



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

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

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

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Enabling Authority

§3.2-5609(B) of the Code of Virginia

EXECUTIVE SUMMARY

During the fiscal year ending June 30, 2012, staff assigned to the weights and measures program in the Virginia Department of Agriculture and Consumer Services inspected 61,516 weighing and measuring devices used in commercial transactions in the Commonwealth. The frequency of inspections per device was approximately 30 months. Staff also collected 4,009 motor fuel samples, and investigated 749 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 2012 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 (LPG), 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:

Device Type	Estimated Number
Petroleum Product Dispensers	83,000
Computing/Hanging/Counter/Platform Scales	26,500
Truck Stop Dispensers	4,200
Liquefied Petroleum Gas (LPG) 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
Estimated Number of Devices	120,215

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.

Fiscal Year	Estimated Number of Devices	Devices Inspected	Insp. Freq. (mo)	Motor Fuel Samples	Complaints Investigated
FY 2012	120,215	61,516	30	4,009	749
FY 2011	120,215	62,323	30	4,270	616
FY 2010	118,000	46,304	26	3,836	687
FY 2009	118,000	45,903	31	2,500	2,619
FY 2008	118,164	57,812	24	2,685	885
FY 2007	112,474	55,147	24	3,328	714
FY 2006	108,587	63,983	20	3,908	1,146
FY 2005	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 61,516 weighing and measuring devices, including 47,808 petroleum product dispensers and 13,708 scales; staff also conducted 1,837 device re-inspections. The frequency of inspections per device was approximately 30 months. Staff also collected 4,009 motor fuel samples, tested 20,791 store-prepared packaged commodities for accurate weight, conducted 22,730 point-of-sale pricing verifications on point-of-sale systems, performed 6,776 calibration tests, and tested approximately 3,888 radar tuning forks.

Approximately \$7,960 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, two Letters of Advisement (Warning) and five Letters of Caution were issued.

Staff dedicated approximately 2,670 hours to the investigation of 749 consumer complaints.