



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

March 2018

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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.

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 personal 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 2017. 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, there is a header for the Pennsylvania Department of Agriculture. Below the header, there is a search form with the following fields: Business Name, Jurisdiction (All), Device (Fuel Dispenser), County (All), Inspection Type (Audit), and Date Inspected. There are 'Search' and 'Clear' buttons. At the bottom of the page, there is a navigation bar with 'ready', 'set', and 'grow' buttons.

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 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. A list of sealer programs can be found on 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 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 private public partnership opportunity in meaningful way.

Currently the bureau has CEWMs for liquid propane gas (LPG) devices and expanded 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 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 235 random fuel samples from retailers throughout Pennsylvania in 2017; of the 235 samples tested, one failed to meet the specifications of the advertised octane rating. The retailers resolved the issue immediately.

In addition to the random fuel quality testing, the division tested 37 consumer fuel quality samples tested in 2017 in response to consumer complaints. Of the 37 samples tested, eleven failed (6 diesel samples and 5 gas samples that did not meet standards).

Appendix

Please see the following appendices, including:

- 2017 Yearly Inspection Activity Table
- Regional and County Sealer Map

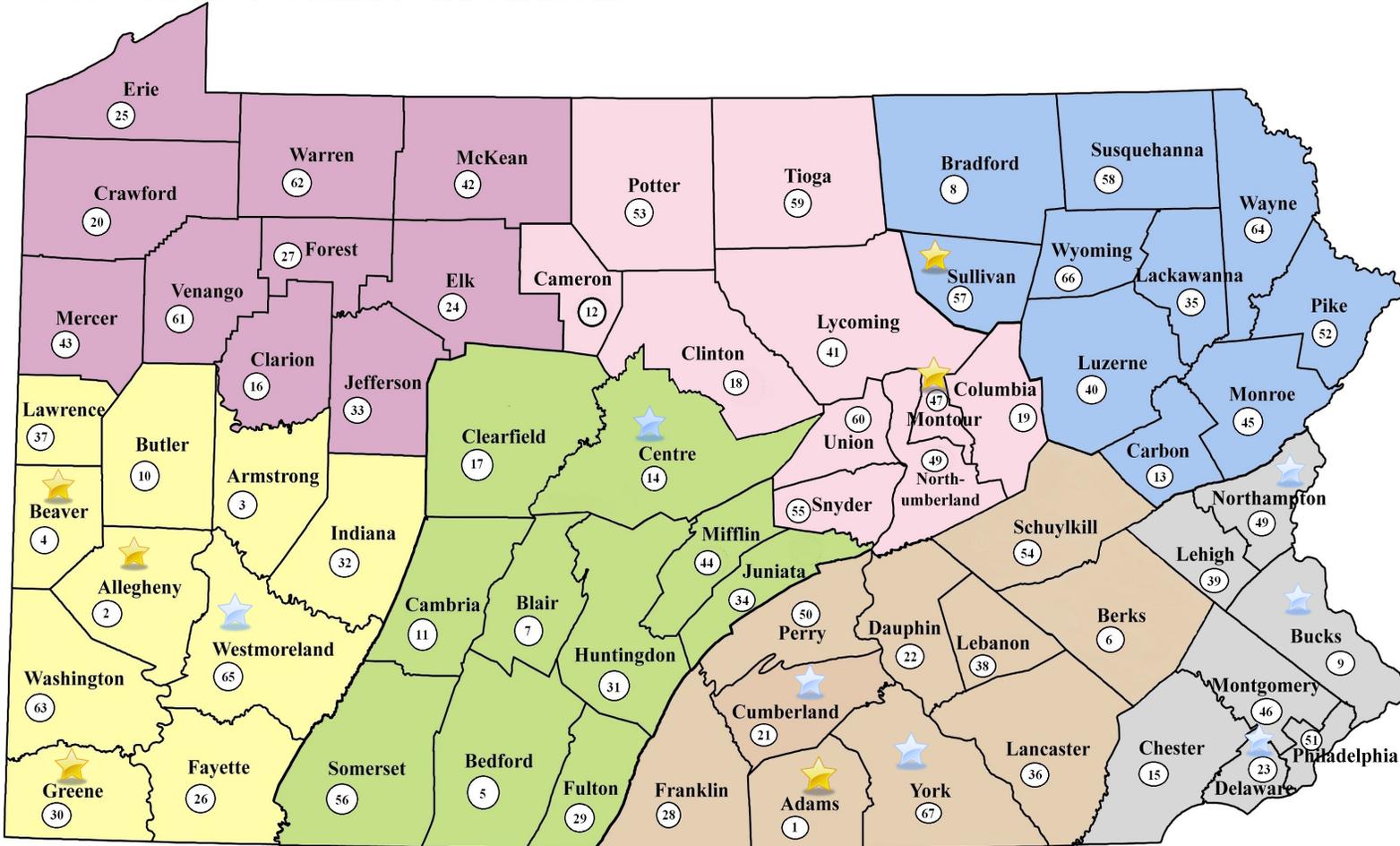
Badge Id	SCALES						MISC *		TIME DEVICE		METERS								UPC / PRICE VERIFICATION		PKG CHECK		TOTAL DEVICES INSPECTED	CONSUMER COMPLAINTS	WRITTEN WARNINGS	PROSECUTIONS/ RED TAGS/FINES						
	0 to 1,000			1,001-10,000			10,001 +		Tested	Reject	Tested	Reject	FDM		VTM		LPG		LRM		GMM						Systems	Reject	LOTS			
	Small	Reject		Medium	Reject		Large	Reject					Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject							Tested	Reject	Tested	Reject
Badge 11	88	10	0	4	0	0	17	3	28	0	0	0	143	73	0	0	1	0	0	0	0	0	0	0	9	5	290	8	1	15		
Badge 13	746	45	15	28	7	4	99	23	2	0	0	0	1,477	173	0	0	0	0	0	0	0	0	0	32	4	0	0	2,384	11	10	74	
Badge 14	847	40	1	7	1	1	5	0	11	4	0	0	1,172	255	187	31	128	40	0	0	0	0	2	1	17	0	0	2,376	11	3	30	
Badge 15	1,276	167	13	9	0	0	2	2	42	22	0	0	2,596	576	0	0	0	0	0	0	0	0	0	145	16	0	4,070	5	14	121		
Badge 20	206	15	0	0	0	0	0	0	34	0	8	4	156	15	0	0	0	0	0	0	0	0	0	18	6	0	422	16	5	0		
Badge 21	716	20	0	0	0	0	0	0	1	0	0	0	1,102	162	119	13	0	0	0	0	0	0	0	2	0	0	1,940	4	0	3		
Badge 22	678	16	0	13	0	0	0	0	0	0	0	0	1,112	116	0	0	0	0	0	0	0	0	0	0	0	0	1,803	4	0	0		
Badge 23	629	5	0	10	2	0	98	7	0	0	0	0	657	56	0	0	0	0	0	0	0	26	1	0	0	0	1,420	1	0	1		
Badge 30	1,088	130	0	0	0	0	0	0	8	0	0	0	1,280	245	0	0	0	0	0	0	0	0	0	0	0	0	2,376	4	2	4		
Badge 31	101	5	0	0	0	0	0	0	0	0	0	0	36	11	2	1	0	0	0	0	0	0	0	2	0	0	141	0	0	0		
Badge 32	358	16	0	78	13	0	138	36	14	0	0	0	970	193	0	0	0	0	0	0	0	0	0	0	0	0	1,558	4	6	10		
Badge 33	1,311	20	0	0	0	0	0	0	0	0	0	0	2,642	92	328	9	0	0	0	0	0	0	0	0	0	0	4,281	8	0	0		
Badge 34	814	13	0	0	0	0	0	0	43	1	0	0	838	79	0	0	35	4	0	0	0	0	0	18	1	647	87	2,395	4	0	1	
Badge 40	38	1	0	8	2	0	60	7	26	0	0	0	92	4	27	8	13	2	0	0	0	0	0	0	0	0	264	7	0	1		
Badge 42	883	80	1	1	1	0	0	0	0	0	0	0	2,258	560	0	0	0	0	0	0	0	0	5	1	0	0	3,147	12	0	6		
Badge 43	581	56	0	5	1	0	0	0	2	0	0	0	598	160	263	72	4	2	0	0	0	0	27	7	0	0	1,480	4	8	7		
Badge 44	461	17	0	86	11	0	311	87	7	0	0	0	345	30	0	0	0	0	0	0	0	0	0	0	0	0	1,210	5	0	2		
Badge 50	430	13	0	2	1	0	10	1	44	3	0	0	589	41	0	0	0	0	0	0	0	0	0	0	1	1	1,076	3	0	12		
Badge 51	549	8	0	15	1	0	18	0	0	0	0	0	971	70	228	16	3	0	0	0	0	0	0	5	0	0	1,789	4	1	7		
Badge 52	767	12	0	57	2	0	300	23	6	0	0	0	1,369	85	0	0	0	0	0	0	0	0	5	0	0	0	2,504	2	0	9		
Badge 53	1,131	49	5	61	3	8	15	0	47	5	0	0	2,587	199	0	0	83	6	0	0	4	0	7	1	0	0	3,935	2	0	28		
Badge 60	862	22	0	3	0	0	1	0	29	0	0	0	1,890	262	0	0	0	0	0	0	5	0	0	0	3	2	2,793	27	2	2		
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	0	0	
Badge 62	1,407	53	0	0	0	0	0	0	3	0	0	0	4,079	326	0	0	0	0	0	0	0	0	85	0	0	0	5,574	8	1	67		
Badge 63	1,220	47	0	0	0	0	0	0	1	0	0	0	2,179	394	253	57	9	1	0	0	0	0	23	0	0	0	3,685	6	2	1		
Badge 64	1,560	110	0	0	0	0	0	0	0	0	0	0	1,721	358	4	0	0	0	0	0	0	0	23	1	0	0	3,308	5	6	4		
Badge 65	831	35	1	3	0	0	0	0	0	0	0	0	1,520	178	434	65	79	21	0	0	0	0	19	0	0	0	2,886	4	1	25		
Badge 66	16	0	0	384	35	0	508	63	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	908	2	2	6		
Badge 70	5	0	0	0	0	0	0	0	0	0	0	0	196	21	0	0	0	0	0	0	0	0	0	0	0	0	201	8	0	0		
Badge 71	1,089	101	0	0	0	0	0	0	0	0	0	0	1,953	368	152	63	0	0	0	0	0	0	0	0	0	0	3,194	4	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	0	0	
Badge 73	1,879	188	2	0	0	0	0	0	16	4	0	0	3,210	487	0	0	0	0	0	0	0	0	0	0	0	0	5,105	15	2	35		
Badge 74	1,748	151	3	0	0	0	0	0	20	9	0	0	2,557	263	0	0	0	0	0	0	0	0	2	0	0	0	4,327	18	7	16		
Badge 77	79	2	2	145	10	8	298	36	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	522	5	0	41		
Badge 78	1,208	114	0	0	0	2	0	0	118	24	0	0	2,656	657	91	18	0	0	0	0	0	0	13	2	0	0	4,086	5	0	12		
Badge 79	2,861	96	0	0	0	0	0	0	0	0	0	0	1,167	184	0	0	0	0	0	0	0	0	2	0	0	0	4,030	5	0	0		
Total	28,463	1,657	43	919	90	23	1,880	288	502	72	8	4	46,118	6,693	2,088	353	355	76	0	0	37	2	450	39	660	95	81,480	231	73	540		
CEWM Inspections																																
LPG-398																	30	0														30
LPG-402																	76	9														76
LPG-408																	61	3														61
LPG-432																	112	4														112
LPG-435																	1	0														1
LPG-436																	18	0														18
LPG-437																	5	0														5
LPG-440																	16	0														16
LPG-446																	48	8														48
LPG-450																	16	1														16
LPG-453																	20	0														20
LPG-454																	15	1														15
Total																	418	26														418
Statewide Totals	47,208	2,202		1,132	104		1,880	288	756	86	9,424	249	80,387	8,699	2,629	381	773	102	0	0	37	2	2,409	95	694	99	147,329	469	117	634		

State Bureau	SCALES						MISC *		TIME DEVICE		METERS										UPC / PRICE		PKG CHECK		TOTAL DEVICES INSPECTED	CONSUMER COMPLAINTS	WRITTEN WARNINGS	PROSECUTIONS/ RED TAGS/FINES
	0 to 1,000		1,001-10,000		10,001 +		Tested	Reject	Tested	Reject	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	System	Reject				
Region 1	2,957	262	48	8	123	28	83	26	0	0	5,388	1,077	187	31	129	40	0	0	2	1	194	20	9	5	9,120	35	28	240
Region 2	2,229	56	23	2	98	7	35	0	8	4	3,027	349	119	13	0	0	0	0	26	1	20	6	0	0	5,585	25	5	4
Region 3	3,672	184	78	13	138	36	65	1	0	0	5,766	620	330	10	35	4	0	0	0	0	20	1	647	87	10,751	20	8	15
Region 4	1,963	154	100	15	371	94	35	0	0	0	3,293	754	290	80	17	4	0	0	0	0	32	8	0	0	6,101	28	8	16
Region 5	2,877	82	135	7	343	24	97	8	0	0	5,516	395	228	16	86	6	0	0	4	0	17	1	1	1	9,304	11	1	56
Region 6	5,896	267	390	35	509	63	33	0	0	0	11,389	1,518	691	122	88	22	0	0	5	0	150	1	3	2	19,154	52	14	105
Region 7	8,869	652	145	10	298	36	154	37	0	0	11,739	1,980	243	81	0	0	0	0	0	0	17	2	0	0	21,465	60	9	104
Total	28,463	1,657	919	90	1,880	288	502	72	8	4	46,118	6,693	2,088	353	355	76	0	0	37	2	450	39	660	95	81,480	231	73	540
Counties / Cities																												
Adams	931	49	12	0			0	0	0	0	856	54	0	0							0	0	0	0	1,799	11	0	0
Allegheny	4,707	58	0	0			0	0	2,306	24	11,065	545	0	0							133	3	0	0	18,211	45	0	0
Beaver	534	5	41	1			50	3	25	0	802	39	0	0							44	0	0	0	1,496	20	0	0
Bucks	2,861	41	45	9			0	0	1,834	88	3,156	123	248	12							735	18	0	0	8,879	76	0	2
Centre	676	39	44	1			35	3	0	0	1,325	69	0	0							80	0	0	0	2,160	5	0	0
City of Scranton	383	18	0	0			0	0	0	0	223	44	0	0							0	0	0	0	606	12	8	0
Cumberland	1,142	64	13	0			1	0	0	0	3,455	133	0	0							0	0	0	0	4,611	29	0	0
Delaware	2,167	126	27	3			0	0	2,962	100	1,463	180	183	9							618	2	34	4	7,454	4	4	0
Greene	170	6	0	0			0	0	0	0	156	3	0	0							0	0	0	0	326	0	0	0
Montour	83	0	0	0			0	0	5	1	249	13	0	0							13	0	0	0	350	1	0	0
Northampton	1,954	37	31	0			4	0	916	15	2,838	157	110	7							40	4	0	0	5,893	15	2	0
Sullivan	43	0	0	0			0	0	0	0	124	0	0	0							0	0	0	0	167	0	0	0
Westmoreland	1,130	27	0	0			0	0	1,206	9	4,880	524	0	0							291	29	0	0	7,507	15	30	92
York	1,964	75	0	0			164	8	162	8	3,677	122	0	0							5	0	0	0	5,972	5	0	0
Total	18,745	545	213	14	0	0	254	14	9,416	245	34,269	2,006	541	28	0	0	0	0	0	0	1,959	56	34	4	65,431	238	44	94



pennsylvania

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- Sealer program without fees
- Sealer program with fees

**State Toll-Free
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1-877-TEST-007**

(with two digit county codes)