



*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**

**October 1, 2024**

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

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**PUBLICATION YEAR 2024**

**Document Title**

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 (FY) ending June 30, 2024, staff assigned to the Weights and Measures Program in the Virginia Department of Agriculture and Consumer Services (VDACS) inspected 91,518 weighing and measuring devices used in commercial transactions in the Commonwealth, which is a 10 percent increase from FY 2023. This increase may be attributed to a fully staffed office for FY 2024 as well as an increase in staff time allocated to device inspections due to the lower number of motor fuel samples conducted in FY 2024 as a result of equipment failure in the Motor Fuel Laboratory. The Motor Fuel Laboratory is a component of the Department of General Services, Division of Consolidated Laboratory Services. The frequency with which VDACS inspects each device that is subject to inspection is approximately once every 21 months. Staff also collected 3,345 motor fuel samples and investigated 460 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) 2024 was \$3,529,077, 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 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 are subject to inspection is 144,662.

Device	Est. Number
Petroleum Product Dispensers	105,601
Computing/Hanging/Counter/Platform Scales	32,906
Counter Weights	678
Vehicle Tank Meters	1,214
Vehicle Scales	1,276
Medium Capacity Scales	1,277
Liquefied Petroleum Gas (LPG) Meters	1,271
Farm Scales	215
Livestock Scales	83
Bulk Rack Meters	59
Railroad Scales	34
Monorail Scales	30
Belt Conveyor Scales	10
Vehicle On-Board Weighing Systems	8
<b>Total</b>	<b>144,662</b>

During the reporting period, staff inspected 91,518 weighing and measuring devices, including 72,155 petroleum product dispensers, three stroke pumps, 395 metering devices, 408 counterweights, 18 peanut moisture machines, and 18,539 scales. The total devices inspected increased from FY 2023 by approximately 10 percent. This increase may be attributed to a fully staffed office for FY 2024 as well as an increase in staff time allocated to device inspections due to the lower number of motor fuel samples conducted in FY 2024. Of the 91,518 weighing and measuring devices inspected, 20,902 were rejected for inaccuracies. Staff also collected 3,345 motor fuel samples. The number of samples collected this year is reduced from previous years due to equipment failure in the Motor Fuel Laboratory, halting the collection of samples until the equipment could be repaired. The Motor Fuel Laboratory is a component of the Department of General Services, Division of Consolidated Laboratory Services. Laboratory analysis revealed that, of the 3,345 motor fuel samples collected, 216 were in violation. Staff spent approximately 1,819 hours investigating 460 consumer complaints submitted to the Office of Weights and Measures (OWM). Of the 460 complaints submitted, 287 pertained to weighing and measuring devices, 26 pertained to price advertising, 114 pertained to motor fuel quality, and 33 were classified as “other.” The table below contains select performance data dating back to FY 2015.

Year	Estimated Number of Devices	Devices Inspected	Motor Fuel Samples	Complaints Investigated
<b>FY 2024</b>	144,662	91,518	3,345	460
<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

\*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 20,140 packaged commodities to check for accurate weight and conducted 58,742 price verifications on point-of-sale systems. Staff in the Metrology Laboratory performed 7,008 calibration tests and tested 2,782 radar tuning forks.

Compliance staff assessed approximately \$58,380 in civil penalties for various violations of the Weights and Measures Law (Va. Code § 3.2-5600 *et seq.*), the Motor Fuels and Lubricating Oils Law (Va. Code § 59.1-149 *et seq.*), and the Service Agencies and Technicians Law (Va. Code § 3.2-5700 *et seq.*). Additionally, staff issued 133 Notices of Violation and 151 Letters of Warning for infractions of these laws. 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.