

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/WMInspections. 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



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	SCALES 0 to 1,000 1,001-10,000 10,001+									MISC * TIME DEVICE				E METERS														UPC / PRICE PKG CH		HECK	3 E E	3 6	E S	
	0 to 1,000 1,001-10,000			10,001 +								FD	FDM			TM			LPG		LRM		GMM		VERIFICATION		LOTS		INSP	WRI	& F			
State Bureau	Small	Reject		Medium	Reject		Large	Reject	т	ested Re	ject	Tested	Reje	ct	Tested	Reject		Tested	Reject		Tested	Reject		Tested	Reject	Tested	Reject	System	Reject	Tested	Reject	ρ ₋	8 -	Æ
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	2	0	0 23	4	D (60	5 0	0	8,822	12 3	1 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	D	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	D	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	D	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	D	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	D	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		58 (0 0	0	22,693	64 1	.2 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 1	37 14	1 22	4	77,476	142 5	.5 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	D	0 (0 0	0	1,931	12	0 0
Allegheny	4,402	107	0	0	0	0				12	0	0 1,163	. 6	61 (10,527	605	0	0	0	0	0	0	0	0	0	0 0	0	0 1,1	21 100	0 0	0	17,225	53 2	.7 7
Beaver	499	12	0	0	0	0				17	0	0 23		3 (1,401	41	0	0	0	0	0	0	0	0	0	0 0	0	0 (60 (0 0	0	2,000	13	0 0
Bucks	2,944	39	0	3	0	0				24	3	0 1,364	. 8	85 0	2,838	88	0	239	12	0	0	0	0	0	0	0 0	0	0 74	41 17	7 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	D 4	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	D	1 (0 0	0	895	15 1	.1 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	D	0 (0 0	0	3,924	25	0 0
Delaware	2,059	63	52	0	0	0				0	0	0 1,376	7	71 43	1,623	275	208	17	0	0	0	0	0	0	0	0 0	0	0 59	99	33	2	5,707	13 1	.5 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	D	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	D	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 1:	1 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	D	8	3 0	0	286	0	0 0
Westmoreland	848	76	75	0	0	0				0	0	0 233	1	11 11	5,344	201	284	0	0	0	0	0	0	0	0	0 0	0	0 24	44 4	2 0	0	6,669	9 2	7 118
York	2,382	0	0	0	0	0				0	0	0 10	1	0 0	263	16	9	0	0	0	0	0	0	0	0	0 0	0	D	8	3 0	0	16,402	0	0 0
Total	18,551	554	173	37	4	4				114	3	0 5,165	23	36 54	30,811	1,670	623	355	16	0	0	0	0	0	0	0 0	0	0 2,89	92 18:	1 34	2	71,705 2	210 8	125



		SCALES													METERS UPC / PRICE PKG CHECK														VICES	MER	N S	S S		
	0 to 1	,000		1,001-10,000 10,001+				MISC *			TIME DEVICE			FDM VTM					LPG	L	RM		-		FICATION		DTS	DTAL DEVICE INSPECTED	NSUN	RNIN	S. FINES			
Badge Id	d State Bureau by Inspector		Reject		Medium	Reject		Large	Reject		Tested	Reject	Tested	Reject		Tested	Reject		Tested	Reject	Testec	Reject	Tested	Reject	Tested	Reject	System	s Reject	Tested	Reject	ATOT SNI	9 9	> %	PROS 8
Badge 11	Brad Lundberg	Small 34	2	0	3	0		4	2	0	22	0 0	0	0	0	58	42	8	4	2	0 0	0	0 2	0	0 17	3	0 0	0	0	0	144	2	2	0
Badge 12	Jeff Wiles	785	43	2	17	2	0	26	7	1	5	0 (0	0	0	1,706	293	35	83	4	0 103	15	1 0	0	0 0	0	0 7	0	0	0	2,732	5	11	0
Badge 13	Kevin Kean	725	27	2	10	0	0	87	11	0	3	3 3	0	0	0	1,305	167	16	0	0	0 0	0	0 0	0	0 0	0	0 15	2	0	0	2,145	4	8	0
Badge 15	Richard Bristow	1,158	190	19	25	6		6	1	0	108	22 (0	0	0	2,450	442	72	0	0	0 10	1	0 0	0	0 6	1	0 38	4	0	0	3,801	1	10	0
Badge 20	Craig Fester	176	8	0	22	0	0	0	0	0	31	0 0	0	0	0	21	8	0	0	0	0 0	0	0 0	0	0 2	0	0 7	5	0	0	259	13	0	0
Badge 21	Ed Arnoldi	752	23	0	0	0	0	0	0	0	19	0 0	0	0	0	1,361	100	0	17	0	0 0	0	0 0	0	0 0	0	0 0	0	0	0	2,149	3	0	0
Badge 22	Steve Hopkins Mark Gordner	593 446	18 7		33 204	4			9	0	0	0 0	0 0	0	0	1,403 258	175 34	0	0	0	0 27	0	0 0	0	0 18	12	0 0	0	0	0	2,075 1.107	0	0	0
Badge 23 Badge 30	Mark Gordner Mike McGoff	212	20		204	0			0	0	11	0 0	0 0	0	0	258	34 49	0	0	0	0 20	3	0 0	0	0 42	0	0 0	1	22	4	1,107	0	0	0
Badge 31	Chris David	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	0	0	0	0	0
Badge 32	Ed Harding	271	18		60	4		260	84	2	1	0 0) 0	0	0	38	2	0	0	0	0 0	0	0 0	0	0 0	0	0 0		0	0	630	0	1	0
Badge 33	David Morreale	1.581	21	0	0.0	0		0	0	0	28	0 0	0 0	0	0	1.800	91	0	377	15	0 0	0	0 0	0	0 0	0	0 0	0	0	0	3.786	9	0	0
Badge 34	Luke Marcy	1.147	99	0	0	0	0	0	0	0	4	0 0) 0	0	0	1.574	316	0	0	0	0 119	17	0 0	0	0 2	0	0 0	0	0	0	2.846	0	0	0
Badge 40	Joshua Stepanian	56	7	0	0	0	0	53	5	0	11	0 0	0	0	0	18	0	0	0	0	0 0		0 0	0	0 6	2	0 0	0	0	0	144	3	0	0
Badge 42	Douglas Grant	988	57	0	4	1	0	1	0	0	0	0 0	0		0	1,873	338	0	1	0	0 0	0	0 0	0	0 0	0	0 2	0	0	0	2,869	2	0	0
Badge 43	Ron Pierce	428	49	0	3	0	0	150	33	2	14	5 (0	0	0	692	234	50	414	121	2 25	8	1 0	0	0 0	0	0 0	0	0	0	1,726	5	7	9
Badge 44	Chris Brenner	590	16	0	94	18	0	348	90	6	14	0 (0	0	0	1,244	119	3	0	0	0 0	0	0 0	0	0 12	1	0 0	0	0	0	2,302	9	0	3
Badge 50	Timothy Yahner	169	6	1	18	1	0	19	6	0	22	2 (0	0	0	240	38	2	0	0	0 0	0	0 0	0	0 21	6	0 0	0	0	0	489	5	1	0
Badge 51	Ralph Rhule	796	18	2	16	1	0	14	1	0	4	0 0	0	0	0	1,128	36	4	250	19	0 1	0	0 0	0	0 0	0	0 0	0	0	0	2,209	1	0	0
Badge 52	VACANT	13	1		0	0			10	0	0	0 0	0	0	0	133	13	0	0	0	0 0	0	0 0	0	0 0	0	0 0		0	0	213	0	0	0
Badge 53	Mike Robison	1,066		2	22	0			0	0	35	6 (0	0	0	1,993	161	43	0	0	0 70	,	1 0	0	0 1	0	0 0	0	0	0	3,205	0	0	0
Badge 60	John Dillabaugh	244	5	_	2	1			0	0	47	2 (1	0	0	67	14	6	0	0	0 0		0 0	0	0 45	7	0 0		0	0	407	5	0	0
Badge 61	David Henderson	532 1.823	16 64		0	0			0	0	0 5	0 0	0 0	0	0	1,962	256 353	50 35	0	0	0 0	0	0 0	0	0 0	0	0 0	0	0	0	2,494 5,606	2	0	0
Badge 62	Kim Harner Tammy Luckenbill/Sarah Conrad	1,823	88		0	0			0	0	0	0 0	0 0	0	0	577	353 88	35 7	28	3	0 0	0	0 0	0	0 0	0	0 0	0	0	0	2,391	5	1	0
Badge 63 Badge 64	Jared Darrenkamp	2,394	45		0	0	_	0	0	0	0	0 0) 0	0	0	2.002	237	0	28	0	0 0	0	0 0	0	0 65	6	0 0	0	0	0	4 487	1	0	0
Badge 65	Shaun Laughman	1.047	32	1	6	0	0	0	0	0	119	5 () 0	0	0	1,934	229	9	194	23	1 0	0	0 0	0	0 05	3	0 8	2	0	0	3,345	1	0	0
Badge 66	Dave Irvin	22	2		257	33	1		57	6	0	0 0	0 0	0	0	0	0	0	0	0	0 0	-	0 0	0	0 0	0	0 0		0	0	759	2	2	0
Badge 70	Tammy Luckenbill	66	3	0	0	0		0	0	0	22	0 0) 0	0	0	37	6	8	15	0	0 0	0	0 0	0	0 4	1	0 0	0	0	0	144	2	0	0
Badge 71	John O'Brien	1.072	89	0	0	0	0	0	0	0	0	0 0	0	0	0	2.917	636	1	3	0	0 0	0	0 0	0	0 0	0	0 0	0	0	0	3.992	3	0	0
Badge 72	VACANT	7	0	0	0	0	0	0	0	0	0	0 0	0	0	0	554	142	2	0	0	0 0	0	0 0	0	0 0	0	0 0	0	0	0	561	4	1	0
Badge 73	David Patchell	1,398	129	15	2	0	0	0	0	0	6	1 (0	0	0	3,109	704	54	3	0	0 0	0	0 0	0	0 0	0	0 0	0	0	0	4,518	18	4	0
Badge 74	Chris Newton	1,733	133	1	0	0	0	0	0	0	0	0 0	0	0	0	2,946	418	10	0	0	0 0	0	0 0	0	0 0	0	0 4	0	0	0	4,683	11	3	0
Badge 77	Daniel Reeves	404	78	0	75	29			64	35	3	0 0	0	0	0	319	150	4	0	0	0 0	0	0 0	0	0 17	5	0 0	0	0	0	1,415	2	0	0
Badge 78	Keith Fryslin	653	160		20	4			40	28	3	1 (0	0	0	2,261	885	82	0	0	0 0	0	0 0	0	0 0	0	0 1	0	0	0	3,047	6	1	0
Badge 79	Jose Belpre	2,010	84	9	0	0			0	0	2	1 (0	0	0	2,268	405	9	0	0	0 0	Ü	0 0		0 0	0	0 53		0	0	4,333	18	3	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	77,129	142	55	12
CEWM Inspections																																		
LPG-398																					16													
LPG-402																					42													
LPG-408																					58													
LPG-432																					168													
LPG-446																					39													
LPG-450																					31													
LPG-451																					14													
LPG-453																																		
																					9													
LPG-487																					138													
LPG-489																					3													
LPG-474																					40													
Total																					558		0								558			
Statewide Totals		45,728	2,148	250	931	109	5	2,044	420	80	660	51 3	5,166	236	54	75,037	8,851	1,133	1,765	203	3 933	52	3 2	0	0 295	60	0 3,029	195	56	6	149,392	352	137	137