



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
For Calendar Year 2021**

March 1, 2022

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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 2021. 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 for inspections prior to June 2020; <https://www.pairs.pa.gov/pairs-weights/Home/Search> for inspections conducted after June 2020.

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 0 random fuel samples from retailers throughout Pennsylvania in 2021; of the 0 samples tested, none failed.

In addition to the random fuel quality testing, the division tested 61 consumer fuel quality samples in 2021 in response to consumer complaints. Of the 61 samples tested, 24 failed and the retailers resolved the issues immediately.

Appendix

Please see the following appendices, including:

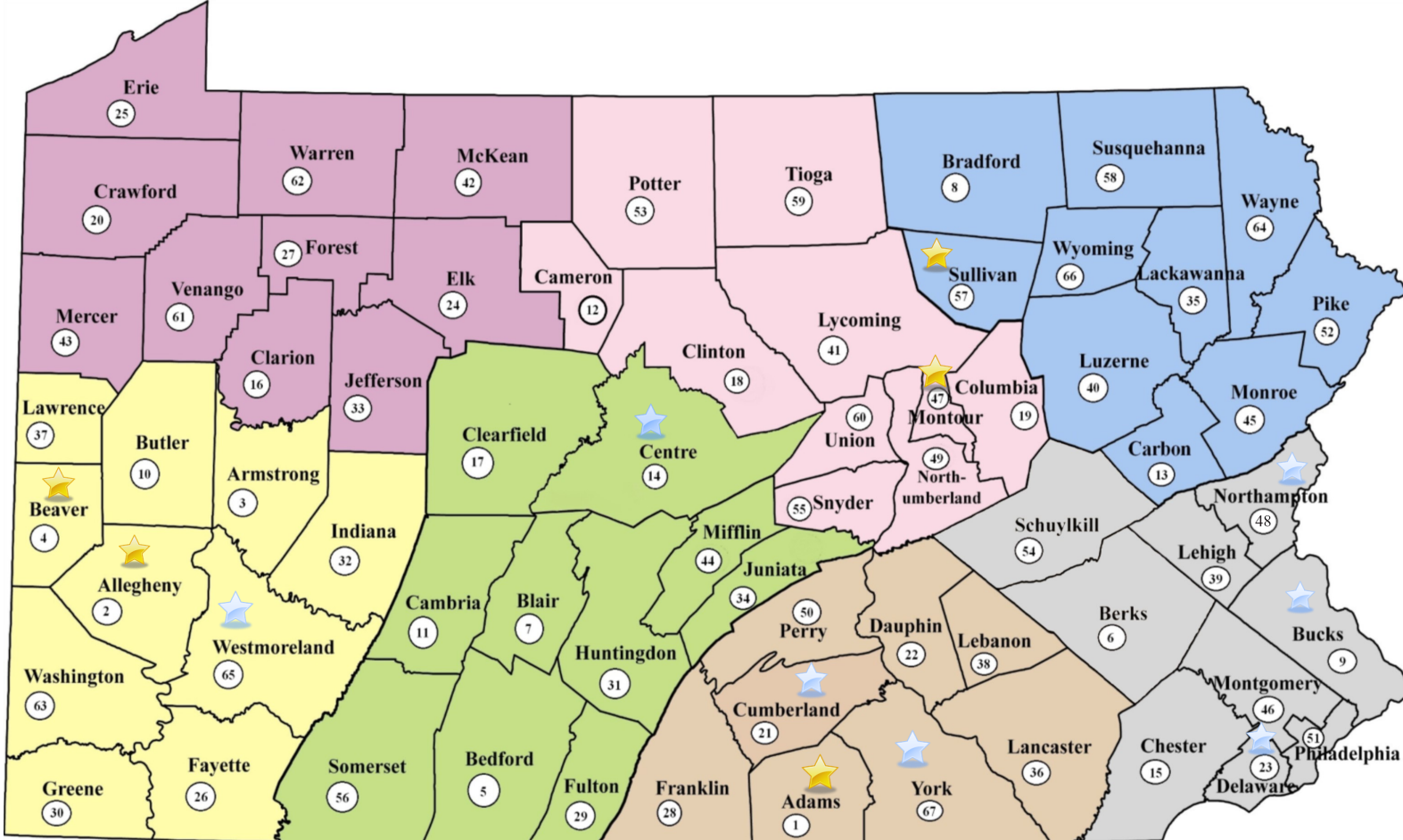
- 2021 Yearly Inspection Activity Table
- Regional and County Sealer Map

State Bureau	SCALES						MISC *		TIME DEVICE		METERS										UPC / PRICE VERIFICATION		PKG CHECK		TOTAL DEVICES INSPECTED	CONSUMER COMPLAINTS	WRITTEN WARNINGS	PROSECUTIONS & FINES
	0 to 1,000		1,001-10,000		10,001 +		Tested	Reject	Tested	Reject	FDM		VTM		LPG		LRM		GMM		System	Reject	LOTS					
	Small	Reject	Medium	Reject	Large	Reject					Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject			Tested	Reject				
Region 1	1,615	125	20	2	35	5	81	21	274	50	2,125	430	76	11	64	12	41	5	21	4	0	0	1	0	4,476	26	12	1
Region 2	880	21	51	3	148	12	2	0	144	7	1,616	124	27	0	0	0	0	0	41	0	0	0	0	0	2,904	14	4	0
Region 3	3,292	316	30	4	99	28	6	1	82	11	2,594	390	0	0	121	22	0	0	3	0	0	0	42	15	6,289	20	5	0
Region 4	2,222	153	119	22	348	81	5	3	247	40	2,892	326	61	14	76	21	0	0	11	1	0	0	3	0	5,984	17	0	0
Region 5	2,508	119	300	41	456	81	52	9	308	50	4,227	577	282	37	26	4	12	2	25	2	2	1	0	0	8,198	10	5	0
Region 6	7,334	191	144	6	442	66	40	0	267	28	6,957	590	409	33	14	0	0	0	124	3	0	0	0	0	14,586	45	4	1
Region 7	4,789	543	37	4	39	20	22	6	46	26	4,871	1,695	59	9	0	0	0	0	0	0	4	0	0	0	9,885	88	0	0
Total	22,640	1,468	701	82	1,567	293	208	40	1,368	212	25,282	4,132	914	104	301	59	53	7	225	10	6	1	46	15	52,322	220	30	2
Counties / Cities																												
Adams	1,071	41	10	2			0	0	0	0	1,110	49	0	0							0	0	0	0	2,191	7	0	0
Allegheny	4,409	94	0	0			42	0	777	100	12,232	700	0	0							854	101	0	0	18,314	43	10	7
Beaver	485	4	20	0			12	0	53	5	1,263	71	0	0							45	1	0	0	1,878	20	0	0
Bucks	2,903	39	0	0			64	2	1,691	211	3,036	131	193	0							739	17	0	0	8,626	25	3	1
Centre	676	21	0	0			10	0	0	0	1,520	73	0	0							27	0	0	0	2,233	10	2	0
City of Scranton	254	25	0	0			27	0	0	0	261	22	0	0							0	0	0	0	542	8	12	0
Cumberland	1,330	66	12	0			6	0	0	0	3,631	210	0	0							0	0	0	0	4,979	2	0	0
Delaware	2,197	80	34	1			0	0	2,049	122	1,559	192	137	12							430	8	47	2	6,453	7	31	0
Montour	1	0	0	0			0	0	0	0	0	0	3	0							3	0	0	0	7	0	0	0
Northampton	2,003	78	26	1			0	0	2,333	25	3,029	259	80	5							0	0	0	0	7,471	14	0	0
Sullivan	0	0	0	0			0	0	0	0	0	0	0	0							0	0	0	0	0	0	0	0
Westmoreland	1,569	106	0	0			0	0	1,264	362	5,227	315	0	0							558	38	0	0	8,618	13	9	64
York	1,937	63	0	0			0	0	0	0	4,340	89	0	0							0	0	0	0	6,277	1	0	0
Total	18,835	617	102	4			161	2	8,167	825	37,208	2,111	413	17							2,656	165	47	2	67,589	150	67	72



pennsylvania

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- Sealer program without fees
- Sealer program with fees

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