



pennsylvania
DEPARTMENT OF AGRICULTURE

**The Consolidated Weights and Measures Act
Report to the Pennsylvania General Assembly
Title 3 Pa C.S.A. Chapter 41, Title 70
For Calendar Year 2019**

March 1, 2020

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Overview

Consumer protection is a critical part of the work done by the Pennsylvania Department of Agriculture. The Division of Weights and Measures exists for one reason: making sure Pennsylvania consumers get what they pay for.

The Division of Weights and Measures, part of the Pennsylvania Department of Agriculture’s Bureau of Ride and Measurement Standards, was created to ensure equity in the marketplace through laws and regulations, uniform inspection and testing procedures, and certified and knowledgeable inspectors.

The division is empowered through the Consolidated Weights and Measures Act, Title 3 Pa C.S.A. Chapter 41, with additional regulations found in Title 70. The act requires the department to describe all relevant activities of the state inspectors of weights and measures, Certified Examiners of Weights and Measures (CEWMs), and city and county sealers of weights and measures for the preceding calendar year.

The division is required to inspect weighing and measuring devices on a set schedule: either an annual inspection or at some greater interval not to exceed every fifth year, depending on the device. The division conducts these inspections through its regionally-assigned inspectors and supervisors and CEWMs. These inspectors and supervisors work with the remaining county and city sealers who conduct weights and measures activities in their respective jurisdictions through an ongoing Memorandum of Understanding with the department.

Since the last significant update to the Consolidated Weights and Measures Act in 1985, 53 counties have dropped their sealer programs adding almost 75,000 devices to be inspected by the division. Exacerbating the situation is a 2012 amendment to the Act which removed Fuel Dispenser Meters (FDMs a.k.a. gas pumps) and Vehicle Tank Meters (VTMs a.k.a. home heating oil truck meters) from

the list of eligible devices to use in the CEWM program. The additional devices equate to an increase in inspection personnel that exceeds the bureau's budgetary ability, necessitating programmatic changes starting with the Act.

Included in the appendices of this report are the spreadsheets outlining the activities of the division's personnel, county and city sealers, and CEWMs for 2019. The appendices also include a map that identifies the seven regions into which the division is divided, the supervisors responsible for each region, and the existing county and city sealer programs with their respective contact information.

Consumer Education and Outreach

As part of the commonwealth's transparency efforts, the division continues to use its online inspection database that allows consumers to access inspection reports. This application can be found www.pda.state.pa.us/WMIinspections. Visit the database to see the latest inspection reports for local businesses and devices.

The website also includes an online complaint form that consumers can use to alert the department to potentially inaccurate devices. The number of consumer complaints by location is included as part of the report spreadsheets in the appendix (Exhibit A).

The "Tested and Approved" and "Rejected" seals placed on each item inspected by the department feature the state's toll-free number, 1-877-TEST-007, which consumers can use to register complaints or concerns about scales, gas pumps, and other state-regulated measuring devices. The red rejected seal serves as a warning to consumers that the device needs service or repair. These seals indicate a pending issue that the department is working with the device owner to correct. In many cases, a device with a rejected seal may still be in service if the issue is a repair that does not affect the accuracy of the device, or if the accuracy of the device is in the consumer's favor. Devices found to be out of operational condition, or beyond the acceptable tolerance levels and detrimental to the consumer, are taken out of service immediately until repairs are made and the device is found to be operating within allowable tolerances.

Weights and Measures Inspections

The Division of Weights and Measures is responsible for inspecting devices like scales and meters, small-retail to large-capacity truck scales, truck-mounted fuel meters, liquid propane gas meters, retail fuel pumps, compressed natural gas meters, grain moisture meters, load rack meters, timing devices (except parking meters), and all consumer price scanning systems.

Inspection Details

The division inspects all devices in 54 of Pennsylvania's 67 counties and provides support to the remaining 12 county sealer programs and one city sealer program. The division is also responsible for ensuring consumer questions and concerns are addressed in a timely manner. A list of sealer programs can be found in Exhibit B.

Enforcement Actions

The state, through Act 155 of 1996, adopts many of the federal standards created by the National Institute of Standards and Technology as found in its Handbook 44, Handbook 130, and other related publications. As devices and systems are found to be faulty or beyond the acceptable tolerance levels, action is taken to acknowledge the concerns of the state formally and bring the device into compliance. Written warnings are the first step in acknowledging an issue with a device or with a business or vendor. The number of warnings, citations and prosecutions are included in the appendix (Exhibit A) of this report.

Certified Examiner of Weights and Measures Program

Act 155 of 1996 amended PA C.S.A. Chapter 41, § 4110 (a)(4) and authorizes the department to use private industry professionals who have been trained and certified to conduct field level inspections on behalf of the department. With this use of department trained, tested and certified professionals, the weights and measures division personnel serve as the quality control auditors who monitor this program's implementation, provide the final assurances that the law is being upheld, and ensure that certified examiners are protecting the consumers they represent.

The CEWM program applies only to devices under the direct responsibility of the department to inspect. Understanding the need to monitor these inspections, the department is diligent in its duty to conduct random and thorough inspections and audits of all CEWM program inspections, as mandated.

The program suffered a setback in 2012 when device types (Vehicle Tank Meters [VTM] and Fuel Dispenser Meters [FDM]) were removed from the list of eligible devices removing a valuable opportunity for the program to leverage this private public partnership opportunity in meaningful way. Successful use of the CEWM program allows the bureau to conduct more inspections with little or no additional costs in equipment or personnel.

Currently the bureau has CEWMs for liquid propane gas (LPG) devices. The bureau expanded the program to include large capacity scales (LCS) in spring 2016. The number of devices inspected by CEWMs are represented in the appendix (Exhibit A) included in this report.

Certified UPC/PLU Inspector Program

In line with the Consolidated Weights and Measures Act, the division developed a Certified Universal Product Code (UPC) and Price Look-Up (PLU) Inspector Program. Scanning systems and devices are inspected annually by the division or private business, as allowed by the act. UPC/PLU device inspectors complete a training course conducted by the division every three years.

Fuel Quality (Octane) Testing Program

In line with the Consolidated Weights and Measures Act, the division developed a fuel quality testing program that randomly samples gasoline at retail locations to ensure that the octane content advertised meets established standards. This program is separate from the bureau's ongoing ability to address individual consumer concerns for specific fuel quality issues.

The bureau collected 244 random fuel samples from retailers throughout Pennsylvania in 2019; of the 244 samples tested, none failed.

In addition to the random fuel quality testing, the division tested 33 consumer fuel quality samples in 2019 in response to consumer complaints. Of the 33 samples tested, 6 failed and the retailers resolved the issues immediately.

Appendix

Please see the following appendices, including:

- 2019 Yearly Inspection Activity Table
- Regional and County Sealer Map

State Bureau	SCALES												METERS												UPC / PRICE VERIFICATION		PKG CHECK		TOTAL DIVIDES INSPECTED	CONSUMER COMPLAINTS	WRITTEN WARNINGS	PROSECUTIONS & FINES							
	0 to 1,000			1,001-10,000			10,001 +			MISC *		TIME DEVICE		FDM		VTM		LPG		LRM		GMM		System		LOTS													
	Small	Reject		Medium	Reject		Large	Reject		Tested	Reject		Tested	Reject		Tested	Reject		Tested	Reject		Tested	Reject		System	Reject	Tested	Reject											
Region 1	2,702	262	23	55	8	0	123	21	1	138	25	3	0	0	0	5,519	944	131	87	6	0	113	16	1	0	2	0	0	23	4	0	60	6	0	0	8,822	12	31	0
Region 2	1,967	56	0	259	5	0	151	9	0	57	0	0	0	0	0	3,043	317	0	17	0	0	27	1	0	0	0	0	62	25	0	7	5	0	0	5,590	16	0	0	
Region 3	3,211	158	0	61	4	0	260	84	2	44	0	0	0	0	0	3,612	458	0	377	15	0	139	20	0	0	0	0	2	0	0	2	1	22	4	7,730	9	1	0	
Region 4	2,062	129	0	101	19	0	552	128	8	39	5	0	0	0	0	3,827	691	53	415	121	2	25	8	1	0	0	0	18	3	0	2	0	0	0	7,041	19	7	12	
Region 5	2,044	61	5	56	2	0	118	17	0	61	8	0	0	0	0	3,494	248	49	250	19	0	71	7	1	0	0	0	22	6	0	0	0	0	0	6,116	6	1	0	
Region 6	7,848	252	7	265	34	1	481	57	6	171	7	0	1	0	0	10,320	1,177	107	243	26	1	0	0	0	0	0	0	147	16	0	8	2	0	0	19,484	16	3	0	
Region 7	7,343	676	42	97	33	0	359	104	63	36	3	0	0	0	0	14,411	3,346	170	21	0	0	0	0	0	0	0	0	21	6	0	58	0	0	0	22,693	64	12	0	
Total	27,177	1,594	77	894	105	1	2,044	420	80	546	48	3	1	0	0	44,226	7,181	510	1,410	187	3	375	52	3	2	0	0	295	60	0	137	14	22	4	77,476	142	55	12	
Counties / Cities																																							
Adams	1,114	63	0	8	0	0				0	0	0	0	0	0	809	37	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,931	12	0	0	
Allegheny	4,402	107	0	0	0	0				12	0	0	1,163	61	0	10,527	605	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,121	100	0	0	17,225	53	27	7
Beaver	499	12	0	0	0	0				17	0	0	23	3	0	1,401	41	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,000	13	0	0	
Bucks	2,944	39	0	3	0	0				24	3	0	1,364	85	0	2,838	88	0	239	12	0	0	0	0	0	0	0	0	0	0	0	741	17	1	0	8,154	44	0	0
Centre	725	35	0	0	0	0				13	0	0	0	0	0	1,050	38	0	0	0	0	0	0	0	0	0	0	0	0	0	0	46	0	0	0	1,839	13	0	0
City of Scranton	419	20	0	2	2	2				42	0	0	0	0	0	429	43	31	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	895	15	11	0	
Cumberland	897	46	46	3	2	2				5	0	0	0	0	0	3,019	78	78	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3,924	25	0	0
Delaware	2,059	63	52	0	0	0				0	0	0	1,376	71	43	1,623	275	208	17	0	0	0	0	0	0	0	0	0	0	0	599	5	33	2	5,707	13	15	0	
Greene	172	8	0	0	0	0				0	0	0	0	0	0	147	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	319	0	0	0	
Montour	29	2	0	1	0	0				0	0	0	0	0	0	325	46	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	355	0	0	0
Northampton	2,056	83	0	20	0	0				1	0	0	986	5	0	2,773	181	0	99	4	0	0	0	0	0	0	0	0	0	0	64	11	0	0	5,999	13	2	0	
Sullivan	5	0	0	0	0	0				0	0	0	10	0	0	263	16	9	0	0	0	0	0	0	0	0	0	0	0	0	8	3	0	0	286	0	0	0	
Westmoreland	848	76	75	0	0	0				0	0	0	233	11	11	5,344	201	284	0	0	0	0	0	0	0	0	0	0	0	244	42	0	0	6,669	9	27	118		
York	2,382	0	0	0	0	0				0	0	0	10	0	0	263	16	9	0	0	0	0	0	0	0	0	0	0	0	8	3	0	0	16,402	0	0	0		
Total	18,551	554	173	37	4	4				114	3	0	5,165	236	54	30,811	1,670	623	355	16	0	0	0	0	0	0	0	0	2,892	181	34	2	71,705	210	82	125			

