



CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

Karen Ross, Secretary

January 6, 2021

DMS NOTICE  
WM - 21 – 01  
DISCARD: RETAIN

**TO:** WEIGHTS AND MEASURES OFFICIALS

**SUBJECT:** Weighmaster Survey – Tomato Industry

The California Department of Food and Agriculture Division of Measurement Standards (CDFA DMS) Weighmaster Program completed a statewide survey of licensed weighmasters who issue or use seasonal tares for bulk loads of tomatoes with applicable state weighmaster laws and regulations. The survey was conducted between August 26 and October 5, 2020.

Locations were visited based on their seasonal tare activity. Twenty-two (22) locations were visited by a team of two (2) weights and measures officials: two (2) CDFA DMS Weighmaster Enforcement Program Special Investigators (SIs) or one (1) CDFA DMS SI and one (1) county official. Weighmaster audits were performed and vehicles with a seasonal tare weight established were reweighed to determine compliance. No violations were observed at 55 % of weighmaster locations. Vehicles were reweighed at sixteen (16) tomato processing locations to verify established seasonal tares and 92 % of the tomato hauling vehicles were within tolerance. The following attachment provides detailed results of the survey.

CDFA DMS acknowledges and sincerely appreciates the assistance from weights and measures officials in Fresno, Kern, Kings and Merced counties. If you have any questions regarding this notice, please contact DMS by email at [dms@cdfa.ca.gov](mailto:dms@cdfa.ca.gov) or phone at (916) 229-3000.

Sincerely,

Kristin J. Macey  
Director

cc: Hyrum Eastman, County/State Liaison, CDFA

Attachment



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE  
DIVISION OF MEASUREMENT STANDARDS  
WEIGHMASTER SURVEY-TOMATO INDUSTRY**

January 6, 2021

A statewide survey to determine compliance with weighmaster requirements and seasonal tares used by the tomato industry was performed by the California Department of Food and Agriculture Division of Measurement Standards (CDFA DMS) with the assistance of participating county weights and measures officials. Seasonal tares, also referred to as “Cab Cards,” are certified tare weights established for the use of tractor-trailer vehicles (vehicles) that haul bulk loads of processing tomatoes.

**SCOPE OF THE SURVEY**

This survey was conducted by DMS’ Weighmaster Enforcement Program in cooperation with participating county weights and measures officials and included all California tomato processors that utilize seasonal tares and businesses that issue seasonal tares to tomato haulers. This survey was conducted from August 26, 2020 through October 5, 2020. DMS Weighmaster investigators determined compliance with weights and measures requirements by reweighing vehicles at processors and completing a weighmaster inspection by conducting a cursory verification of the vehicle scales and auditing records.

**LOCATION SELECTIONS**

Twenty-Two (22) weighmaster locations were surveyed in the following counties: Colusa, Fresno, Kern, Kings, Merced, San Benito, San Juaquin, Solano, Stanislaus, Tulare and Yolo.

All sixteen (16) tomato processing locations in California that use seasonal tares and six (6) other locations (Public scales or transportation businesses that issue seasonal tares to tomato haulers, but do not use them in their day to day business) were verified.

**INSPECTION PROCEDURE**

Teams of two persons, either two (2) Weighmaster Special Investigators (SIs), or one (1) SI and one (1) County Inspector visited the businesses. A weighmaster audit that included a cursory verification of the vehicle scales and up to ten (10) vehicle reweighs were performed at each location to determine compliance. At the locations that only issued seasonal tares, no vehicles were available for reweighing, so only an audit was conducted. Weighmaster audits verify the following:

1. Businesses have an active weighmaster license,
2. Deputies performing work are on the current license,
3. Device registration and seals are up to date,

4. Devices have approved software,
5. Assure weighmaster records are completed properly, and
6. Required records are available for inspections.

## **SURVEY RESULTS**

A weighmaster audit was conducted at all twenty-two (22) locations and vehicle reweigh inspections were conducted at the sixteen (16) tomato processors that use seasonal tare.

### **Weighmaster Records Audit Results**

Twenty-two (22) tomato weighmaster locations were audited during the survey and inspection reports completed. Staff audited 191 records at vehicle scale houses and observed twenty-six (26) individual violations.

The following list summarizes overall compliance and the violations found through the weighmaster audits.

#### **Weighmaster Inspection Violations Observed and Percent Compliance**

1. Of twenty-two (22) weighmasters, ten (10) had at least one violation; 55 % compliance.
2. Of twenty-two (22) weighmasters, five (5) issued certificates with an incorrect weighmaster license name; 77 % compliance.
3. Of twenty-two (22) weighmasters, two (2) failed to maintain a zero condition on the vehicle scale; 91 % compliance.
4. Of twenty-two (22) weighmasters, two (2) had work performed by unlicensed deputies; 91 % compliance.
5. Of twenty-two (22) weighmasters, two (2) issued certificates with an incorrect location address; 91 % compliance.

Other violations observed included: failing to maintain signed worksheets; altering a weighmaster certificate; failing to properly establish predetermined tares; failing to properly record tare weight; failing to issue a weighmaster certificate; incorrect legend on the weighmaster certificate; failing to properly document vehicle identification; issuing a weighmaster certificate without a unit of measure; failing to keep legible information; and failing to maintain scale within weights and measures laws and regulations.

### **Seasonal Tare Verification**

Seasonal tares were verified at sixteen (16) tomato processing locations. Vehicles were reweighed to verify that the weights were within prescribed limits. Staff performed 161 vehicle reweighs and observed thirteen (13) individual violations.

Staff directed drivers to disconnect their vehicles from the trailers and directly return to the scale for reweighing. The following list summarizes overall compliance and the violations.

### **Seasonal Tare Violations Observed and Percent Compliance**

1. Of the 161 reweighs, thirteen (13) had violations; 92 % overall compliance.
2. Of the 161 reweighs, twelve (12) of the violations were for not maintaining seasonal tare within tolerance of 300 pounds from the adjusted tare weight listed on the cab card; 93 % compliance.
  - a. Seven (7) violations exceeded the tolerance by 301-450 pounds
  - b. Three (3) exceeded the tolerance by 450-600 pounds
  - c. Two (2) exceeded the tolerance by more than 600 pounds
3. Of the 161 seasonal tares verified, one (1) failed to proceed to the nearest vehicle scale for the purpose of weight verification; 99 % compliance.

Additional information regarding the 161 vehicles reweighed:

1. Of the thirteen (13) violations discovered during reweighing, nine (9) were by independent contractors.
2. Of the thirteen (13) violations discovered during reweighing, five (5) were seasonal tares issued at the same location.
3. Of the thirteen (13) violations discovered during reweighing, one (1) was an improperly established cab card weight.

### **Device Information:**

A cursory verification of the vehicle scales was completed with the weighmaster audit. It included verification of scale markings, county seals, and type approval of software used by the weighing system.

Tomato processing vehicle scale observations:

1. All twenty-two (22) weighmasters were operating approved heavy capacity vehicle scales.
2. Five (5) of the businesses shared their scale with another business.

### **CONCLUSION**

The tomato harvest season in California typically runs late June through October. Locations were visited based on their seasonal tare activity. Teams of two persons, either two (2) Weighmaster Special Investigators (SIs), or one (1) SI and one (1) County Inspector conducted audits and seasonal tare reweighs to determine compliance. No violations were observed at 55 % of weighmasters. The most common violation found at 33 % of the weighmaster locations was that they issued certificates with an incorrect weighmaster license name.

Ninety-two percent (92 %) of vehicles reweighed were found in compliance. Of the twelve (12) seasonal tare weight violations 75 % were independent contractors. Due to this high violation rate, more emphasis will be placed on seasonal tares established for independent contractors in the future. Additionally, preseason visits will be conducted to assure that seasonal tares are established properly.

CDFA Division of Measurement Standards acknowledges and sincerely appreciates the assistance from weights and measures officials in Fresno, Kern, Kings and Merced counties.