



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 2022**

March 1, 2023

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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, 55 counties have dropped their sealer programs adding almost 78,000 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 2022. 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/WMInspections/ for inspections prior to June 2020; <https://www.pairs.pa.gov/pairs-weights/Home/Search> for inspections conducted after June 2020.

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 55 of Pennsylvania's 67 counties and provides support to the remaining 11 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 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 are to be inspected unannounced annually by certified private inspectors, or at intervals no greater than 36 months by the division. 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 109 random fuel samples from retailers throughout Pennsylvania in 2022; of the 109 samples tested, 6 failed and the retailers resolved the issues immediately.

In addition to the random fuel quality testing, the division tested 77 consumer fuel quality samples in 2022 in response to consumer complaints. Of the 77 samples tested, 25 failed and the retailers resolved the issues immediately.

Appendix

Please see the following appendices, including:

- 2022 Yearly Inspection Activity Table
- Regional and County Sealer Map

Badge Id	By State Inspector	SCALES						MISC *		HVD		METERS								UPC / PRICE VERIFICATION		PKG CHECK LOTS		TOTAL DEVICES INSPECTED	CONSUMER COMPLAINTS	WRITTEN WARNINGS	PROSECUTIONS & FINES				
		0 to 1,000		1,001-10,000		10,001 +		Tested	Reject	Tested	Reject	FDM		VTM		LPG		LRM		GMM		Systems	Reject					Tested	Reject		
		Small	Reject	Medium	Reject	Large	Reject					Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject									Tested	Reject
Badge 11	Brad Lundberg	47	9	2	0	17	3	0	0	2	0	40	19	0	0	0	0	0	0	0	0	7	1	0	0	0	0	115	5	4	0
Badge 12	Jeff Wiles	553	28	13	0	5	0	0	0	67	17	796	121	218	29	2	1	5	5	0	0	0	0	0	0	0	0	1,664	10	2	0
Badge 13	Jay Thomas	331	67	20	6	90	44	0	0	28	5	931	176	0	0	0	0	0	0	0	13	3	6	6	0	0	1,419	5	2	0	
Badge 15	Richard Bristow	1,272	133	10	1	26	7	0	0	9	0	814	181	0	0	0	0	0	0	0	3	1	9	6	0	0	2,143	4	4	1	
Badge 20	Craig Fester	115	0	0	0	0	0	0	0	0	0	48	0	0	0	0	0	0	0	0	3	0	16	10	0	0	182	21	2	0	
Badge 21	Ed Arnoldi	695	10	0	0	0	0	0	0	22	1	355	48	89	6	0	0	0	0	0	0	0	0	0	0	0	1,161	4	0	0	
Badge 22	Steve Hopkins	558	23	12	3	0	0	0	0	51	1	426	77	0	0	15	2	0	0	0	0	0	0	0	0	0	1,062	1	0	0	
Badge 23	Mark Gordner	205	9	42	3	178	16	0	0	9	0	110	17	0	0	0	0	0	0	0	47	0	0	0	0	591	2	0	0		
Badge 30	Mike McGoff	23	12	0	0	0	0	0	0	4	0	52	12	5	0	0	0	0	0	0	0	0	1	0	4	2	89	44	0	4	
Badge 31	James Artmont	1,379	105	3	0	6	0	0	0	36	11	434	53	357	52	0	0	0	0	0	0	0	0	0	0	0	2,215	2	0	0	
Badge 32	Ed Harding	10	0	6	1	35	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	51	0	0	0	
Badge 33	Steve Bailey	1,038	117	0	0	0	0	0	0	77	19	1,031	183	43	13	0	0	0	0	0	0	0	208	48	0	0	2,397	4	1	0	
Badge 34	Luke Marcy	866	53	0	0	12	0	0	0	58	7	724	94	0	0	0	0	0	0	0	2	0	3	1	0	0	1,665	4	0	0	
Badge 40	Joshua Stepanian	45	0	1	1	28	2	0	0	0	0	1	0	0	0	0	0	0	0	0	6	0	1	1	1	1	83	5	0	0	
Badge 42	Douglas Grant	821	77	2	0	0	0	0	0	0	0	1,410	189	0	0	0	0	0	0	0	0	0	1	0	0	0	2,234	8	0	0	
Badge 43	Ron Pierce	332	17	1	0	0	0	0	0	33	5	772	62	386	36	17	2	0	0	0	0	19	10	0	0	0	1,560	4	1	0	
Badge 44	Chris Brenner	441	17	57	14	318	57	0	0	0	0	641	56	0	0	0	0	0	0	4	0	6	4	0	0	0	1,467	4	0	0	
Badge 50	Timothy Yahner	11	0	1	1	12	0	0	0	2	1	35	8	0	0	1	0	0	0	1	0	2	0	0	0	0	65	8	0	0	
Badge 51	William Cambridge	955	43	8	2	0	0	0	0	85	22	1,198	105	305	36	3	0	0	0	0	0	14	8	0	0	0	2,568	2	0	0	
Badge 52	James Polonia	879	76	213	50	366	48	0	0	8	2	365	72	1	0	0	0	0	0	21	6	5	2	0	0	0	1,858	4	0	0	
Badge 53	Mike Robison	875	39	12	1	9	0	0	0	164	34	1,820	178	0	0	29	2	0	0	12	4	4	4	0	0	0	2,925	0	0	0	
Badge 60	John Dillabaugh	340	18	6	0	2	0	0	0	0	0	1	0	0	0	0	0	0	0	36	0	12	5	1	1	1	398	11	0	0	
Badge 61	Joseph Gangai	636	12	0	0	0	0	0	0	69	9	1,742	110	0	0	0	0	0	0	0	0	135	32	0	0	0	2,582	2	0	0	
Badge 62	Mick Libhart	2,089	118	6	2	0	0	0	0	8	0	1,766	133	0	0	0	0	0	0	0	0	75	19	0	0	0	3,944	5	0	0	
Badge 63	Sarah Conrad	981	27	0	0	0	0	0	0	13	0	696	76	14	0	0	0	0	0	0	0	51	2	0	0	0	1,755	9	0	0	
Badge 64	Jared Darrenkamp	403	11	0	0	2	0	0	0	19	0	882	165	43	1	0	0	0	0	0	55	1	23	7	0	0	1,427	15	0	0	
Badge 65	Shaun Laughman	630	10	0	0	0	0	0	0	74	4	1,163	94	43	3	62	4	0	0	51	3	16	0	0	0	0	2,039	2	0	0	
Badge 66	Dave Irvin	27	0	203	29	345	51	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	575	2	0	0	
Badge 70	Tammy Luckenbill	36	3	0	0	0	0	0	0	0	0	28	18	25	9	0	0	0	0	0	0	0	0	1	0	1	0	90	16	0	0
Badge 71	John O'Brien	777	65	1	0	0	0	0	0	19	8	1,113	350	4	3	0	0	0	0	0	0	1	0	0	0	0	1,915	26	0	0	
Badge 72	Kerry Wike	96	1	0	0	0	0	0	0	0	0	33	17	0	0	0	0	0	0	0	0	0	0	0	0	0	129	0	0	0	
Badge 73	David Patchell	882	202	0	0	0	0	0	0	11	6	1,144	407	2	2	0	0	0	0	0	0	5	1	2	0	0	2,046	40	0	0	
Badge 74	Lisa Cotellessa	1,907	84	0	0	0	0	0	0	0	0	1,472	199	0	0	0	0	0	0	0	2	1	1	0	0	0	3,382	16	0	0	
Badge 76	Keith Fryslyn	1,088	194	1	0	11	5	0	0	33	16	968	425	0	0	0	0	0	0	0	6	3	0	0	0	0	2,107	15	0	0	
Badge 77	Dan Horvath	23	0	97	24	189	40	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	309	0	0	0	
Badge 79	Jose Belpre	1,389	50	0	0	2	0	0	0	0	0	446	71	31	0	0	0	0	0	0	6	0	3	3	0	0	1,880	38	0	0	
Totals:		22,755	1,630	717	138	1,653	284	0	0	901	168	23,457	3,716	1,566	190	129	11	5	5	267	19	629	177	13	4	52,092	338	16	5		
CEWM Id																															
LPG-122																															
LPG-398																															
LPG-402																															
LPG-408																															
LPG-432																															
LPG-446																															
LPG-450																															
LPG-451																															
LPG-453																															
LPG-454																															
LPG-471																															
LPG-474																															
LPG-489																															
Totals:																															

* Includes linear measuring devices and timing devices

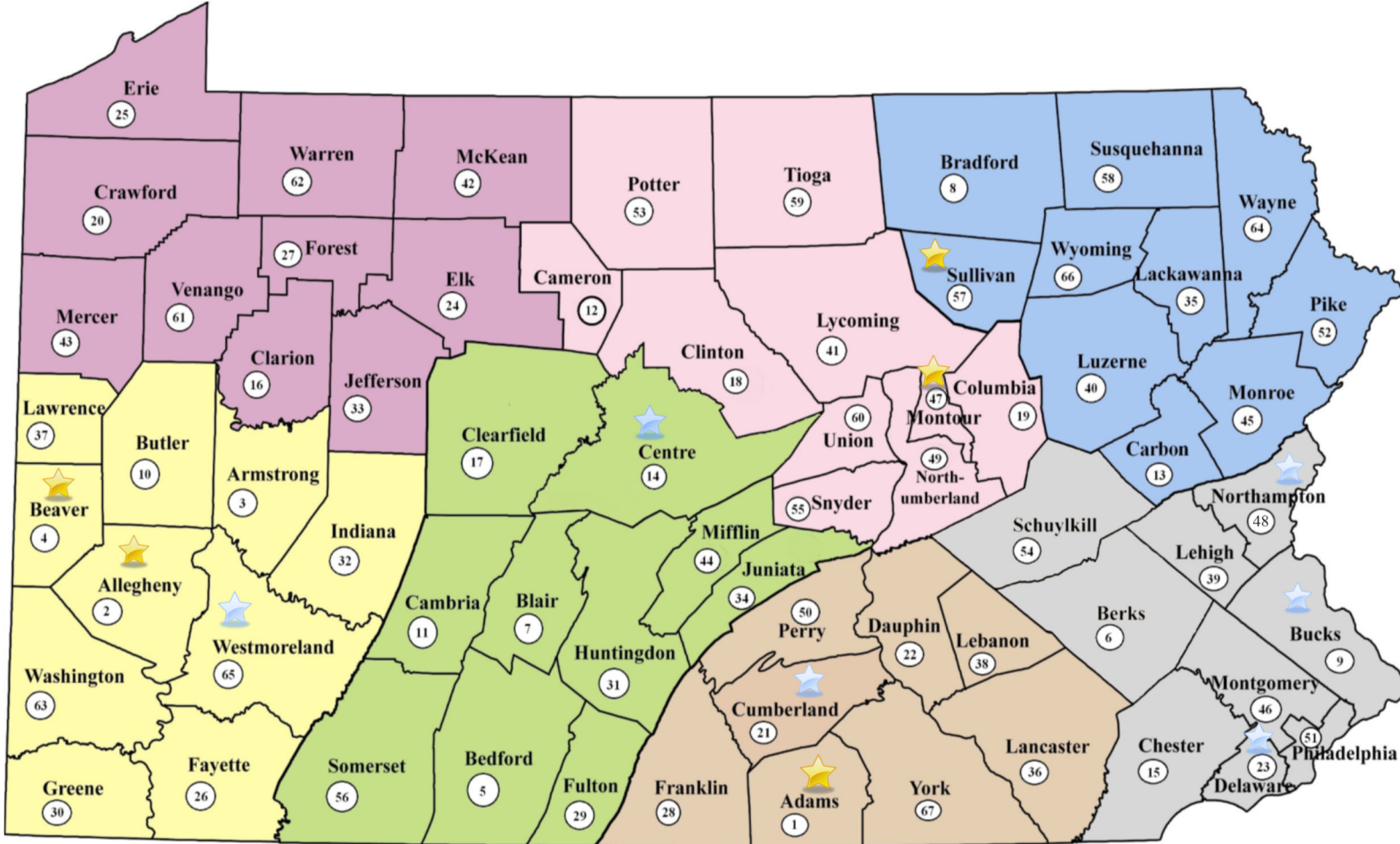
State Bureau	SCALES						MISC *		TIME DEVICE		HVD		METERS										UPC / PRICE VERIFICATION		PKG CHECK		TOTAL DEVICES INSPECTED	CONSUMER COMPLAINTS	WRITTEN WARNINGS	PROSECUTIONS & FINES
	0 to 1,000		1,001-10,000		10,001 +		Tested	Reject	Tested	Reject	Tested	Reject	FDM		VTM		LPG		LRM		GMM		System		LOTS					
	Small	Reject	Medium	Reject	Large	Reject							Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject				
Region 1	2,203	237	45	7	138	54	0	0	0	0	106	22	2,581	497	218	29	2	1	5	5	23	5	20	16	0	0	5,341	24	12	1
Region 2	1,573	42	54	6	178	16	0	0	0	0	82	2	939	142	89	6	15	2	0	0	50	0	16	10	0	0	2,996	28	2	0
Region 3	3,316	287	9	1	53	11	0	0	0	0	175	37	2,241	342	405	65	0	0	0	0	2	0	212	49	4	2	6,417	54	1	4
Region 4	1,639	111	61	15	346	59	0	0	0	0	33	5	2,824	307	386	36	17	2	0	0	10	0	27	15	1	1	5,344	21	1	0
Region 5	2,720	158	234	54	387	48	0	0	0	0	259	59	3,418	363	306	36	33	2	0	0	34	10	25	14	0	0	7,416	14	0	0
Region 6	5,106	196	215	31	349	51	0	0	0	0	183	13	6,250	578	100	4	62	4	0	0	142	4	312	65	1	1	12,720	46	0	0
Region 7	6,198	599	99	24	202	45	0	0	0	0	63	30	5,204	1,487	62	14	0	0	0	0	6	0	17	8	7	0	11,858	151	0	0
Total	22,755	1,630	717	138	1,653	284	0	0	0	0	901	168	23,457	3,716	1,566	190	129	11	5	5	267	19	629	177	13	4	52,092	338	16	5
Counties / Cities																														
Adams	1,086	41	10	2			0	0	0	0	0	0	668	29	0	0							0	0	0	0	1,764	8	0	0
Allegheny	4,414	108	0	0			22	0	873	254	0	0	11,949	497	0	0							402	122	0	0	17,660	56	21	12
Beaver	385	6	0	0			12	0	0	0	0	0	1,102	42	0	0							0	0	0	0	1,499	12	0	0
Bucks	2,805	50	88	2			34	0	1,278	76	0	0	3,198	68	192	0							701	53	0	0	8,296	0	0	0
Centre	727	35	0	0			0	0	0	0	0	0	1,359	63	0	0							25	0	0	0	2,111	12	0	0
City of Scranton	311	28	0	0			48	0	0	0	0	0	312	24	0	0							0	0	0	0	671	16	13	0
Cumberland	1,364	58	0	0			0	0	0	0	0	0	3,519	317	0	0							0	0	0	0	4,883	0	0	0
Delaware	2,567	76	18	1			0	0	1,996	110	0	0	2,634	99	129	4							625	11	45	0	8,014	0	0	0
Montour	0	0	0	0			0	0	0	0	0	0	0	0	0	0							0	0	0	0	0	0	0	0
Northampton	2,179	81	32	0			0	0	425	2	0	0	3,360	263	94	10							0	0	0	0	6,090	19	1	0
Sullivan	0	0	0	0			0	0	0	0	0	0	0	0	0	0							0	0	0	0	0	0	0	0
Westmoreland	1,479	79	0	0			0	0	963	133	0	0	5,937	597	0	0							640	83	0	0	9,019	17	4	194
York	995	28	0	0			0	0	0	0	0	0	1,004	19	0	0							0	0	0	0	1,999	0	0	0
Total	18,312	590	148	5			116	0	5,535	575	0	0	35,042	2,018	415	14						2,393	269	45	0	62,006	140	39	206	

* Includes linear measuring devices and timing devices



pennsylvania

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- Sealer program without fees
- Sealer program with fees

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