



*VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES*

**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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§ 3.2-5609(B) of the Code of Virginia

EXECUTIVE SUMMARY

During the fiscal year ending June 30, 2013, staff assigned to the weights and measures program in the Virginia Department of Agriculture and Consumer Services (VDACS) inspected 56,189 weighing and measuring devices used in commercial transactions in the Commonwealth. The frequency of inspection per device was approximately 30 months. Staff also collected 4,430 motor fuel samples, and investigated 608 consumer complaints.

I. OVERVIEW

The weights and measures program promotes equity in the marketplace through the uniform administration of weights and measures laws and regulations. The general fund appropriation for FY 2013 was \$ 2,276,341 and 34 full-time equivalent (FTE) positions were assigned to the program. In addition to the central office in Richmond, the program has three regional offices located in Franklin, Harrisonburg, and Wytheville.

Staff tests retail devices that are 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. In addition to inspecting devices, staff collects samples to verify the quality of motor fuels sold in Virginia, provides calibration tests at the Metrology Laboratory, and determines the accuracy of point-of-sales systems, verifies the accuracy of packaged commodities, enforces advertising and method-of-sale requirements, and investigates related complaints.

II. INSPECTION AND COMPLAINT INVESTIGATION ACTIVITIES

The number of weighing and measuring devices used commercially in Virginia that are subject to inspection is estimated at 120,824, a 12% increase since FY 2005. The number of devices increased by 609 during the last year, or almost 18 per inspector.

Device Type	Estimated Number
Petroleum Product Dispensers	88,944
Computing/Hanging/Counter/Platform Scales	26,139
Vehicle Tank Meters	1,443
Vehicle Scale	1,419
Medium Capacity Scales	1,278
Liquefied Petroleum Gas (LPG) Meters	1,135
Farm Scales	266
Livestock Scales	74
Bulk Rack Meters	72
Railroad Scales	37
Monorail Scales	8
Belt Conveyor Scales	5
Vehicle On-Board Weighing System	4
Total	120,824

During the reporting period, staff inspected 56,189 weighing and measuring devices, including 42,311 petroleum product dispensers and 13,878 scales. Staff also reinspected 1,402 devices, collected 4,430 motor fuel samples, and spent 2,445 hours investigating 608 complaints. The table below contains select performance data dating back to FY 2005.

Year	Estimated Number of Devices	Devices Inspected	Motor Fuel Samples	Complaints Investigated
FY 2013	120,824	56,189	4,430	608
FY 2012	120,215	61,516	4,009	749
FY 2011	120,215	62,323	4,270	616
FY 2010	118,000	46,304	3,836	687
FY 2009	118,000	45,903	2,500	2,619
FY 2008	118,164	57,812	2,685	885
FY 2007	112,474	55,147	3,328	714
FY 2006	108,587	63,983	3,908	1,146
FY 2005	107,716	71,043	3,889	633

Field staff also tested 12,984 store-prepared packaged commodities for accurate weight, and conducted 18,962 point-of-sale pricing verifications on point-of-sale systems. Staff in the Metrology Laboratory performed 6,299 calibration tests and tested 3,415 radar tuning forks. Compliance staff assessed approximately \$3,555 in civil penalties for various violations of the Weights and Measures Law, the Motor Fuels and Lubricating Oils Law, and the Service Agencies and Technicians Law. Additionally, one warning letter and three letters of caution were issued.

The overall frequency of inspection of devices was 30 months, unchanged from FY 2012. However, it is important to note that a number of factors far beyond management's control impacted the program's ability to reduce the time between inspections. Those factors included short term disability, Family Medical Leave Act (FMLA) and extended sick absences, as well as other leave issues. Two inspectors were out a total of 1,736 hours due to injuries sustained on the job; one inspector was out on FMLA leave for over 410 hours; and one inspector was on extended sick leave for approximately 120 hours. These four extended absences equated to the loss of one full-time inspector during the year. Inspectors in the program also have relatively high employment tenure, accruing and using approximately 5,500 hours of annual, family personal, and holiday leave. Problems with the tablets and glitches with the software that staff uses to document inspections in the field also resulted in approximately 3 to 4 days of downtime per inspector throughout the year. Prior to the 2012 holiday shopping season, program management instructed every inspector to spend 40 hours conducting retail inspections designed to verify the accuracy of point-of-sale systems.

Finally, recent incremental appropriation increases allowed the program to cover support costs and begin the process of restoring manpower lost during previous periods of significant underfunding. Support costs for the program average approximately \$400,000 a year. Those costs include vehicle fueling and maintenance, VITA charges, travel costs, and office supplies. Some of the additional funding the program received from the 2012 General Assembly went to cover support costs. The larger portion of the additional funding allowed the program to recruit for inspector positions in various geographical areas of the state that have been underserved. However, prospective new employees declined job offers more frequently than in the past, a new trend over the last year, making positions more difficult to fill and extending the time it took to fill a position. More recently, the agency initiated the recruitment to fill four inspector positions, including two district inspectors serving the greater Charlottesville and Danville areas, respectively, and two large capacity inspector positions, one serving the greater Richmond area and the other serving Southwest Virginia. Job offers were made, and it is anticipated that these new inspectors will join the agency early this fall. With these positions filled, it is anticipated that inspection frequency will improve.

The addition of field staff, coupled with the eventual implementation of a risk-based device inspection strategy, should allow the program to continue to assure both consumers and businesses that the most critical weights and measures devices that are widely used in the Commonwealth meet the required specifications.