



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**

March 2016

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Overview

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, 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 Certified Examiners of Weights and Measures. 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 Certified Examiners of Weights and Measures for 2015. The appendices also includes 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.

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, 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 Ride & Measurement Standards at 717-787-9089.

Search

Business Name: *Jurisdiction: All

*Device: Fuel Dispenser *County: All

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

* indicates a required field

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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 such time as 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. The City of Meadville ceased its sealer program as of December 31, 2015.

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/vendor. The number of warnings, citations and prosecutions are included as part of the report spreadsheets in the appendix.

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

Certified UPC/PLU Inspector Program

In line with the Consolidated Weights and Measures Act, 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. PLU/UPC 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 245 random fuel samples from retailers throughout Pennsylvania in 2015; of the 245 samples tested, only one failed to meet the specifications of the advertised octane rating. The retailer resolved the issue immediately.

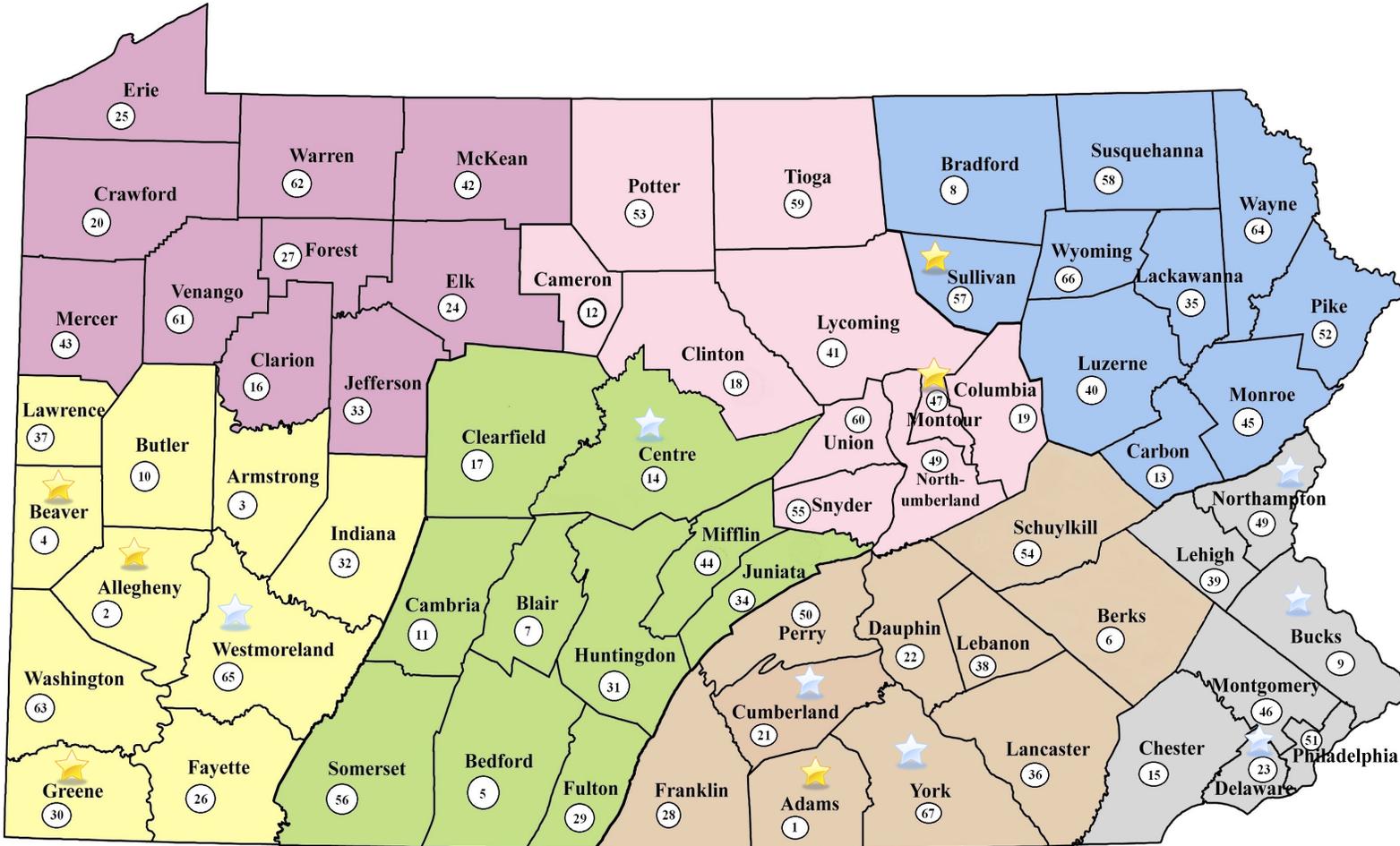
In addition to the random fuel quality testing, the division tested 30 consumer fuel quality samples tested in 2015 in response to consumer complaints. Of the 30 samples tested, four failed (two for having an octane level below the advertised level and two for having water content above allowable level).

Appendix

Please see the following appendices, including:

- 2015 Yearly Inspection Activity Table
- Regional and County Sealer Map

Badge Id	SCALES						MISC *		TIME DEVICE		METERS										UPC / PRICE		PKG CHECK		TOTAL DEVICES INSPECTED	CONSUMER COMPLAINTS	WRITTEN WARNINGS	PROSECUTIONS & FINES
	0 to 1,000		1,001-10,000		10,001 +						FDM		VTM		LPG		LRM		GMM		VERIFICATION		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	233	31	10	1	15	3	95	23	0	0	361	96	2	0	13	3	41	6	25	5	0	0	0	0	795	11	5	0
Badge 13	1,100	45	20	2	79	8	42	3	0	0	1,567	231	0	0	0	0	0	0	0	0	0	0	0	0	2,808	3	15	0
Badge 14	741	45	10	1	2	1	0	0	0	0	1,694	333	168	27	72	16	0	0	0	0	3	0	0	0	2,690	2	9	0
Badge 15	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 20	281	11	0	0	3	0	12	0	0	0	105	24	0	0	0	0	0	0	0	0	0	0	0	0	401	15	1	0
Badge 21	419	10	0	0	0	0	1	0	0	0	1,213	148	200	17	0	0	0	0	0	0	0	0	0	0	1,833	4	0	0
Badge 22	725	12	11	0	0	0	0	0	0	0	1,400	77	12	2	10	0	0	0	0	0	0	0	0	0	2,158	2	0	0
Badge 23	461	12	21	1	121	16	7	0	0	0	945	77	0	0	0	0	0	0	59	6	0	0	0	0	1,614	2	0	0
Badge 30	372	45	0	0	0	0	37	1	0	0	638	73	0	0	0	0	0	0	0	0	0	0	0	0	1,047	30	8	4
Badge 31	1,393	75	0	0	0	0	0	0	0	0	2,401	217	0	0	0	0	0	0	0	0	0	0	0	0	3,794	2	0	0
Badge 32	286	19	80	10	134	28	0	0	0	0	911	150	0	0	0	0	0	0	0	0	0	0	0	0	1,411	5	4	13
Badge 33	1,383	33	0	0	0	0	0	0	0	0	2,715	161	278	8	0	0	0	0	0	0	0	0	0	0	4,376	3	0	5
Badge 34	335	8	0	0	0	0	4	0	0	0	733	85	0	0	209	21	0	0	5	0	218	6	1,458	141	2,962	4	1	3
Badge 40	72	5	7	2	43	4	17	1	0	0	43	16	26	4	3	1	0	0	6	0	0	0	0	0	217	5	0	0
Badge 42	710	36	1	0	3	0	0	0	0	0	1,602	230	167	20	5	0	0	0	0	0	0	0	0	0	2,488	4	0	0
Badge 43	713	79	2	0	0	0	1	1	0	0	1,206	245	46	10	64	19	0	0	0	0	0	0	0	0	2,032	11	20	0
Badge 44	107	3	25	6	105	27	7	0	0	0	843	192	0	0	3	0	0	0	10	0	0	0	0	0	1,100	2	0	0
Badge 50	49	2	0	0	8	1	12	0	0	0	128	20	0	0	1	0	0	0	1	1	0	0	0	0	199	5	1	0
Badge 51	765	20	32	1	14	0	8	1	0	0	1,615	58	364	29	4	2	0	0	13	1	51	1	0	0	2,866	1	1	0
Badge 52	675	11	50	10	327	38	12	0	0	0	1,167	120	0	0	0	0	0	0	2	0	0	0	0	0	2,233	0	2	0
Badge 53	993	40	40	6	23	2	52	4	0	0	2,515	289	0	0	80	7	10	0	17	2	27	2	0	0	3,757	1	1	0
Badge 60	371	17	1	0	1	0	38	0	0	0	370	39	0	0	0	0	0	0	18	0	4	0	0	0	803	14	2	0
Badge 61	891	28	0	0	0	0	0	0	5	1	912	125	142	36	1	0	0	0	14	0	2	0	0	0	1,967	6	0	0
Badge 62	1,407	78	0	0	0	0	0	0	0	0	3,770	386	8	0	0	0	0	0	62	1	0	0	0	0	5,247	12	0	0
Badge 63	1,340	91	0	0	0	0	1	0	0	0	2,085	469	139	27	13	1	0	0	0	0	0	1	0	0	3,579	13	1	23
Badge 64	2,230	222	0	0	0	0	6	0	0	0	1,087	225	0	0	0	0	0	0	0	0	0	0	0	0	3,323	5	0	0
Badge 65	454	38	3	0	0	0	11	1	0	0	1,951	284	341	40	133	16	0	0	90	9	35	0	10	1	3,028	7	3	0
Badge 66	41	1	175	26	547	89	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	763	3	12	0
Badge 67	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 70	0	0	0	0	0	0	0	0	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	7	5	0	0
Badge 71	1,367	119	0	0	0	0	0	0	0	0	1,549	170	177	46	0	0	0	0	0	0	0	0	0	0	3,093	10	0	0
Badge 72	1,343	58	47	7	0	0	7	0	0	0	2,588	629	0	0	0	0	0	0	0	0	0	0	0	0	3,985	21	0	0
Badge 73	1,801	166	0	0	0	0	18	2	0	0	4,085	1,035	28	3	0	0	0	0	0	0	0	0	41	0	5,973	23	2	0
Badge 74	1,699	143	0	0	0	0	0	0	0	0	2,181	283	0	0	0	0	0	0	0	0	0	0	0	0	3,880	15	0	0
Badge 77	411	38	96	6	221	41	0	0	0	0	0	0	0	0	0	0	0	21	2	0	0	0	0	0	749	15	1	0
Badge 78	1,941	658	124	41	0	0	0	0	0	0	2,572	666	0	0	0	0	0	0	0	0	0	0	0	0	4,637	15	0	0
Badge 79	737	15	0	0	0	0	0	0	0	0	1,412	191	0	0	0	0	0	0	0	0	0	0	0	0	2,149	5	0	0
Total	27,846	2,214	755	120	1,646	258	388	37	5	1	48,371	7,344	2,098	269	611	86	51	6	279	26	404	10	1,510	142	83,964	281	89	48
CEWM Inspections																												
LPG- 398																7	0						7					
LPG- 402																33	5						33					
LPG- 406																1	0						1					
LPG-407																2	0						2					
LPG- 408																67	5						67					
LPG- 432																126	16						126					
LPG-437																27	3						27					
LPG-441																3	0						3					
LPG-446																32	0						32					
Total																298	29						298					
Statewide Totals	46,416	2,726	1,036	142	1,646	258	428	37	12,340	363	82,464	9,234	2,595	302	909	115	51	6	279	26	3,774	187	1,621	148	153,559	602	129	48



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