

THE NEW COMPONENT

NORTHEASTERN WEIGHTS AND MEASURES ASSOCIATION

Chairman Robert McGrath, Boston , MA

Newsletter Editor, Bob McGrath

Since 1972

ISSUE 34

NEWMA NEWSLETTER

March 2011

NEWMA WEBSITE

<http://newma.us/content/welcome>

NORTHEASTERN WEIGHTS & MEASURES ASSOCIATION OFFICERS 2010-2011

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Nominating

Thomas Geiler, Town of Barnstable, MA

Charles Carroll, Commonwealth of Massachusetts

James Cassidy, City of Cambridge MA

Please Note the New Link to the Website

2011 NEWMA ANNUAL MEETING

Saratoga Springs, NY May 9-12, 2011

Holiday Inn Saratoga Springs

232 Broadway

Saratoga Springs, NY 12866

Reservations

www.holidayinn.com/hotels/us/en/saratoga-springs/sgany/hoteldetail

1-518-584-4550

Please mention the "NEWMA Conference" to obtain the special group rate. **Room Rates** \$106.00/night, plus tax

Annual Meeting Registration

The registration fee this year is again \$125.00.

By Air

Saratoga Airport is the closest to almost any **event venue in Saratoga**, a public-use airport located just three miles southwest of Saratoga. The **Albany International Airport** is **30 minutes South of Saratoga Springs**. Commercial airline services are Air Canada, American Eagle, Continental, Continental Connection, Delta, Delta Connection, Northwest, Southwest, United/United Express, USAirways/USAirways Express. Albany International Airport is the major air center for the Capital Region, Northeastern New York and Western New England. Albany Airport has 75 arrivals and 75 departures daily from most major cities.

By Rail

Amtrak has two stations in New York's Capital District - Albany/Rensselaer (45 minute ride by cab or shuttle, group cab fare available) and Saratoga Springs (less than two miles from your headquarters hotel, cabs meet both daily trains, hotels have shuttle vans or cars if you call ahead) The Saratoga address is 26 Station Lane, Saratoga Springs, NY 12866.

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2011 NCWM INTERIM MEETING UPDATE

The NCWM Interim meeting was held in Dallas, TX January 23rd to January 26th. Once again, the meeting was well attended with 148 members in attendance. In the present economical climate, this was a pleasant surprise.

Although the Publication 15 books were a little late getting to Dallas, all went off well, as the NCWM did a nice job improvising to display the agenda items on big screens located on each side of the stage. There was a slight change to the meeting format at this Interim. On Sunday, the committee review sessions were replaced by meetings of meetings off the "Task Group on Motor Fuel Dispenser Price Posting" and the Task Group on Printer Ink & Toner Cartridges" as well as the "Subcommittee on Fuels & Lubricants. Also, the Monday morning session began with "technical presentations" instead of "open hearings".

The technical presentations included a "procedure for Testing seed Counts" by Kurt Floren, "Mechanical Seed Count" by the Association of Official Seed Analysts and "Moisture loss in Pasta" by the Nation Pasta Association. Also an updated OIML report was provided by Chuck Ehrlich of NIST.

The Nominating Committee submitted the following list of candidates to be considered for and voted upon at the Annual Meeting in Missoula, MT.

- Chair Elect: Steve Benjamin , N. Carolina
- Southern BOD Rep: Terrence McBride, TN
- Treasurer: Mark Coyne, City of Brockton, MA
- At Large BOD: John Gaccione, Westchester County, NY

The Board of Directors formed a new Subcommittee on Packaging & Labeling, to be Chaired by Chris Guay of Procter & Gamble.

DATES TO REMEMBER

NCWM Annual Meeting July 17-21, 2011

Hotel Accommodations:

Holiday Inn Downtown at the Park
200 South Pattee Street

Missoula, MT 59802

www.holidayinn.com

Reservations

(800) 399-0408 ext.509

Please mention the "National Conference on Weights and Measures" to obtain the special group rate.

Room Rates

\$106.00/per night plus 7% tax

Hotel Reservations Deadline

Friday, June 10, 2011

[\(info@ncwm.net\)](mailto:info@ncwm.net)

2011 NEWMA Interim Meeting

October 12-13, 2011

Marriott Courtyard, Norwich

181 West Town Street

Norwich, CT 06360 (860) 886-2600

Room Rate \$105.00 plus tax per night (10/11-13/2011

Rate Lock)

Parking N/C

<http://www.courtyardnorwich.com/>

Reservation Cutoff Date, T.B.A.

Daryl Tonini

Longtime NEWMA member and attendee Daryl Tonini passed away since our last meeting. For many years Daryl represented the Scale Manufacturers Association and was a very active participant at both NEWMA and the NCWM. Daryl was one of nicest guys you'd ever meet and he contributed greatly to the cause of national uniformity, particularly with the adoption of the National Type Evaluation Program (NTEP) by most of the states.

Daryl Edward Tonini (USAF, Retired) passed away peacefully on 22 Oct. 2010, at home in Harrisonburg, VA. He was the son of the late George Fredrick Tonini and Marie Irene Fiori. Mr. Tonini was born in Truckee, Calif., on 7 Nov. 1933. He is survived by his wife of 57 years, Shirley May Hancock and their children, Ross, Sheryl Tonini, Donna Tonini Budway (Robert), Christine Tonini Shields (Scott), Gregory (Raena), and Geoffrey (Nicole). He is also survived by his sister, Darla Tonini Gandolfo (Frank); his brother, David (Deborah); 19 grandchildren and two greatgrandchildren. He was preceded in death by two grandsons. Mr. Tonini was a faithful member of the Church of Jesus Christ of Latter-day Saints, an avid Scouter, and a member of the Valley R.C. Flying Club and Massanutten Amateur Radio Association.

New York State News

The big news out of New York was the retirement State Director Ross Andersen. Ross is a Past Chairman of NEWMA and the NCWM. Ross contributed greatly to the National Weights and Measures community and his leadership and expertise are going to be notably missed, particularly to the members of NEWMA. In recognition of Ross, there will be a presentation during the Annual Meeting opening ceremony and the celebration at the outing Tuesday night.

The New York State Bureau of Weights and Measures and the NYS Weights & Measures Association will be hosting its annual training school June 13th through June 17th at the Comfort Inn and Suites in Syracuse NY. As always the school will begin on Monday with a safety presentation and an update on current and developing issues. As the week moves forward we will have a day dedicated to petroleum issues where we will discuss petroleum investigations, using a portable octane analyzer and biodiesel specifications. During the week we will also have presentations on testing vehicle scales, uncertainty, package checking, method of sale of packaged goods and much more. The school moves at a relatively fast pace and we encourage questions from the audience. We also mix in various hands-on activities to get people out of their seats. We welcome officials from other states so please join us. Information regarding registration will be posted soon on the Association website at <http://nyswma.com>.

Massachusetts News:

Past NEWMA Chairman Jack Walsh retired from Town of Framingham at the end of January. Jack has been an active member of Massachusetts Weights and Measures Association, serving many years on the Executive Committee and as President of the State Association. Jack has also been active in the NCWM. Jack served as Framingham Sealer for 20 years. Prior to Framingham, Jack was an inspector for the Massachusetts Division of Standards. Fear not however, Jack's retirement is only partial because he is retaining his duties as Sealer of the towns of Ashland, Holliston & Wellesley and plans to remain active with the associations. We all wish the very best to Jack as he enters into this new phase of his weights and measures career.

Also, Steve Berard of the Division of Standards announced that he is retiring at the end April. Steve has served as the State Training Officer for many years and has done a standout job providing training to the local sealers in Massachusetts. Steve has attended many NEWMA meetings and has contributed to past NEWMA training seminars.

New Hampshire News:

State Director Richard Cote retired at the end of December. Rich was very active with both NEWMA and the NCWM, having served on various committees and most recently as Treasurer of the NCWM. Rich worked hard to rebuild the program in New Hampshire and did a great job. Cheryl Ayer will be representing New Hampshire at NEWMA. Cheryl is also a member of the NCWM Professional Development Committee representing NEWMA.

Tom Stabler ends Training business

After 40 of involvement in the field of Weights and Measures, Tom Stabler is moving on to pursue other opportunities. In recent years Tom has provided training to many officials across the nation by "mail correspondence" and by conducting training seminars, as he recently did for Massachusetts in September 2009. All of us at NEWMA wish Tom the very best in his new endeavors.

**2011 NEWMA ANNUAL MEETING
SCHEDULE OF EVENTS**
(Tentative-subject to change as needed)

<u>DATE/TIME</u>	<u>Event</u>	<u>MEETING ROOM</u>
<u>Monday, May 9, 2011</u>		
	<u>EVENT</u>	
12:00 pm – 3:00 pm	Registration	
1:00 pm – 3:00 pm	Specifications & Tolerances Committee Open Hearing Steve Giguere, State of Maine ©	
3:00 pm – 3:15 pm	Afternoon Break	
3:15 pm – 3:45 pm	Professional Development Committee Open Hearing Cheryl Ayer, State of New Hampshire ©	
3:45 pm – 4:30 pm	Training and Certification Update Stacy Carlsen, NCWM PDC Chairperson Carol Hockert, Chief, NIST, Weights and Measures Division	
5:15 pm – 6:30 pm	Welcome Reception (location TBD)	
<u>Tuesday, May 10, 2011</u>		
	<u>EVENT</u>	
7:45 am – 8:30 am	Morning Coffee Service	
8:30 am – 1:00 pm	Registration	
8:30 am – 9:45 am	Board of Directors/NTEP Open Hearing Mike Sikula, State of New York Mark Coyne, City of Brockton, MA	
9:45 am – 10:15 am	Scale Manufacturers Association NTEP Roundtable Louis Straub, Regulatory Affairs Consultant, Fairbanks Scales	
10:15 am – 10:30 am	Morning Coffee Break	

10:30 am – 12:15 pm

Laws and Regulations Committee Open Hearing
John Gaccione, Westchester County, NY ©

12:15 pm – 1:30 pm

Lunch on your own

Tuesday, May 10, 2011 (*continued*)

1:30 pm – 2:30 pm

Opening Ceremonies

TBD Speaker

New York State Dept. of Agriculture & Markets

Tim Tyson, NCWM Chairman

Carol Hockert, Chief, NIST WMD

Special Honorary Award, Ross Andersen

2:30 pm – 2:45 pm

Afternoon Break

2:45 pm – 4:00 pm

E15 Update: Regulatory and Technical Progress, Remaining Challenges,
Kristy Moore, Renewable Fuels Association

4:00 pm – 5:00 pm

Directors Round Table Discussion

6:30 pm -

NEWMA OUTING - TBD

Wednesday, May 11, 2011

EVENT

8:30 am – 9:30 am

Tare Verification Presentation
NIST

9:30 am – 10:30 am

Price Verification Program Administration
NIST

10:30 am – 10:45 am

Morning Break

10:45 am – 11:45 am

Suitability of Equipment/ General Code Presentation
NIST

11:45 am – 1:00 pm

Lunch Break on your own

1:00 pm - 5:00 pm	Final Committee Reports
1:00 pm – 2:30 pm	Specifications and Tolerances Committee Steve Giguere, State of Maine ©
2:30 pm – 2:45 pm	Afternoon Break
2:45 pm – 3:30 pm	Laws and Regulations Committee John Gaccione, Westchester County, NY ©
3:30 pm – 4:15 pm	Professional Development Committee Cheryl Ayer, State of New Hampshire ©
4:15 pm – 5:00 pm	Board of Directors/NTEP Committee Mike Sikula, NY, Mark Coyne, City of Brockton, MA

Thursday May 12

EVENT

7:45 am – 8:30 am	Morning Coffee Service
8:30 am – 9:00 am	New Proposals and Discussions
9:00 am – 11:00 am	Voting Session Specifications and Tolerances Committee Laws and Regulations Committee Professional Development Committee Board of Directors/NTEP Committee Nomination Committee
11:00 am – 11:30 am	Election of Officers and Board Members Installation of New Chairperson
11:30 am – 12:00 pm	Unfinished Business
12:00 pm	Adjourn

Laws & Regulations Committee Update

The 2011 Laws and Regulations (L & R) Committee Interim Agenda consisted of 18 items.

The L & R Committee conducted its agenda review by conference call the week previous to the Interim Meeting. This allowed the Printer Ink and Toner Cartridge Task Group and the Fuels and Lubricants Subcommittee to meet during what traditionally had been the committee's agenda review meeting time. Both groups later presented their respective reports to the L & R Committee.

L & R began the open hearings on Monday morning with a panel discussion on item 260-4 Handbook 133, "Seed Count for Agriculture Seed". Two presentations were given on the agenda item. The committee then returned to the agenda and received comments on the agenda items.

Of the 18 agenda items, four (4) were given voting status, seven (7) were given informational status, one (1) developing status and four (4) items were withdrawn from the agenda. The following is a summary of the committee's decisions for each agenda item.

Item 231-1 Handbook 130, Packaging and Labeling Requirements, Section 6, Declaration of Quantity: Consumer Products. This item was "Withdrawn" from the agenda.

Item 231-2 Handbook 130, Packaging and Labeling Requirements, 6.12. Supplementary Quantity Declarations and 6.14. Qualification of Declaration Prohibited. This item moves forward as an "Informational" item.

Item 231-3 Packaging and Labeling Requirements, Section 9. Prominence and Placement: Non- Consumer Packages. This item was "Withdrawn" from the agenda.

Item 231-4 Handbook 130, Packaging and Labeling Requirements, 10.4 Multi-unit Packages. This item was "Withdrawn" from the agenda.

Item 232-1 Handbook 130, Method of Sale Regulation Section 2.13.4 "Declaration of Weight". This item moves forward as a "Voting" item.

Item 232-2 Handbook 130, Uniform Regulation for Method of Sale of Commodities – Packaged Printer Ink and Toner Cartridges. This item moves forward as an "Informational" item. The Task Group reported to the committee that it would continue work on the item.

Item 232-3 Handbook 130 Pelletized Ice. This item moves forward as a "Voting" item.

Item 237-1 Handbook 130, Engine Fuel Quality Requirements for Hydrogen. This item moves forward as an "Informational" item.

Item 237-2 Handbook 130, Definitions for Hydrogen Fuel for Internal Combustion Engines and Fuel Cell Vehicles. This item moves forward as a "Voting" item.

Item 237-3 Engine Fuels and Automotive Lubricants Regulation, Section 3.15. Biodiesel and Biodiesel Blends. This item moves forward as an "Informational" item.

Item 237-4 Handbook 130, Engine Fuels and Automotive Lubricants Regulation, Section 2.1.2. Gasoline-Oxygenated Blends and 2.1.3. Gasoline-Ethanol Blends. This item moves forward as an "Informational" item.

Item 237-5 Handbook 130, Engine Fuels and Automotive Lubricants Regulation, Section 2.1.4 Minimum Motor Octane Number. This item moves forward as an "Informational" item.

Item 237-6 Handbook 130, Engine Fuels and Automotive Lubricants Regulation. Labeling of Motor Vehicle Motor Oil. This item moves forward as a "Voting" item.

Item 260-1 Handbook 133, Moisture Allowances Section 2.3.8. Moisture Loss for products not listed. The committee recommended a meeting of the Moisture Loss Work Group at the Annual Meeting in July in Montana. This item moves forward as an "Informational" item.

Item 260-2 Handbook 133, Chapter 4.7. Polyethylene Sheeting – Test Procedure – Footnote Step 3. This item moves forward as a "Voting" item.

Item 260-3 Handbook 133, Moisture Allowance for Pasta Products. A presentation was given on this agenda item. This item moves forward as a "Voting" item.

Item 260-4 Handbook 133, Seed Count for Agriculture Seed. This item was "Withdrawn" from the agenda.

Item 270-1 Fuels and Lubricants Subcommittee – There are a number of items the subcommittee is reviewing and an update on those items was given to L & R. The items move forward as "developing" items.

Many thanks to the L & R Committee, the Packaged Printer Ink and Toner Cartridge Task Group and the Fuels and Lubricants Subcommittee for all their hard work. Also, thank you to NIST for their continued support and to NCWM membership for their participation in the open hearings.

John Gaccione

L & R Committee Chair
Westchester County, New York

(Pub. 16 should be available by the time of the meeting)

Specifications and Tolerances Committee Update

The 2011 Specifications & Tolerances Interim Agenda consisted of 10 items, 4 carry over items and 6 new items.

GENERAL CODE:

Item 310-1: Provisions for electronic components was again on our agenda. The committee agreed to maintain the item as informational until the NTEP committee could provide feedback on the Weighing Sector's proposed new language for Publication 14.

Item 310-2: Identification (software) will remain an informational item to allow the Software Sector more time to work the item more thoroughly work the item and resolve some language issues relating to G-S.1. and G-S.1.1.

Item 310-3: Non-retroactive requirements (remanufactured equipment) G-A.6., the committee considered the comments received during the open hearing and agreed that non-retroactive requirements should necessarily apply to all equipment that had been repaired or remanufactured. The committee decided to revert back to the existing HB44 language for G-A.6. (a), (b), (c) and add an item (d) "devices, that have been modified to the extent that a new NTEP CC is required."

SCALES:

Item 320-1: Time dependence class II, III & IIII non-automatic weighing instruments. It was determined during the work session, with input from Darrell Flocken that this item was not needed and the committee agreed to withdraw the item.

Item 320-2: Creep recovery for load cells. The committee moved this item forward as a voting item, we consider this a housekeeping issue to align tolerances for class III and IIII load cells which was overlooked during a previous change in 2009.

BELT CONVEYOR SCALES:

Item 321-1: Check for consistency of the conveyor belt along its entire length. The committee agreed to move this item forward as a voting item.

VEHICLE TANK METERS:

Item 331-1: Thermometer well temperature determination. The committee agreed that this item should move forward as a voting item.

Item 331-2: Product depletion test, the committee heard concerns from the MMA during the open hearing and agreed to keep this as an information item to allow MMA time to provide additional information on the item.

WATER METERS:

Item 336-1: Definition of utility type water meter, the committee agreed to move the item forward as a voting item as written and proposed by WWMA.

FARM MILK TANKS:

Item 442-1: Verification of master metering systems, based on testimony from the Milk Market Administrator and discussions by members of the committee whose jurisdictions actively calibrate farm milk tanks the committee agreed to move this item forward as a voting item.

The committee sincerely appreciates all the testimony offered during the open hearing as well as the written comments received prior to the interim meeting. The committee wishes to thank our technical advisors from NIST WMD and Measurement Canada for the invaluable services provided to the committee and the conference. I also want to thank all the members of the S&T committee for their willingness to work long hours to complete the agenda on time.

Steve Giguere

S & T Committee Chair
Maine Department of Agriculture

Weights and Measures News from Around the Nation

SunMart Verdict

Petroleum Wholesale ordered to pay \$30 million for defrauding gasoline purchasers

Issue Date: CSP Daily News, November 11, 2010

AUSTIN, Texas -- A Harris County, Texas, jury has rendered a \$30 million verdict against the Houston-based owner of SunMart convenience stores. In July 2008, Attorney General Abbott charged Petroleum Wholesale LP with defrauding gasoline purchasers. The verdict confirmed the state's charge that SunMart's fuel dispensers at 86 stations in Texas provided less than a full gallon of fuel for each gallon charged.

"The jury's verdict reflects a significant and well-deserved rebuke to SunMart's fraudulent pump calibration scheme," Abbott said. "After carefully considering the evidence during an eight-week trial, the jury concluded the defendant illegally set its gasoline pumps to deliver less than a full gallon of fuel."

From July 18 to 20, 2008, dozens of inspectors with the Texas Department of Agriculture conducted Operation Spotlight, a multi-county effort to inspect and test 1,701 gasoline pumps at 86 SunMart stores. After testing 1,701 SunMart pumps, TDA investigators determined that 985 were dispensing less than a full gallon of fuel. According to court documents filed by the state, 58% of SunMart's pumps were calibrated to dispense less than a full gallon of fuel. While Operation Spotlight was still ongoing, Petroleum Wholesale attempted to cover up its improper calibration scheme by dispatching company personnel and third-party contractors to recalibrate pumps before inspectors could reach all 86 SunMart locations.

Texas Department of Agriculture (TDA) commissioner Todd Staples launched Operation Spotlight after he learned that Petroleum Wholesale routinely failed TDA inspections. Under Texas law, the agriculture commissioner is charged with regulating weights and measures, including gasoline pumps. Later, TDA referred their findings to the Texas Attorney General's Office, which charged Petroleum Wholesale with violating the Texas Deceptive Trade Practices Act (DTPA). The state's enforcement action indicates Petroleum Wholesale illegally calibrated and maintained their fuel pumps in a manner that defrauded customers.

During the eight-week trial, a team of four assistant attorneys general provided jurors 48 boxes of fuel receipts, which covered 5,766,243 gallons of gasoline and 727,339 fraudulent sales transactions. The jury's \$30 million verdict was based upon consumer transactions and penalties per violation of the DTPA. The jury found Petroleum Wholesale liable for \$18,765,411 in restitution, \$8,494,212 in civil penalties and more than \$2.7 million in fees to the state.

With the conclusion of the trial phase and the jury's determination that Petroleum Wholesale violated the law, the state will now seek a permanent injunction prohibiting the company from calibrating its own gasoline pumps. The state will also ask the court to bar it from using unlicensed calibrators to serve its pumps in the future. At this time, enforcement actions are still pending against Billy Wigginton, owner of KT Fuel Services Inc., Arthur Ramirez and Daniel Miller. All three are charged with calibrating Petroleum Wholesale's pumps when they were not properly licensed to do so. Petroleum Wholesale is a full-service petroleum company offering retail convenience store products, branded and wholesale gasoline, on- and off-road diesel, lubricants and common-carrier transportation services. It services more than 350 retail locations throughout 10 states.

Fill 'er up at Walgreens - *Issue Date: CSP Daily News, November 22, 2010*

Drug store chain to jump on electric-car recharging stations in Houston. - DEERFIELD, Ill. -- Walgreens is among the retailers looking to get in on the ground floor of electric vehicle recharging stations, planning to install eVgo high-powered rapid charging stations at 18 locations in Houston beginning in February 2011. Walgreens is participating in the nation's first privately funded and comprehensive electric vehicle-support system, where NRG Energy will install the rapid charging stations for electric vehicles. Walgreens is the largest retailer participating in this program; others include Best Buy, H-E-B and Spec's Wine, Spirits & Finer Foods.

The charging locations, which will also include some public parking facilities and work places, will make up NRG's eVgo network to help ensure anyone with an electric vehicle has a place to charge up within 25 miles of the Houston city center. "Our neighborhood stores will be a great and convenient location for customers to recharge electric vehicles," said Walgreens director of energy and sustainability Menno Enters. "This is another way we are providing our customers with an environmentally sustainable shopping experience, and it sets us apart as a retailer who is moving clean and green energy alternatives forward." "Walgreens is playing an invaluable role in helping get this network started by being a founder host of community convenience chargers as we work together to bring the value of electric vehicles to Houston," said NRG Energy president and CEO David Crane. "Walgreens will help ensure this all important initial launch is successful. We look forward to a long relationship that will help bring the same advantages of this alliance to other cities in the very near future."

Once the network is in place, Houston will have more than 100 chargers, including DC rapid chargers that can fully charge an electric vehicle in less than 30 minutes, and Level 2 chargers that can fully charge in four to six hours. NRG anticipates announcing the next eVgo cities in early 2011. NRG will focus its efforts on the 13 states that have deregulated their retail electricity markets and may build a national sales force through an electricity retailer, Green Mountain Energy Co., which it purchased this month for \$350 million in cash.

MEMBERSHIP & MEETING REGISTRATION FORM

FIRST NAME:

MIDDLE NAME:

LAST NAME:

TITLE:

ORGANIZATION:

MAILING ADDRESS:

CITY:

STATE:

ZIP:

TELEPHONE:

OFFICE

OTHER

FAX

EMAIL

REGISTRATION:

- 2011 NEWMA MEMBER - \$125.00**
- NON-MEMBER - \$150.00**

Make Check Payable to: Northeastern Weights & Measures Association

**Mail to: Charles Carroll
Division of Standards
One Ashburton Place, Room 1115
Boston, MA 02108**

If you wish to pay the registration fee at the door, please register by phone, fax or e-mail in advance

Phone: (617) 727-3480, ext. 21131

Fax: (617) 727-5705

E-mail: Charles.Carroll@state.ma.us