

To the Editor:

“Caveat Emptor”. The old Latin phrase that interprets to “buyer beware” is once again apropos here in Pennsylvania. For centuries we’ve had weights and measures inspectors routinely confirming the accuracy of all commercial weighing and measuring devices as well as investigating consumer complaints. From bushel baskets in our past to the ultra modern fuel dispensers of today, weights and measures has stood for equity in all transactions. That is rapidly coming to an end.

Since being transferred from the office of Attorney General to the Department of Agriculture in 1973, the bureau has been in nearly steady decline. Also, an unfortunate rewrite of weights and measures law in 1996 resulted in the near elimination of the approximately 200 city and county inspectors. The most recent was Philadelphia which eliminated their program this past spring dumping the entire responsibility upon the undermanned state office. While attempting to assume all these new responsibilities, the state office has simply attempted to eliminate certain aspects of their program such as the routine inspection of parking meters and timing devices. Also eliminated from the inspection schedule have been the thousands of postal scales across the commonwealth. The fact that the USPS is billions of dollars in the red could be related to this. Many of the programs that have not been eliminated are months or years behind schedule.

So guess what their new big idea is in Harrisburg? The Department of Agriculture is planning to “privatize” the device inspection program. This means that firms like Sheetz, Exxon/Mobil or Sunoco will be testing their own pumps in the future. Also, a bill (HB 1330) that recently passed the House would authorize all cities and boroughs to inspect their own parking meters. I’m sure the fox is grinning as he approaches the hen house.

Privatization has been attempted in other states and jurisdictions, but has routinely failed. The state of Kansas attempted this, but soon dropped the program when device rejection rates nearly disappeared. In a perfect world, with “third party independent” inspections, privatization might work, but only if critically audited and managed by a competent state office. Ironically, the vast majority of device industry officials we’ve spoken to favor a strong, independent weights and measures enforcement program where defective devices and illegal practices are ferreted out and ordered corrected. They clearly recognize the conflict of interest they have when they go in and reject a device and then charge the owner several hundred dollars to bring it into compliance.

The state office of weights and measures recently conducted a survey of 245 device repair firms to gauge their interest in such a program. Out of the 245 surveyed, twenty-six percent responded as somewhat or very interested. Seventy four percent did not bother to respond at all. Not really a resounding vote of confidence.

We understand that the Division of Weights and Measures is severely understaffed and underfunded, but doing nothing or the wrong thing is not the answer. A couple of years ago we convinced the Department to convene a weights and measures advisory panel

made up of weights and measures and industry officials along with consumer representatives. We had one meeting and when they saw we were very serious about getting things done, they immediately disbanded the group.

Let me give you a classic example of where innovative thinking based on existing data might help make the program much more efficient. The existing law requires every fuel dispenser and every small capacity scale to be inspected every twelve months. Based on a compliance rate of 90 % for fuel dispensers, why not expand the inspection cycle to every 24 months? Then do the same for small capacity scales that currently enjoy a compliance rate of 95 percent. Repeat offenders and severe cases would then be handled in the lower court system as the law now requires.

Are there other problems in the marketplace that need addressed by weights and measures? There sure are. We just had a firewood complaint come through our website where the consumer paid \$252 dollars for a cord of wood which when delivered was a third of a cord short, plus the consumer received no receipt as required by law. Due to a lack of oversight and enforcement, up to a third of all packaged goods are mislabeled in some manner.

What can we do as victims of this bureaucracy gone askew? Call or write to your legislator or the Governor. Contact the new Secretary of Agriculture and let him know how outrageous this is. A viable weights and measures program would cost every citizen of the commonwealth less than fifty cents per year. While every other bureau over at Agriculture has several licensing or registration fee schedules, the Division of Weights and Measures has been routinely denied this funding source. When we think of all the energy, food and the myriad of other commodities that we purchase by weight or measure each year, fifty cents is a pretty reasonable insurance policy. And don't forget, not only are we individual consumers, but also every business, school, farmer and government entity are as well major consumers. For more information on weights and measure visit our website at [www.pawam.org](http://www.pawam.org).

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