



# Weights and Measures Primary Standard

**Ohio Department  
of Agriculture**

8995 E. Main St.,  
Reynoldsburg, OH 43068  
614-728-6200

[www.agri.ohio.gov](http://www.agri.ohio.gov)

Governor John R. Kasich

Lt. Governor Mary Taylor

Director David T. Daniels

January 2016

## Upcoming Events

**January 10-13**  
**NCWM Interim Meeting**  
San Diego, CA

**March 1-7**  
**National Weights  
and Measures Week**

**January - December**  
**ODA Training**  
Local Jurisdictions

**May 23 - 26**  
**CWMA Annual Conference**  
Rapid City, SD

**June 7-9**  
**Ohio Department of  
Agriculture Training**  
Reynoldsburg, OH

**July 24-28**  
**NCWM Annual Meeting**  
Denver, CO

**July 29 - August 9**  
**Ohio State Fair, Ohio Expo  
Center**  
Columbus, OH

**October 5 - 7**  
**CWMA Interim Meeting**  
TBD

**November 15-16**  
**Ohio Department of  
Agriculture Training**  
Reynoldsburg, OH

The new year is symbolic of change and new beginnings. Many of you have re-dedicated yourselves to improving and goal-setting. Whatever your personal goal may be, I hope that you find equal fulfillment in your professional endeavors. Thank you for the work that you do to help maintain Ohio's strong regulatory program. On the state level, we are equally committed to revitalizing ourselves, to setting goals and to keeping this program strong.

I am pleased that we have been able to build the department's Weights and Measures division back to its former stature. The division now has 11 full-time employees and will soon include an assistant chief, which the division hasn't had since 2006. The department is equipped to serve our counties and cities with much needed assistance so we can help assure consumer confidence. Preserving consumer confidence and protecting Ohio citizens is a shared responsibility among the Ohio Weights and Measures program and the county and city sealers.

The Division of Weights and Measures has been busy in providing training and assistance to local jurisdictions. The department has returned to two-day trainings in June and November. A third day will be added in June for new inspectors. This past November we hosted training which included presentations from a representative of the Ohio Department of Administrative Services, the Ohio State Patrol and City of Marysville Police Department. Skimming devices inside gas pumps have created a huge problem in Ohio this year and we will continue to monitor that situation and keep you up to date with information as it is received.



In July the department investigated a short weight complaint involving forklift scales. The investigation determined that the service company had set up the scales incorrectly. The department has issued a Notice of Hearing to the two service companies involved. The Weights and Measures Division will not allow consumers or their competitors to be at a disadvantage due to this type of violation. We will continue to monitor all complaints in 2016.

I look forward to another exciting year of working with you to uphold our statutory responsibilities and our mission to protect the public and the agriculture industry. Please accept my best wishes for a safe and happy new year.

David T. Daniels  
Director

# From the Desk of the Deputy State Sealer

As we begin a new year, I hope everyone had a safe and wonderful holiday season. We will begin a new year full of many challenges and new technology.

As you are all aware, by now there have been a few minor changes for the Ohio Department of Agriculture's Weights and Measures Division since last year. We would like to welcome Mike Kelley back to our NTEP Lab as a Technician, Craig Knisely, SE Inspector and Barry Stone, SW Inspector. Welcome to all. Our staff is doing a tremendous job and I appreciate all of their hard work and dedication.

ODA provided 2-day regional training to all local jurisdictions on Testing of Retail Motor Fuel Dispensers, hosted the Central Weights & Measures in May and provided a two-day training on a variety of topics at ODA in November. I would like thank Dave Finck, Tom Buck and all who made those sessions a success.

Ohio Metrology laboratory hit another huge milestone this year as we achieved NIST recognition and NVLAP accreditation renewal with NO non-conformities. Congratulations to Tom Buck, Ken Johnson and Daniel Walker on a job well done!

Ohio NTEP laboratory can not be left out on the accolades either. Tom Buck, Joe Morrison and Mike Kelley have done an exceptional job in completing NTEP evaluations in a timely manner. NTEP assignments can be done in some cases within two weeks of receiving an assignment.

## **Budget**

It will remain a huge challenge to obtain any increase in funding that would potentially allow the department to add any additional staff for the field. We must continue to work together. We have been able to provide key representatives from DAS/OBM tours of our laboratory and explain in detail the Weights and Measures Division and its importance to each and every citizen in Ohio. We have also had the same opportunity with several legislators, their liaisons and the Governor's office which highlights our duties and regulatory requirements.

ODA received bids to obtain 2 new scale trucks. Upon review of those bids it was determined that the specifications that we requested were not included in the bid process, therefore we must resubmit those specifications and new bids will be obtained. We are hoping for this to be completed by the 3rd quarter of 2016.

## **Changes that affect Ohio**

The language submitted to the General Assembly passed on December 8, 2015 and was signed into law by Governor Kasich on December 23, 2015 and becomes law on March 22, 2016. Device permit language has now been corrected. Vehicle, Livestock and Railway Scales, Vehicle Tank, LPG and Bulk Rack Meters in commercial use MUST have a Device Permit. Included in the passage of that bill came the changes to the Registered Service Program and the addition of Price Verification to the Ohio Revised Code. Rules will be filed after the effective date.

Field Schedules are sometimes difficult to keep with aging vehicles and poor weather. ODA strives to and maintains an accurate schedule once it is set, and should local inspectors not be available, we are happy to proceed with testing and leave reports at the local office. Should this not be acceptable, a letter from the County Auditor or City Sealer is required to be sent or emailed to me.

This year found weights and measures in the news more often than in previous years. Some articles were positive and some were not. Please remember as you do your job to be thorough, professional, complete all required reports, follow all Ohio laws and rules as well as Handbooks 44 and 133 requirements prior to sealing any device. You are representing the jurisdiction you work for and the public is watching you .

ODA received a request to review local inspectors training hour requirements in the Administrative Code. A meeting in conjunction with County Auditors was held and it was determined that changes were needed. Those changes were submitted to JCARR through the rule review process and changes were filed. ODA held two public hearings on the changes and received no opposition therefore the rule change was granted. You can find this new requirement in Ohio Laws and Rules Administrative Code 901:6-9 or call ODA if you have any questions.

Ohio Division of Weights and Measures now has it's own credit card machine. We are now equipped to accept payments from all of our customers. This has been a longtime request and is being very well received.

NCWM Annual Meeting held in Philadelphia, Pennsylvania saw DGE (Diesel Gallon Equivalent) fail on the voting agenda.

Have a fantastic 2016!

*Fran Elson-Houston*

# NTEP News

The Ohio NTEP lab continues to be involved with national committees for type evaluation. This better serves the industry and the Weights and Measures jurisdictions of Ohio. This keeps Ohio on the cutting edge of new technology and as a leader in National and International Weights and Measures.

The Ohio NTEP lab works closely with Measurement Canada (Canadian Weights and Measures) in type evaluation for indicating elements, weighing elements, complete scales and developing testing regulations for Multi-Dimensional Measuring Devices (MDMD) as well as other devices.

Currently, Ohio houses the only regulatory standards for MDMDs in the United States and is the only lab authorized to test MDMDs for NTEP approval.

NCWM is considering changing the Mutual Recognize Agreement (MRA) with Canada to make them the Primary laboratory for MDMD devices. Ohio opposes this change.

Tom Buck, Joe Morrison, and Mike Kelley have done a great job in the NTEP laboratory.

# Metrology News

Ken Johnson, Daniel Walker and Tom Buck attended the Combined Regional Metrology training Oct 5 – Oct 9 in Milwaukee, WI. Several state Metrology Laboratories and private companies were represented. The training was provided by NIST and by members of Mid-MAP. The Technical Audit was among the many items discussed.

Technical issues, including statistics and uncertainty charts, calibration, mass calibration, large volume gravimetric calibrations, managing your laboratory, and Proficiency Testing were discussed at length during the meeting.

NOTE: We have received various standards in the laboratory that were not approved test standards or that were not properly cleaned; therefore we could not seal them. We have also received incomplete sets of weight kits. Please make sure all standards meet NIST Handbook 105 requirements.

Please make sure when you are in the field you are asking service companies for copies of the calibration certificates and registration cards.

If you have any questions, please email me at [Fran.Elson-Houston@agri.ohio.gov](mailto:Fran.Elson-Houston@agri.ohio.gov) or call our office at 614-728-6290.

# All Provers Certified by Metrology

When a prover is certified in Ohio it must meet the requirements of NIST Handbook 105.

Please read the Calibration Certificate and it will tell you what the prover was certified to test. We have had companies using provers certified for fuel being used to test motor oil, hydrogen and performing other non-approved tests.

A service company used their LPG prover to test hydrogen and there was an explosion resulting in an employee of that company being injured.

It is the responsibility of the local inspector to ensure the prover is being used to perform the proper test with the proper product and that they are using the proper amount of weight and performing all tests.

# Important Reminders

## Customer Survey

Please complete the customer survey and return it to us via web at <http://www.agri.ohio.gov/divs/weights>, or fax at 614-728-6424 or e-mail [Fran.Elson-Houston@agri.ohio.gov](mailto:Fran.Elson-Houston@agri.ohio.gov). The survey is now interactive and can be submitted from the website. This will only take a few minutes to complete. THIS IS A REQUIREMENT FOR US TO MAINTAIN OUR NVLAP ISO 17025 Accreditation.

## Annual Report

As many local weights and measures officials know, the annual report was distributed to the county auditors in November. If you did not receive a copy of the report, please contact our office at 614-728-6290 and we will send a hard copy or electronic version. Please read the report and the instruction booklet. The annual report results are posted on ODA's website for your convenience.

Annual Reports are due in our office by January 31, 2016. The report is important to both state and local government offices. It allows us to present statistics to legislators, industry and the public demonstrating the vital and valuable services that are provided each year.

## Weights & Measures Week

National Weights and Measures Week is annually observed March 1-7. Please check the NCWM website to begin planning to publicize the importance of weights and measures in your community.

This information should include, but is not limited to, news articles, publicity suggestions, presentations at schools, store displays, and of course, social media. Last year I posted a weights and measures fact to Facebook every day of that week. For more information, please call 614-728-6290. Additional information can be found on various websites, such as [www.ncwm.net](http://www.ncwm.net).

# Registered Servicepersons Notice

Please check the dates for registered servicepersons on our web site as the following aspects of the classes have been changed. **Ohio Registration of Serviceperson will no longer be voluntary on March 22, 2016.**

1. Applications require a credit card, check or money order for \$25.
2. Successful completion of the test requires a FEE of \$75.00 for serviceperson.
3. Servicepersons must achieve an 80% on the test to become registered this began January 1, 2014.
4. Exams are limited to 15 attendees per class, and they must be pre-registered. Non-registrants will be asked to re-schedule if class is filled.
5. All paperwork must be submitted prior to sitting for the exam. This includes \$25 application fee, current calibration reports and placed in service reports.
6. Exams are held in the Weights & Measures Building. Exams start at 9:00 a.m. and 1:00 p.m.
7. Scale and Meter exams are being offered each month throughout the year.

8. All pertinent paper work must be submitted prior to sitting for the exam.
9. Payment is due at the time of the test in the form of check, money order or credit card. No cash is accepted.
10. If a person does not pass or fails to show up for the test they have scheduled, they will be required to submit another application with an additional \$25 fee and take the exam on a make-up exam date.

## Remember!

Service persons must renew their cards before they expire. There is no grace period. Please check our web site for a list of test dates — [www.agri.ohio.gov/weights](http://www.agri.ohio.gov/weights). Go to Forms and use form 4300-003 and 4300-006.

A Registered Serviceperson Application Fee is \$25, and a Registered Serviceperson Exam Fee is \$75.

Credit Card, Check, or Money Order. Made Payable to “Treasurer State of Ohio” is due at the time of the test.

## Training Program For Local Jurisdictions

ODA's training program had a very successful year. All local jurisdictions were offered training once and in most cases more than once. Please check with your auditor for 2016 training dates. These dates are not posted since it is important to control the number of attendees so that optimal training is given to each inspector in each jurisdiction.

David Finck, ODA supervisor, will train local jurisdictions' weights and measures inspectors as well as the Registered Servicepersons Program.

Congratulations to David Finck as he was selected to be a training assistant for NIST. He will travel with the NIST staff at various times throughout the year to provide training to other state jurisdictions.

We have a large number of new inspectors. For those that are new, “Welcome to Weights & Measures”. We will be conducting a one-day training for you on June 9, 2016 following our two-day semi-annual training here at ODA.

Your auditor, per CAAO, will be notified as to dates, times and location for your jurisdiction. Please check with them regarding dates and times for your area.

ODA is looking for counties to volunteer to host training, which will feature a variety of topics each year.

ODA will continue to keep track of training credit hours with random sign in sheets and codes that will be given at various times throughout the training. If an inspector is not present and doesn't turn in a form with the code or sign the sheet you WILL NOT be issued credit for that portion of the training.

Per O.A.C. 901:6-9, lessons 1-20 must be completed within 18 months of hire. From that point forward inspectors must receive eight minimum training hours, annually.

ODA is communicating electronically as much as possible.

Training notices and field scheduling letters are emailed to the auditor and inspector, if the auditor provided an email address for ODA to contact the inspectors. The method of field testing has changed with the re-organization. It is imperative that we check the devices in each county regardless if they have been checked by a service company. O.R.C. 1327-61 (D) states no one shall hinder or obstruct any weights and measure official from performing their duties. ODA will make every attempt to accommodate schedules; however, we need to proceed in checking devices.

## Device Permitting Fee

The language has been changed and all large commercial devices now require a permit. Beginning July 1, 2011 large commercial weighing and measuring devices were required to have a permit. Below are some FAQs regarding the device permit. Detailed information is on our website.

### What is a Device Registration Permit?

Ohio Revised Code section 1327.501 now requires a device registration fee for the following commercial devices when they are used in assigning the final value of a commercial transaction.

Vehicle Scales	Bulk Rack Meters
Livestock Scales	Vehicle Tank Meters
Railway Scales	LPG Meters

### How much is a Device Registration Permit?

A device registration permit fee is \$75 per device annually. This now can be paid with a CREDIT CARD.

### Testing a Device Without a Permit?

In 2012 ODA proceeded to test a device that did not have a device permit, however we did not seal the device. We will NOT continue this practice starting July, 1 2016 due to ORC changes making device permits mandatory for the commercial devices listed above.

### When is a Device Registration Fee due?

Device registration fees are due on July 1st of each year. Registrations received after June 30, 2016 will incur a \$20 late fee per device. For further questions please call our office at 614-728-6290.

## Visit us on the Web

ODA has been working with our IT department to have a new database built to better accommodate our needs. We expect that to go live in the first quarter of 2016.

In an ongoing effort to save money on printing and postage, visit the Ohio Department of Agriculture's Division of Weights and Measures on the web at [www.agri.ohio.gov/weights](http://www.agri.ohio.gov/weights) for the following information:

- Listing of Servicepersons and Agencies
- Calendar of Events
- Servicepersons/Agencies applications and test dates
- Links to NCWM, CAAO
- Weights and Measures Laws and Rules
- NTEP worksheets under the forms section
- Metrology Customer Survey
- Annual Report Summary
- EPOs
- Device Permitting FAQ

## Fall Training

Fall Training was held at ODA in Reynoldsburg on November 17 and 18. We had 87 inspectors, four county auditors and one city sealer representing 67 jurisdictions. Training included skimming devices, annual report, forklift scale test, registered service persons, how to deal with difficult people and other topics. Please let us know what training you would like ODA to provide for you. Thank you to Trooper Frank Applegate, Detective Don McGlenn, Tom Buck, Dave Finck, Mike Kelley, Dan Walker and Ken Johnson for a job well done.

## National Conference on Weights and Measures

The NCWM Interim Meeting being held in San Diego, California on January 10—13, 2016 will include discussions on:

- Panel Discussion on skimming devices, peat moss, animal bedding, mulch and LPG of sale proposed changes.
- New proposed test method for dimensional test procedure for verifying the compressed quantity declaration on packages of peat moss, animal bedding and mulch.
- Training and education has been important with NCWM with assistance from the PDC and NIST.
- DGE for CNG dispensers
- Example of a digital density meter
- How slow flow accuracy affects LMD
- LPG method of sale proposal
- MDMD workgroup report



**Date:** January 6, 2016  
**To:** Ohio Weights & Measures Inspector Personnel  
**From:** Fran Elson-Houston, Chief of Weights & Measures *F. Elson Houston*  
**Subject:** Hours of Credit for ODA/W&M Sponsored and/or  
Recognized Technical Training for 2016

O.A.C. rule 901:6-9 requires 8 hours per year of continuing education training for Ohio's state, county, and city weights and measures inspectors. Listed below are dates, types of training, and the number of credited hours. **Hours are subject to change.**

<u>DATE</u>	<u>TECHNICAL TRAINING</u>	<u>HOURS of CREDIT *</u>
Jan. 10-13	NCWM Interim Meeting San Diego, CA	5
Jan – Dec.	ODA/W&M Training Seminar 2 day in class training <b>SEE LIST BELOW</b>	10
Jan – Dec.	NCWM on-line testing with proof of successful completion	5
May 19-22	CWMA Annual Meeting Rapid City, SD	5
June 7-8	ODA/W&M Training Columbus, OH	10
June 9	ODA/W&M New Inspector Training Columbus, OH	10
July 19-23	NCWM Annual Meeting Denver, CO	5
Oct. 5 – 7	CWMA Interim Meeting TBD	2
Nov. 17 & 18	ODA/W&M Training Columbus, Ohio	10



## ODA REGIONAL TRAINING 2016 TENTATIVE DATES

Below is a list of ODA Regional Training. Please be sure to attend the classes in your area ***unless otherwise Pre-Approved to attend in an alternate***. Those not Pre-approved to attend an alternate area may be asked to re-schedule due to space limitations.

ODA – March 22 & 23, 2016 – includes ½ City of Columbus, Delaware, Franklin and Madison.

Auglaize County – March 29 & 30, 2016 – includes Auglaize, Champaign, Clark, Darke, Hardin, Logan, Mercer, Miami, Paulding, Shelby, Union and Van Wert.

Richland County – April 12 & 13, 2016 includes Ashland, Crawford, Lorain, Marion, Medina, Morrow, Richland and Wayne.

Lake County – May 10 & 11, 2016 includes Ashtabula, City of Cleveland, Cuyahoga, Geauga, Lake, Mahoning, Portage, and Trumbull.

Muskingum County – May 17 & 18, 2016 – includes Belmont, Coshocton, Guernsey, Knox, Licking, Monroe, Morgan, Muskingum, Noble and Perry.

Henry County – June 28 & 29, 2016 – includes Allen, Defiance, Fulton, Hancock, Henry, Putnam, Williams and Wood.

Pike County – July 19 & 20, 2016 – includes Adams, Fayette, Highland, Jackson, Lawrence, Pickaway, Pike, Ross and Scioto.

Tuscarawas County – July 26 & 27, 2016 – includes Carroll Columbiana, Harrison, Jefferson, Stark, Summit and Tuscarawas.

Hocking County – August 9 & 10, 2016 includes Athens, Fairfield, Gallia, Hocking, Megis, Vinton and Washington.

Butler County – August 30 & 31, 2016 includes Brown, Butler, Clermont, Clinton, Greene, Hamilton, Montgomery, Preble and Warren.

Sandusky County – September 27 & 28, 2016 includes Erie, Huron, Lucas, Ottawa, Sandusky, Seneca and Wyandot.

ODA – December 13 & 14, 2016 includes ½ City of Columbus and Make-up Class.

