dispensers	83,000
Computing/Hanging/Counter/Platform Scales	26,500
Truck Stop Dispensers	4,200
Liquefied Petroleum Gas Meters	1,650
Vehicle Tank Meters	1,600
Vehicle Scales	1,550
Warehouse Scales	560
Bulk Plant Meters	275
Miscellaneous Scales	250
Farm Scales	245
Hopper Scales	200
Livestock Scales	65
Moisture Machines	55
Railroad Scales	25
Monorail Scales	15
Analytical Balances	10
Vehicle On-Board Weighing System	10
Belt Conveyor Scales	5
<b>Estimated Number of Devices</b>	<b>120,215</b>

**Table 1.**

Since FY 2005, the estimated number of devices subject to inspection has increased approximately 11.67%, from 107,716 in FY 2005 to 120,215 in FY 2011, while the number of positions assigned to the program has decreased over the same period, from 40 FTEs to 31.5. The average frequency of inspection per device has also been adversely impacted, from 18 months in FY 2005 to 30 months in FY 2011. Staff also collects samples to verify motor fuel quality throughout the Commonwealth, provides calibration tests at the Metrology Laboratory, and investigates related consumer complaints. See table 2, below.

<b>Fiscal Year</b>	<b>Estimated Number of Devices</b>	<b>Devices Inspected</b>	<b>Insp. Freq. (mo)</b>	<b>Motor Fuel Samples</b>	<b>Complaints Investigated</b>
<b>FY 2011</b>	120,215	62,323	30	4,270	616
<b>FY 2010</b>	118,000	46,304	26	3,836	687
<b>FY 2009</b>	118,000	45,903	31	2,500	2,619
<b>FY 2008</b>	118,164	57,812	24	2,685	885
<b>FY 2007</b>	112,474	55,147	24	3,328	714
<b>FY 2006</b>	108,587	63,983	20	3,908	1,146
<b>FY 2005</b>	107,716	71,043	18	3,889	633

**Table 2.**

In addition to inspecting weights and measures, sampling motor fuels, and investigating complaints, staff is also tasked with determining the accuracy of point-of-sales systems, verifying the accuracy of packaged commodities, and enforcing advertising and method-of-sale requirements.

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

During the reporting period, staff inspected 62,323 weighing and measuring devices, including 47,830 petroleum product dispensers and 14,493 scales; staff also conducted 1,683 device re-inspections. The frequency of inspections per device was approximately 30 months. Staff also collected 4,270 motor fuel samples, tested 7,098 store-prepared packaged commodities for accurate weight, conducted 25,367 point-of-sale pricing verifications on point-of-sale systems, performed 4,437 calibration tests, and tested approximately 3,949 radar tuning forks.

Approximately \$12,725 in civil penalties was assessed for various violations of the Weights and Measures Law, the Motor Fuels and Lubricating Oils Law, and the Service Agencies and Technicians Law. Additionally, 30 letters of caution were issued.

Staff dedicated approximately 2,054 hours to the investigation of 616 consumer complaints.