



# Laboratory Division

## Consumer Protection Section

### Program Updates

Craig VanBuren, Section Director

# Major Program Areas

- Motor Fuels Quality
- Weights and Measures
- Metrology Laboratory

 Michigan Department of  
**AGRICULTURE**  
& Rural Development

**WEIGHTS AND MEASURES**

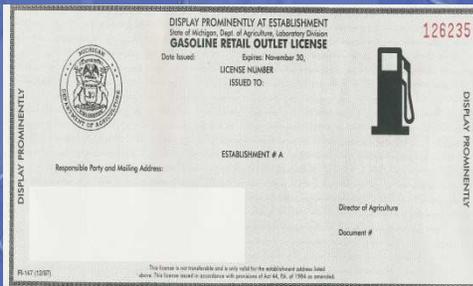
**CONSUMER COMPLAINT HOTLINE**  
**1 - 800 - 632 - 3835**

**THIS DEVICE SEALED AND APPROVED  
BY STATE INSPECTOR**

Do Not Remove or Deface Under Penalty

1 2 3 4 5 6 7 8 9 10 11 12

**2011 2012 2013**



# Inspector Locations



# Motor Fuels Quality

- 4,756 Licensed Establishments (-28)
- 15 Inspectors (+2)
  - Conduct inspection on both Quality and Quantity
- 266 Complaints (-102)
  - 2.8% (8) Complaint Substantiation Rate (-11%; -43)
- 1,992 Samples at 1,502 stations (-312; -115)
  - 94.3% Sample Compliance Rate (+0.8%)
- 760 Vapor Pressure Audits (+70)
  - 98.9% Audit Compliance Rate (+1.9%)

# Compliance Actions

## Motor Fuels Quality

- 49 “Stop Sales” Issued (-51)
- 1,164 Warning Letters (+402)
- 3 Compliance Meetings (-64)
- 131 Administrative Fines (-50)
  - \$63,395 (-\$33,405)



# Weights and Measures

- 15 Field Staff (+5)
  - 12 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

- 1,446 Short Weight/Measure Complaints (-466)
  - 1,372 Fuel Measure Complaints (-398)
    - 7.3% (82) Complaint Substantiation Rate (-0.07%; -34)
  - 74 “Other” Weight and Measures Complaints (-68)
    - Scales, packages, other meters

# Weights and Measures

- Inspections (both complaint and random)
  - 45,592 Fuel Device Tests (+607)
    - 96.8% Compliance Rate, 0.6% Non-Compliant for Negative Meters (-0.4%; -0.1%)
  - 2,211 “Other” Devices (+151)
    - 96.8% Compliance Rate (+5.6%)
      - 95.6% Compliance Rate for Vehicle Scales (+21.4%)
      - 86.2% Compliance Rate for Large Platform Scales (+2.3%)
        - 116 tested in FY12, 31 tested in FY11
  - 11,606 Packages Tested (+1,307)
    - 59.1% Compliance Rate (-7.3%)

# Weights and Measures

- Other W&M work
  - 130 Complaints on P.A. 15 of 2011 (+18)
  - Registered Service Program
    - 134 Registered Service Agencies
      - 505 Registered Service Persons
    - Monitoring, Testing, Auditing
      - Review of “Placed in Service Reports”
      - Follow-up Field Inspections

# Compliance Actions

## Weights and Measures

- 94 Detainments
  - ~166,000 lbs
  - Value of \$272,738
- 54 Warning Letters
- 49 Administrative Fines
  - \$275,700 (+\$125,728)

# Compliance Action

- Recent Cases
  - IDQ Holdings (Refrigerant), Garland, TX, \$160,000
  - Bonsal (Paver Sand), Charlotte, NC \$21,000
  - Profile Products (Mulch), Conover, NC, \$14,500



- Device Reinspections
  - \$137,000 in reinspection fees

# Compliance Action Breakdown

## Weights and Measures

- Fuel Quantity FY12
  - 11 Warning Letters
  - \$18,950 Fines and Restitution (9)
- Fuel Quantity FY11
  - 10 Warning Letters
  - \$19,450 Fines and Restitution (16)

# Compliance Action Breakdown

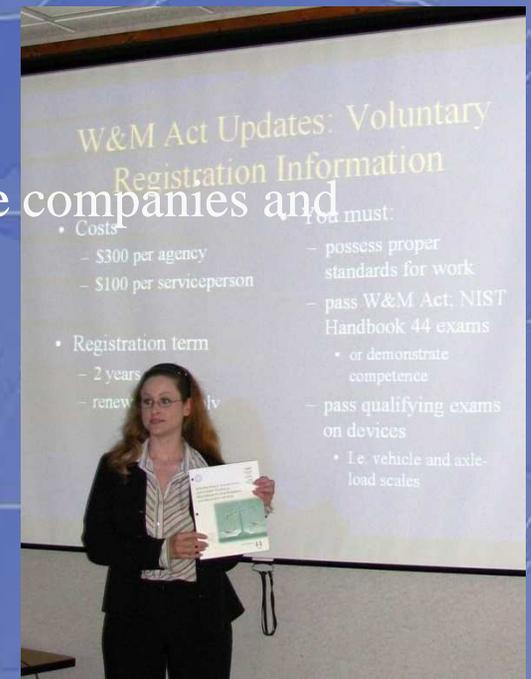
## Weights and Measures

- Package Checking FY12
  - 14 Warning Letters
  - \$242,600 Fines, Restitution and Costs (9)
  - (3) FTE Equivalent Package Checking Investigators
- Package Checking FY11
  - 45 Warning Letters
  - \$130,522 Fines, Restitution and Costs (34)
  - (2) FTE Equivalent Package Checking Investigators



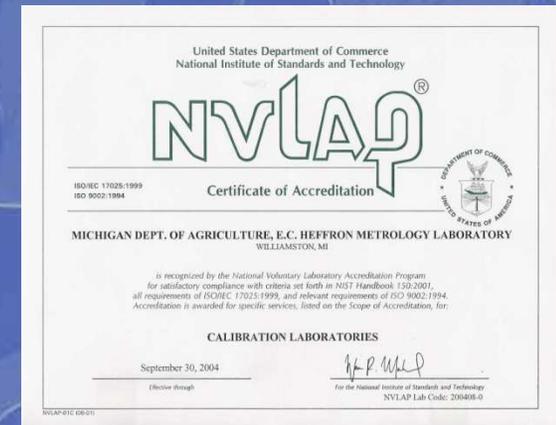
# Compliance Assistance

- 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).
- Conducted a two-day seminar for all registered service companies and any interested party to cover the following;
  - Changes to PA 283
  - Common problems found in the marketplace
  - Ensuring proper testing of weighing and measuring devices



# Metrology Laboratory

- ISO/IEC 17025 Accreditation
  - National Voluntary Laboratory Accreditation Program (NVLAP)
  - National Institute of Standards and Technology (NIST) Recognized
- Industry and State Support
  - 6,437 Standards Certified (-2,000)
  - Michigan State Police, County Road Commissions
  - Over 350 Active Customers
  - \$218,442 Testing Fees (-\$40,000)



# Future Goals

- Utilize 15 MFQ inspectors as efficiently as possible
  - Conduct both MFQ and W&M fuel complaint investigations
  - Set schedule of fuel samples to obtain
  - Work off aging list for fuel stations
- Utilize 12 W&M inspectors in the following manner;
  - (5) will mostly conduct W&M inspections at fuel stations, focusing on those from the aging list
  - (5) will focus on weighing devices
  - (2) will float between weighing and measuring devices and “odd” situations

# Future Goals

- Utilize the 3 Field Metrologists in the following manner;
  - (1) Package checking
  - (1) 75% package checking, 25% assist in laboratory
  - (1) 50% package checking, 50% registration program
- All positions in both programs will be flexible and we will move them around as we see fit to mitigate trending risks
  - The main goal of the program will be to keep compliance rates above 97% for all devices
  - Secondary goal is to find packages that are shorting Michigan consumers

# Future Goals

- As a Section we would like to;
  - Increase the visibility of the programs with a communications plan – Articles, videos, newsletters, etc.
  - Provide more education to both consumers and retailers – Demos, classes
  - Meet more frequently with trade association groups to discuss their members' concerns and issues