



pennsylvania

DEPARTMENT OF AGRICULTURE

BUREAU OF RIDE & MEASUREMENT STANDARDS



**Consolidated Weights and Measures Act,
Title 3 Pa C.S.A. Chapter 41**

March 2011

Tom Corbett, Governor George Greig, Acting Secretary of Agriculture



COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF AGRICULTURE | GEORGE GREIG, ACTING SECRETARY

March 2011

Dear Friend of Pennsylvania Agriculture:

On behalf of the Pennsylvania Department of Agriculture Bureau of Ride and Measurement Standards, I am pleased to provide you with the 2010 Weights and Measures Annual Report. This comprehensive report details the activities of the Division of Weights and Measures, including inspection activities and information as required under the Consolidated Weights and Measures Act, Title 3 Pa C.S.A. Chapter 41.

Each day, weights and measures officials throughout the state work hard to ensure equity in the marketplace, assuring when consumers use weighing and measuring devices – from fuel pumps to deli scales – they are getting exactly what they pay for. This is an important part of what we do as a state agency, and we remain committed to our role in protecting the integrity of transactions in the commonwealth.

Over the past several years, the commonwealth has made significant investments in consumer protection. In 2007, these investments brought much needed staff and equipment to the bureau to strengthen our ability to protect consumers, businesses and manufacturers throughout the state. In 2009 and 2010, these were enhanced through greater consumer outreach and new inspection tools.

Looking forward, efforts will continue to ensure fair market conditions and integrity in commercial activities, especially as we continue to monitor the commonwealth's new renewable energy requirements.

Thank you for your interest and attention to the important responsibilities of this division. It is a critical part of our efforts to keep Pennsylvania growing.

Sincerely,

A handwritten signature in blue ink that reads "George D. Greig".

George Greig

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Overview

From the fuel to heat homes and power cars to the scales and scanners used at grocery and other stores, almost everything bought and sold is measured in weight, volume, length or count. To ensure that customers, businesses and manufacturers get exactly what they pay for, state and local officials, in conjunction with authorized inspection programs, work behind the scenes every day to help ensure the Commonwealth’s markets remain fair.

The Division of Weights and Measures, part of the Pennsylvania Department of Agriculture’s Bureau of Ride and Measurement Standards, was created to help ensure equity in the marketplace through laws and regulations, uniform inspection and test 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 Pennsylvania jurisdictions to follow inspection and procedural guidelines adopted by the National Conference on Weights and Measures. The act requires the division to describe all relevant activities of state inspectors of weights and measures, certified examiners of weights and measures and city and county sealers of weights and measures for the preceding calendar year in an annual report.

The Department’s work on the weights and measures front is one of its core consumer protection functions. This work is critical to ensuring that commerce in Pennsylvania is not negatively impacted by faulty equipment or individuals attempting to manipulate the marketplace.

All scales – ranging from small-retail to large-capacity truck scales, truck-mounted fuel meters, liquid-petroleum gas meters, retail fuel pumps, and all consumer scanning systems at retail store check-outs – must be inspected annually in each of the 51 counties in the state’s jurisdiction.

The department provides oversight for 46 local sealers in the remaining 16 counties and two city weights and measures programs. In 2011, the Department will have to assume inspection responsibilities for Lancaster and Elk Counties, as they have terminated their weights and measures programs. These two counties add 6,736 devices to the state's inspection roster. Additional counties may also turn over inspection duties as the year progresses.

Since 1982, the demand on the weights and measures division has greatly increased, with the department assuming inspection responsibilities for 51 counties. These 51 counties represent more than half of the state's population – approximately 8 million people. The increase in commonwealth weights and measures responsibilities is shown in Figure 1 below. A full list of counties that have dropped their own weights and measures program is included with this report, as well as a map showing the areas covered by the state and those counties that have retained a weights and measures program. Currently, the counties of Adams, Allegheny, Beaver, Blair, Bucks, Centre, Cumberland, Delaware, Greene, Huntingdon, Montour, Northampton, Northumberland, Sullivan, Westmoreland and York, as well as the cities of Meadville and Scranton, perform their own inspections.

Figure 1

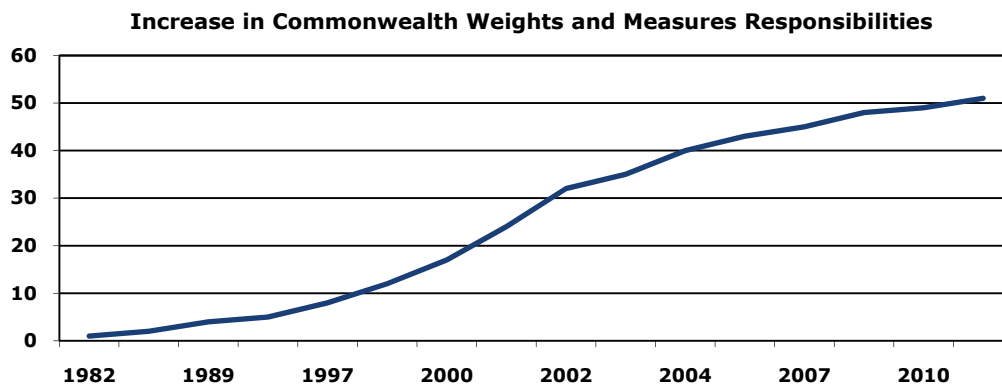


Figure 1 shows the trend in time for counties to turn their Weights and Measures programs over to the commonwealth. In 1996, the Consolidated Weights and Measures Act was amended, revising the law to note that counties "may" have a weights and measures program (the Act previously stated that counties "shall" have a program), giving local governments the ability to cease inspections and mandating that the state pick up these inspections. There is no allowance in the amended Act for the state to recoup costs for the increase in inspections.

This look at the change in the demand on state resources over time shows that there is a very real challenge for the department in managing the personnel and tools in place to handle these inspections. As a part of the department's ongoing work to be efficient, effective fiscal managers, the Certified Examiner of Weights and Measures provision outlined in the 1996 amendment of the Consolidated Weights and Measures Act is being utilized. More details on this program are included later in this report.

A historical look at the division shows a dramatic increase in the devices and systems inspected by the state over the past 10 years, compounded by a decrease in the number of inspectors and supervisors in 2009. This information is represented in Figures 2, 3 and 4.

Figure 2 - Inspectors and Supervisors

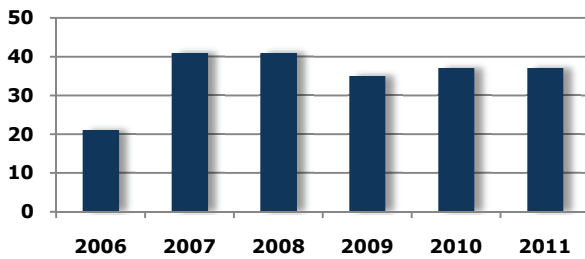


Figure 3 - Devices Inspected by PDA

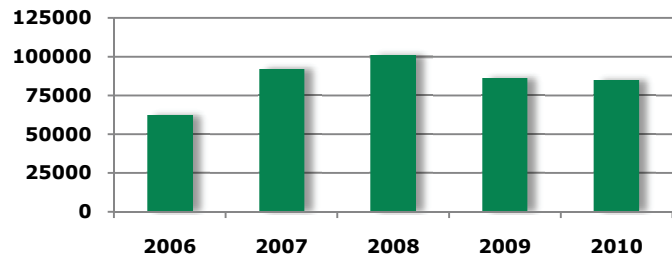
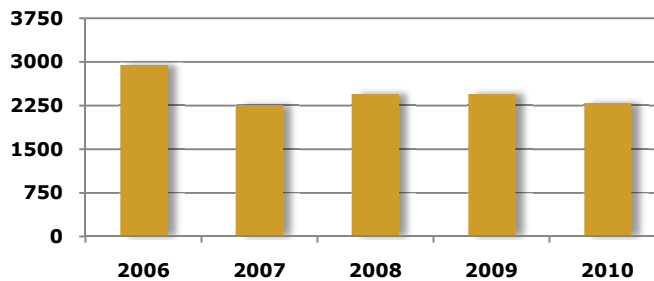


Figure 4 - Devices per Inspector



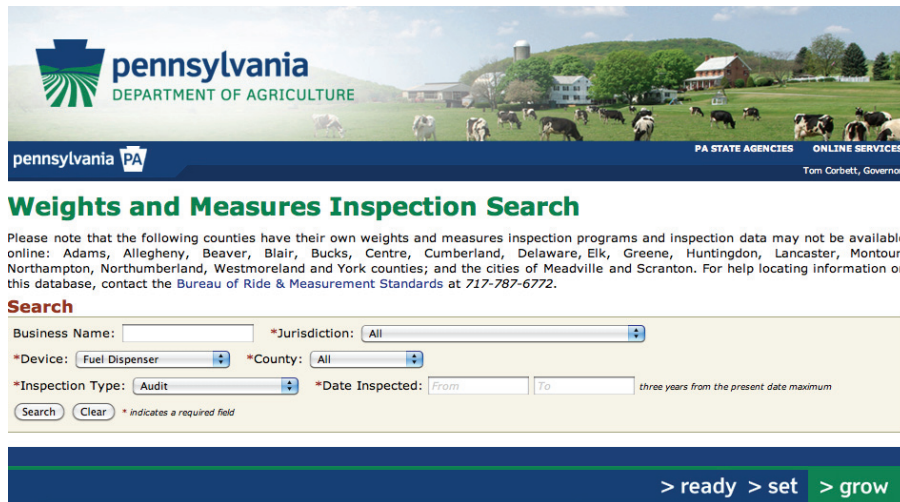
In addition to changes on the weights and measures front, it is important to note a new duty of the division pertaining to Pennsylvania's new biofuels mandate. In July of 2008, Pennsylvania made an important investment in homegrown fuel and local communities through Act 78, which established new requirements that every gallon of gasoline and diesel fuel contain a specific percentage of ethanol and biodiesel, respectively. The biofuel percentage requirements established under the new law go into effect once in-state production reaches certain levels, the first of which was met in September 2008. As of May 1, 2010, all on-road diesel fuel sold in the state now contains two percent biodiesel, known to the industry as a B2 blend.

To ensure equitable biofuel markets, the division will monitor compliance with the act, including the promulgation of regulations, certification that the necessary infrastructure exists to support the mandate, and testing and assuring the quality of biodiesel distributed throughout Pennsylvania.

Consumer Education and Outreach

Protecting consumers, businesses and manufacturers from inaccurate measuring devices means fostering an atmosphere where citizens are an active part of the inspection process. This drives the department's efforts to empower the public to do their part in ensuring the accuracy of commercial measuring devices.

In 2010, the department launched a new online tool enabling consumers to access state weights and measures inspection reports. Before shopping, citizens and visitors can go to www.pda.state.pa.us/WMIInspections to see the latest inspection report for businesses and device.



Weights and Measures Inspection Search

Please note that the following counties have their own weights and measures inspection programs and inspection data may not be available online: Adams, Allegheny, Beaver, Blair, Bucks, Centre, Cumberland, Delaware, Elk, Greene, Huntingdon, Lancaster, Montour, Northampton, Northumberland, Westmoreland and York counties; and the cities of Meadville and Scranton. For help locating information on this database, contact the Bureau of Ride & Measurement Standards at 717-787-6772.

Search

Business Name: *Jurisdiction:

*Device: *County:

*Inspection Type: *Date Inspected: From To three years from the present date maximum

* indicates a required field

> ready > set > grow

Currently, the weights and measures inspection tool features reports from the 51 counties under state jurisdiction. Inspections from Adams, Allegheny, Beaver, Blair, Bucks, Centre, Cumberland, Delaware, Greene, Huntingdon, Montour, Northampton, Northumberland, Sullivan, Westmoreland and York counties, as well as those from the cities of Meadville and Scranton, will be added to the database in the future.

The “Tested and Approved” and “Rejected” decals placed on each device 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 decal serves as a warning to consumers that the device in question needs service or attention. While not every issue with a weighing and measuring device has a direct correlation to inaccurate prices for consumers, the department uses this decal to help those who are entering into financial transactions make informed decisions. Devices found to be out of operational condition or beyond the acceptable tolerance levels set forth by the state are immediately taken out of service.

In 2010, the department continued to offer the online complaint form that consumers can use to alert the state to potentially inaccurate devices. The online form and toll-free number yielded 376 complaints regarding state-inspected devices. More than 89 percent of the consumer complaints received regarding state inspected devices were specific to fuel pumps. Each consumer complaint was reviewed and investigated by the department. An additional 419 consumer complaints were handled by county and city programs, including parking meters. Combined, there were a total of 795 statewide complaints regarding weighing and measuring devices.

To further help consumers understand their rights in the marketplace, the department distributes a brochure entitled “Getting What You Pay For.” The brochure provides suggestions for being an informed consumer and is available in paper and online. Inspectors working in public settings carry this handout with them and engage consumers that may have questions.

Consumers are also urged to pay close attention to the prices listed on store shelves and the final price they are charged at the register. This price verification process holds retailers accountable and puts consumers in control of their transactions.

Weights and Measures Inspections

The Pennsylvania Department of Agriculture's Division of Weights and Measures and its 36 inspectors and supervisors are responsible for inspecting scales ranging from small-retail to large-capacity truck scales, truck-mounted fuel meters, liquid petroleum gas meters, retail fuel pumps, and all consumer scanning systems in 51 counties. The 46 local sealers from sixteen counties and two cities inspect all or varying degrees of devices located in their counties.

As the bureau works to ensure it is able to comply with inspection mandates, it will be increasingly important to look at non-traditional methods of managing devices. An example of this growing responsibility comes from the retail sector's shift towards "self-check" or "self-scan" options. Modern supermarkets have the potential to include more than 80 different weighing and measuring devices, requiring increased inspection hours for state weights and measures inspectors. A correlating increase in personnel and/or fees has not been seen.

Another challenge the bureau struggles with is the proliferation of timing devices that it must inspect across the state. This includes being tasked with the inspection of an estimated 100,000 parking meters. These meters must be tested at least once in a 36 month period to ensure accuracy. Act 155 of 1996 shifted responsibility for the inspection of parking meters from the local governments – who retained the ability to collect both the meter funds and fines that may be assessed to violators – with no increase in staff or funding to accommodate this large influx of devices.

As an employee of a local government or contracted service organization must collect funds or repair these meters, the department would be interested in exploring opportunities to return this inspection requirement to the same groups benefitting financially from the meter and fine fees.

Inspection Details

The Pennsylvania Department of Agriculture Division of Weights and Measures promotes uniformity in commercial measurement devices. County and city sealers are primarily involved in three types of inspections: small scales (under 1,000-pound capacity), fuel pumps and scanner accuracy. Additionally, local sealers investigate consumer complaints, including gasoline, firewood and mulch delivery shortages. County programs may also inspect random and standard packages to verify weight or volume declarations, meters on home heating fuel delivery trucks, load rack meters that dispense petroleum products into tanker trucks, timing devices and vehicle scales.

Department inspectors oversee small, medium and large capacity scales; fuel pumps; scanner accuracy; home heating fuel and liquid propane delivery trucks; load rack meters; random, standard and liquid packages; and grain moisture meters.

In 2010, the division provided oversight to 81,527 reported devices, system and commodity inspections, and performed inspections at 12,831 establishments. Included in the Appendix of this report is a spreadsheet showing the activity of the division of weights and measures personnel, as broken out by region.

Inspection activity

There are more than 12 different types of devices that are inspected by the state, including:

Device	2010 PDA Inspections	County/City Inspected
Scales, Small Capacity (0 - 1,000 lbs)	23,468	23,593
Scales, Medium Capacity (1,001 - 5,000 lbs)	416	0
Scales, Large Capacity (5,001 lbs +)	1,811	10
Timing Devices	6,079	9,410
Meters, Retail Fuel Dispensers	47,016	36,339
Meters, Vehicle Tank	1,394	616
Meters, Liquid Propane Gas	207	0
Meters, Load Rack	24	0
Meters, Grain Moisture	0	0
Price Verification Systems	758	3,176
Package Checking	343	395
Miscellaneous	11	1,292
TOTAL	81,527	74,831

In addition to the inspections handled by the state, in 2010 there were 74,831 inspections completed by the 18 counties and two cities that provide their own weights and measures services. A listing of these inspections is included.

Enforcement Actions

As devices and systems are found to be faulty or beyond the acceptable tolerance levels prescribed by Act 155, actions are taken to formally acknowledge the concerns of the state and bring the device into compliance. Written warnings are the first step in acknowledging an issue with a device or with a business/vendor. These warnings cover a full range of devices and infractions.

In 2010 the department issued 72 written warnings. These written warnings resulted in 27 prosecutions and 17 imposed fines. The 27 violations were issued for one or multiple of the following:

Broken Security Seals	Short Measure
Hindering/Obstructing an Officer	Registration of Seller/Installer/Repairer
Misrepresentation of Quantity	Use of Un-Approved Field Standards
Illegal Weighmasters Certificate	Perpetration of Fraud
Failure to Provide Buyer with Receipt	Inaccurate Device

Enforcement activity for previous years is as follows:

Year	Written Warnings	Prosecutions	Fines
2010	72	27	17
2009	33	3	1
2008	44	25	33

Certified Examiner of Weights and Measures Program

As mentioned earlier in this report, the department is now responsible for inspecting weighing and measuring devices in 51 counties across the state. This increased inspection load combined with furlough actions the department had to take in response to a struggling economy and limited state fiscal resources has created a situation where, in order to best serve our citizens and those who participate in commercial transactions in Pennsylvania, the most prudent option available is to take advantage of the Certified Examiners of Weights and Measures, or CEWM, program.

Act 155 of 1996 amended PA C.S.A. Chapter 41, § 4110 (a)(4) and authorizes the Department to use private industry professional who have been trained and certified to conduct field level inspections on behalf of the department:

"Institution of a program containing standards whereby individuals shall be department-certified as Certified Examiners of Weights and Measures. Certification under such program may be for a given category or categories of measuring or weighing devices or for a particular type of device. The department shall certify only such individuals who successfully complete the appropriate training or courses prescribed by the National Institute of Standards and Technology for the type of certification sought and who comply with departmental certification standards promulgated under this paragraph. Any program instituted under this paragraph shall include testing and inspection testing by State inspectors of weights and measures of a sample of devices inspected and tested by Certified Examiners of Weights and Measures and any other type of standards or procedures the department deems necessary to implement the program."

With this use of department trained, tested and certified professionals, the role of the weights and measures division personnel moves to serve as the quality control auditors who monitor this program's implementation and provide the final assurances that the law is being upheld and that the certified examiners are protecting the consumers they represent.

The legislation detailing the CEWM program allows the department to train and certify eligible industry members to inspect truck-mounted liquid petroleum gas meters, vehicle scales, truck-mounted fuel oil meters, small capacity retail computing scales, retail package shipping scales and small platform scales that weigh items to 1,000 pounds, retail motor fuel dispensers and compressed natural gas meters. The CEWM program applies only to devices under the direct responsibility of the department to inspect. Where an MOU exists with a county weights and measures program, the devices agreed to be inspected by the county may not be inspected by a CEWM.

As CEWM status is available only to trained individuals and not companies or organizations, those interested in this program must register for, attend and complete training sessions hosted by the department, as evidenced by pre-test and final examination grades showing a more than 80 percent pass rate. The program of training for CEWM participants complies with the National Institutes of Standards and Technology (NIST) protocols. CEWM status is not issued until a completed background check is returned from the Pennsylvania State Police and proof of current field standards certification is provided.

The individuals certified to act as CEWM inspectors on behalf of the state must personally perform the inspections assigned to them and certify the results. This step makes the inspector personally responsible for the results and liable for any punitive action for fraudulent practices, including revocation of certification and civil penalties of up to \$10,000 per violation. In addition, all CEWM inspections will be made public on the department's website through the weights and measures division inspection report database. This increased transparency ties the individual inspector to the devices they are certifying, creating an additional layer of responsibility to those in the private sector who have been certified to act on the state's behalf. Understanding the need to monitor these inspections, the department will be aggressively conducting random and thorough inspections and audits of all CEWM program inspections.

The department conducted four training sessions for CEWM participants:

- The liquid propane gas training and testing session in February 2010 resulted in 12 LPG-specific CEWM qualified inspectors.
- Two Vehicle Scales training and testing sessions in March and August 2010 resulted in 42 vehicle scale-specific CEWM qualified inspectors.
- In September 2010, the Vehicle Tank Meter training and testing session resulted in 14 VTM-specific CEWM qualified inspectors.

In 2010 five LPG-specific CEWM's conducted 193 inspections, rejecting 30 of the devices. In addition, 41 random inspection audits were identified for a total of 25 percent of CEWM approved device inspections.

There are approximately 1,200 professional businesses registered with the weights and measures division, all of which are eligible to participate in the CEWM program by having staff members trained and certified by the department. The department will continue to take advantage of this connection to continue training weights and measures professionals to ensure that the initial round of marketing and outreach is targeted to an audience with a proven interest in the business sectors being impacted.

Certified UPC/PLU Inspector Program

In line with the Consolidated Weights and Measures Act, the Pennsylvania Department of Agriculture's Division of Weights and Measures developed a Certified Universal Product Code (UPC) and Price Look-Up (PLU) Inspector Program. The division or private business, as approved by the act, must inspect scanning systems and devices annually. PLU/UPC device inspectors must complete a training course conducted by the division every three years, three of which were conducted in 2010. There are 164 certified UPC/PLU inspectors and 27 programs in the commonwealth, including:

- AutoZone
- Bass Pro Shops
- Bloomingdale's
- Bomberger Store
- Bon-Ton
- Boscov's
- Browns Orchards & Farm Market, Inc.
- Kaufmanns
- Kratzer Hardware
- Lazarus
- Liquor Control Board
- Macy's East
- Mapes Stores, Ltd
- Mountain View Supply, Inc.

- Cabelas
- CVS Pharmacy
- Friends of Wildwood Lake Nature Center
- Good Stores, Inc.
- Hornung's True Value
- J.B. Hostetter & Sons, Inc.
- New York & Company
- Paul B. LLC
- Stein Mart
- Strawbridges
- Target
- Weavers Hardware

The Pennsylvania Food Merchants Association conducts inspections at the following businesses:

- Acme
- Carone's Market
- Country Fair
- Ferguson & Hassler
- FoodKart
- Foodland
- Foodsource
- Gerrity's Supermarket
- GetGo
- GEXpress
- Giant Eagle
- Giant Food Stores
- Gould's Supermarket
- Grove City County Market
- Jane's Market
- Kennie's Market
- Martin's Food Market
- Mountain Fresh Supermarket
- Mutzabaugh's Market
- Nell's Shurfine Market
- Oregon Dairy
- Price Chopper
- Save Smart
- Save-A-Lot
- Saylor's Market
- Shop 'n Save
- ShopRite
- Shur Save
- Sunoco
- Tops Market
- King's Market
- Weis Markets

Pennsylvania Biofuel Development Program

In July 2008, Pennsylvania took another major step forward in breaking its dependence on foreign oil in favor of cleaner, domestically produced alternative fuels. Act 78 of 2008 established requirements that every gallon of gasoline and diesel fuel contain a specific percentage of cellulosic ethanol and biodiesel, respectively. The biofuel percentage requirements go into effect as the state meets specific production triggers:

- 2 percent biodiesel, once in-state production reaches 40 million gallons;
- 5 percent biodiesel, once in-state production reaches 100 million gallons;
- 10 percent biodiesel, once in-state production reaches 200 million gallons; and
- 20 percent biodiesel, once in-state production reaches 400 million gallons.

All gasoline sold at retail must contain 10 percent cellulosic ethanol, once in-state cellulosic ethanol production reaches 350 million gallons.

The first biodiesel threshold – 40 million gallons produced in-state on an annualized basis – was achieved in September 2008, triggering the mandate. Each of these production levels must be sustained and verified over a three-month period by the department.

As of May 1, 2010, every gallon of on-road diesel fuel sold in the state now contains at least two percent biodiesel. As much as one billion gallons of biofuels will be added to the state's fuel supply under Act 78.

The Pennsylvania Department of Agriculture is responsible for assuring compliance with the act, including the promulgation of regulations, certification that the necessary infrastructure exists to support the mandate, and testing and assuring the quality of biodiesel distributed throughout Pennsylvania.

In August 2009, the Department of Agriculture and Pennsylvania Department of Transportation (PennDOT) jointly certified that there is sufficient infrastructure in Pennsylvania to meet the requirements. The agencies conducted three public hearings across Pennsylvania for the development of the infrastructure preparedness report, which was submitted to the Pennsylvania General Assembly. In addition, the department and the National Biodiesel Board hosted a Pennsylvania Biodiesel Development Conference in April 2010, to coordinate implementation efforts, ensure quality and effective distribution prior to the May 1 effective date.

Pennsylvania has programs available that offer support for infrastructure improvements and renewable energy projects, including the Pennsylvania Energy Development Authority, PennDOT's Rail Transportation Assistance Program, and the Department of Environmental Protection's Alternative Fuels Incentive Grant Program and through the Department of Community and Economic Development's Commonwealth Financing Authority and Alternative and Clean Energy programs.

Biofuel Development Program Quality Assurance Testing

To ensure equitable biofuel markets, the division monitors compliance with the act, including the promulgation of regulations, certification that the necessary infrastructure exists to support the mandate and testing to assuring the proper percentage and quality of biodiesel distributed throughout Pennsylvania.

The Department has collected 210 biodiesel blend samples since May 1, 2010, from retail fueling locations throughout PA. The average blend percentage was 2.29% biodiesel with zero businesses out of compliance in 2010. Additionally, the department has the ability to test the fuel samples for three important quality aspects; water and sediment content, cold filter plugging point (CFPP) and cloud point. Quality has exceeded the recognized ASTM standard for biodiesel blends. There is currently no standard for low temperature operability (CFPP & Cloud point) in ASTM D975 (Diesel Fuel Specification), but the department feels these aspects of the fuel are critical to proper cold weather performance.

Test	Tested Fuel Average	Limit
Water and Sediment	0.003 (% Vol.)	0.050 max (% Vol.)(ASTM D-975)
Cold Filter Plugging Point (CFPP)	-14.9°C	-10°C (PDA Specification)
Cloud Point	-12.4°C	-10°C (PDA Specification)

Water and Sediment - Diesel fuel should be clear in appearance and free of water and sediment. The presence of these materials generally indicates poor fuel handling practices. Water and sediment can and will cause shortened filter life or plugged fuel filters which can in turn lead to fuel starvation in the engine. In addition, water can have negative impact on fuel corrosion and on microbial growth.

Cloud Point - As the biodiesel blended fuel is cooled, it reaches a temperature at which wax crystals begin to form. The fuel becomes "cloudy" due to the appearance of the wax. This temperature is called the **cloud point**. Below the cloud point, the fuel can be fluid, but will contain wax crystals that can collect on fine filters and cause plugging problems.

Cold Filter Plugging Point - The cold filter plugging point (CFPP) is now often used instead of cloud point (CP) as the criterion to predict the low temperature performance of diesel fuel. The CFPP is the lowest temperature at which fuel will still flow through a specific filter.

Appendices

Please see the following appendices, including:

- 2010 Yearly Inspection Activity Table
- Regional and county sealer map
- List of Registered CEWM's
- 2008 – 2010 PA Biodiesel Production Data

State Bureau	SCALES			MISC *	TIME DEVICE	METERS					UPC / PRICE VERIFICATION SYSTEMS	PACKAGE CHECKING LOTS	TOTAL INSPECTIONS	CONSUMER COMPLAINTS	WRITTEN WARNINGS	PROSECUTIONS/ FINES IMPOSED	
	0 TO 1000	1001- 10,000	10,001 +			FDM	VTM	LPG	LRM	GMM							
Region 1	2430	40	154	0	68	5165	154	2	2	0	0	20	85	1239	29	5	1/1
Region 2	1668	34	233	1	720	3408	128	0	8	0	0	51	0	1154	15	6	0/0
Region 3	3159	81	201	0	1901	7068	281	144	11	0	0	283	148	2076	40	31	4/2
Region 4	2461	54	186	0	1276	4859	96	0	0	0	0	0	12	1380	45	5	11/11
Region 5 ¹	1948	55	113	5	463	3957	152	0	3	0	0	0	0	1156	14	5	0/0
Region 6	4532	56	536	0	871	10908	419	38	0	0	0	404	0	2849	80	0	0/0
Region 7	7270	96	388	5	780	11651	164	23	0	0	0	0	98	2977	153	20	11/3
Total	23468	416	1811	11	6079	47016	1394	207	24	0	0	758	343	12831	376	72	27/17
Counties / Cities																	
Adams	1040	0	0	0	0	749	0	0	0	0	0	0	0	N/A	30	N/A	1/0
Allegheny	4089	0	0	0	2974	9835	0	0	0	0	0	1199	0	N/A	99	N/A	0/0
Beaver	721	0	0	25	0	1550	0	0	0	0	0	0	0	N/A	69	N/A	0/0
Blair	606	0	0	0	0	915	0	0	0	0	0	0	0	N/A	1	N/A	0/0
Bucks	3014	0	0	54	829	3342	283	0	0	0	0	869	227	N/A	59	N/A	14/0
Centre	678	0	0	0	0	850	0	0	0	0	0	123	0	N/A	20	N/A	0/0
City of Meadville	47	0	0	0	442	58	0	0	0	0	0	0	0	25	0	N/A	0/0
City of Scranton	307	0	0	0	0	302	0	0	0	0	0	0	0	N/A	0	N/A	0/0
Cumberland	1192	0	0	0	0	1602	0	0	0	0	0	0	0	N/A	54	N/A	0/0
Delaware	2592	0	4	237	3220	2884	204	0	0	0	0	693	68	N/A	21	N/A	0/0
Elk ***	117	0	0	21	0	575	0	0	0	0	0	0	0	N/A	0	N/A	0/0
Greene	157	0	1	3	0	182	0	0	0	0	0	0	0	N/A	2	N/A	0/0
Huntingdon	198	0	0	60	18	363	0	0	0	0	0	0	0	N/A	0	N/A	0/0
Lancaster ***	2926	0	2	892	0	2203	0	0	0	0	0	0	0	N/A	16	N/A	0/0
Montour	100	0	0	0	0	222	0	0	0	0	0	0	0	N/A	0	N/A	0/0
Northampton	1560	0	0	0	406	2636	129	0	0	0	0	15	100	579	32	N/A	0/0
Northumberland	481	0	0	0	0	0	0	0	0	0	0	0	0	111	0	N/A	0/0
Sullivan	54	0	0	0	0	146	0	0	0	0	0	0	0	N/A	0	N/A	0/0
Westmoreland	1592	0	3	0	219	3822	0	0	0	0	0	266	0	N/A	9	N/A	0/0
York	2122	0	0	0	1302	4103	0	0	0	0	0	11	0	N/A	7	N/A	0/0
Total	23593	0	10	1292	9410	36339	616	0	0	0	0	3176	395	N/A	419	N/A	15/0
Parking Meters																	
Allentown	0	0	0	0	864	0	0	0	0	0	0	0	0	0	0	N/A	N/A
Beaver Falls	0	0	0	0	366	0	0	0	0	0	0	0	0	0	15	N/A	N/A
Bradford	0	0	0	0	192	0	0	0	0	0	0	0	0	0	7	N/A	N/A
DuBois	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A
Erie Park. Auth.	0	0	0	0	136	0	0	0	0	0	0	0	0	0	0	N/A	N/A
Franklin	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	N/A	N/A
Harrisburg	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A
Lebanon	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A
New Castle	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A
Phila. Park. Auth.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A
Pottsville Park. Auth.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A
Reading Park. Auth.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A
Shamokin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A
Sunbury	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A
Warren	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A
Washington	0	0	0	0	882	0	0	0	0	0	0	0	0	0	385	N/A	N/A
Wilkes-Barre	0	0	0	0	85	0	0	0	0	0	0	0	0	0	0	N/A	N/A
York	0	0	0	0	1153	0	0	0	0	0	0	0	0	0	0	N/A	N/A
Total	0	0	0	0	3679	0	0	0	0	0	0	0	0	0	408	N/A	N/A
CEWM Inspections****																	
Amerigas	0	0	0	0	0	0	0	66	0	0	0	0	0	N/A	N/A	N/A	N/A
Southern Meter	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A	N/A	N/A
Specialty Tank & Truck	0	0	0	0	0	0	0	51	0	0	0	0	0	N/A	N/A	N/A	N/A
Suburban Propane	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A	N/A	N/A
Keehn Service Corp.	0	0	0	0	0	0	0	30	0	0	0	0	0	N/A	N/A	N/A	N/A
George I. Reitz & Sons	0	0	0	0	0	0	0	11	0	0	0	0	0	N/A	N/A	N/A	N/A
Tank Truck Outfitters	0	0	0	0	0	0	0	35	0	0	0	0	0	N/A	N/A	N/A	N/A
Total	0	0	0	0	0	0	0	193	0	0	0	0	0	0	0	0	0
UPC Inspections																	
PFMA	0	0	0	0	0	0	0	0	0	0	0	856	0	0	0	0	0/0
Ind. Programs	0	0	0	0	0	0	0	0	0	0	0	772	0	0	0	0	0/0
Total	0	0	0	0	0	0	0	0	0	0	0	1628	0	0	0	0	0/0
Statewide Total	47061	416	1821	1303	19168	83355	2010	400	24	0	0	5562	738	12831	795	72	42/17

*Misc includes Fabric Measuring Devices, Linear Measures, Non-Commercial Scales, Weighmasters License, Method of Sale & Package and Labeling.

**Cities did not submit reports.

***Program dropped December 31st 2010.

**** Currently LPG is the only device inspected by certified CEWM's. A full list of individual CEWM's is attached to this report.

¹ - Region 5 operated with only 1 inspector for 7 months in 2010.

PENNSYLVANIA DEPARTMENT OF AGRICULTURE

Bureau of Ride and Measurement Standards, Weights and Measures Division

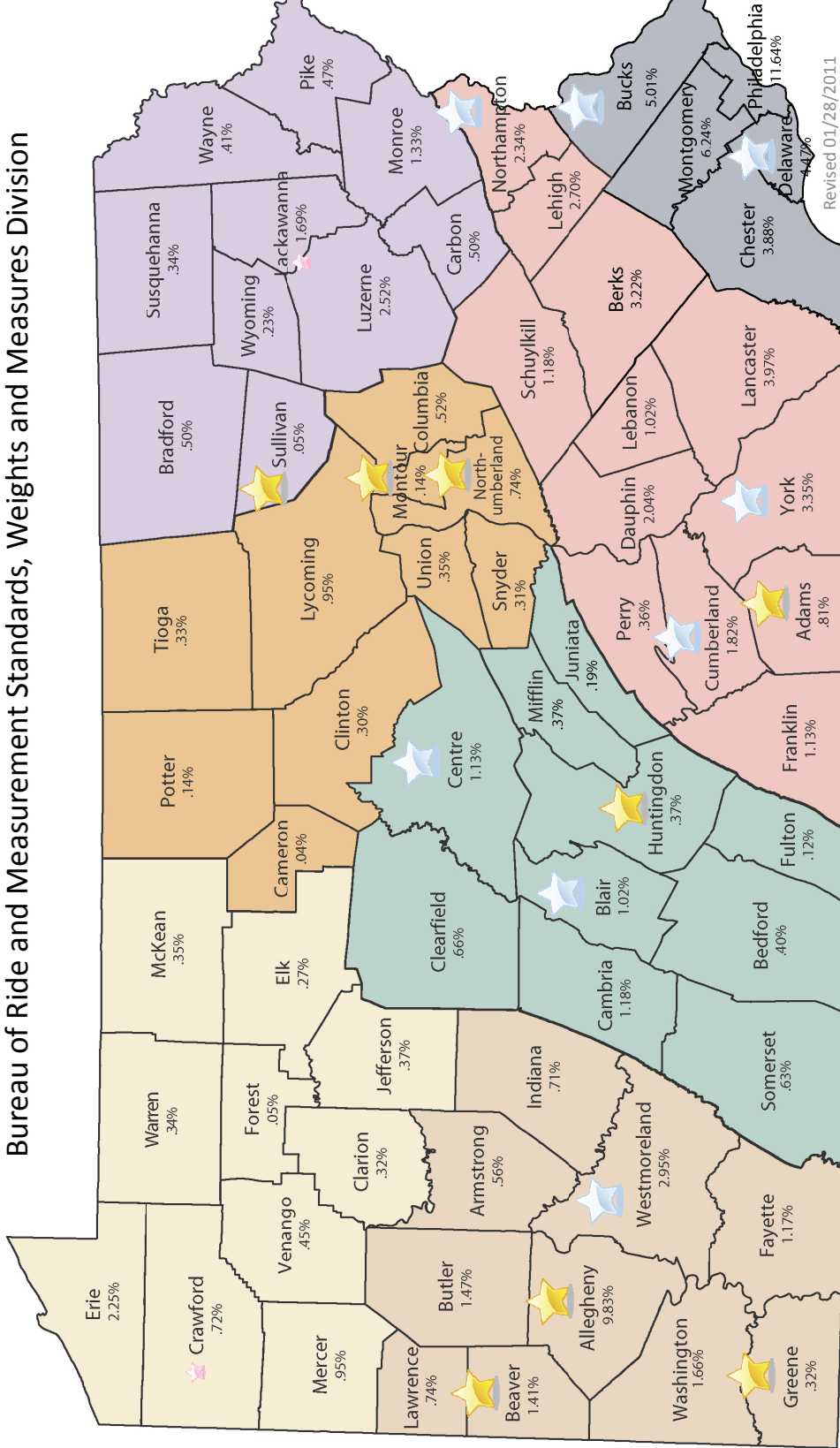


County Sealers

Blue Stars are County programs with Registration Fees for devices.

- Adams**
Thomas Leedy
F 717 334 8603
F 717 334 1822
tleedy@adamscounty.us
- Allegheny**
Greg Medica
F 412 350 2576
F 412 350 2578
gmedica@county.allegheny.pa.us
- Beaver**
Ronald Zuccaro
F 724 847 1312
F 724 847 1058
rdzuccaro1211@aol.com
- Blair**
Ralph Diehl, Jr.
H 814 946 8851
- Bucks**
Michael Bannon
F 215 348 7442
F 215 348 4570
mdbannon@co.bucks.pa.us
- Centre**
Ronald L. Williams, Jr.
O 814 355 8746
RLWillia@CO.Centre.pa.us
- Cumberland**
John Bitner
O 717 240 6349
F 717 240 7754
jbitner@ccpa.net
- Delaware**
Evelyn Yancoskie
O 610 891 4865
F 610 566 3947
yancoskie@co.delaware.pa.us
- Greene**
Gene Lee
O 724 852 5210
F 724 627 5428
glee@co.greene.pa.us
- Huntingdon**
Michael Robison
H 814 643 2148
michaelrobison@aol.com
- Montour**
Gerald R. Buckley
O 570 271 3000
Thebuck1@ptd.net
- Northampton**
James R. Davis
O 610 559 3187
F 610 559 3722
jdavis@northamptoncounty.org
- Northumberland**
Gus Veach
(Small Scales Only) Contact Region II
Sullivan
Gerald R. Buckley
Edward Chearney
F 724 830 3980
F 724 830 3969
echearne@co.westmoreland.pa.us
- York**
Jim Crager
O 717 840 7664
F 717 840 7201
jscrager@york-county.org
- City of Meadville**
Ronald Hornstein
O 814-724-6000
F 814-333-3363
- City of Scranton**
Todd Cortese
O 570-348-4193
tcortese@scrantonpa.gov

State Toll-Free Consumer Line
1-877-TEST-007



Revised 01/28/2011

This map represents the percentage of population of each county and region served. State population of 12,440,621 is provided by 2006 U.S. Census.

<p>BUREAU HEADQUARTERS DOUG KILGORE, DEP. SECRETARY 2301 NORTH CAMERON ST HARRISBURG, PA 17110-9408 O: 717-787-9089 FAX: 717-783-4158 dkilgore@state.pa.us RESPONSIBILITY BREAKDOWN STATE 60.33% COUNTIES 39.67%</p>	<p>REGION 1-NORTHWEST PA JOSH STEPANIAN, SUPERVISOR 13410 DUNHAM RD MEADVILLE, PA 16335-8346 O: 814-332-6890 FAX: 814-333-1431 jstepanian@state.pa.us STATE 6.07% COUNTIES 0.00% REGIONAL TOTAL 6.07%</p>	<p>REGION 2-NORTH CENTRAL PA CRAIG FESTER, SUPERVISOR 542 COUNTY FARM ROAD MONTGOMERYVILLE, PA 17754-9685 O: 570-433-2640 FAX: 570-433-4770 cfester@state.pa.us STATE 3.68% COUNTIES 0.14% REGIONAL TOTAL 3.82%</p>	<p>REGION 3-NORTHEAST PA MIKE MCGOFF, SUPERVISOR PO BOX C, RT 92 SOUTH TUNKHANNOCK, PA 18657-0318 O: 570-836-2181 FAX: 570-836-6266 mmcgoff@state.pa.us STATE 7.58% COUNTIES 0.46% REGIONAL TOTAL 8.04%</p>
<p>REGION 4-SOUTHWEST PA JOSH STEPANIAN, SUPERVISOR 6 MCINTYRE RD GIBSONIA, PA 15044-9644 O: 724-443-1585 FAX: 724-443-8150 jstepanian@state.pa.us STATE 6.31% COUNTIES 14.51% REGIONAL TOTAL 20.82%</p>	<p>REGION 5-SOUTHWEST CTRL PA DOUG RUDY, SUPERVISOR 1307 7TH ST ALTOONA, PA 16601-4701 O: 814-946-7315 FAX: 814-946-7354 drudy@state.pa.us STATE 3.55% COUNTIES 2.52% REGIONAL TOTAL 6.07%</p>	<p>REGION 6-SOUTH CENTRAL PA JOHN DILLABAUGH, SUPERVISOR 2301 NORTH CAMERON ST HARRISBURG, PA 17110-9408 O: 717-346-3223 FAX: 717-346-3229 jdillabaug@state.pa.us STATE 15.62% COUNTIES 8.32% REGIONAL TOTAL 23.94%</p>	<p>REGION 7-SOUTHEAST PA JOE MCGONIGLE, SUPERVISOR 1015 BRIDGE ROAD COLLEGEVILLE, PA 19426 O: 610-489-1003 FAX: 610-489-6119 jmgonigle@state.pa.us STATE 21.76% COUNTIES 9.48% REGIONAL TOTAL 31.24%</p>

Name	Company	LPG	VTM	LCS
Carrington Walrup, II	Amerigas	✓		
Alvin Riley, Sr.	Southern Meter	✓		
Alvin Riley, Jr.	Southern Meter	✓		
Eric Watson	Southern Meter	✓		
Faron Mack	Specialty Tank & Truck Service	✓		
Dennis Guthrie	Suburban Propane	✓		
Thomas Snyder	Suburban Propane	✓		
Brian Yost	Suburban Propane	✓		
Donald Garmon	Keehn Service Corp.	✓		
William Kennis	George I. Reitz & Sons	✓		
Christopher Frentz	Tank Truck Outfitters	✓		

Amerigas (Device Owner Inspected)- C Waldrup: 66 CEWM Inspections conducted, 54 Approved, 12 Rejected, 14 Random Inspection Audits Identified (25% of Approved), 12 conducted and 2 pending.

Specialty Tank and Truck- F Mack: 51 CEWM Inspections conducted, 44 Approved, 7 Rejected, 11 Ransom Inspection Audits Identified (25% of Approved), 6 conducted and 5 pending.

Keehn Service Corp. - D Garman: 30 CEWM Inspections conducted, 30 Approved, 0 Rejected, 7 Random Inspection Audits Identified (25% of Approved), 0 conducted and 7 pending.

George I Reitz & Sons - W Kennis: 11 CEWM Inspections conducted, 10 Approved, 1 Rejected, 2 Random Inspection Audits Identified (25% of Approved), 0 conducted and 3 pending.

Tank Truck Outfitters- C Frentz: 35 CEWM Inspections, 25 Approved, 10 Rejected, 7 Random Inspection Audits Identified (25%+ of Approved), 4 conducted and 4 pending.

2008	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Annual Total
American Biodiesel Energy	<i>Not Currently Producing</i>												0
Biodiesel of Pennsylvania	<i>Not Currently Producing</i>												0
Eagle Biodiesel, Inc.	<i>Not Currently Producing</i>											4,500	
Keystone Biofuels, Inc.	18,440	152,220	5,873	24,331	191,242	687,924	173,571	277,913	282,067	263,569	222,849	194,707	2,494,706
Lake Erie Biofuels	1,530,460	1,158,497	2,743,942	2,088,237	1,913,283	3,076,907	2,528,817	2,753,238	1,310,597	586,517	909,036	374,981	20,974,512
Middletown Biofuels	98,443	7,600	0	6,445	0	2,900	35,347	49,030	62,750	100,300	11,000	0	373,815
Pennsylvania Biodiesel Soy Energy	0	129,962	16,441	26,749	44,260	71,994	118,772	34,525	106,950	5,450	25,211	16,005	596,319
United Biofuels, Inc.	13,950	6,300	13,950	6,750	12,150	2,700	9,450	13,050	22,500	31,950	15,750	20,650	169,150
United Oil Company Corp.	25,000	60,000	60,000	90,250	77,000	44,800	57,600	51,200	44,800	44,800	6,400	0	561,850
United Oil Company Corp.	0	6,900	20,650	27,600	20,450	14,000	20,200	20,450	20,650	6,900	6,900	0	164,700
<i>Total (ALL)</i>													
Total	1,686,293	1,521,479	2,860,856	2,270,362	2,258,385	3,901,225	2,943,757	3,199,406	1,850,314	1,039,486	1,197,146	610,843	25,339,552

2009	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Annual Total
American Biodiesel Energy	0	0	0	0	7,321	8,925	0	7,542	0	0	29,599	0	53,387
Biodiesel of Pennsylvania	<i>Not Currently Producing</i>												0
Eagle Biodiesel, Inc.	0	0	0	0	0	0	0	0	0	0	0	1,144	1,144
Keystone Biofuels, Inc.	271,900	158,765	347,576	231,187	73,573	38,158	32,574	167,548	345,539	466,352	647,381	37,318	2,817,871
Lake Erie Biofuels	90,071	1,203,142	1,057,350	1,950,466	2,901,172	2,290,720	2,360,535	1,555,261	2,430,215	2,569,334	2,553,497	2,850,290	23,812,053
Middletown Biofuels	0	81,670	87,530	70,175	13,925	12,400	53,681	90,831	105,350	101,330	170,807	186,002	973,701
Mother Earth Energy, Inc.								26,237	19,121	32,477	26,650		104,485
Pennsylvania Biodiesel Soy Energy	11,477	11,037	66,655	125,347	156,778	27,197	120,491	110,655	66,253	4,825	27,955	80,807	809,477
United Biofuels, Inc.	4,000	4,500	18,000	4,500	10,500	10,000	5,600	2,002	21,019	16,705	4,400	10,670	111,896
United Biofuels, Inc.	0	6,500	12,800	<i>Not Currently Producing</i>									19,300
United Oil Company Corp.	0	13,400	6,800	6,700	29,997	9,997	52,300	52,100	40,200	50,986	53,245	59,874	375,599
<i>Total (ALL)</i>													
Total	377,448	1,479,014	1,596,711	2,388,375	3,193,266	2,397,397	2,625,181	2,012,176	3,027,697	3,242,009	3,513,534	3,226,105	29,078,913

2010	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Annual Total
American Biodiesel Energy	0	0	0	26,095	0	0	29,578	25,010	0	25,262	0	48,063	154,008
Biodiesel of Pennsylvania	<i>Not Currently Producing</i>												0
Eagle Biodiesel, Inc.	3,274	6,173	7,825	19,740	840	30,362	22,189	130,000	144,000	182,000	192,200	167,400	906,003
Keystone Biofuels, Inc.	13,022	0	151,652	0	252,474	370,918	344,621	366,721	342,548	348,349	333,752	289,921	2,813,978
Lake Erie Biofuels	718,741	1,366,478	2,287,659	1,984,548	2,561,469	1,293,777	2,552,086	1,711,067	2,613,938	2,223,225	2,102,995	2,290,362	23,706,345
Middletown Biofuels	53,542	55,918	52,470	39,560	153,376	40,307	<i>Not Currently Producing</i>						395,173
Mother Earth Energy, Inc.	0	84,100	500	0	105,950	50,400	63,000	78,430	85,400	88,400	92,635	92,625	741,440
Pennsylvania Biodiesel Soy Energy	36,754	5,930	0	47,736	117,559	177,492	224,152	87,119	0	0	0	0	696,742
United Biofuels, Inc.	21,006	5,590	15,912	4,758	2,995	2,050	10,640	2,162	8,765	10,878	6,497	0	91,253
United Biofuels, Inc.	<i>Not Currently Producing</i>												0
United Oil Company Corp.	18,075	6,400	38,000	62,657	27,000	23,600	6,400	25,800	26,100	26,100	25,000	25,050	310,182
<i>Total (ALL)</i>													
Total	864,414	1,530,589	2,554,018	2,185,094	3,221,663	1,988,906	3,252,666	2,426,309	3,220,751	2,904,214	2,753,079	2,913,421	29,815,124

PRODUCTION vs. CAPACITY (OPERATING %)

2008	Capacity	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Annual Total
American Biodiesel Energy	10,000,000	Not Currently Producing												0%
Biodiesel of Pennsylvania	1,500,000	Not Currently Producing												0%
Eagle Biodiesel, Inc.	864,000	Not Currently Producing												1%
Keystone Biofuels, Inc.	20,000,000	1%	9%	0%	1%	11%	41%	10%	17%	17%	16%	13%	12%	12%
Lake Erie Biofuels	45,000,000	41%	31%	73%	56%	51%	82%	67%	73%	35%	16%	24%	10%	47%
Middletown Biofuels	4,000,000	30%	2%	0%	2%	0%	1%	11%	15%	19%	30%	3%	0%	9%
Pennsylvania Biodiesel	20,000,000	0%	8%	1%	2%	3%	4%	7%	2%	6%	0%	2%	1%	3%
Soy Energy	1,500,000	11%	5%	11%	5%	10%	2%	8%	10%	18%	26%	13%	17%	11%
United Biofuels, Inc.	3,000,000	10%	24%	24%	36%	31%	18%	23%	20%	18%	18%	3%	0%	19%
United Oil Company Corp.	5,000,000	0%	2%	5%	7%	5%	3%	5%	5%	5%	2%	2%	0%	3%
Statewide Total	110,864,000	18%	16%	31%	25%	24%	42%	32%	35%	20%	11%	13%	7%	23%

2009	Capacity	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Annual Total	
American Biodiesel Energy	10,000,000	0%	0%	0%	0%	1%	1%	0%	1%	0%	0%	4%	0%	1%	
Biodiesel of Pennsylvania	1,500,000	Not Currently Producing												0%	
Eagle Biodiesel, Inc.	864,000	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	2%	0%	
Keystone Biofuels, Inc.	20,000,000	16%	10%	21%	14%	4%	2%	10%	21%	28%	39%	2%	14%	14%	
Lake Erie Biofuels	45,000,000	2%	32%	28%	52%	77%	61%	63%	41%	65%	69%	68%	76%	53%	
Middletown Biofuels	4,000,000	0%	25%	26%	21%	4%	4%	16%	27%	32%	30%	51%	56%	24%	
Mother Earth Energy, Inc.	3,500,000	0%	0%	0%	0%	0%	0%	0%	9%	7%	11%	9%	0%	3%	
Pennsylvania Biodiesel	20,000,000	1%	1%	4%	8%	9%	2%	7%	7%	4%	0%	2%	5%	4%	
Soy Energy	1,500,000	3%	4%	14%	4%	8%	8%	4%	2%	17%	13%	4%	9%	7%	
United Biofuels, Inc.	3,000,000	0%	3%	5%	Not Currently Producing										1%
United Oil Company Corp.	5,000,000	0%	3%	2%	2%	7%	2%	13%	13%	10%	12%	13%	14%	8%	
Statewide Total	114,364,000	4%	16%	17%	25%	34%	25%	28%	21%	32%	34%	37%	34%	25%	

2010	Capacity	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Annual Total
American Biodiesel Energy	10,000,000	0%	0%	0%	3%	0%	0%	4%	3%	0%	3%	0%	6%	2%
Biodiesel of Pennsylvania	1,500,000	Not Currently Producing												0%
Eagle Biodiesel, Inc.	3,000,000	1%	2%	3%	8%	0%	12%	9%	52%	58%	73%	77%	67%	30%
Keystone Biofuels, Inc.	20,000,000	1%	0%	9%	0%	15%	22%	21%	22%	21%	21%	20%	17%	14%
Lake Erie Biofuels	45,000,000	19%	36%	61%	53%	68%	35%	68%	46%	70%	59%	56%	61%	53%
Middletown Biofuels	4,000,000	16%	17%	16%	12%	46%	12%	Not Currently Producing						10%
Mother Earth Energy, Inc.	3,500,000	0%	29%	0%	0%	36%	17%	22%	27%	29%	30%	32%	32%	21%
Pennsylvania Biodiesel	20,000,000	2%	0%	0%	3%	7%	11%	13%	5%	0%	0%	0%	0%	3%
Soy Energy	1,500,000	17%	4%	13%	4%	2%	2%	9%	2%	7%	9%	5%	0%	6%
United Biofuels, Inc.	3,000,000	Not Currently Producing												0%
United Oil Company Corp.	5,000,000	4%	2%	9%	15%	6%	6%	2%	6%	6%	6%	6%	6%	6%
Statewide Total	116,500,000	9%	16%	26%	23%	33%	20%	34%	25%	33%	30%	28%	30%	26%

