

September 5, 2018 Board Update

Division of Consumer Equitability



Division Update

Division staff has been engaged with various industry representatives and the public on proposed changes to Nevada Administrative Code Chapter 581. A workshop to solicit comments on the proposed regulation changes was held on August 2, 2018 in Sparks and was video-conferenced to Las Vegas and Elko. A more detailed update on the status of the proposed regulation changes will be presented to the Board under a separate agenda item.

As of August 22, 2018, the division had received 21 complaints from consumers this fiscal year. 19 of the complaints, or 89%, were related to quantity, quality or pricing of fuel at retail fuel stations. The remaining two complaints were related to scale accuracy/failure to deduct tare weight at point of sale at a retail frozen yogurt establishment, and scale accuracy at a retail tobacco establishment.

Metrology

Metrology program personnel calibrated a total of 2,277 devices in fiscal year 2018, an increase of 1,210 calibrations from fiscal year 2017. As of August 22, 2018, program personnel had calibrated 251 devices for fiscal year 2019 to-date. The program is on pace to meet forecasted calibration totals for FY 2019.

Facility improvement projects in the Las Vegas metrology laboratory are in process to address corrective action items identified by the National Institute of Standards and Technology (NIST) Office of Weights and Measures (OWM) in their November 2017 assessment of the Las Vegas metrology laboratory. These projects will address safety and temperature-maintenance issues in the lab and are expected to be completed by the end of this calendar year.

Petroleum Technology

A total of 3,174 samples were tested by Petroleum Technology program personnel in fiscal year 2018. As of August 22, 2018, Petroleum Technology program personnel had tested 356 samples for fiscal year 2019 to-date. As discussed later in this report, assignment of weights and measures program personnel to livestock scale inspections has deferred collection of motor vehicle fuel samples in the northern part of the state. This has resulted in fewer fuel samples available for testing in the early part of the current fiscal year. It is anticipated that fuel sample collection numbers will increase following completion of the livestock scale inspection season, thereby increasing sample testing numbers.

Weights & Measures

The 2018 Livestock Scale Inspection program began in late July and is expected to conclude in mid-October. The vacancy of the Elko Weights & Measures Inspector III position has impacted this program, with inspectors from the Sparks office filling in to complete livestock scale inspections traditionally assigned to the Elko office. Diversion of Sparks-based personnel to perform livestock inspections in the northeastern portion of the state has resulted in the deferral of inspection of other device types assigned to the Sparks office until later in the calendar year, as well as deferral of collection of motor vehicle fuel samples in the northern portion of the state.

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A total of 36,117 weighing and measuring devices were inspected/tested by the division in fiscal year 2018. 34,107 of those inspections/tests were associated with the annual licensing of commercial weighing and measuring devices, representing inspection of 80% of the state's permanent device inventory. The remaining 2,010 inspections/tests were performed to re-check devices that failed during a routine inspection, to inspect/test devices in response to consumer complaints, or to inspect/test devices that were not included on the state's permanent device inventory.

As of August 22, 2018, the division's Weights & Measures Inspectors had completed testing/inspection of 4,638 weighing and measuring devices this fiscal year to-date. In addition to completing livestock scale inspections, priority for the first quarter of this fiscal year has been placed on completing inspection of licensed devices that were not inspected during the previous 18 months.

Invoices for fiscal year 2019 weights and measures device annual licenses were mailed to device owners in early July 2018. As of August 22, 2018, annual device license fee collections totaled \$641,953, or 82% of the total annual device license fee roll.