



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

March 2017

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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 help 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.

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 2016. 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 screenshot shows the 'Weights and Measures Inspection Search' page. At the top is the Pennsylvania Department of Agriculture logo. Below it is a navigation bar with 'pennsylvania' and 'PA STATE AGRICULTURE' and 'WEIGHTS & MEASURES' and 'INSPECTION SERVICES'. The main heading is 'Weights and Measures Inspection Search'. A note states: '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, Bucks, Centre, Cumberland, Delaware, Greene, Montour, Northampton, Sullivan, Westmoreland and York counties; and the city of Scranton. For help locating information on this database, contact the Bureau of Rule & Measurement Standards at 717-287-9089.' Below this is a search form with the following fields: 'Business Name' (text input), '*Jurisdiction' (dropdown menu set to 'All'), '*Device' (dropdown menu set to 'Fuel Dispenser'), '*County' (dropdown menu set to 'All'), '*Inspection Type' (dropdown menu set to 'Retail'), and '*Date Inspected' (two date input fields). There are 'Search' and 'Clear' buttons. At the bottom of the page is a green bar with the slogan '> ready > set > grow'.

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.

The “Tested and Approved” and “Rejected” seals placed on each item that is 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 it is affixed to is in need of service or repair. These seals indicate a pending issue, and that the department is working with the device owner to correct it. 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 (made unusable by the consumer) 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 such as 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 scanning systems (UPC/PLU).

Inspection Details

The division inspects all devices in 54 of Pennsylvania's 67 counties and provides support to the remaining 13 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.

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 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 or vendor. The number of warnings, citations and prosecutions are included in the appendix 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 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.

In 2012, the program suffered a setback 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 public-private partnership opportunity in meaningful way.

The bureau currently has CEWMs for liquid propane gas (LPG) devices and in the spring of 2016, the bureau expanded the program to include large capacity scales (LCS). The number of devices inspected by CEWMs are represented in the appendix 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 260 random fuel samples from retailers throughout Pennsylvania in 2016; of the 260 samples tested, four failed to meet the specifications of the advertised octane rating. The retailers resolved the issue immediately (in all cases the octane rating was off by less than 1 percent).

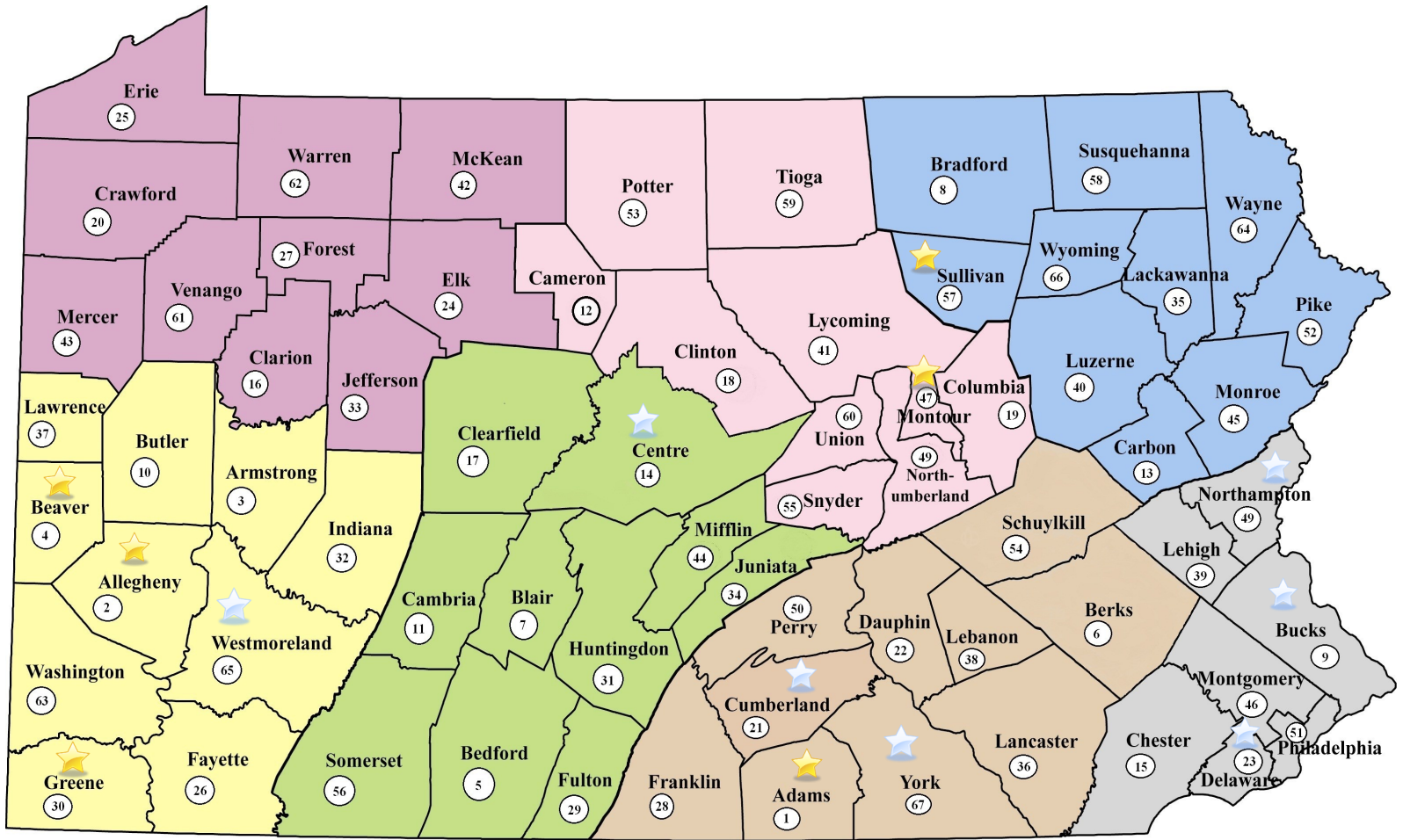
In addition to the random fuel quality testing, the division tested 28 consumer fuel quality samples tested in 2016 in response to consumer complaints. Of the 28 samples tested, five failed (two for having an octane level below the advertised level, two for having water content above allowable level, and one for not being the advertised product, K-1 kerosene).

Appendix

Please see the following appendices, including:

- 2016 Yearly Inspection Activity Table
- Regional and County Sealer Map

Badge Id	SCALES						MISC *		TIME DEVICE		METERS										UPC / PRICE VERIFICATION		PKG CHECK		TOTAL DEVICES INSPECTED	CONSUMER COMPLAINTS	WRITTEN WARNINGS	PROSECUTIONS & FINES					
	0 to 1,000 lbs.		1,001-10,000 lbs.		10,001 lbs. +						FDM		VTM		LPG		LRM		GMM		SYSTEMS		LOTS										
	Small	Reject	Medium	Reject	Large	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Systems	Reject	Tested	Reject											
Badge 11	204	23	6	0	9	5	58	10	0	0	280	82	8	2	0	0	2	0	25	3	0	0	0	0	592	4	5	0					
Badge 13	1,078	45	9	2	45	7	4	0	0	0	1,491	173	0	0	0	0	0	0	0	0	3	0	0	0	2,630	12	2	0					
Badge 14	737	36	5	0	0	0	4	4	0	0	2,129	540	135	30	18	8	0	0	0	0	1	0	0	0	3,029	7	10	0					
Badge 15	185	41	0	0	0	0	0	0	0	0	566	175	0	0	0	0	0	0	0	0	1	0	0	0	752	3	3	0					
Badge 20	147	5	0	0	0	0	42	0	0	0	100	12	0	0	0	0	0	0	1	0	0	0	0	0	290	22	3	0					
Badge 21	552	16	0	0	0	0	1	0	0	0	712	81	17	1	0	0	0	0	0	0	0	0	0	0	1,282	0	0	0					
Badge 22	730	16	8	1	0	0	0	0	0	0	1,260	170	0	0	36	4	0	0	0	0	0	0	1	1	2,035	0	0	0					
Badge 23	611	6	42	6	197	21	0	0	0	0	31	1	0	0	0	0	0	0	57	2	0	0	0	0	938	0	0	0					
Badge 30	445	29	0	0	0	0	33	4	0	0	2,063	419	2	0	0	0	0	0	0	0	0	0	0	0	2,543	11	1	2					
Badge 31	1,370	82	0	0	0	0	0	0	0	0	518	55	0	0	0	0	0	0	0	0	0	0	0	0	1,888	1	0	0					
Badge 32	324	24	122	25	241	72	0	0	0	0	136	76	0	0	0	0	0	0	0	0	0	0	0	0	823	9	9	3					
Badge 33	1,363	31	0	0	1	1	18	0	0	0	2,477	102	435	16	0	0	0	0	0	0	0	0	0	0	4,294	10	0	0					
Badge 34	550	16	0	0	1	1	14	0	0	0	1,028	110	0	0	215	29	0	0	4	0	292	16	366	43	2,470	11	4	0					
Badge 40	129	2	9	0	43	10	13	0	0	0	53	18	24	2	0	0	0	0	5	1	0	0	0	0	276	3	1	0					
Badge 42	1,109	72	3	0	0	0	0	0	0	0	2,057	523	23	1	0	0	0	0	0	0	1	0	0	0	3,193	5	0	0					
Badge 43	860	83	4	0	0	0	0	0	0	0	1,939	412	14	3	1	0	11	4	0	0	1	0	0	0	2,830	8	4	0					
Badge 44	613	30	96	14	171	21	14	0	0	0	1,546	200	0	0	0	0	0	0	8	0	0	0	0	0	2,448	1	1	0					
Badge 50	67	2	6	2	12	4	41	1	0	0	178	11	0	0	0	0	0	0	9	0	0	0	0	0	313	5	2	0					
Badge 51	767	9	24	0	21	0	0	0	0	0	1,609	53	398	41	0	0	0	0	0	0	0	0	0	0	2,819	4	1	0					
Badge 52	790	17	64	1	306	31	1	0	0	0	1,103	37	0	0	0	0	0	0	0	0	0	0	0	0	2,264	2	2	0					
Badge 53	931	36	48	6	42	4	51	17	0	0	2,404	231	0	0	89	6	0	0	21	0	29	0	0	0	3,615	1	3	0					
Badge 60	973	22	1	0	3	0	48	0	0	0	227	20	0	0	0	0	1	0	40	5	1	0	0	0	1,294	22	0	0					
Badge 61	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Badge 62	2,019	67	0	0	0	0	0	0	0	0	3,943	432	0	0	0	0	0	0	0	0	0	0	0	0	5,962	7	0	0					
Badge 63	1,090	38	0	0	0	0	1	0	0	0	1,426	187	141	26	112	30	0	0	0	0	2	0	0	0	2,772	5	1	1					
Badge 64	2,587	147	0	0	0	0	0	0	0	0	3,221	1,001	7	0	0	0	0	0	54	8	0	0	0	0	5,869	3	7	0					
Badge 65	914	31	0	0	0	0	1	0	0	0	1,455	138	391	54	110	18	0	0	71	11	0	0	8	1	2,950	3	0	0					
Badge 66	51	5	671	59	483	62	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,205	4	3	0					
Badge 70	1	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	5	0	0	0	0	0	8	10	0	0					
Badge 71	1,733	114	0	0	0	0	0	0	0	0	2,234	382	22	7	0	0	0	0	0	0	0	0	0	0	3,989	3	0	0					
Badge 72	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Badge 73	2,270	286	0	0	0	0	12	0	0	0	2,432	584	7	0	0	0	0	0	0	0	0	0	0	0	4,721	17	6	0					
Badge 74	1,788	136	1	0	0	0	16	0	0	0	2,137	229	11	3	0	0	0	0	0	0	0	0	5	2	3,958	6	4	0					
Badge 77	219	6	124	15	281	72	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	624	4	0	0					
Badge 78	634	60	97	7	25	2	0	0	0	0	807	114	0	0	0	0	0	0	0	0	0	0	0	0	1,563	9	0	0					
Badge 79	2,450	211	39	15	0	0	0	0	0	0	1,629	232	0	0	0	0	0	0	0	0	5	2	0	0	4,123	3	0	0					
Total	30,291	1,744	1,379	153	1,881	313	372	36	0	0	43,193	6,800	1,635	186	581	95	14	4	300	30	336	18	380	47	80,362	215	72	6					
CEWM Inspections																																	
LPG- 398																17	3											17					
LPG- 402																55	3											55					
LPG- 406																1	0											1					
LPG- 408																65	5											65					
LPG- 432																135	8											135					
LPG-436																18	0											18					
LPG-437																3	0											3					
LPG-440																2	0											2					
LPG-441																2	0											2					
LPG-446																35	5											35					
LPG-450																6	0											6					
LPG-451																1	0											1					
LPG-453																13	1											13					
LPG-454																1	0											1					
Total																354	25											354					
Statewide Totals	48,834	2,190	1,519	166	1,881	313	455	40	10,829	588	76,207	8,689	2,235	235	935	120	14	4	300	30	3,387	124	420	52	147,016	430	124	11					



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