



Laboratory Division

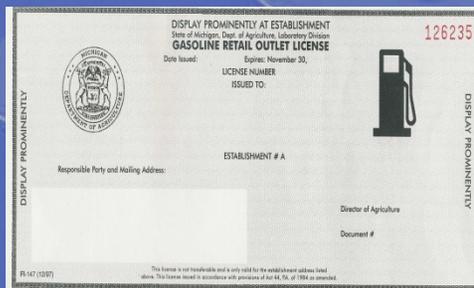
Consumer Protection Section

Program Updates

Craig VanBuren, Section Director

Major Program Areas

- Motor Fuels Quality
- Weights and Measures
- Metrology Laboratory



Heffron Metrology Laboratory



Inspector Locations

- 23 Inspectors



Public Acts

- **P.A. 44 of 1984, Motor Fuels Quality Act**
 - AN ACT to provide purity and quality standards for motor fuels; to regulate the transfer, sale, dispensing, or offering motor fuels for sale; to provide for an inspection and testing program; to provide for the powers and duties of certain state agencies; to prescribe certain powers of the governor; to provide for the licensing of certain persons engaged in the transfer, sale, dispensing, or offering of motor fuels for sale; to regulate stage I vapor-recovery systems at certain facilities; to provide for fees; to make appropriations; and to provide remedies and prescribe fines and penalties.
- **P.A. 283 of 1964, Weights and Measures Act**
 - AN ACT to regulate and provide standards for weights and measures, and the packaging and advertising of certain commodities; to provide for a state director and other officials and to prescribe their powers and duties; to provide a fee system for certain inspections and tests; to provide penalties for fraud and deception in the use of false weights and measures and other violations; and to repeal certain acts and parts of acts.
- **P.A. 15 of 2011, Shopping Reform and Modernization Act**
(Investigation Only)
 - AN ACT to regulate certain pricing of consumer items and the advertising of consumer items, goods, merchandise, and commodities; to prescribe the powers and duties of certain state and local officials; to provide remedies and penalties; to make appropriations; and to repeal acts and parts of acts.

Motor Fuels Quality

- 4,787 Licensed Establishments
- 13 Inspectors
 - Conduct inspection on both Quality and Quantity
- 368 Complaints
 - 13.8% (51) Complaint Substantiation Rate
- 2,304 Samples at 1,617 stations
 - 93.5% Sample Compliance Rate
- 690 Vapor Pressure Audits
 - 97% Audit Compliance Rate

Compliance Actions

Motor Fuels Quality

- 100 “Stop Sales” Issued
- 762 Warning Letters
- 67 Compliance Meetings
- 131 Administrative Fines
- \$96,800



Weights and Measures

- 10 Field Staff
 - 7 Weights and Measures Inspectors
 - Ability to check all weighing and measuring devices
 - 3 Field Metrologists
 - Package Checking, RSA Audits, Act 15 Investigations

Weights and Measures

- 1,912 Short Weight/Measure Complaints
 - 1,770 Fuel Measure Complaints
 - 6.6% (116) Complaint Substantiation Rate
 - 142 “Other” Weight and Measures Complaints
 - Scales, packages, other meters

Weights and Measures

- Inspections (both complaint and random)
 - 44,985 Fuel Device Tests
 - 97.2% Compliance Rate, 0.5% Non-Compliant for Negative Meters
 - 2,060 “Other” Devices
 - 91.2% Compliance Rate
 - 74.2% Compliance Rate for Vehicle Scales
 - 10,299 Packages Tested
 - 66.4% Compliance Rate

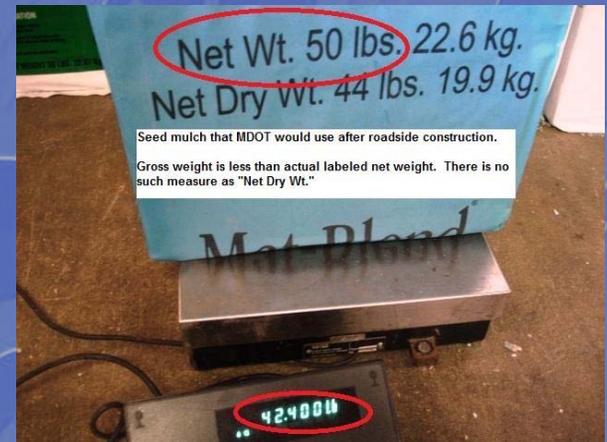
Weights and Measures

- Other W&M work
 - 88 Complaints on P.A. 449 of 1976, Item Pricing
 - 24 Complaints on P.A. 15 of 2011
 - Registered Service Program
 - 133 Registered Service Agencies
 - 502 Registered Service Persons
 - Monitoring, Testing, Auditing
 - Review of “Placed in Service Reports”
 - Follow-up Field Inspections

Compliance Actions

Weights and Measures

- 49 Detainments
 - ~304,809 lbs
 - Value of \$293,634
- 55 Warning Letters
- 12 Compliance Meetings
- 50 Administrative Fines
 - \$149,972



Compliance Action

- Recent Cases
 - Pilgrim's Pride (Chicken), Greeley, CO, \$7,000
 - Woodstream (Lawn Restore), Litiz, PA \$22,000
 - Quikrete (Concrete Patch), Atlanta, GA, \$8,000
 - Crafcoc, Inc (Asphalt Patch), Chandler, AZ \$6,000
 - MDOT Purchased 20 pallets at two yards
 - 58% of the product found to be short
 - Loss of approximately \$500 to MDOT
- Device Reinspections
 - \$85,000 in reinspection fees

Compliance Action Breakdown

Weights and Measures

- Fuel Quantity FY11
 - 10 Warning Letters
 - \$19,450 Fines and Restitution (16)
- Fuel Quantity FY10
 - 13 Warning Letters
 - \$5,250 Fines and Restitution (4)

Compliance Action Breakdown

Weights and Measures

- Package Checking FY11
 - 45 Warning Letters
 - \$130,522 Fines, Restitution and Costs (34)
 - (2) FTE Equivalent Package Checking Investigators
- Package Checking FY10
 - 34 Warning Letters
 - \$246,350 Fines, Restitution and Costs (59)
 - (3) FTE Equivalent Package Checking Investigators⁴⁵

Compliance Assistance

- The Consumer Protection Section attends and participates in the yearly trade shows for ;
 - Associated Food and Petroleum Dealers (AFPD)
 - Michigan Petroleum Association/Michigan Association of Convenience Stores (MPA/MACS)
 - Michigan Green Industry Association (MGIA).
- The section also keeps in close contact with;
 - Michigan Propane Gas Association (MPGA)
 - Michigan AgriBusiness Association (MABA)
 - Associated Petroleum Industries (API)
 - Michigan Grocers Association (MGA)
- In addition, the section offers to hold classes for any of these groups at their request and at a minimum of once per year.
 - This year, a packaging class was presented by staff to approximately 30 people from businesses such as AFPD, Kroger, Walmart and Spartan Stores, just to name a few.

Metrology Laboratory

- ISO/IEC 17025 Accreditation
 - National Voluntary Laboratory Accreditation Program (NVLAP)
 - National Institute of Standards and Technology (NIST) Recognized
- Industry and State Support
 - 8,442 Standards Certified
 - Michigan State Police, County Road Commissions
 - Over 350 Active Customers
 - \$258,571 Testing Fees



Funding

Three Sources

Gasoline Inspection and Testing Fund – Fund 2500

- Driver Fees (PA300 of 1949, MCL 257.819)
- Gasoline Retail Licensing (PA44 of 1984, MCL 290.646)
- MFQ Fines & Costs (PA44 of 1984, MCL 290.648)

Weights & Measures Regulation Fund – Fund 4100

- Metrology Laboratory (PA283 of 1964, MCL 290.610A)
- Service Person Registration (PA283 of 1964, MCL 290.609B)
- Weights & Measures Fees (PA283 of 1964, MCL 290.610A)

Funding

Refined Petroleum Fund – Fund 6000

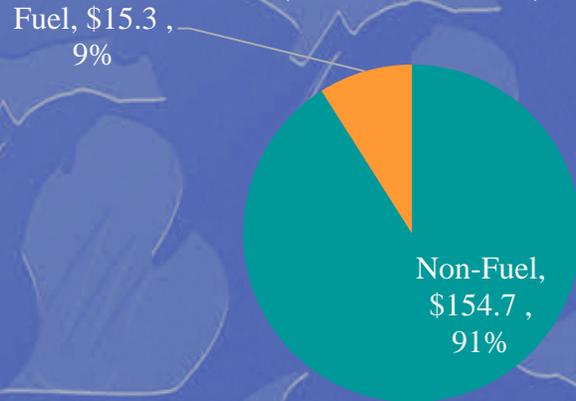
- \$3.5M to MDARD - The Refined Petroleum Fund receives revenue from an environmental protection regulatory fee of 7/8 cents per gallon (\$0.00875) imposed on all refined petroleum products sold in the state. (PA 451 of 1994, MCL 324.21508)

Stakeholders

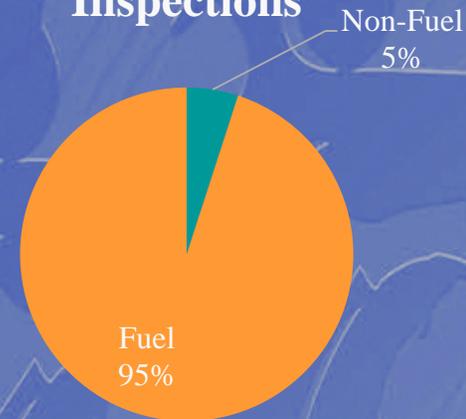
- Anyone who buys or sells goods on the basis of weight, measure or count.
 - All consumers in Michigan, from the final person consuming products to the business to business transactions
- Michigan Grocers Association
- Michigan Green Industry Association
- Associated Food and Petroleum Dealers
- Michigan Petroleum Association
- Michigan Propane Gas Association
- Michigan Agri Business Association
- Michigan Farm Bureau
- Michigan Attorney General
- Michigan State Police
- Michigan DOT
- Michigan DEQ
- U.S. EPA
- Southeast Michigan Council of Governments (SEMCOG)
- Automotive Manufacturers (GM, Ford, Chrysler and many of their suppliers)
- Pharmaceutical Companies (Emergent Biosolutions, JPH, Jasper Clinic, Perrigo)
- All 91 Michigan Registered Service Agencies (Cech Scale, Grand Rapids Scale, R.W. Mercer, Oscar W. Larson Co., etc)
- Any company exporting goods who need a “State Certified” weighing or measuring device

Future Challenges

Michigan's Transactions based on
Weights & Measures
(Billions of Dollars)



Weights & Measures
Inspections



- 95% of our time is spent on devices generating only 9% of Michigan's annual \$170 billion in weights and measures transactions

Future Challenges

- 23 Inspectors (13 MFQ, 9 W&M);
 - Over 150,000 devices (estimated, actual number unknown)
 - Highest resident to inspector ratio of any state
 - Multiple goods/items that go unchecked for net content
 - Unable to effectively monitor weighing and measuring device compliance
- Weights and Measures Act last updated in 2002
 - Test methods and tolerances are 10 years old
 - No retesting of registered service persons even though technology and tolerances may have changed
 - No uniform method to allow businesses to use accurate devices that are not NTEP approved
 - Fines are not in alignment with PA 44
 - No ability to get investigative costs