



*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**

Jewel H. Bronaugh, Ph.D.

Commissioner

October 1, 2019

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

PUBLICATION YEAR 2019

Document Title

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Author

Commissioner of Agriculture and Consumer Services (herein, Commissioner)

Legislative Mandate

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

EXECUTIVE SUMMARY

During the fiscal year ending June 30, 2019, staff assigned to the Weights and Measures Program in the Virginia Department of Agriculture and Consumer Services (VDACS) inspected 90,641 weighing and measuring devices used in commercial transactions in the Commonwealth, a 3.7 percent increase over the previous year. The frequency of inspection per device is approximately 22 months. Staff also collected 4,825 motor fuel samples and investigated 503 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) 2019 was \$3,004,143, 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 estimated number of weighing and measuring devices used commercially in Virginia that are subject to inspection is 138,564.

Device Type	Est. Number
Petroleum Product Dispensers	99,155
Computing/Hanging/Counter/Platform Scales	32,899
Counter Weights	749
Vehicle Tank Meters	1,368
Vehicle Scale	1,345
Medium Capacity Scales	1,321
Liquefied Petroleum Gas (LPG) Meters	1,289
Farm Scales	222
Livestock Scales	88
Bulk Rack Meters	64
Railroad Scales	32
Monorail Scales	22
Belt Conveyor Scales	3
Vehicle On-Board Weighing System	7
Total	138,564

During the reporting period, staff inspected 90,641 weighing and measuring devices, including 68,679 petroleum product dispensers, 47 stroke pumps, 656 metering devices, 573 counter weights, 47 peanut moisture machines, and 20,639 scales. Of the 90,641 weighing and measuring devices inspected, 19,507 were rejected for inaccuracies. Staff also collected 4,825 motor fuel samples. Laboratory analysis revealed that of the 4,825 motor fuel samples collected, 206 were in violation. Staff spent approximately 2,133 hours investigating the 503 consumer complaints submitted to the Office of Weights and Measures. Of these 503 complaints submitted, two pertained to firewood, 294 pertained to weighing and measuring devices, 58 pertained to price advertising, 127 pertained to motor fuel quality, and 22 complaints were classified as “other.” The table below contains select performance data dating back to FY 2010.

Year	Estimated Number of Devices	Devices Inspected	Motor Fuel Samples	Complaints Investigated
FY 2019	138,564	90,641	4,825	503
FY 2018	135,805	87,409	5,269	520
FY 2017	134,532	74,026	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

*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 17,452 packaged commodities for accurate weight and conducted 79,812 price verifications on point-of-sale systems. Staff in the Metrology Laboratory performed 7,201 calibration tests and tested 3,709 radar tuning forks.

Compliance staff assessed approximately \$23,905 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 35 Notices of Violation and 163 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.

As a result of additional appropriations received in FY 2017, the program was able to continue to purchase needed equipment that assisted with productivity and efficiency, including additional larger capacity motor fuel testing trailers. For FY 2019, the number of devices inspected increased from 87,409 to 90,641. During the same period, the inspection interval was reduced to 22 months from 24 months, which is likely due to the increase in staffing last year and equipment purchases brought about by the increase in funding in FY 2017. 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.