2010 ISSUE 2

NCWM - NEWS

National Conference on Weights and Measures

INSIDE THIS ISSUE

NCWM Headquarters
1135 M Street, Suite 110 / Lincoln, Nebraska 68508
P. 402.434.4880
F. 402.434.4878
E. info@ncwm.net
W. www.ncwm.net
Don Onwiler Executive Director
Jim Truex NTEP Administrator
Shari Tretheway Office Manager
Lindsay Hier Project Coordinator

Chairman's Column

Randy Jennings — Tennessee Department of Agriculture

Continuing Our Efforts for Self Improvement

In order to meet our corporation's overall mission, we must continually look at organizational structure, the needs of our committee members, and membership. We must perform self assessments and bring forth new ideas to improve the health of our organization. This topic has been on the Board of Directors agenda for each meeting since I began participating as the Southern Region representative, and each meeting has resulted in new ideas and directions for NCWM.

When I think of change, I often recall a training session that I attended many years ago. The trainer, Dick Smith from NIST (NBS at the time), stated something to the effect that, if your program is still doing exactly the same thing that it was five years ago, you are going backwards — not standing still, and definitely not going forward. That is a good rule to live by and has been the recent philosophy of the NCWM Board of Directors and staff.

At the spring Board of Directors meeting, we continued our self assessment discussions, putting more adjustment options on the table to make our standards development operations and administration more efficient. You may recall from the Interim Meeting discussions and the last newsletter, we are evaluating options to assist our standing committees in managing their overwhelming workloads. The economy has to be considered when determining the best path forward. Creating new standing committees at a time when numerous states are facing travel restrictions is an influence factor that cannot be ignored. Therefore, the consensus is leaning toward other opportunities that include:

- Creating a NCWM Committee Handbook. The handbook would be a guide for standing committee members, outlining the roles and responsibilities that one will expect upon accepting a position on a standing committee. This document is essentially complete and will reinforce both the protocol for committee effectiveness, and how that enhances the fulfillment of our mission.

- Creating a New Committee Member and Committee Chairman Orientation program. New committee members would benefit from a formal review of carryover items that they will be working with prior to their first formal committee meeting. The program would not only support the new committee members, but also assist the new committee chairmen in understanding their responsibilities, powers, and tools available to them in getting the work completed.

- Encouraging and assisting standing committees in forming Task Force/ Working Groups to take possession of developing items; working independent of the standing committee until the item is developed. We have a tremendous amount of talent in the NCWM. It is a sacrifice to accept leadership roles, but it is also a rewarding experience. Our organization simply cannot exist without volunteers, so when opportunity knocks, please step up and be assured that you will have the full support of both the NCWM management and the Technical Advisors at NIST.

- Elimination of the Agenda Review at the Interim and Annual Meetings. Agenda review could be conducted as a web meeting prior to the actual meeting. Neither decisions nor positions are formed during the agenda review. Although web access would be limited to committee members due to number restrictions, any member could participate via a toll free conference call. The elimination of an entire afternoon of agenda review would

continued on page 10

"Do we really need NTEP? How does NTEP benefit me?"

In the last newsletter we established the fact that prior to NTEP, 14 states had some form of type evaluation requirement in their laws and regulations. What did the other 36 states require? Let us go back in time, to the late 1970s, early 1980s and examine those circumstances.

I was an administrator in one of those 36 states, so I can relay firsthand the difficulties we experienced. Our State weights and measures (W&M) law did not require type evaluation of commercial weighing and measuring devices. Nor did it allow us to recognize NBS Report of Test or type approval certificates from other states. In effect, our State law required a device meet the requirements of *NIST Handbook 44*, prior to approval and sealing by an inspector.

Imagine yourself in the shoes of a W&M regulator in one of those other 35 states, then answer the following questions.

Imagine getting a phone call...

- **from a scale company**, "Does the ACME Model WYLIE computing scale meet *NIST Handbook 44*?" Keep in mind this is a manufacturer and scale model you have never seen, nor heard of before this call.
- **from an individual**, "I own a gas station in your state and I've got a chance to pick up some SYLVESTOR Model TWEETY motor fuel dispensers at a good price. Are they okay?" Again you have never heard of this manufacturer or model before this call.
- **from one of your inspectors**, "I came across this shipping scale. First time I've seen this model of device. I'm lost because I don't understand the features of the device. Has anybody else seen these yet? Has anybody looked at the model for compliance with *NIST Handbook 44*?"

As an administrator in one of those 36 non-type evaluation states, at that time I could not provide an answer to any of the three questions and many, others. Once NTEP came to be and my State adopted NTEP into our laws, we could then answer the questions. The first two questions were easy. We could now provide the list of scales that met our requirements. The third question is still a challenge for administrators today, I'm sure. However, at a minimum we know an NTEP evaluator has tested the model and determined compliance to *NIST Handbook 44*, we have a certificate with information about features, characteristics and sealing, and contact information if we need more information.

There is no doubt in my mind that NTEP has been a benefit to W&M regulatory offices. I also believe that NTEP has been a benefit for many businesses, groups and individuals.

Manufacturers - The manufacturer benefits from a level playing field. They can provide an NTEP certificate, which means their device has shown it can comply with the specifications, tolerances and requirements in *NIST Handbook 44*. Substandard devices that do not have an NTEP certificate can be discredited from the bidding war consideration more easily.

Equipment and Device Distributors - The sellers of commercial weighing and measuring devices benefit from a more defined and level playing field. They have access to a list of NTEP certified devices. They can discuss device options appropriately with their customers.

W&M Device Service Agencies and Agents - Service agencies and technicians benefit from knowing that certified devices have been through an evaluation process to achieve traceability to an NTEP certificate. The NTEP certificate provides allowed parameters, sealing information and contact information that can be used by the service agencies.

W&M Inspectors - The inspectors benefit because they know certified device types have been through an evaluation process before they are used in commerce. They have access to a list of certified devices. They have an increased level of confidence when they perform initial verification on a new device, knowing that the device is traceable to an NTEP certificate and has shown the capability to comply with W&M requirements. They have access to NTEP certificates providing technical information, allowed parameters, allowed features, contact information and in many cases example pictures of the equipment.

Buyers (Owners and Users) of Devices - Buyers of the devices benefit because they can obtain information on certified devices prior to purchase. They can access a list of certified devices. They are less likely to purchase devices advertised as legal for trade but not traceable to an NTEP certificate.

Consumers - Consumers unknowingly benefit from NTEP as the devices in the marketplace have shown they can meet the requirements in *NIST Handbook 44*. Substandard devices have been kept out of the commercial marketplace. Potentially, leading to more accurate consumer transactions.

So we can see there are good reasons why today forty-six states are known as NTEP states because they require device types to be traceable to an NTEP certificate. From the manufacturer to the consumer, NTEP is effective and has value.

If you would like to discuss the content of this article contact me at jim.truex@ncwm.net

— Jim Truex
NTEP Administrator

State Mandates for Ultra Low Sulfur Diesel and Biodiesel in Heating Oil and Transportation Diesel

In January 2010 at the NCWM Interim conference in Nashville, I mentioned during the Laws and Regulations Committee Open Hearings that **the oil heat industry had decided to clean up its fuel by reducing the sulfur content and incorporating an increasing blend of biodiesel**. All of the state Weights and Measures organizations could be affected by this industry initiative whether they are eventually responsible for implementation or whether, because of their fuel quality monitoring expertise, will be called upon to provide guidance at the state and regional levels.

In September 2009, oil heat leaders met in Baltimore to discuss how they were to compete against the natural gas industry, having lost over a billion gallons of market share in the last ten years. The current heating oil market in the National Oilheat Research Alliance (NORA) states, predominantly consumed in the Northeast and Mid Atlantic, is under competitive pressure because of the comparative cleanliness and lower cost of natural gas. The new focus is on cleaning up the seven billion gallon heating oil market in the 23 NORA states of Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, District of Columbia, Maryland, Virginia, North Carolina, South Carolina, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Nevada, Idaho, Oregon and Washington.

To become a more competitive product the alliance is promoting the reduction of sulfur content and increasing the biodiesel content in heating oil. They plan to use the state mandate process to accomplish the introduction of this improved fuel into the marketplace. These **NORA states voted to introduce legislation in their states to lower the sulfur content in their fuel to 15 ppm sulfur (ULSD) and to increase their biodiesel content by up to 20%**. By achieving these levels of sulfur and biodiesel they plan to market a product that is cleaner than natural gas.[1]

Starting in January, many of the northeast states began legislative initiatives in earnest. **Pennsylvania had already passed a mandate for biodiesel in transportation diesel and the Pennsylvania Department of Agriculture commenced implementation on May 1, 2010.** Their 2% biodiesel mandate takes effect now that in-state production of biodiesel exceeds 40 million gallons; 5% will be effective after in-state production reaches 100 million gallons; 10% biodiesel after 200 million gallons has been reached and 20% biodiesel after in-state production 400 million gallons of biodiesel has been reached provided vehicle manufacturers recognize engine warranties associated with the use of biodiesel blends 20% or greater. Additionally, Pennsylvania has introduced SB1202 requiring a reduction of sulfur content to 15 ppm and a B5 blend by 2011in heating oil for the reasons noted above.

As of 1 July 2010, a mandate for the use of biodiesel in transportation diesel and heating oil in Massachusetts will go into effect. The Department of Energy Resources (DOER) is planning to begin the program under an Early Action Year during which compliance will not be obligated, but any biofuel use will be applicable for the following compliance year. Chapter 206 of the Acts of 2008 mandates B2 in all heating oil and diesel fuel by July 1, 2010, B3 by July 1, 2011, B4 by July 1, 2012, and B5 by July 1, 2013, and further that the biofuel must meet at least a 50% reduction in greenhouse gas emissions relative to conventional fuel. To date there has not been legislation introduced in Massachusetts to reduce the sulfur content in heating oil.

The Connecticut legislature passed SB382 on May 5, 2010 and is awaiting the Governor's signature to become law. This legislation contains the mandate to reduce sulfur content in heating oil from the current 3000 ppm to 15 ppm by July 1, 2011 and a biodiesel component growing from B2 by July 1, 2011 to B20 by July 1, 2020.

Connecticut will be among the first of the states to mandate both 15 ppm sulfur and the higher blend of biodiesel (B20) in heating oil.

In New Jersey S1414 and A1054 have been introduced. These heating oil bills mandate 500 ppm in 2014 and 15 ppm in 2016 while including biodiesel blends of B2 in 2015 and B5 in 2020. The legislature is still in session and has significant support in both houses.

New York has introduced S1145C and A04795 mandating 15 ppm sulfur in heating oil by 2012 and a biodiesel component of B5 in 2011 growing to B20 in 2013. These bills are very aggressive because of the early requirement of higher biodiesel blends by 2013.

In Rhode Island bills H7653 and H7065 have been introduced mandating 2% biodiesel in both transportation diesel and heating oil starting in July 2010 and growing to 5% by 2013. The bills have support from the Department of Environmental Management but have not been raised yet in the state Senate.

Vermont's H.549 bill contains provisions for 15 ppm sulfur by 2011 and a blend of B3 biodiesel in heating oil by 2011 growing to B5 in 2013. The legislature is still in session but this bill has received little support to date.

In Maine SP067 introduced a mandate for 500 ppm sulfur by 2014 and 11 ppm by 2018. As a result of the introduction of the bill, a Biofuel study was recommended for determining the "energy, environmental and economic feasibility of setting a requirement for the percentage of biofuel to be used in number 2 heating oil" to be reported out by February 15, 2011.

Implementation and compliance assurance is varied among the states and the departments who have responsibility

continued on page 11

One Tool: # 1 Inspection Software WinWam Software

There is only one Software product that addresses all of your Weights & Measures Inspection needs. That tool is WinWam Software.

WinWam Software is a collection of four powerful modules, which can be purchased separately or together. All of the Weights & Measure modules have been built to perform inspections in accordance with NIST regulations.

One Tool and # 1 Inspection Software. WinWam is the most widely used Weights & Measures inspection software on the market. Currently, twenty-seven (27) states have purchased WinWam, along with numerous county and city governments.

Package Checking

WinWam Package Checking Software is designed for W&M officials and quality assurance professionals to perform standard and random inspections in accordance with NIST Handbook 133. WinWam Package Checking Software guides you through the inspection process. Error, MAV, Cost Error are calculated for each test. Color displays allow easy identification of Pass Fail or Gray Areas. Some of the features include:

- Category A & B Sampling Plans
- Automatically Calculates MAV's Normal USDA Standard, USDA Fluid, Bark Mulch, Polyethylene Sheeting
- Allow variations due to moisture loss
- Calculates SEL and Standard Deviation
- Dynamically calculates Rc/Rt for tare
- Calculates conversion factors for volume inspections
- Calculates Cost Error, Average Error, Average Cost Error % Error

Device Inspection

WinWam Device Inspection Software is designed to perform and record Handbook 44 inspections WinWam Device Inspection Software supports all devices specified in Handbook 44 including but not limited to: scales, (apothecary, computing, livestock, shipping, vehicles, etc.) meters, LP Gas, LMD, linear devices, timing devices, etc. Whether acceptance or maintenance WinWam calculates tolerances for nearly all tests.

WinWam Device Inspection Software provides a comprehensive database of business establishments with a complete inventory of devices. Full detail inspection data allows management the ability to better measure economic impact of the W&M program.

Price Verification

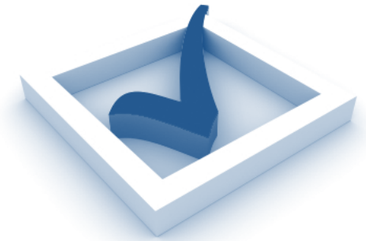
WinWam Price Verification Software is designed in accordance with NIST Handbook 130. The Software runs standalone or with a handheld scanner. Software calculates error, lot cost error, net dollar error and calculates Over / Under Ratio. Accommodates Intentional Under-charge and Not On File.

Hypertext Handbooks

Hypertext Handbooks are a collection of on-line reference manuals in which the user can view government regulations, search on a particular topic and print any part of the handbook with the touch of a button.

2009 Hypertext Handbooks available now!

Nover Engelstein & Associates, Inc. Developers and sole source providers of WinWam Software
3000 Atrium Way, Suite 2203 Mount Laurel NJ 08054
phone: (856) 273-6988 web-site: www.winwam.com e-mail: sales@winwam.com



Using Inspection Checklists to Improve Hoist Safety

A weights and measures inspector is unloading a 1000 pound block at a test site when the chain binds and the overhead hoist stops, leaving the block suspended in mid-air. An articulating crane (knuckle boom) is lifting 3000 pounds of weight when it snaps at the base. A metrologist is using the loading dock's overhead hoist to unload a 100 gallon stainless steel prover off the back of a flatbed trailer when the sling starts to give, causing the prover to shift and almost fall.

It is human nature to take the tools we use daily for granted until there is an accident or a breakdown. Fortunately no one was hurt in the incidents described above, but the dangers presented by hoists as they are normally used in the weights and measures world are too great for that kind of complacency. It is not enough for hoist operators to look at the equipment they are using daily; they must register what they are seeing and then make a conscious decision about whether their equipment is safe before they start to use it. Inspection checklists can be a tool to train hoist operators to be more conscious of the state of their lifting equipment.

If you've never had a hoist inspection program, you may wish to start by researching your hoist manufacturer's recommendations. Many lifting products come from the factory with an inspection list and a preventative maintenance schedule which you can use as an initial template for your agency's program. Another useful resource is provided by Lab Safety Supply's EZ Facts® Safety Info Online. Much of the information below can be found in the article "Overhead Hoist (Underhung) Inspection" available at www.labsafety.com/refinfo/ezfacts/ezf328.htm.

The American Society of Mechanical Engineers (ASME) and the American National Standards Institute (ANSI) recommend both frequent and periodic inspections of hoists, slings and rigging. It is a good idea for your organization to comply with these recommendations not only because they will improve safety, but also because the Occupational Safety and Health Administration (OSHA) requires businesses to comply with common industry safety practices in addition to OSHA's own regulations. Although state and local government agencies are generally exempt from federal OSHA oversight, states which operate their own state workplace safety and health programs under plans approved by the U.S. Department of Labor are required to extend that coverage to state and local government employees. They are also allowed to develop plans that cover only government employees. Check with your state's Department of Labor (or its equivalent) and at www.osha.gov/dcsp/osp/public_sector.html to determine what requirements apply to your agency.

The principal components of ANSI/ASME recommended hoist inspections are consistent regardless of the type of lifting mechanism involved. Inspections are categorized as Frequent (visual, unrecorded) and Periodic (may require more than visual inspection, recorded.) This article will focus on the inspection recommendations from ASME/ANSI consensus standard B30.16 Overhead Hoists (Underhung Hoists.) If your agency uses other lifting equipment, you can find specific inspection recommendations for all container, mobile and locomotive, monorails and underhung, overhead and gantry, stacker, portal, tower and pedestal cranes, as well as rigging and slings in ANSI/ASME B30. Construction Package. (Available for purchase at www.webstore.ansi.org)

Inspection intervals are determined by whether use of the hoist can be classified as Normal, Heavy, or Severe Service:

Normal Service — Service that involves operation with randomly distributed loads within the rated load limit or uniform loads less that 65% of rated load for not more than 15% of the time for manually operated hosts and 25% of the time for electric or air-powered hoists.

Heavy Service — Service that involves operation within the rated load limit, which exceeds normal service.

Severe Service — Service that involves normal or heavy service with abnormal operating conditions. [Author's Note - Because of weather, humidity and dusty conditions, it is likely that most hoists used by weights and measures officials would be classified as being in severe service. See definition of Abnormal Operating Conditions below.]

Abnormal Operating Conditions — Environmental conditions that are unfavorable, harmful or detrimental to the operation of a hoist, such as excessively high or low ambient temperatures, exposure to weather, corrosive fumes, dust-laden or moisture-laden atmospheres and hazardous locations.

Frequent Inspections must be performed by the hoist operator (or other designated person) monthly if the hoist is in normal service; weekly if it is in heavy service; or daily if the hoist is in severe service.

Frequent inspections of hand-operated chain hoists must include visual checks of:

- ☑ All functional operating mechanisms for maladjustment and unusual sounds
- ☑ Hoist braking system for proper operation
- ☑ Hooks in accordance with ASME B30.10
- ☑ Hook latch operation, if used
- ☑ Load chain in accordance with para. 16-2.5.1 or 16-2.6.1
- ☑ Load chain reeving for compliance with hoist manufacturer's recommendations

Frequent inspections of electric or air-powered hoists must include visual checks of:

- ☑ All functional operating mechanisms for maladjustment and unusual sounds
- ☑ Limit devices for operation
- ☑ Hoist braking system for proper operation
- ☑ Air lines, valves, and other parts for leakage
- ☑ Hooks in accordance with ASME B30.10
- ☑ Hook latch operation, if used
- ☑ Hook rope in accordance with para. 16-2.4.1(a)
- ☑ Load chain in accordance with para. 16-2.5.1 or 16-2.6.1
- ☑ Rope or load chain reeving for compliance with hoist manufacturer's recommendations

Many of these components must be checked while the hoist is in static condition. Operating mechanisms, brakes and limits should be checked with the hoist in motion under zero load. The standard does not require that frequent inspections be recorded but state regulations may.

Periodic Inspections are conducted by a designated (qualified) person who may be an agency employee or may be an outside contractor. Such a person would typically be a hoist company employee with the skills and tools to test the structural integrity of the beam. If the periodic inspection is performed by a weights and measures employee, it is a good idea to have it done by a different employee than the normal hoist operator. A second set of eyes may see something the normal operator has overlooked. Or something the normal operator is reluctant to bring to management's attention!

Periodic inspections are done yearly if the hoist is in normal service; semi-annually if it is in heavy service; and quarterly if the hoist is in severe service.

Periodic inspections of hand-operated chain hoists must include checks of everything checked during a frequent inspection plus:

- ☑ Requirements of frequent inspections
- ☑ Evidence of loose bolts, nuts, or rivets
- ☑ Evidence of worn, corroded, cracked, or distorted parts such as load blocks, suspension housing, hand chain wheels, chain attachments, clevises, yokes, suspension bolts, shafts, gears, bearings, pins, rollers, and locking and clamping devices

Periodic inspections of electric or air-powered hoists must include checks of everything checked during a frequent inspection plus:

- ☑ Hoist rope in accordance with para. 16-2.4.1(a)
- ☑ Evidence of loose bolts, nuts, or rivets
- ☑ Evidence of worn, corroded, cracked, or distorted parts such as load blocks, suspension housing, chain attachments, clevises, yokes, suspension bolts, shafts, gears, bearings, pins, rollers, and locking and clamping devices
- ☑ Evidence of damage to hook retaining nuts or collars and pins, and welds or rivets used to secure the retaining numbers
- ☑ Evidence of damage or excessive wear of load sprockets, idler sprockets, or hand chain wheel
- ☑ Evidence of worn, glazed, or oil-contaminated friction discs; worn pawls, cams or ratchet; corroded, stretched, or broken pawl springs in brake mechanism
- ☑ Evidence of damage of supporting structure or trolley, if used
- ☑ Label or labels required by para. 16-1.1.4 for legibility
- ☑ End connections of load chain

Records of periodic inspections must be created by the individual performing the inspection. Check your state workplace safety and health program's requirements to determine how long your agency should retain those records.

Checklists can make it easier for your employees to remember to look at all required components when conducting either frequent or periodic inspections. The inspection requirements for rigging and slings (not covered in this article but available in ANSI/ASME B30 Construction Package) can be combined with those for hoists to create one master checklist. The lists might be written into your agency policies or included in your safety manual. Or you might decide to post a checklist where the hoist operator will see it before using the hoist. You might also choose to create a log where the hoist operator or other designated person signs and dates the completed inspection checklist after each inspection. Such a log could remind the operator to perform inspections at the required intervals, document compliance with your agency's safety policies, and possibly even meet your state workplace safety and health program's records requirements.

Whatever approach your agency chooses to take, performing hoist inspections does not have to be onerous or excessively time-consuming. Aim to make the inspections routine enough that they get performed regularly, but not so routine that your employees sleep-walk through them. Conscious assessment of lifting equipment before it is used is what will keep your employees alive and safe!

— Julie Quinn
Minnesota Department of Commerce
Weights and Measures Division

NCWM's Connection with the International Organization of Legal Metrology

There is an international treaty organization, called the International Organization of Legal Metrology, or OIML, that does for countries of the world some of the things that National Conference on Weights and Measures (NCWM) does for the States of the United States, which is to provide legal metrology standards that can be used to harmonize legal metrology requirements.

Harmonization means that the requirements are compatible with each other, if not identical. Thus, international harmonization means that requirements are compatible from country to country, just as domestic harmonization means that requirements are compatible from State to State, which is what NCWM accomplishes when the provisions of the NCWM and National Institute of Standards and Technology (NIST) documents, such as in *NIST Handbook 44* (Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices), are adopted by most or all of the States.

OIML develops legal metrology standards, called Recommendations since they're nonbinding, that contain testing requirements pertaining mostly to type evaluation, but sometimes also to initial and subsequent verification.

Accordingly, there is a lot of overlap between topics covered in OIML Recommendations and those covered in *NCWM Publication 14* and, to a lesser extent in *NIST Handbooks 44, 130* (Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality) and *133* (Checking the Net Contents of Packaged Goods.)

While the use of OIML Recommendations is voluntary, as a Member State of OIML, the U.S. does have a moral obligation to adopt the requirements in OIML Recommendations, to the extent practical.

Why (International) Harmonization?
The idea behind international harmonization is that by making the NCWM requirements compatible with the OIML requirements, it will help both U.S. and foreign manufacturers sell their measuring instruments and/or other products globally without the need for costly, duplicative testing.

And, of course, the same is true domestically, since if all of the States of the United States adopt essentially the same requirements, such as those in *NIST Handbook 44*, then a manufacturer does not have to make different instruments for each State, which would be more costly both to the manufacturer and, ultimately, to the consumer.

Having harmonized international legal metrology requirements helps facilitate smoother and more efficient international trade and commerce in general, and keeps countries within the guidelines of what is called the Technical Barriers to Trade provision of the World Trade Organization, which monitors and negotiates against unfair international trade practices.

How to Achieve (International) Harmonization?
Achieving harmonization, either domestically or internationally, means that all of the stakeholders in the outcome of developing a legal metrology standard must first work towards consensus by taking part in discussions to have their viewpoints heard. That process can be seen at work domestically at the Regional meetings, at Sector meetings, and at the NCWM Interim and Annual meetings.

In OIML the harmonization process is somewhat different operationally than it is in NCWM, but still all stakeholders have an opportunity to be heard, first at the national level and then at the international level. This is done by assembling National Working Groups (NWGs) in a country that bring together all stakeholders to discuss an OIML Recommendation that is under development. Once a consensus national position is developed, it is put forward to the international community through an international committee process that usually requires international meetings to be held.

In the U.S., the NIST Weights and Measures Division assembles U.S. NWGs comprised of all U.S. stakeholders to discuss each OIML Recommendation that is under development, if there are stakeholders in the U.S. for that particular recommendation, and almost always there are. For example, in the areas of belt conveyor scales, grain analyzers and software, the respective NCWM Sectors essentially double as the U.S. NWGs. The Sector meetings and the U.S. NWG meetings frequently overlap since the stakeholders are already conveniently assembled in one place. Similarly, since the Meter Manufacturers Association always meets at both the NCWM Interim and Annual meetings, the occasions are frequently used to conduct U.S. NWG meetings in that area as well.

Participation in the work of OIML provides opportunity for the U.S. perspectives, including those in NCWM model laws and regulations, to be considered for incorporation into the OIML Recommendations. This provides for the U.S. approach, when technically acceptable internationally, to be incorporated into international (OIML) standards. Similarly, when international standards provide the possibility of improvement to the U.S. or NCWM approach in a particular area, it is possible for the U.S. to benefit from these new ideas. Thus harmonization is a two-way street.

Who are the U.S. Stakeholders in OIML?
It's important to keep in mind that while, to date, the U.S. has not fully harmonized with most OIML Recommendations, other than for load cells, there are many countries in the world that do fully adopt OIML Recommendations, and so OIML Recommendations can sometimes have a very large impact on U.S. trade and commerce internationally.

While it's pretty clear that U.S. companies that market overseas are U.S. stakeholders, it might not be so clear who the other U.S. stakeholders are in the requirements in OIML Recommendations.

It might be surprising to you if you are a state or county regulator to hear that you are also a stakeholder, but you are, and there is a good reason for you to be aware of, and possibly participate in, the U.S. NWGs for OIML. And that reason is that the NCWM leadership has stated that it wants NCWM to be an international leader in legal metrology. The U.S. is relied upon by many other countries to provide leadership, especially in technical areas, and so the experience that those of you have in testing and otherwise regulating measuring instruments should be brought to the international standards development table by way of you providing best practices that can be demonstrated and adopted by the international community. Having the U.S. serve in such a leadership role, especially in those areas of NCWM involvement, brings a great deal of respect, prestige and influence to the U.S.

And we all, as U.S. citizens, have a stakeholder interest in the requirements in OIML Recommendations since we want to see U.S. industry succeed overseas, and getting the U.S. perspective incorporated into OIML Recommendations to the extent practical is good for U.S. industry and the U.S. economy in general.

A major reason that the NIST Weights and Measures Division provides both oral and written reports on OIML activities at each NCWM meeting, especially about what is happening concerning the development of OIML Recommendations, is to make sure that all of those stakeholders in the audience, of whom there are many, are aware of what is happening in OIML so that they can have their voices heard in the development of OIML Recommendations, and also so that they can consider, and possibly work towards, incorporating language in OIML Recommendations into the appropriate NCWM documents, to promote and facilitate harmonization.

I hope that this short article provides you with a better understanding of OIML and international legal metrology. If you have any questions, please feel free to contact me charles.ehrlich@nist.gov or any of the NIST Weights and Measures Division staff.

— Charles D. Ehrlich
NIST Weights and Measures Division

National Certification Program Coming in August!

We are excited to announce that the new NCWM National Certification Program for weights and measures professionals will launch on August 1, 2010. This program will recognize that an individual has a firm understanding of the national standards adopted by NCWM and published in *NIST Handbooks 44, 130, and 133* and the examination procedures in *NIST Handbook 112*.

> The first exam offered will cover retail motor fuel dispensers. Additional exams will follow in other weights and measures disciplines.

The vision of the Professional Development Committee (PDC) is that the National Certification Program may be used as a standard for professional expertise. Some agencies may use it as a tool to qualify weights and measures inspectors for a higher pay grade, more in line with their peers in other programs within the same agencies. Certainly, the knowledge base and skill set is no less vast for weights and measures than it is for other inspection programs. This may increase the level of professionalism by attracting and keeping more qualified people in weights and measures.

The PDC also sees an opportunity for states to reference certification through this program as a qualifier for becoming a registered service agent. Service agencies may appreciate the ability to schedule the testing at their leisure rather than taking time away from revenue-generating activities such as service calls. They could also see value in promoting their service technicians as nationally certified weights and measures professionals.

The National Certification Program is a nice compliment to the valuable training that the technical experts at NIST Weights and Measures Division provide to government officials and industry. The combination of training and certification make up the larger National Training Program that has been in place for many years. Certification is the next of many evolutions that have occurred over time with the National Training Program. Another recent evolution was the addition of a training resources page to the NCWM website. We hope to add more training materials to this website as they become available.

The PDC began developing the certification program by first identifying the core knowledge that is necessary in various areas of weights and measures standards. Next, they coordinated efforts with regional committees and others to develop test questions. Those questions were reviewed by the committee and other volunteers to ensure that they are technically correct and of proper difficulty.

Once exams are made available, applicants may go to www.ncwm.net to register. You will be given the option to register and submit payment online or download a registration form that may be faxed or mailed. The registration will be processed one business day from the date that payment is received. The applicant will receive an email with the instructions and log-in credentials.

The exams will be an open book format. Since all standards are meant to be referenced by inspectors and service agents in the performance of their duties, it is not expected that these standards be memorized. Therefore, the test and the associated time

continued on page 11

Chairman's Column

continued from page 1

result in more work time for committees during the meeting week.

It is very important to note that all the above remain in the conceptual and discussion stage, and we will again take comment on this topic at the Annual meeting in July. I am sharing this with you now so you know the alternatives we are considering and can give us your feedback. After comments are received at the Annual Meeting, we will determine what changes will best meet the needs and demands of our volunteers and member stakeholders.

In addition to considering how we can assist standing committees, a self assessment of the Board of Directors has also been part of our planning process. During the January Board Meeting, Chair-Elect Tim Tyson proposed that we develop a new Board Member Orientation program. Many times when new Board members are attending their first meetings, they are unfamiliar with the details behind many of the pending issues. Tim created an outline of what this program would include and presented it to the board this spring. His report was well received and accepted by the board, with the goal to implement the program this fall. This new initiative will focus on providing a background review on all current topics, a history of the organization, and the roles and expectations of board members. The program is not being designed in any way to influence the new members on any topic; it will only be used to move new members quickly through the learning curve so they can hit the ground running. Looking back at my first meeting, I think this is an excellent idea that was long overdue.

Finally, I am happy to announce that the Board of Directors has approved the development of an online position polling system that will be available for all NCWM members to indicate their positions on items that will be discussed during each Annual Meeting. After seeking feedback at two fall regional meetings, the Interim meeting, and via a membership-wide email blast, comments have been overwhelmingly in favor of this concept. Provided that we are successful in securing an acceptable vendor in a timely manner, we could potentially go live with this new tool with the 2011 NCWM Publication 16. This will be new ground for the NCWM, and move us clearly into the 21st Century by significantly eliminating barriers for member participation. I appreciate the board's support on this initiative. If you are not familiar with this project, please visit our website at www.ncwm.net/strategic/proposed-online-forum and view the presentation.

This is just a short list of many items that are developing to provide a benefit to our membership. It has been my privilege to work with a team of people that are continually looking for ways to improve through innovative change. This group includes the members of the board, the staff at NCWM headquarters, and all of our volunteers that serve on committees and are otherwise engaged in the activities that make our organization both unique and successful. I look forward to seeing everyone at the 95th Annual Meeting this July.

Best regards,

Randy Jennings

Thoughts on Funding and Privatization

With the budget restrictions that organizations are facing, we are driven toward efficiency. In that sense, those who survive may actually be better for it. In the process, many have to make very difficult decisions; prioritizing and even letting go of some programs or projects that may be important, but expendable under the present circumstances. This is true in private industry and in government agencies.

Weights and measures regulation is not one of those expendable items. Honest businesses are struggling enough to survive. They don't need the additional pressure of competing against dishonesty in an unregulated business sector. Yet some programs are facing unprecedented cuts in funding, often without regard for the impact on businesses and consumers. How do we convince the decision makers of this fundamental necessity for fairness in the marketplace that predates modern civilization? Part of the answer lies within the industries that are regulated.

Let's look at the seafood industry as a case in point. Frozen seafood is commonly glazed in a coating of ice to protect the quality during distribution. However, some seafood companies are including the weight of the ice in the labeled weight of the seafood.

In January of 2009, the seafood industry asked for help. They realize that they cannot police themselves and that consumers cannot detect the difference between a square deal and a crooked one. They wanted a level playing field. 17 states responded to this industry's cry for help. They organized, received training from NIST, and conducted a 4-week investigation of frozen glazed seafood. The results of the investigation were staggering and the story received significant media attention.

This is an example of an industry that is difficult to regulate because of the resources and special training necessary to conduct the inspections. Let's think about that. As regulatory resources become even scarcer, other types of inspections considered routine today could fall into this same category of too demanding and difficult. Eventually, honest businesses in more sectors will realize they can no longer hold their own against dishonest competition. If weights and measures and its regulated industries can more effectively communicate this to lawmakers, there is a much better chance that funding can be maintained or restored before more harm comes to honest businesses and consumers.

Several state legislatures are considering privatization of weights and measures. Some years ago, a NCWM task force studied privatization and in 1994 they issued a final report. I will borrow from that report for this article. For example, I really like the following passage.

continued on page 14

National Certification

continued from page 9

limit will verify whether the individual understands how the information is formatted into the standards, and how to properly interpret and apply those standards.

Tests will be scored automatically and the results will be available immediately. A certificate will be available to print for any passing score. We will also develop a means of publicly recognizing those who have achieved national certification. All failures will be strictly proprietary.

The Board of Directors is committed to the cost of providing online exams. They have drafted a fee structure based on the philosophy that those who support NCWM through membership should also benefit from that membership. The Board will hear discussion on the proposed fee structure during the open hearings at the NCWM Annual Meeting in St. Paul, Minnesota this July. A final decision will be determined that week.

NCWM Members.....	No Charge
Non Member Regulatory Official	$25.00
Non Member Private Industry	$50.00

Since these costs are per exam, an individual wanting certification in more than one discipline of weights and measures will have repeated costs. The current recommendation is to apply the same fee to those who want to retake an exam.

The PDC has carefully structured the exams and how the questions are populated. A certain number of questions are randomly selected from sections of questions. Each section targets a different level of difficulty and expertise.

For more information of the subject matter and the testing procedures for this exam refer to the individual curriculum segments and instructions for testing available at ncwm.net/content/national-training-program.

Many volunteers from NCWM and the regional weights and measures associations have paved the way for this new program. There are too many individuals to name here, but the list includes all who have served on regional and NCWM Professional Development Committees, NIST technical advisors, other public and private volunteers who assisted the committees, the Board of Directors who support this effort through funding and NCWM staff who are coordinating administration of the program.

We hope you take advantage of the National Certification Program for retail motor fuel dispensers and stay tuned for more exams to be added to the menu.

— Don Onwiler
Executive Director

State Mandates

continued from page 3

for implementation. In Pennsylvania, the PDA has responsibility and is accomplishing it through their regulatory process which they formally communicated on April 20, 2010. Since the other state mandates will most likely not be fully effective until July 1, 2011, time exists to share implementation lessons learned in Pennsylvania and Maine which might provide guidance for those states with later effective dates.

[1] "Combustion Testing of Bio-Diesel Fuel Oil Blend in Residential Oil Burning Equipment" prepared for MA Oilheat Council and NORA by John E. Batey, PE, Energy Research Center, Inc. July 2003

— Paul Hoar
AgriFuels, LLC

'09 - '10 NCWM Board of Directors

CHAIRMAN
Randy Jennings
Executive Assistant
Tennessee Department of Agriculture

CHAIR - ELECT
Tim Tyson
Director
Kansas Department of Agriculture
Weights and Measures Division

NTEP COMMITTEE CHAIR
Judy Cardin
Chief, Weights and Measures
Wisconsin Department of Agriculture
and Consumer Protection

TREASURER
Richard Cote
Director
New Hampshire Division of Weights and Measures

ACTIVE MEMBERSHIP - WESTERN
Kirk Robinson
Program Manager
Washington Department of Agriculture
Weights and Measures

ACTIVE MEMBERSHIP - CENTRAL
Steven Malone
Director
Nebraska Division of Weights and Measures

ACTIVE MEMBERSHIP - SOUTHERN
Stephen Benjamin
Director, Standards Division
North Carolina Department of Agriculture

ACTIVE MEMBERSHIP - NORTHEASTERN
Michael Sikula
Assistant Director
New York Department of Agriculture and Markets

AT-LARGE
Mark Coyne
Sealer of Weights and Measures
Brockton Weights and Measures

AT-LARGE
Stephen Langford
Vice President of Engineering Services
Cardinal Scale Manufacturing Company

ASSOCIATE MEMBERSHIP
Robert Murnane, Jr.
President
Seraphin Test Measures

NCWM EXECUTIVE SECRETARY
Carol Hockert
Chief
NIST, Weights and Measures Division

NCWM EXECUTIVE DIRECTOR
Don Onwiler
National Conference on Weights and Measures

BOD ADVISOR
Gilles Vinet
Vice President
Measurement Canada

NTEP ADMINISTRATOR
Jim Truex
National Conference on Weights and Measures

'10 Event Calendar

Be sure to mark your calendar for all the upcoming NCWM and regional meetings.

July

11 THRU 15 — **NCWM Annual Meeting**
St. Paul, Minnesota — Crowne Plaza St. Paul Riverfront
Contact. NCWM **P.** 402.434.4880
E. info@ncwm.net **W.** www.ncwm.net

August

25 THRU 26 — **NTETC Grain Analyzer Sector Meeting**
Kansas City, Missouri — Chase Suites Hotel
Contact NCWM **P.** 402.434.4880
E. info@ncwm.net **W.** www.ncwm.net

31 THRU 2 — **NTETC Weighing Sector Meeting**
Columbus, Ohio — Embassy Suites Hotel
Contact NCWM **P.** 402.434.4880
E. info@ncwm.net **W.** www.ncwm.net

September

12 THRU 15 — **Central Interim Meeting (CWMA)**
Rock Island, Illinois — Holiday Inn Rock Island
Contact Vicky Dempsey **P.** 937.225.6309
E. dempseyv@mcohio.org **W.** www.cwma.net

27 THRU 30 — **Western Annual Meeting (WWMA)**
Olympia, Washington — Phoenix Inn
Contact Joe Gomez **P.** 575.646.1616
E. jgomez@nmda.nmsu.edu **W.** www.westernwma.org

October

1 THRU 2 — **NTETC Measuring Sector Meeting**
Columbia, South Carolina — Hilton Columbia Center
Contact NCWM **P.** 402.434.4880
E. info@ncwm.net **W.** www.ncwm.net

13 THRU 14 — **Northeastern Interim Meeting (NEWMA)**
Norwich, Connecticut — Marriott Courtyard, Norwich
Contact. James Cassidy **P.** 617.349.6133
E. jcassidy@cambridgema.gov **W.** www.newma.us

TBD — **Southern Annual Meeting (SWMA)**
Location TBD — Hotel TBD
Contact. Derek Underwood **P.** 803.734.7321
E. derekmunderwood@bellsouth.net **W.** www.swma.org

Correction

In the 2010 Issue 1, Joe Gomez was credited for submitting the Laws and Regulations Committee article. Joe Benavides is the correct author. NCWM apologizes for the error.

Funding and Privatization

continued from page 10

"Many definitions of "privatization" are quite general, often, meaning the shift of services from government to private sources in order to save government funds for other priorities. Privatization of such services as trash collection, parks maintenance, and hospitals are examples of successful shifts from public to private providers. However, the heart of weights and measures is regulation of the marketplace to maintain equity, although many weights and measures activities are perceived as services. The Work Group hypothesized that privatization of weights and measures may seem reasonable to some groups since it is viewed as a device-testing service, not as a general regulatory function of government. If a state can split service from regulatory functions, then the service portion may be privatized. **Thus, all but 12 States have regulations that permit private agencies to install devices and place them into service without the presence of weights and measures officials.**"

I like this passage because it recognizes the difference between being regulated versus hiring a company to perform service. It also recognizes that most states privatized to an appropriate degree many years ago through implementation of registered service agency programs.

I think we can all recognize the innate conflict of interest that occurs if a service agency is expected to regulate its customers. What is often overlooked is the specialized training necessary to regulate and the special relationship that is required between the official and the regulated business. Even if service agents had the training to investigate and enforce and were granted the authority, they cannot exercise that authority and still maintain a customer base in such a competitive industry.

In part, the 1994 report concluded that; "Shifting device testing responsibilities from public to private agencies does not privatize the weights and measures regulatory function. Government oversight is still required…"

The report also recognized that times are changing and weights and measures programs bear some responsibility. As you read the next passage, keep in mind that this was not written this year or last year; it was written 16 years ago. "Weights and measures cannot continue to do its job in the same way as always… Whether… supported by general funds or by fees to businesses, it must devise ways to gain greater efficiency at the same or reduced costs."

Indeed, many jurisdictions have risen to the challenge. Many now use bottom-drain provers for testing retail motor fuel dispensers, cutting inspection times by at least a third. Many jurisdictions have computerized their operations, not only in the office but in the field. It may not shorten inspection times, but it reduces errors and administrative time getting information from the test report to the database.

I believe there are untapped innovations and technologies out there that can help weights and measures programs continue evolving toward efficiency without losing effective regulatory presence. I invite you to submit your ideas on improving efficiency in weights and measures.

— Don Onwiler
Executive Director

NCWM Welcomes New Members (2/13/10-5/17/10)

Gregory Arnold
Amstar

Jason Barber
Oregon Department of Agriculture

Harold Boothby
Town of Holbrook
Town of Randolph

Bill Breed
High Meadow Business Solutions

Leonard Busekist
PCS Phosphate

John Chambers
Astec Industries, Inc.

Jack Christensen
Amway Corp.

Tom Davis
Advanced Weighing Systems, Inc.

Dick Dirksen
Vande Berg Scales

Crescentia Anayo Erukpeme
Federal Ministry of Commerce & Industry

Sam Fong
Uniforce Technology

Cynthia Garey
Bureau Veritas

James Grau
Harry Grau & Sons, Inc.

Jason Harris
DHL Express

Tom Holm
BME Labstore

Robert Howland
Energex

Sam Jalahej
Totalcomp, Inc.

Steven King
Conceptual Systems Corp.

Katie Kolarik
Limson Trading, Inc.

Tricia LaGrange
Aaron Scale Systems, Inc.

Peter Lipman
Restaurant Data Concepts/ POSitouch

Luther Lyle
City of Seattle

Mike Mackey
General Physics Corporation

Alfred Menard
Lexmark International

Mark Mignogna
Sysco Corporation

Stephen Payne
Astec Industries

Richard Shipman
Rice Lake Weighing Systems

Paul Stevenson
Weights and Measures Porter County

Travis Thompson
T&T Measurements

Larry Van Den Berghe
Massload Technologies, Inc.

Robert Williams
AC Williams Scale Co., LLC

Jin Yang
Changzhou Lilang Electronics Co., Ltd.

Duane Yantorno
Arizona Department of Weights and Measures

Crowne Plaza St. Paul - Riverfront, MN

Early Bird Deadline: June 11, 2010
for reduced registration fees and group hotel rates
Register On-line at www.ncwm.net/content/2010-ncwm-annual-meeting

NCWM Publication 16

Available on-line at www.ncwm.net/content/ncwm-publication-16

Sunday, July 11

Frozen Glazed Seafood - Where do we go from here?
This 2-hour seminar will focus on the 17-state investigation that took place earlier this year. The group will discuss what was learned from the experience and whether any problems have been identified in the procedures and whether additional training needed.

Chairman's Reception - Sunday Evening

Tuesday, July 13 - Technical Sessions

Corrosion in Ultra Low Sulfur Diesel Underground Storage Systems
Moderator - Prentiss Searles, American Petroleum Institute

Conformity Assessment Program
Presenter - Jim Truex, NTEP Administrator

Risk-Based Inspection Schemes
Presenter - Henry Oppermann, Weights and Measures Consulting, LLC

Wednesday, July 14 - Dinner & Improv at Wabasha Caves

The Wabasha Caves were originally hollowed out for mushroom growing. They later became famous as a speakeasy during the Prohibition Era. Known as "the hangout," one can still see today the bullet holes in the walls from frequent raids by police. Enjoy dinner with friends followed by an evening of improv. Cave tours will be available after the entertainment.

Meter and Scale Manufacturers

NMi Netherlands will conduct seminars free of charge following the NCWM Annual Meeting on July 15-16 to discuss developments in type evaluation for accessing the EU market. For additional information or to register, please visit the NMi website at www.nmi.nl/news/seminar.usa

National Conference on Weights and Measures
1135 M Street, Suite 110 / Lincoln, Nebraska 68508

BREAKING MOLDS TO

SHAPE THE FUTURE

ST. PAUL, MINNESOTA / JULY 11-15, 2010