



*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**

**Joseph Guthrie  
Commissioner**

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Department of Agriculture and Consumer Services Weights and Measures Program**

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

**Author**

Commissioner of Agriculture and Consumer Services

**Legislative Mandate**

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

**EXECUTIVE SUMMARY**

During the fiscal year ending June 30, 2023, staff assigned to the Weights and Measures Program in the Virginia Department of Agriculture and Consumer Services (VDACS) inspected 83,432 weighing and measuring devices used in commercial transactions in the Commonwealth, a three percent increase from the previous year. The frequency with which VDACS inspects each device that is subject to inspection is approximately once every 20 months. Staff also collected 4,731 motor fuel samples and investigated 433 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) 2023 was \$3,561,426, 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 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 that are used commercially in Virginia and that are subject to inspection is 142,006.

Device	Est. Number
Petroleum Product Dispensers	103,547
Computing/Hanging/Counter/Platform Scales	32,240
Counter Weights	688
Vehicle Tank Meters	1,220
Vehicle Scales	1,291
Medium Capacity Scales	1,326
Liquefied Petroleum Gas (LPG) Meters	1,264
Farm Scales	210
Livestock Scales	82
Bulk Rack Meters	57
Railroad Scales	37
Monorail Scales	28
Belt Conveyor Scales	8
Vehicle On-Board Weighing Systems	8
<b>Total</b>	<b>142,006</b>

During the reporting period, staff inspected 83,432 weighing and measuring devices, including 66,138 petroleum product dispensers, 11 stroke pumps, 341 metering devices, 429 counter weights, 53 peanut moisture machines, and 16,460 scales. The total devices inspected increased from the previous year by approximately 3 percent. Of the 83,432 weighing and measuring devices inspected, 19,776 were rejected for inaccuracies. Staff also collected 4,731 motor fuel samples. Laboratory analysis revealed that of the 4,731 motor fuel samples collected, 94 were in violation. Staff spent approximately 1,845 hours investigating 433 consumer complaints submitted to the Office of Weights and Measures. Of the 433 complaints submitted, 287 pertained to weighing and measuring devices, 31 pertained to price advertising, 92 pertained to motor fuel quality, and 23 were classified as “other.” The table below contains select performance data dating back to FY 2014.

<b>Year</b>	<b>Estimated Number of Devices</b>	<b>Devices Inspected</b>	<b>Motor Fuel Samples</b>	<b>Complaints Investigated</b>
<b>FY 2023</b>	142,006	83,432	4,731	433
<b>FY 2022</b>	139,728	80,864	5,011	491
<b>FY 2021</b>	138,144	89,837	4,629	375
<b>FY 2020</b>	137,389	92,684	4,491	355
<b>FY 2019</b>	138,564	90,641	4,825	503
<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

\*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.

Along with devices, OWM staff verify the weight of commodities sold in package form and conduct audits of point-of-sale systems. Staff sampled 20,421 packaged commodities to check for accurate weight and conducted 66,893 price verifications on point-of-sale systems. This is an increase from previous years and reflects a focus on package check weighing for FY 2023. Staff in the Metrology Laboratory performed 7,085 calibration tests and tested 2,782 radar tuning forks.

Compliance staff assessed approximately \$34,920 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 85 Notices of Violation and 144 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. Activities by the VDACS Weights and Measures Program continues to assure both consumers and businesses that the most critical weighing and measuring devices used in the Commonwealth meet the required specifications.