



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

October 18, 2021

DMS NOTICE
WM - 21 – 03
DISCARD: RETAIN

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Weighmaster Survey – Public Scales

The California Department of Food and Agriculture, Division of Measurement Standards (CDFA DMS) Weighmaster Program completed a statewide survey of licensed weighmasters who list their business as a Public Scale and offer weighing services to the public. The survey was conducted from April 16, 2021 through August 31, 2021.

Data was collected at one hundred fifty-six (156) randomly selected locations of the 682 licensed weighmasters listed with public scales, or 22.9 % of available locations. All participating businesses answered a series of questions related to weighmaster practices, had records inspected, and Weighmaster Inspection Forms documenting business practices completed.

Staff audited over 5,063 records and observed 271 individual violations. Violations were observed at 123 of the 156 weighmaster locations visited. Perfect compliance was achieved by only 21.2 % of the weighmaster locations. The following attachment provides detailed results of the survey.

If you have any questions regarding this notice, please contact CDFA DMS by email at dms@cdfa.ca.gov or phone at (916) 229-3000.

Sincerely,

Kristin J. Macey
Director

cc: Hyrum Eastman, County/State Liaison, CDFA

Attachment



DIVISION OF MEASUREMENT STANDARDS 2021 PUBLIC SCALES WEIGHMASTER SURVEY

October 18, 2021

A statewide survey of licensed weighmasters who operate Public Scales was performed by the California Department of Food and Agriculture, Division of Measurement Standards (CDFA DMS) Weighmaster Program to determine compliance levels with applicable state weighmaster laws¹ and regulations². Statewide surveys allow CDFA DMS to investigate the conditions of the marketplace as required in California Business and Professions Code (BPC) § 12101.

Note: A weighmaster is not required to provide weighing services to the public; weighing for hire is at the discretion of the weighmaster (BPC § 12700.5). When applying to CDFA DMS for a weighmaster license, the applicant indicates whether they want their business listed as a Public Scale. CDFA DMS maintains a list of Public Scale locations on its website: <https://apps1.cdfa.ca.gov/publicscales/>.

SCOPE OF THE SURVEY

The survey included only licensed weighmasters who are listed as having a Public Scale and weigh for hire. The survey was conducted by CDFA DMS Weighmaster Enforcement Program's investigative staff. The survey was conducted from April 16 through August 31, 2021. The purpose of the survey was to determine industry compliance with weighmaster laws and regulations. This was done through interviewing business representatives, observing weighing operations, and performing records audits (reviewing current weighmaster license information, issued weighmaster certificates, and worksheets).

LOCATION SELECTIONS

Using the CDFA DMS Weighmaster License Database, 682 licensed weighmasters were identified as operators of a Public Scale. A total of 156 businesses were randomly selected from this group.

INSPECTION PROCEDURE

Locations were assigned to CDFA DMS Weighmaster Enforcement Program's investigative staff (Special Investigators) who went to each business location during the

¹ California Business and Professions Code, Division 5, Chapter 7:
https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=5.&title=&part=&chapter=7.&article=

² California Code of Regulations, Title 4, Division 9, Chapter 9:
[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IB08A8720D45911DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IB08A8720D45911DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

survey period. Special Investigators interviewed the weighmaster or one of their deputy weighmasters using a questionnaire. The questionnaire verified the participant's ability to explain the duties of a weighmaster; knowledge of records retention and where records were stored, basic weighing terminology; knowledge and understanding of the weighing process; and knowledge of the procedures to follow if an incorrect weighmaster certificate is issued.

Once the questionnaire was completed, the CDFA DMS Special Investigator conducted an inspection to further determine compliance and assure correct application of the law. This included an audit of weighmaster records (issued weighmaster certificates and worksheets), observation of the weighing process, and documenting which weighing device(s) were in use. Findings that are documented on a Weighmaster Inspection Report Form include the following:

1. Businesses have an active/current weighmaster license.
2. Deputies performing the weighing are listed on the weighmaster license.
3. Device(s) registration and county approval seal are current.
4. Device(s) has/have approved software.
5. Weighmaster records have been properly completed.
6. Required records are retained and available for inspection.

SURVEY RESULTS

Of the 682 licensed weighmasters listed as operators of a Public Scale throughout California, survey results were collected from 156 randomly selected public scale weighmasters (22.9 %).

Survey Questionnaire/Interview and Percent Responding Correctly

The survey questions given to participants of the 2021 Public Scale Survey are listed below, along with the number of respondents answering correctly and the corresponding percentage. These questions demonstrate understanding of the duties of a weighmaster, recordkeeping requirements, basic weighing concepts (definitions), how to make a correction certificate, and questions related to tare. Warm-up questions used to get respondents comfortable during the interview are not listed. Not all respondents answered every question.

1. What is your understanding of a Weighmaster's duties?

- One hundred fifty-three (153) could explain the duties of a weighmaster (98.1 %).
2. How many years do you keep your (Weighmaster) certificates and worksheets?
 - One hundred fifty-two (152) knew records must be kept at least four years (97.4 %).
 3. Define "Gross Weight."
 - One hundred fifty-two (152) were able to define this term (97.4 %).
 4. Define "Tare Weight."
 - One hundred fifty (150) were able to define this term (96.2 %).
 5. Define "Net Weight."
 - One hundred fifty (150) were able to define this term (96.2 %).
 6. Define "Commodity."
 - One hundred forty-eight (148) were able to define this term (94.9 %).
 7. Able to correctly explain how to fix an error on a weighmaster certificate that has already been issued/issue a correction certificate.
 - Seventeen (17) could explain how to issue a correction certificate (10.9 %).
 8. When asked to describe training received/completed to perform the duties of a weighmaster and the source:
 - One hundred thirty-three (133) stated they received on-the-job training only (85.3 %).
 - Seventeen (17) stated they received on-the-job training and access to manuals (10.9 %).
 - Four (4) stated they received on-the-job and online training (2.6 %).
 - One (1) stated they were given resource material to study (0.64 %).
 - One (1) stated they received no training (0.64 %).

General Device Information

As part of the survey, CDFA DMS weighmaster staff documented how weights were entered to create a weighmaster certificate and what types of scales were used. Device-related violations are listed in the *Weighmaster Records Audit Results*.

1. How are weights entered (i.e., the method used to create weighmaster certificates)?

- Sixty-seven (67) of the 156 locations use slip tickets (43.0 %).
- Thirty (30) of the 156 locations use computer interfaced with scales (19.2 %).
- Twenty-seven (27) of the 156 locations use handwritten tickets (17.3 %).
- Eighteen (18) of the 156 locations use combination of slip and handwritten tickets (11.5 %).
- Six (6) of the 156 locations use typed/printer (3.8 %).
- Seven (7) of the 156 locations use other (4.5 %).

2. Predominance by manufacturer of vehicle scales in use:

- Sixty-four (64) scales were manufactured by Fairbanks Scales (41.0 %).
- Thirty-eight (38) scales were manufactured by Rice Lake Weighing Systems (includes two Flexweigh systems) (24.3 %).
- Nineteen (19) scales were manufactured by Cardinal/Detecto (12.2 %).
- Nineteen (19) scales were manufactured by Avery Weigh-Tronix LLC (includes GSE Scale Systems, a Subsidiary of Avery Weigh-Tronix LLC) (12.2 %).
- Eight (8) scales were manufactured by Mettler Toledo (5.1 %).
- Eight (8) scales were manufactured by other companies (5.1 %).

Weighmaster Records Audit Results

CDFA DMS Weighmaster staff audited over 5,063 records and observed 271 individual violations at the 156 weighmaster public scale locations surveyed. The following lists the number of businesses with a violation and the corresponding compliance percentage.

1. One hundred twenty-three (123) businesses had at least one violation; compliance overall was 21.2 %.
2. Fifty (50) businesses incorrectly issued certificates for Gross, Tare, or Net Only; compliance overall was 67.9. %.
3. Twenty-seven (27) businesses did not list the correct weighmaster name on a certificate; compliance overall was 82.7 %.
4. Twenty-one (21) businesses' weighing equipment was incorrect and lacked proper marking requirements; compliance was 86.5 %.
5. Nineteen (19) businesses failed to indicate the commodity on a weighmaster certificate; compliance was 87.8 %.
6. Seventeen (17) businesses failed to keep their list of deputies current on their license; compliance overall was 89.1 %.
7. Seventeen (17) businesses had an incorrect weighmaster legend on a certificate; compliance overall was 89.1 %.
8. Sixteen (16) businesses failed to properly document the vehicle ID on a certificate; compliance overall was 89.7 %.
9. Seventeen (17) businesses did not list the correct address for the weighing location on their certificate; compliance overall was 90.4 %.
10. Seventeen (17) businesses had failed to keep records as required such as voided certificates and signed worksheets; compliance overall was 90.4 %.
11. Ten (10) businesses failed to assure deputies signed weighmaster certificates; compliance overall was 93.6 %.
12. Nine (9) businesses failed to list the Owner/Agent/Consignee name on a weighmaster certificate; compliance overall was 94.2 %.
13. Eight (8) businesses failed to have their scales tested, approved, and sealed by the county department of weights and measures; compliance overall was 94.9 %.
14. Eight (8) businesses failed to present legible or consecutively numbered weighmaster certificates; compliance overall was 94.9 %.
15. Five (5) businesses failed to maintain a current weighmaster license; compliance overall was 96.8 %.

16. Five (5) businesses failed to indicate the number of units on a certificate; compliance overall was 96.8 %.
17. Three (3) businesses failed to assure the entire load was on the scale/disconnect vehicles; compliance overall was 98.1 %.
18. Three (3) businesses failed to record the date weighing occurred on a weighmaster certificate; compliance overall was 98.1 %.

Other Violations Observed

Other violations observed included the following:

1. Two (2) altered/omitted weights on a certificate.
2. Two (2) failed to include an active location on their license.
3. Two (2) failed to indicate the unit of measure on a certificate.
4. One (1) failed to document a transferred weight.
5. One (1) failed to correctly establish a predetermined tare.
6. One (1) failed to issue a certificate when required.
7. One (1) failed to sign a worksheet
8. One (1) improperly weighed a net load weighing less than 20 scale divisions.
9. One (1) failed to list the container/tare code on a certificate.
10. One (1) weighed the vehicle with the driver on.
11. One (1) had a weighmaster certificate that did not have all of the correct formatting requirements.

CONCLUSION

During the 2021 Survey, 271 violations were observed at 123 of the 156 weighmaster locations visited. Only 33 locations had no documented violations; perfect compliance was achieved by only 21.2 % of the randomly sampled weighmasters who offer public weighing services. The prior survey, a *Statewide Public Scale Baseline Survey (December 2000 to February 2001)*, cannot be readily compared to the current survey as

its scope was limited to doing undercover purchases to obtain 73 weighmaster certificates at 46 weighmaster locations.

Of the 271 violations observed during the 2021 Public Scale Survey, 126 or 46.5 % were technical violations for issuing weighmaster certificates that had incorrect legends or business names, lacked required information such as the vehicle or container ID, no deputy signature, no unit of measure (e.g., pounds), name of the owner/consignee missing, container or tare code missing, and/or no commodity listed. These violations occurred at 80 of the 156 weighmasters who operate a public scale or 51.3 % of the locations.

While survey respondents who operate public scales could verbalize basic weighmaster duties, define basic weighing terms, and knew where certificates were stored and how long they should be kept for, they still made errors when issuing certificates. The majority were unable to explain how to correct errors on certificates that have already been issued; only 10.9 % knew how to make corrections to an issued weighmaster certificate. While CDFA DMS staff took time to provide outreach and education to weighmasters during the survey, additional outreach is needed.

Notices of Violation were issued upon completion of the survey and deficiencies brought to the attention of the weighmaster; follow-up inspections will be performed at the locations with violations.