



*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, 2022, staff assigned to the Weights and Measures Program in the Virginia Department of Agriculture and Consumer Services (VDACS) inspected 80,864 weighing and measuring devices used in commercial transactions in the Commonwealth, a 10 percent decrease from the previous year. The frequency of inspection per device is approximately 20 months. Staff also collected 5,011 motor fuel samples and investigated 491 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) 2022 was \$3,207,402, 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 test retail devices that are used to dispense gasoline, diesel fuel, fuel oils, liquefied petroleum gas (LPG), and kerosene. Staff also test 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 Program's 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 139,728.

Device	Est. Number
Petroleum Product Dispensers	101,347
Computing/Hanging/Counter/Platform Scales	32,067
Counter Weights	747
Vehicle Tank Meters	1,284
Vehicle Scales	1,289
Medium Capacity Scales	1,306
Liquefied Petroleum Gas (LPG) Meters	1,273
Farm Scales	201
Livestock Scales	83
Bulk Rack Meters	56
Railroad Scales	36
Monorail Scales	28
Belt Conveyor Scales	3
Vehicle On-Board Weighing Systems	8
Total	139,728

During the reporting period, staff inspected 80,864 weighing and measuring devices, including 64,588 petroleum product dispensers, 42 stroke pumps, 509 metering devices, 542 counter weights, 46 peanut moisture machines, and 15,137 scales. Of the 80,864 weighing and measuring devices inspected, 18,344 were rejected for inaccuracies. Staff also collected 5,011 motor fuel samples. Laboratory analysis revealed that of the 5,011 motor fuel samples collected, 86 were in violation. Staff spent approximately 2,279 hours investigating 491 consumer complaints submitted to the Office of Weights and Measures. Of the 491 complaints submitted, two pertained to firewood, 290 pertained to weighing and measuring devices, 79 pertained to price advertising, 101 pertained to motor fuel quality, and 19 complaints were classified as “other.” The table below contains select performance data dating back to FY 2013.

Year	Estimated Number of Devices	Devices Inspected	Motor Fuel Samples	Complaints Investigated
FY 2022	139,728	80,864	5,011	491
FY 2021	138,144	89,837	4,629	375
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

*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 16,679 packaged commodities for accurate weight and conducted 44,475 price verifications on point-of-sale systems. Staff in the Metrology Laboratory performed 8,332 calibration tests and tested 2,837 radar tuning forks.

Compliance staff assessed approximately \$9,660 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 32 Notices of Violation and 120 Letters of Warning for infractions of these laws.

The total devices inspected decreased from the previous year by approximately 10 percent. The primary reason for this decrease in devices inspected is related to staff vacancies. Four inspectors and one supervisor left employment during FY 2022, resulting in a total of approximately 19 months of lost work time. Several employees were also out on extended leave during FY 2022, resulting in approximately six months of lost work time. The Office of Weights and Measures has now filled all but one of the vacant positions. However, new inspectors typically undergo training for several months, during which time device inspections are limited. Activities by the VDACS Weights and Measures Program continue to assure both consumers and businesses that the most critical weighing and measuring devices used in the Commonwealth meet the required specifications.