



*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, 2020, staff assigned to the Weights and Measures Program in the Virginia Department of Agriculture and Consumer Services (VDACS) inspected 92,684 weighing and measuring devices used in commercial transactions in the Commonwealth, a 2.1 percent increase over the previous year. The frequency of inspection per device is approximately 21 months. Staff also collected 4,491 motor fuel samples and investigated 355 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) 2020 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 137,389.

Device Type	Est. Number
Petroleum Product Dispensers	99,462
Computing/Hanging/Counter/Platform Scales	31,584
Counter Weights	731
Vehicle Tank Meters	1,318
Vehicle Scales	1,285
Medium Capacity Scales	1,321
Liquefied Petroleum Gas (LPG) Meters	1,253
Farm Scales	227
Livestock Scales	85
Bulk Rack Meters	56
Railroad Scales	31
Monorail Scales	26
Belt Conveyor Scales	3
Vehicle On-Board Weighing Systems	7
Total	137,389

During the reporting period, staff inspected 92,684 weighing and measuring devices, including 75,557 petroleum product dispensers, seven stroke pumps, 563 metering devices, 527 counter weights, 44 peanut moisture machines, and 15,986 scales. Of the 92,684 weighing and measuring devices inspected, 21,141 were rejected for inaccuracies. Staff also collected 4,491 motor fuel samples. Laboratory analysis revealed that of the 4,491 motor fuel samples collected, 112 were in violation. Staff spent approximately 1,590 hours investigating 355 consumer complaints submitted to the Office of Weights and Measures. Of the 355 complaints submitted, one pertained to firewood, 218 pertained to weighing and measuring devices, 43 pertained to price advertising, 80 pertained to motor fuel quality, and 13 complaints were classified as “other.” The table below contains select performance data dating back to FY 11.

Year	Estimated Number of Devices	Devices Inspected	Motor Fuel Samples	Complaints Investigated
FY 2020	137,389	92,684	4,491	355
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

*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 20,646 packaged commodities for accurate weight and conducted 57,673 price verifications on point-of-sale systems. Staff in the Metrology Laboratory performed 7,089 calibration tests and tested 3,274 radar tuning forks.

Compliance staff assessed approximately \$21,605 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 40 Notices of Violation and 92 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.

Current funding levels allowed the program to purchase needed equipment and maintain staffing levels, which increased productivity. 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.