



*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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Commissioner**

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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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Legislative Mandate

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

EXECUTIVE SUMMARY

During the fiscal year ending June 30, 2017, staff assigned to the Weights and Measures Program in the Virginia Department of Agriculture and Consumer Services (VDACS) inspected 73,861 weighing and measuring devices used in commercial transactions in the Commonwealth, a five percent increase over the previous year. The frequency of inspection per device is approximately 24 months. Staff also collected 4,839 motor fuel samples and investigated 427 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 2017 was \$2,888,109, and 42 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 Ivor, 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 Weights and Measures' 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 134,532.

Device Type	Est. Number
Petroleum Product Dispensers	96,322
Computing/Hanging/Counter/Platform Scales	31,493
Counter Weights	704
Vehicle Tank Meters	1,467
Vehicle Scale	1,433
Medium Capacity Scales	1,335
Liquefied Petroleum Gas (LPG) Meters	1,293
Farm Scales	243
Livestock Scales	81
Bulk Rack Meters	94
Railroad Scales	34
Monorail Scales	21
Belt Conveyor Scales	6
Vehicle On-Board Weighing System	6
Total	134,532

During the reporting period, staff inspected 73,861 weighing and measuring devices, including 56,525 petroleum product dispensers, three stroke pumps, 767 metering devices, 576 counter weights, 38 peanut moisture machines, and 15,952 scales. Of the 73,861 weighing and measuring devices inspected, 17,441 were rejected for inaccuracies. Staff also collected 4,839 motor fuel samples. Laboratory analysis revealed that of the 4,839 motor fuel samples collected, 121 were in violation. Staff spent approximately 1,676 hours investigating a total of 427 consumer complaints submitted to the Office of Weights and Measures. Of the 427 complaints submitted, 315 pertained to weighing and measuring devices; 46 pertained to price advertising, primarily for motor fuel; and 66 pertained to motor fuel quality. The table below contains select performance data dating back to FY 2008.

Year	Estimated Number of Devices	Devices Inspected	Motor Fuel Samples	Complaints Investigated
FY 2017	134,532	73,861	4,839	427
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

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

Staff also sampled 19,836 store-prepared packaged commodities for accurate weight and conducted 51,665 point-of-sale price verifications on point-of-sale systems. Staff in the Metrology Laboratory performed 5,671 calibration tests and tested 3,901 radar tuning forks. Compliance staff assessed approximately \$10,590 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 17 Notices of Violation, 68 Letters of Warning, and 19 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 compliance officer left employment, while four new inspectors and one compliance officer were hired. During the fiscal year ending June 30, 2017, the number of devices inspected increased from 70,331 in fiscal year 2016 to 73,861. During the same period, the average inspection interval remained steady at 24 months. The reported interval can vary by year based on staffing levels and an inspection strategy based on risk. 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.