



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 2023**

March 15, 2024

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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, 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 Agreement with the department.

Since the last significant update to the Consolidated Weights and Measures Act in 1982, 55 counties have dropped their sealer programs adding almost 78,000 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 2023. 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/ 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 55 of Pennsylvania's 67 counties and provides support to the remaining 11 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 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 are to be inspected unannounced annually by certified private inspectors, or at intervals no greater than 36 months by the division. 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 tested 54 consumer fuel quality samples in 2023 in response to consumer complaints. Of the 54 samples tested, 16 failed and the retailers resolved the issues immediately.

Appendix

Please see the following appendices, including:

- 2023 Yearly Inspection Activity Table
- Regional and County Sealer Map

Badge Id	By State Inspector	SCALES						MISC *		HVD		METERS								UPC / PRICE VERIFICATION		PKG CHECK LOTS		TOTAL DEVICES INSPECTED	CONSUMER COMPLAINTS	WRITTEN WARNINGS	PROSECUTIONS & FINES			
		0 to 1,000		1,001-10,000		10,001 +		Pass	Fail	Pass	Fail	FDM		VTM		LPG		LRM		GMM		Pass	Fail					Pass	Fail	
		Small Pass	Fail	Medium Pass	Fail	Large Pass	Reject					Pass	Fail	Pass	Fail	Pass	Fail	Pass	Fail	Pass	Fail									Pass
Badge 11	Brad Lundberg	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0
Badge 12	Jeff Wiles	428	27	5	2	8	0	0	0	20	1	257	59	5	3	2	2	0	1	4	1	6	1	0	0	832	2	0	0	
Badge 13	Jay Thomas	684	60	34	7	102	55	0	0	71	26	783	138	9	2	6	1	1	0	8	5	10	0	0	2,001	5	2	0		
Badge 15	Richard Bristow	1,157	100	8	1	12	0	0	0	66	28	725	110	4	0	16	3	0	0	2	1	6	1	0	2,241	3	2	0		
Badge 20	Craig Fester	185	5	1	0	2	0	0	0	0	0	88	4	0	0	0	0	0	0	16	0	11	4	0	316	11	1	0		
Badge 21	Ed Arnoldi	787	17	0	0	0	0	0	0	50	10	664	56	22	0	0	0	1	0	0	0	0	0	0	1,607	2	0	0		
Badge 22	Steve Hopkins	419	14	15	2	0	0	0	0	32	0	268	27	0	0	36	5	0	0	0	0	0	0	0	818	2	0	0		
Badge 23	Mark Gardner	120	0	33	3	150	8	0	0	18	3	123	4	0	0	0	0	0	32	2	0	0	0	0	496	1	0	0		
Badge 30	Mike McGoff	44	3	0	0	0	0	0	0	14	2	206	80	0	0	1	0	0	0	0	0	2	0	1	354	8	1	5		
Badge 31	James Artmont	1,392	93	0	0	0	0	0	0	39	11	956	172	111	11	0	0	0	0	0	0	0	0	0	2,785	5	1	0		
Badge 32	Lee Herman	22	0	53	1	134	30	0	0	15	15	123	4	0	0	0	0	0	0	0	0	0	0	0	397	1	1	0		
Badge 33	Steve Bailey	2,114	150	2	1	1	0	0	0	29	20	1,418	308	0	0	0	0	0	0	0	0	15	10	1	4,069	5	2	0		
Badge 34	Luke Marcy	579	40	2	1	7	0	0	0	27	4	670	161	0	0	68	9	0	0	0	0	0	0	0	1,568	6	1	0		
Badge 40	Joshua Stepanian	49	0	1	0	18	0	0	0	3	0	17	2	2	0	0	0	0	0	11	0	0	0	0	103	0	0	0		
Badge 42	Douglas Grant	804	69	1	0	0	0	0	0	4	3	821	108	0	0	0	0	0	0	0	0	1	2	0	1,813	5	0	0		
Badge 43	Ron Pierce	477	18	0	0	0	0	0	0	63	14	1,086	204	66	5	7	0	0	0	0	0	15	8	0	1,963	9	0	0		
Badge 43	Nate Lawson	229	9	3	0	0	0	0	0	5	0	114	45	0	0	0	0	0	0	0	0	0	0	0	405	0	0	0		
Badge 44	Chris Brenner	535	23	53	3	167	20	0	0	51	10	604	55	2	0	0	0	0	0	5	0	0	0	0	1,518	9	0	0		
Badge 50	Timothy Yahner	33	0	0	0	0	0	0	0	6	0	71	3	0	0	0	0	0	0	0	0	0	0	0	113	1	0	0		
Badge 51	William Cambridge	1,065	39	5	1	0	0	0	0	87	21	1,661	289	225	19	1	0	2	0	0	0	4	1	0	3,420	6	0	0		
Badge 52	James Polonia	792	49	197	64	342	84	0	0	7	0	100	61	0	0	0	0	0	0	16	1	3	1	0	1,717	4	0	0		
Badge 53	Mike Robison	654	32	7	1	9	1	0	0	151	32	1,376	174	0	0	63	8	0	0	12	5	0	2	0	2,527	4	0	0		
Badge 60	John Dillabaugh	542	20	7	0	0	2	1	0	2	0	24	0	9	0	0	0	2	0	44	1	5	0	0	658	16	15	1		
Badge 61	Joseph Gangai	621	23	0	0	2	0	0	0	120	14	1,959	109	0	0	0	0	0	0	0	0	18	5	0	2,871	2	0	0		
Badge 62	Mick Libhart	1,785	116	0	0	0	0	0	0	30	0	1,594	21	4	2	0	0	0	0	6	0	6	0	0	3,570	0	0	0		
Badge 63	Sarah Conrad	929	36	0	0	0	0	0	0	13	0	1,132	232	52	2	19	0	0	0	0	0	2	0	0	2,418	3	0	0		
Badge 64	Jared Darrenkamp	1,478	16	2	0	2	0	0	0	0	0	433	100	0	121	4	1	0	0	60	0	4	3	0	2,224	5	0	0		
Badge 65	Shaun Laughman	877	27	3	0	1	0	0	0	44	0	1,030	55	194	14	38	1	0	0	35	1	0	0	0	2,320	4	0	0		
Badge 66	Dave Irvin	30	0	90	8	319	41	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	488	1	0	0		
Badge 70	Tammy Luckenbill	166	6	0	0	0	0	0	0	4	0	48	0	4	1	0	0	0	0	0	0	0	0	0	229	1	0	0		
Badge 71	John O'Brien	1,137	168	0	0	0	0	0	0	10	15	501	287	0	0	0	0	0	0	0	0	0	0	0	2,118	7	0	0		
Badge 72	Kerry Wike	1,909	78	1	0	6	2	0	0	37	8	1,312	234	0	0	0	0	0	0	0	0	0	0	0	3,587	6	0	0		
Badge 73	David Patchell	423	69	1	0	4	2	0	0	18	8	1,265	468	2	1	0	0	0	0	0	0	2	0	1	2,270	35	0	0		
Badge 74	Lisa Cotellessa	1,718	95	0	0	0	0	0	0	8	10	1,445	200	0	0	0	0	0	0	0	0	4	1	0	3,481	11	0	0		
Badge 76	Keith Frylin	868	157	0	0	0	0	0	0	17	22	651	384	0	0	0	0	0	0	0	0	3	0	2	2,105	6	0	0		
Badge 77	Dan Horvath	23	1	39	8	112	112	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	295	2	0	0		
Badge 79	Jose Belpre	1,408	61	2	0	2	0	0	0	0	0	421	46	3	0	0	0	0	0	5	0	3	0	0	1,951	11	0	0		
Totals:		26,484	1,624	565	103	1,400	357	1	0	1,061	277	23,946	4,201	714	181	261	30	6	1	256	17	120	45	5	1	61,656	199	26	6	
CEWM Id																						TOTAL DEVICES INSPECTED	CONSUMER COMPLAINTS	WRITTEN WARNINGS	PROSECUTIONS & FINES					
LPG-122	W. Kennis																					45	0							
LPG-145	K. Wrisley																					3	0							
LPG-147	R. Dietz																					11	0							
LPG-149	T. Miller																					2	0							
LPG-151	S. Hanson																					26	2							
LPG-152	A. watts																					8	0							
LPG-398	C. Waldrop II																					1	0							
LPG-402	F. Mack																					155	0							
LPG-408	C. Frentz																					46	2							
LPG-432	B. Houck																					205	7							
LPG-446	K. Ober																					53	1							
LPG-450	M. Kelly																					8	0							
LPG-451	J. Donkersloot																					9	0							
LPG-454	J. Centini																					116	0							
LPG-474	M. Buss																					19	1							
LPG-489	D. Hackett																					68	0							
Totals:																						775	13							

* Includes linear measuring devices and timing devices

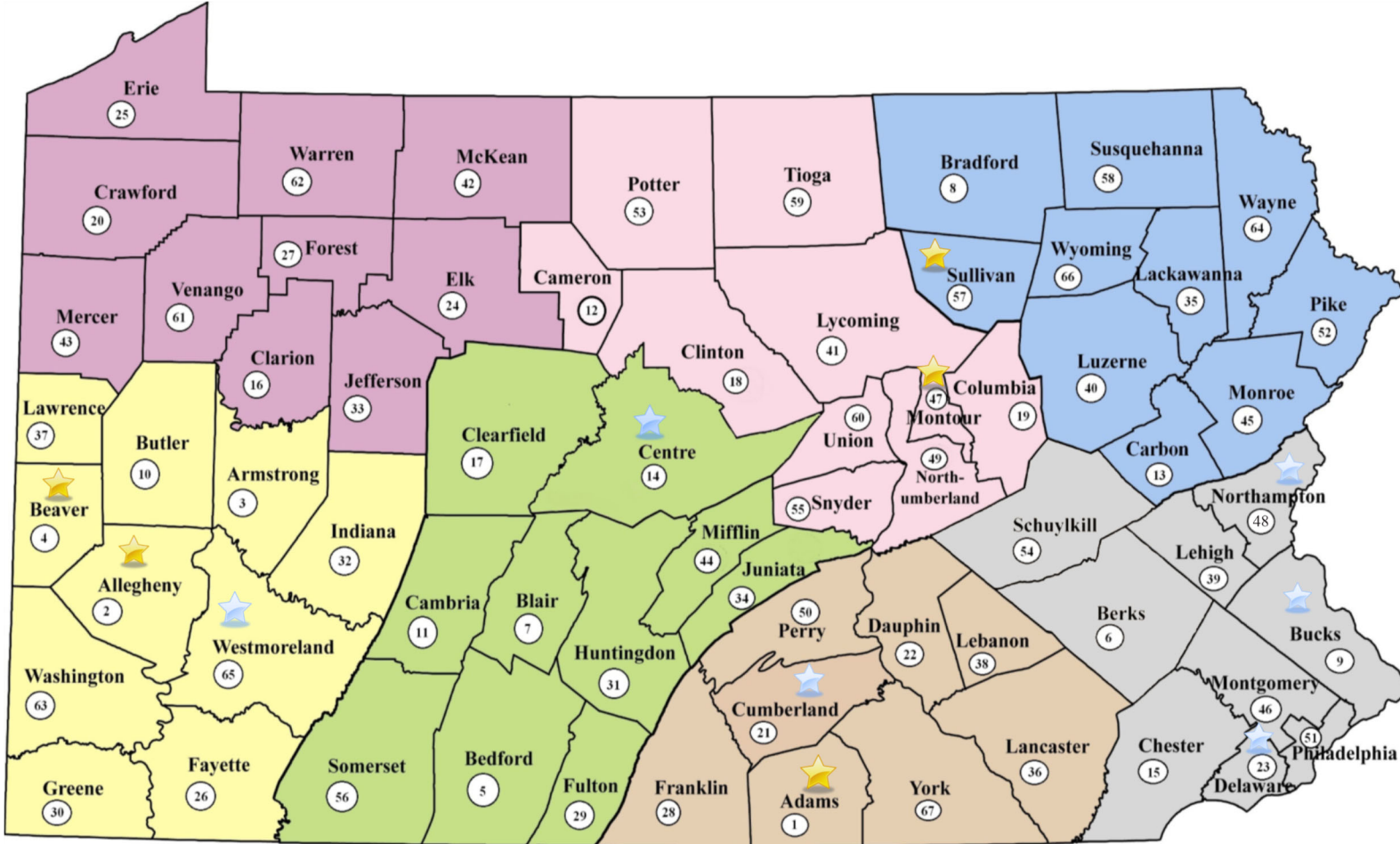
	SCALES																						MISC *				TIME DEVICE		HVD		METERS										UPC / PRICE VERIFICATION		PKG CHECK		TOTAL DEVICES INSPECTED	CONSUMER COMPLAINTS	WRITTEN WARNINGS	PROSECUTIONS & FINES
	0 to 1,000						1,001-10,000						10,001 +						Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	System	Reject	LOTS													
	Small	Reject	Medium	Reject	Large	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject																	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject	Tested	Reject				
State Bureau	2,270	190	47	10	122	55	0	0	0	0	157	55	1,765	307	18	5	24	6	1	1	14	7	22	2	0	0	5,078	8	4	0																		
Region 1	2,270	190	47	10	122	55	0	0	0	0	157	55	1,765	307	18	5	24	6	1	1	14	7	22	2	0	0	5,078	8	4	0																		
Region 2	1,511	36	49	5	152	8	0	0	0	0	100	13	1,143	91	22	0	36	5	1	0	48	2	11	4	0	0	3,237	16	1	0																		
Region 3	4,151	286	57	3	142	30	0	0	0	0	124	52	3,373	725	111	11	69	9	0	0	0	0	17	10	2	1	9,173	25	6	5																		
Region 4	2,094	119	58	3	185	20	0	0	0	0	126	27	2,642	414	70	5	7	0	0	0	16	0	16	10	0	0	5,812	23	0	0																		
Region 5	2,544	120	209	66	351	85	0	0	0	0	251	53	3,208	527	225	19	64	8	2	0	28	6	7	4	0	0	7,777	15	0	0																		
Region 6	6,262	238	102	8	324	43	1	0	0	0	209	14	6,172	518	259	139	61	2	2	0	145	2	35	14	0	0	14,550	31	15	1																		
Region 7	7,652	635	43	8	124	116	0	0	0	0	94	63	5,643	1,619	9	2	0	0	0	0	5	0	12	1	3	0	16,029	81	0	0																		
Total	26,484	1,624	565	103	1,400	357	1	0	0	0	1,061	277	23,946	4,201	714	181	261	30	6	1	256	17	120	45	5	1	61,656	199	26	6																		
Counties / Cities																																																
Adams	1,120	36	0	0			0	0	0	0	0	0	952	4	0	0																																
Allegheny	4,933	166	0	0			30	0	1,547	224	0	0	11,835	462	0	0																																
Beaver	405	13	0	0			12	0	0	0	0	0	1,220	15	0	0																																
Bucks	2,751	49	0	0			59	0	1,343	83	0	0	3,249	47	205	2																																
Centre	735	22	0	0			0	0	0	0	0	0	1,509	65	0	0																																
City of Scranton	279	36	0	0			64	0	0	0	0	0	239	46	0	0																																
Cumberland	1,361	67	0	0			0	0	0	0	0	0	1,863	150	0	0																																
Delaware	1,759	26	5	0			0	0	1,965	38	0	0	2,295	54	108	5																																
Montour	0	0	0	0			0	0	0	0	0	0	0	0	0	0																																
Northampton	2,092	64	40	2			0	0	1,039	7	0	0	3,289	296	89	5																																
Sullivan	0	0	0	0			0	0	0	0	0	0	0	0	0	0																																
Westmoreland	1,542	16	0	0			0	0	888	19	0	0	5,786	163	0	0																																
Total	16,977	495	45	2			165	0	6,782	371	0	0	32,237	1,302	402	12																																

* Includes linear measuring devices



pennsylvania

DEPARTMENT OF AGRICULTURE
DIVISION OF WEIGHTS AND MEASURES



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- Sealer program without fees
- Sealer program with fees

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