

THE NEW COMPONENT

NORTHEASTERN WEIGHTS AND MEASURES ASSOCIATION

Chairman Steve Giguere, State of Maine

Newsletter Editor, Bob McGrath

Since 1972

ISSUE 29

NEWMA NEWSLETTER

March 2009

NORTHEASTERN WEIGHTS & MEASURES ASSOCIATION OFFICERS 2008-2009

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Nominating

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NEWMA ANNUAL MEETING

May 11-14, 2009

Wyndham Portland Airport Hotel (formerly the Sheraton)

363 Maine Mall Rd, South Portland, ME 04106
(207) 756-6730

Room Rate \$85.00 plus tax per night (5/10-14/2009)

Reservation Cutoff Date, 4/10/09

Parking – No charge

Free shuttle to/from the airport

NCWM INTERIM MEETING RECAP

The NCWM Interim Meeting was held January 11 - 14, 2009 in Daytona Beach, Florida. The meeting was well attended by NEWMA members and despite the "tight budgets" that all of us are experiencing, the meeting was well attended overall. The NCWM's new management team, led by Don Onwiler, did a great job in organizing their first major meeting of the "Conference".

Many of us were surprised when the L & R Committee decided to move the "ATC" method of sale item forward as a "voting item" at the Annual meeting in July (San Antonio). The California Energy Commission (CEC) cancelled their presentation of ATC study at the last minute, casting a cloud of doubt on its substance. Nevertheless, NEWMA member and New York State Director Ross Andersen "stepped up to the plate" and delivered a concise presentation on ATC utilizing many of the points found in the CEC study.

The Nominating Committee selected Tim Tyson of Kansas to assume the 2010/2011 NCWM Chairman.

NEWS FROM THE NORTHEAST

Proposal to Amend NIST Handbook 130, Method of Sale Regulation to create a method of sale for fuels. At the NEWMA Annual in Portland it will be decided if this proposal is forwarded to the NCWM L & R Committee. The full proposal is located (begins) on page 2.

Annual Dues Reminder

The annual dues notice was sent out (via e-mail) in January. Please remit if you have forgotten.

2.XX. Engine Fuels and Heating Fuels

2.XX.1. Definitions.

2.XX.1.1. Engine Fuel. – any liquid used for the generation of power in an internal combustion engine. This does not include any substance that must be kept under pressure or maintained at cryogenic temperatures to remain the material in the liquid state.

2.XX.1.2. Non-engine Fuel. - – any liquid matter used for the generation of heat, power, or similar uses. This does not include any substance that must be kept under pressure or maintained at cryogenic temperatures to remain the material in the liquid state.

2.XX.1.3. Gross Volume. – the volume of a liquid at the conditions at the time of sale.

2.XX.1.4. Net Volume. – the volume of a liquid after correction for temperature expansion/contraction to the reference temperature.

2.XX.2. Declaration of Quantity.

2.XX.2.1. Retail Transactions. - Engine fuels and non-engine fuels shall be sold or offered for sale at retail in units of gross volume, except for individual transactions of 6,000 liters (1,500 gallons) or more where the buyer may request to purchase in units of volume corrected to 15.56 C (60 F).

2.XX.2.2. Wholesale Transactions. – Engine fuels and non-engine fuels shall be sold or offered for sale in units of gross volume or in units of volume automatically corrected to 15.56 C (60 F). Factors for correction shall be those in ASTM D1250 Table 6b or other suitable reference source.

2.XX.2.X. (Optional permissive use of temperature correction) Specific Retail Transactions.
– (Describe the specific product or type of retail transaction here) shall be sold or offered for sale in units of gross volume or in units of net volume automatically corrected to 15.56 C (60 F). The following density factors shall be used in automatic temperature compensating equipment for all transactions under this subsection.:

(a) (Name or type of fuel for each fuel) and (density factor in API gravity, kg/m^3 , or g/cm^3). (Add additional items (b), (c), etc to this list as necessary)

2.XX.2.Y. (Optional mandatory use of temperature correction) Specific Retail Transactions.
- (Describe the specific product or type of retail transaction here) shall be sold or offered for sale in units of volume automatically corrected to 15.56 C (60 F). The following density factors shall be used in automatic temperature compensating equipment for all transactions under this subsection.:

(a) (Name or type of fuel for each fuel) and (density factor in API gravity, kg/m³, or g/cm³). (Add additional items (b), (c), etc to this list as necessary)

2.XX.3. Receipt, ticket, or sales invoice.

2.XX.2.1. Retail transactions, gross volume. – If the seller provides the buyer a receipt, ticket or sales invoice, it shall declare the gross volume delivered and the appropriate unit of volumetric measure used (liter, gallon, barrel, etc).

2.XX.2.1. Retail transactions, net volume. – If the seller provides the buyer a receipt, ticket or sales invoice, it shall declare the net volume delivered with the appropriate unit of volumetric measure (liter, gallon, barrel, etc), and the statement “volume corrected to ” with the blank being filled in with the reference temperature, e.g. “volume corrected to 60 F”. In the case of a single transaction exceeding 6,000 liters (1,500 gallons) being sold on a net basis as provided in subsection 2.XX.2.1., the seller shall provide a receipt, ticket or sales invoice as described in this section, and the seller shall also declare the density of the fuel, the fuel temperature at time of sale, and the gross volume with appropriate unit of measure.

2.XX.2.1. Wholesale transactions, gross volume. – The seller shall provide a delivery receipt, ticket or sales invoice to the buyer declaring the volume delivered and the appropriate unit of volumetric measure used).

2.XX.2.1. Wholesale transactions, net volume. – The seller shall provide a receipt, ticket or sales invoice to the buyer declaring the net volume delivered with appropriate unit of measure, the density of the fuel, the fuel temperature at time of sale, and the gross volume with appropriate unit of measure. The net volume shall be clearly designated either “net at ” or “volume corrected to ” with the blank filled in with the reference temperature.

2.XX.4. Additional requirements.

2.XX.4.1. All transactions, gross volume. – The seller shall not use external sources of heat to expand the volume of fuels sold on a gross volume basis. This includes any application of heat to the product , using dark colors on above ground storage tanks to increase absorption of solar energy, or similar acts.

2.XX.2.1. Retail transactions, net volume.

- (a) All sales at a business location shall be in net volume units on a continuous basis. A “business location” means a single outlet and should not be interpreted to mean all of the outlets or locations that a business or company operates in a jurisdiction.
- (b) The seller shall clearly and conspicuously indicate, “ATC” in association with unit price advertisements to indicate that the sales are being made on a net volume basis.

2.XX.2.1. Wholesale transactions, net volume. - All sales to a particular buyer in net volume units shall be in those units for a continuous 12 month period unless otherwise agreed to by the

parties in writing.

(Added 20XX)

Justification: *The California Energy Commission Fuel Delivery temperature Study has shown that mandatory ATC for RMFD's is an overwhelming net negative for consumers. In keeping with that reality, their fourth recommendation to the Legislature suggests clarifying the statute. I interpret this to mean mandating gross gallon sales. The proposal above is one attempt to do that in the form of a Method of Sale Regulation.*

Because of the number of combinations involved, the regulation is fairly complicated. There are definitions in the first section, methods of sale in the second, requirements for receipts in the third and general requirements for gross and net sales in the fourth. This section includes prohibition on artificially heating product to expand volume when using gross volume sales.

The proposal includes two optional sections in 2.XX.2. that permit states to either permit net sales at retail, or mandate it, for specific types of fuels or applications. This provides flexibility to states that already permit net sales for some products or applications. As the state adopts the optional section of their choice, they fill in the blanks accordingly. For example, if a state wanted to permit net sales of home heating fuels delivered from a vehicle tank meter, they could add that as 2.XX.2.3. to do that and specify product densities for #1 oil or kerosene, #2 oil and #4 oil. They may also wish to include densities for B100 and various biodiesel blends or include them under other product densities.

As an option the L&R Committee may wish to add the specific reference table for each product and density to establish firmly what the correction factors are. In the case of E100 they may even select to use a coefficient of expansion rather than a specific table of VCF's (volume correction factors). I believe it may be a little premature to go down that route.

DATES TO REMEMBER

2009 NCWM Annual Meeting – July 12-16, 2009

Marriott, San Antonio, TX

2009 NEWMA Interim Meeting: October 14-15, 2009, Springfield, MA

ANNUAL MEETING AGENDA

**NEWMA
May 11-14, 2008**

SCHEDULE OF EVENTS (DRAFT as of 3/2/2009)

<u>DATE/TIME</u>	<u>Event</u>	<u>MEETING ROOM</u>
<u>Monday, May 11</u>		
12:00 pm – 3:00 pm	Registration	
1:00 pm – 5:00 pm	Open Hearings	

*Note: Open hearings are just that. They are

the ideal forum for new proposals and questions. It is best if you contact the Chairperson ahead of time and present your item in writing.

1:00 pm – 2:30 pm

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

2:30 p.m. – 2:45 pm

Afternoon Coffee Service

2:45 pm – 3:00 pm

Welcome

Seth H. Bradstreet III Commissioner
Maine Department of Agriculture
Specifications and Tolerances Committee
Steve Giguere, State of Maine ©

3:00 pm – 5:00 pm

Tuesday, May 12

7:45 am – 8:30 am

Morning Coffee Service

8:00 am – 12:00 pm

Registration

8:30 am – 9:15 am

Professional Development Committee
Ross Andersen, State of New York ©

9:15 am – 10:00 am

Board of Directors/NTEP Committee
Charles Carroll
Commonwealth of Massachusetts

Tuesday, May 12

10:00 am – 10:30 am

Morning Coffee Break

10:30 am – 12:00 pm

Steve Cook
NIST Weights and Measures Division
“Tare Presentation”

12:00 pm – 1:15 pm

Lunch Break

(on your own)

1:15 pm – 2:15 pm

Opening Ceremony

Jack Kane, State of Montana
Chairperson
National Conference of Weights & Measures

Randy Jennings, State of Tennessee
Chairperson-Elect
National Conference of Weights and Measures

Carol T. Hockert, Chief
NIST Weights and Measures Division
NFI ?

?
2:45 pm – 3:00 pm

Afternoon Coffee Break

3:00 pm – 4:00pm
4:00 pm – 4:30pm
5:45 pm – 9:45 pm

Lou Straub
Scale Manufacturers Association
Kevin Mikoski, Irving Oil
ATC an Industry Perspective
NEWMA Sponsored Outing
Foster's Downeast Clambake
York Harbor, ME

Wednesday, May 13

7:45 am – 8:45 am	Morning Coffee Service	
8:30 am – 12:00 pm	Registration	
8:45 am – 10:45 am	David Sefcik NIST Weights and Measures Division	
	“Price Verification” Morning Coffee Break	
10:45 am – 11:00 am		
11:00 am – 11:30 am	Danny Newcombe, State of Maine	
	“Improper Pour/Drain Time & Reading of Meniscus and the Fiscal Impact”	
11:30 am – 12:00 pm	Steve Grabski Wal-Mart Corp.	
	TBD?	
12:00 pm – 1:00 pm	Lunch	(on your own)
1:00 pm - 5:00 pm	Final Committee Reports	
1:00 p.m. – 2:30 p.m.	Specifications and Tolerances Committee Steve Giguere, State of Maine ©	
2:30 pm – 2:45 pm	Afternoon Coffee Break	
	Laws and Regulations Committee	
3:30 pm – 4:00 pm	John Gaccione, Westchester County, NY ©	
4:00 pm – 4:30 pm	Professional Development Committee Ross Andersen, State of New York ©	
4:30 pm – 5:00 pm	Board of Directors/NTEP Committee	

Thursday, May 14

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

MEMBERSHIP & MEETING REGISTRATION FORM

FIRST NAME:

MIDDLE NAME:

LAST NAME:

TITLE:

ORGANIZATION:

MAILING ADDRESS:

CITY:

STATE:

ZIP:

TELEPHONE:

OFFICE

OTHER

FAX

EMAIL

REGISTRATION:

2008 NEWMA MEMBER - \$125.00

NON-MEMBER - \$150.00

Make Check Payable to: Northeastern Weights & Measures Association

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

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

Phone: (617) 727-3480, ext. 21131
Fax: (617) 727-5705
E-mail: Charles.Carroll@state.ma.us

FYI

Subject: FDA reaffirms policy that less than 100% net weight products violates the FD&C Act

Dear NFI Members

We are very excited to report that FDA has issued "Guidance for Industry" which reaffirms the agency's policy regarding the fraudulent practice of including glaze (ice) as part of the net weight of frozen seafood. This is an important step by FDA to help address the problem of net weight fraud with the less than 100% net weight products. The Guidance document was posted today on FDA's "Seafood" website at <http://www.cfsan.fda.gov/~dms/seaglgui.html>. Simply stated the agency considers that any product which includes the weight of the glaze as part of the net weight of the product to be adulterated and misbranded with the intent to mislead or defraud.

We encourage you as an NFI member to share your commitment to protecting the economic integrity of our industry's products by distributing FDA's guidance document to your suppliers and customers. FDA's reaffirmation of existing policy is a key piece to the ultimate success of NFI's economic integrity initiative through the Better Seafood Bureau.

Please let me know if you have any questions.

Lisa M. Weddig
Secretary, Better Seafood Bureau
7918 Jones Branch Dr., Suite 700
McLean, VA 22102
Phone: 703/752-8886
lweddig@nfi.org

Coming Soon NEWMA WEBSITE!!!!

WWW.NEWMA.US

**In Memoriam
Former NEWMA Chairman Allan M. Nelson**

(Our dear friend and colleague passed away after the last newsletter was written)

ALLAN M. NELSON



Allan M. Nelson, 73, died Friday, August 15, 2008. Allan was born in Manchester, Connecticut and lived in Southington, Connecticut for many years. Allan graduated from the University of Connecticut and served in the US Army. He was an active member of his church, holding several leadership positions and was active in local fraternal organizations.

Allan is survived by his wife of 41 years Ann, three children and eight grandchildren. Allan was an active participant in the National Conference on Weights and Measures throughout his career. All that knew him will remember his ever present smile, his pleasant disposition and his willingness to get involved. He was a leader, one who listened, sought consensus and made decisions. He was a confident, caring and generous individual with dedication and vision. Family, friends work and community were Allan's life.

Allan first attended NCWM in the late 70's. He was elected Treasurer in 1980. He served for many years on the Task Force on Commodity Regulations. He served as a member of the L & R Committee, the S&T Committee, and several terms on the nominating committee, served on the NTEP Committee and served on the program evaluation work group. Allan was elected Chairman Elect in 1991, was chairman in 1992 and NTEP Chairman in 1993. He accepted every challenge brought to him and always found an acceptable solution.

Allan retired in 1997 but continued to serve the conference as a productive Associate Member. In his retirement years he focused his energy on volunteer roles in his church and renovating the family cottage on the beach in Charlestown, Rhode Island. He spent time each year from childhood through his adult years, relaxing and fishing in Charlestown. His dream was to renovate the cottage into a larger home that would accommodate the entire family so they all could enjoy it together. He successfully accomplished this task as he had with so many others.

Allan led the CT Weights and Measures program to a new level. Under Allan's leadership, Allan's programs became the premiere program in New England. He was a former, Chair of the Northeastern Weights and Measures Association and played a key role in the development years of NEWMA. He was a leader in the CT Weights and Measures Association and often provided assistance to the Massachusetts Weights and Measures Association particularly in the area of training.

Allan is gone today but his memory will live forever in the hearts and minds of his family and his friends.