



National Conference on Weights and Measures
"That Equity May Prevail"

FOR RELEASE: Tuesday, May 20, 2014, 2:00 a.m. EDT

CONTACT: Don Onwiler, Executive Director (402) 434-4880 or don.onwiler@ncwm.net

NCWM Reports that Consumers Are Getting Short-Changed on Bagged Landscape Mulch

Lincoln, Neb. The [National Conference on Weights and Measures](#) (NCWM) reports various retailers across the nation are selling bags of landscape mulch that are under filled by their suppliers. Shortages are significant, with reports of 15% and greater losses to consumers. The inspections were in response to concerns within the industry about unfair competition. NCWM forwarded those concerns to all 50 states' weights and measures agencies. While the effort was not a formal market survey of the mulch industry, the results certainly validated the concerns.

According to the [Mulch and Soil Council](#), the industry's national organization, there are many factors leading to the problem including the need for manufacturers to maintain adequate profit margins while responding to demands by retailers for lower prices and freight costs. The Council has a history of cooperation with the weights and measures community to provide fairness. It worked effectively in past years to develop the equipment, procedures, and training for inspectors to properly test these products.

The problem is not specific to any one retailer and seems attributable to a number of manufacturers. One supplier, Ohio Mulch Supply Inc. also known as UMS, has been named in recent press releases from the [Georgia](#), [Ohio](#), [Michigan](#) and [Illinois](#) Departments of Agriculture for violations of short fill. Those states and others reported multiple violations affecting as many as 36 different mulches produced by Ohio Mulch Supply and ordered products off-sale. Florida weights and measures inspectors tested product at 22 retail locations and ordered 58% of the products off sale for being short-filled. Other states reporting violations include California, Maryland, Missouri and Wisconsin.

Weights and measures officials do not have authority over the quality of these products, but that is another major industry concern. For instance, a bag labeled as "Cypress" should contain 100% cypress, "Cypress Blend" should be at least 50% cypress and "Hardwood Bark Mulch" should be at least 85% bark. According to industry sources, some mulch manufacturers are substituting fillers such as compost made from yard waste in place of higher quality wood fibers. Consumers might detect this if the mulch has a foul odor or smells like pine. The Mulch and Soil Council helps to combat this problem by performing species testing on mulches produced by its members in an effort to regulate their certification program. The USDA Center for Wood Anatomy Research also performs testing and makes it available free of charge within limitations. A [Wood ID Fact Sheet](#) is available on their website.

According to NCWM, many weights and measures agencies have suffered severe cutbacks in funding and personnel. As a result, many of those programs are now limited to inspecting devices such as scales and gas pumps, leaving consumer packages largely unchecked in the marketplace. NCWM maintains that weights and measures enforcement is an essential role of government if consumers expect to get what they pay for and businesses expect fair competition.

John Spencer of Mulch Manufacturing, Inc. explained, “Industry depends on a level playing field with honest competition where everyone can compete with each participant capitalizing on his own advantages. A producer that generates an unfair competitive advantage can cause severe harm to others, including the loss of jobs for companies that could not compete through honest business practices. Industries cannot regulate themselves so it is essential that inspection agencies show diligence by enforcing the laws for everyone’s benefit.”

A case for effective oversight can be made in North Carolina where these products are inspected each spring to ensure compliance. “We check mulch at several production facilities each year in addition to spot checking at retail locations,” said Stephen Benjamin, North Carolina Weights and Measures Director. “Six or seven years ago, it was common to remove over 100,000 bags from sale each year due to shortages. Rather than begin with civil penalties, we have them re-bag the product which can involve significant time and cost.” Mr. Benjamin said there has been significant improvement because of continued annual inspections. “We still find occasional problems, maybe 10,000 – 20,000 bags a year, but several companies have improved their equipment and quality control procedures. The product is often bagged on demand and the lots are smaller. This reduces the length of time product is stored which in turn reduces product deterioration that could cause it to fail the inspection.”

The National Conference on Weights and Measures is a professional nonprofit association of state and local weights and measures officials, federal agencies, manufacturers, retailers and consumers. NCWM has developed national weights and measures standards since 1905. The organization brings the right interests together to keep pace with innovative advancements in the marketplace.

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