



*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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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, 2018, staff assigned to the Weights and Measures Program in the Virginia Department of Agriculture and Consumer Services (VDACS) inspected 87,409 weighing and measuring devices used in commercial transactions in the Commonwealth, an 18 percent increase over the previous year. The frequency of inspection per device is approximately 24 months. Staff also collected 5,269 motor fuel samples and investigated 520 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 fiscal year (FY) 2018 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; moisture machines; 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 135,805.

Device Type	Est. Number
Petroleum Product Dispensers	97,119
Computing/Hanging/Counter/Platform Scales	32,040
Counter Weights	755
Vehicle Tank Meters	1,447
Vehicle Scale	1,390
Medium Capacity Scales	1,367
Liquefied Petroleum Gas (LPG) Meters	1,235
Farm Scales	236
Livestock Scales	88
Bulk Rack Meters	63
Railroad Scales	31
Monorail Scales	23
Belt Conveyor Scales	4
Vehicle On-Board Weighing System	7
<b>Total</b>	<b>135,805</b>

During the reporting period, staff inspected 87,409 weighing and measuring devices, including 68,121 petroleum product dispensers, nine stroke pumps, 566 metering devices, 683 counter weights, 53 peanut moisture machines, and 17,977 scales. Of the 87,409 weighing and measuring devices inspected, 19,153 were rejected for inaccuracies. Staff also collected 5,269 motor fuel samples. Laboratory analysis revealed that of the 5,269 motor fuel samples collected, 282 were in violation. Staff spent approximately 2,048 hours investigating 520 consumer complaints submitted to the Office of Weights and Measures. Of the 520 complaints submitted, 365 pertained to weighing and measuring devices, 53 pertained to price advertising, 90 pertained to motor fuel quality, and 12 complaints were classified as “other.” The table below contains select performance data dating back to FY 2009.

<b>Year</b>	<b>Estimated Number of Devices</b>	<b>Devices Inspected</b>	<b>Motor Fuel Samples</b>	<b>Complaints Investigated</b>
<b>FY 2018</b>	135,805	87,409	5,269	520
<b>FY 2017</b>	134,532	74,026	4,839	427
<b>FY 2016</b>	132,939*	70,331	4,471	475
<b>FY 2015</b>	167,512*	74,082	4,931	583
<b>FY 2014</b>	130,388	68,760	4,093	600
<b>FY 2013</b>	120,824	56,189	4,430	608
<b>FY 2012</b>	120,215	61,516	4,009	749
<b>FY 2011</b>	120,215	62,323	4,270	616
<b>FY 2010</b>	118,000	46,304	3,836	687
<b>FY 2009</b>	118,000	45,903	2,500	2,619

\*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 16,276 store-prepared packaged commodities for accurate weight and conducted 59,646 price verifications on point-of-sale systems. Staff in the Metrology Laboratory performed 7,466 calibration tests and tested 3,768 radar tuning forks. Compliance staff assessed approximately \$25,125 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 41 Notices of Violation and 138 Letters of Warning 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 administrative staff member left employment, while two new inspectors and one new administrative staff member were hired. As a result of additional appropriations received in FY 2017, the program was able to hire additional staff and purchase needed equipment. For FY 2018, the number of devices inspected increased from 74,026 to 87,409. During the same period, the inspection interval remained unchanged at 24 months, which is likely due to the program’s ability to inspect devices that had not been inspected for several years. 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.