

VENTURA COUNTY DEPARTMENT OF WEIGHTS & MEASURES

INTRODUCTION

The Grand Jury conducted an inquiry into the duties and responsibilities of Resource Management Agency, Weights and Measures department. The decision to conduct the inquiry was based on a review of the past five years Grand Jury Annual Reports, indicating that Weights and Measures had not been investigated during that period under the Grand Jury civil investigation function of city and county governments.

BACKGROUND

The mission of the Department of Weights and Measures, mandated by state law, is to protect the interest of the buyer and seller by ensuring the integrity of every business transaction as a state regulated agency. Protection is accomplished through continuous, systematic inspection and testing of the accuracy of all weighing and measuring devices, as well as checking packaged goods for quantity and labeling. The department takes consumer complaints regarding inaccuracies or violations by phone or letter, and they are given a high priority for investigation and resolution. They also have an informational program available to any organization or school to inform the public on how to be a better shopper. The associated costs of protecting county citizens through the Weights and Measures department is the responsibility of the Ventura County Government.

INQUIRY

Weights and Measures offers protection to the consumers through the following programs:

- Quantity Control - Inspect packaged commodities to ensure proper labeling and amount, and prevent deceptive packaging.
- Device Inspection - Inspect/test commercially used weighing and measuring devices for accuracy. Tests are traceable to state and national standards through the department's standards used in determining the accuracy of the devices.
- Petroleum - Check quality labeling and advertising of service station product.
- Support Services - Investigate all consumer complaints. Coordinate with the District Attorney regarding prosecution of violators.
- Weighmaster - Inspect state licensed weighmasters to ensure accuracy of the certificates issued.

Two important policies were initiated in 1972 by Ventura County Weights and Measures.

1. Issuing citations to violators which changed responsibility from a service posture to an enforcement posture.
2. Changed from a mandated annual inspection frequency to a variable frequency inspection based on problem areas. Currently, the most frequent problem areas

are department store and supermarket electronic scanner systems incorrectly reading sale prices. Weights and Measures are in the process of purchasing a Monarch scan gun which will allow the inspector to reduce inspection time by at least one half.

In the 1980's, Ventura County Weights and Measures initiated the registration of device repairmen, thereby enabling inspectors to maintain control over the quality of repair work performed.

Inspectors must pass six state written exams for initial certification and issuance of inspection license, and recertification is required every five years on the following subjects:

- Measuring devices
- Weighing devices
- Quantity control of packaged commodities
- Weighmaster and petroleum products
- Electric measuring devices
- Compressed gases

The Grand Jury had the opportunity to tour the Weights and Measures standards laboratory, equipment storage facility, and view the inspection process at supermarkets and gasoline service stations with the supervising inspector. One area of interest the standards lab inspector pointed out was the laptop computer being tested/debugged as a state pilot program that will eventually allow the inspectors to generate reports in the field, and thus improve inspector efficiency.

Mass weights, liquid volume flasks, and watt-hour test sets are working standards carried into the field by inspectors to test the accuracy of weight scales, gasoline pumps and electrical meters. These county standards are periodically compared with the state standards and certified by the State of California, Division of Measurement Standards (DMS). The certifications maintain legal traceability to national standards and are mandated by DMS under California Business and Professions Code, Sections 12310, 12311, and 12312. The certification intervals are determined by DMS in multiples of years depending on what type of standard is scheduled for recall, i.e. mass weights and liquid provers 4 years, watt-hour meters 1 year. In accordance with the provisions of Policy Letter DMS-3, notification is sent by the state to the county listing the standards to be certified prior to the due dates. State approved certification laboratories, other than DMS in Sacramento, are Los Angeles County Weights and Measures and DMS personnel performing certifications on site. Ventura County's pressure gauges are certified/calibrated by a private calibration laboratory located in Downey, CA.

CONCLUSIONS

1. During the tour of the El Rio Facility, the Grand Jury members observed wet floors in the watt-hour meter testing laboratory due to a leaking roof, and very crowded conditions of the facility overall. This lab tests electrical meters by applying 240 VDC at 30 Amps during the tests, thereby creating very unsafe and hazardous conditions for the inspector performing the tests. The El Rio Facility is leased by the department from Ventura County General Services Agency (GSA).

2. Working standards used in the field to test and certify weighing and measuring devices are not labeled or marked, and have no records attached to indicate the device's certification due date. Certificates of Accuracy issued by DMS are on file in the county's Department of Weights and Measures office. These records are not visible to the inspector using the standard, therefore the inspector is not aware of the due date. The potential of using a standard beyond its due date is a possibility.
3. The field inspectors appear to be well trained and diligently perform their duties. They were very courteous and displayed a cooperative attitude with the employees of the businesses they inspected.
4. This department provides an invaluable service to the citizens of Ventura County. As Secretary of State John Quincy Adams said during a report to the Senate on February 22, 1821, "Weights and Measures may be ranked among the necessities of life to every individual of human society. They enter into the economical arrangements and daily concerns of every family. They are necessary to every occupation of human industry; to the distribution and security of every species of property; to every transaction of trade and commerce."
5. Over the years, the Department of Weights and Measures has experienced a staff reduction from approximately eleven inspectors to the current level of five. Consequently, this reduction has impacted the ability of the department to adequately cover the inspection areas.

RECOMMENDATIONS

1. The leaking roof at the El Rio Facility meter testing laboratory should be repaired to provide a safe working environment for the inspector and to protect the equipment housed in the lab. The better solution would be to have larger and more adequate facilities provided by GSA for the safety of the inspectors and the protection of the costly equipment maintained by Weights and Measures.
2. Copies of Certificates of Accuracy issued by the California Division of Measurement Standards should be kept with the standards in the field trucks, or a label indicating the next recall date should be attached to the standard. This action will keep inspectors aware of recall dates for each standard used in the field. The process of attaching labels to standards is used by commercial calibration/certification laboratories as the common method to document date calibrated and next due date.
3. Additional funding should be allocated to increase the number of inspectors needed to adequately cover the county areas of inspection.

RESPONSE REQUIRED

General Services Agency
 Chief Administrative Officer
 Resource Management Agency
 Department of Weights and Measures
 Ventura County Board of Supervisors