



**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**

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

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Legislative Mandate

Section 3.2-5609(B) of the Code of Virginia

EXECUTIVE SUMMARY

During the fiscal year ending June 30, 2016, staff assigned to the Weights and Measures Program in the Virginia Department of Agriculture and Consumer Services (VDACS) inspected 70,331 weighing and measuring devices used in commercial transactions in the Commonwealth. This approximately five percent decrease from the number of devices inspected in fiscal year 2015 is primarily due to the loss of staff time as the result of inspectors on short term disability leave. The frequency of inspection per device is approximately 24 months. The reported inspection interval decreased from approximately 36 months to 24 months due to improved data provided by the vendor of the software that the program uses to track its inspections. Staff also collected 4,471 motor fuel samples and investigated 475 consumer complaints.

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 2016 was \$2,529,406, and 40 full-time equivalent (FTE) positions were assigned to the program. In addition to the central office in Richmond, the program has 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; and large capacity devices such as bulk plant meters, vehicle tank meters, warehouse scales, farm scales, vehicle on-board weighing systems, vehicle scales, 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, determines the accuracy of point-of-sale systems (scanners), verifies the accuracy of packaged commodities, enforces advertising and method-of-sale requirements, and investigates related complaints.

INSPECTION AND COMPLAINT INVESTIGATION ACTIVITIES

The number of weighing and measuring devices used commercially in Virginia that are subject to inspection is estimated at 132,939. This estimate is lower than the estimate reported in last year's annual report. The estimate in last year's report erroneously included inactive devices, which are now not included in the current estimate of the number of weighing and measuring devices used commercially in Virginia.

Device Type	Est. Number
Petroleum Product Dispensers	95,527
Computing/Hanging/Counter/Platform Scales	30,881
Counter Weights	535
Vehicle Tank Meters	1,470
Vehicle Scale	1,435
Medium Capacity Scales	1,351
Liquefied Petroleum Gas (LPG) Meters	1,251
Farm Scales	258
Livestock Scales	83
Bulk Rack Meters	87
Railroad Scales	33
Monorail Scales	16
Belt Conveyor Scales	6
Vehicle On-Board Weighing System	6
Total	132,939

During the reporting period, staff inspected 70,331 weighing and measuring devices, including 54,282 petroleum product dispensers, seven stroke pumps, 653 metering devices, 18 timing devices, 609 counter weights, 71 peanut moisture machines, two tobacco baskets, and 14,689 scales. Of the 70,331 weighing and measuring devices inspected, 16,015 were rejected for inaccuracies. Staff also collected 4,471 motor fuel samples. Laboratory analysis revealed that of the 4,471 motor fuel samples collected, 139 were in violation. Staff spent approximately 1,850 hours investigating a total of 475 consumer complaints submitted to the Office of Weights and Measures. Of the 475 complaints submitted, 396 pertained to weighing and measuring devices and 79 pertained to motor fuel quality. The table below contains select performance data dating back to FY 2007.

Year	Estimated Number of Devices	Devices Inspected	Motor Fuel Samples	Complaints Investigated
FY 2016	132,939*	70,331	4,471	475
FY 2015	167,512*	74,082	4,931	583
FY 2014	130,388	68,760	4,093	600
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

*The method of estimating device totals was revised for FY 2016 data to more accurately reflect current active devices. FY 2015 data erroneously included inactive devices.

Staff also sampled 21,080 store-prepared packaged commodities for accurate weight and conducted 69,438 point-of-sale price verifications on point-of-sale systems. Staff in the Metrology Laboratory performed 5,920 calibration tests and tested 3,637 radar tuning forks. Compliance staff assessed approximately \$8,825 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, staff issued 13 Notices of Violation, 39 Letters of Warning, and nine Letters of Advisement for infractions of the Weights and Measures Law, the Motor Fuels and Lubricating Oils Law, and the Service Agencies and Technicians Law.

During the reporting period, one inspector retired and one new inspector was hired. The Weights and Measures program experienced over 12 months of lost work time due to inspectors on short term disability leave, resulting in a decline in device inspections this fiscal year. During the fiscal year ending June 30, 2016, the number of devices inspected decreased from 74,082 to 70,331. During the same period, the average inspection interval decreased from 36 months to 24 months. The reported interval varies by year based on staffing levels and an inspection strategy based on risk. The decrease is due to a new and more accurate method of frequency data analysis based on the previous two device inspections, which will be utilized going forward. With continued funding support, the program will continue to

assure both consumers and businesses that the most critical weighing and measuring devices used in the Commonwealth meet the required specifications.