

Good morning Chairman Tomlinson and members of the Consumer Protection Committee.

My name is Michael Bannon and I am the Director and Chief Sealer for the County of Bucks Department of Consumer Protection and Weights and Measures. I have held this position for a little over eight years.

I would first like to thank the Committee for holding today's hearing on the proposed privatization of Pennsylvania's Weights and Measures duties.

Weights and measures touch the lives of Pennsylvania residents every day, in many ways. The financial impact on the population is huge. Every time a resident buys gasoline, home heating oil, food in a grocery store or firewood, they are doing so assuming that someone has monitored that business to assure that they have adhered to the weights and measures regulations that are in place. The duties of an inspector, also known as a sealer, are probably too long to go over in this hearing. However, I have attached a list of the devices that must be inspected and the intervals between the scheduled inspections.

State employees, along with 18 county programs and various city programs, currently perform these inspections. In 1996, several years before I came onboard, changes were made to laws that govern how Pennsylvania weights and measures work. Unfortunately, this is why we are meeting today. In 1996 it became optional for counties to have a local weights and measures program. The counties could instead elect to turn the responsibility for their inspections over to the state. Consequently, the state has picked up responsibility for 40 counties since 1996, but still operates

with basically the same number of people and is funding that completing these inspections is becoming insurmountable. The directors and staff have tried hard to keep up with these increased duties, but mathematically it is impossible. Even if they worked 24 hours a day, 7 days a week, I don't believe they could complete the number of inspections expected of them.

Because of this dilemma, the Commonwealth's Weights and Measures Bureau has begun to look at implementation of the Certified Examiner Program. This new program was a part of the change in the law in 1996 that I referred to earlier. I do not believe that when these laws were changed that most people understood the dynamics or the impact that this program could have on Pennsylvania residents.

Basically, the Certified Examiner Program should be called a self-inspection program. If you take and pass a test given by State employees – some with training credentials and some only with on-the-job experience – you can become a certified inspector and inspect various weights and measures devices. In some cases you could have what we call a “repairman” certify that an oil truck is working to Commonwealth standards. He or she can repair the truck, and then certify that the measuring gauge on the truck is giving the correct amount of home heating oil. The repairman would then give the oil company a bill for the repair and a bill for the certification. We in the industry are concerned that this would be a conflict of interest.

An even more troublesome scenario is to have a company self-inspect. Can you imagine an Exxon Mobil employee inspecting an Exxon Mobil gasoline pump, and then submitting a handwritten report to Harrisburg for their records? Gasoline prices will rise again and when that

happens, I am troubled that an employee of the gasoline company will be deemed responsible for their own inspections.

Almost everyone purchases gasoline, but when you think about it you never see the product. You may smell it, but you don't see it. You are relying on the pump's meter to be accurate. You are also relying on the inspector to be competent and impartial.

As the Director of a department that has done thousands of inspections on gasoline pumps, I know that just a slight turning of a dial on a gasoline pump can mean thousands of dollars of undue profit for that station. By and large, most Exxon Mobil repair people are good and honest, but the pressure to leave the calibration off by just a hair will be on those employees. There is also the fear that an employee of a company will get lazy – incorrectly fill out reports, and not bring the weights and measures device to accepted tolerance. We often see this in the field. This will also cost an incredible amount of money to our residents.

It is clear the State Weights and Measures Department has been trying hard to do more with less. The staff has done a good job with the tools they have. However, turning inspections over to the very same business being inspected does not work. I would respectfully say there are other solutions. For example, we could change the required intervals of inspections on supermarket scales from every 12 months to every 24 months, or as needed. If an inspector thought we might have some type of shady business practice occurring, they could go back as needed. This would free that inspector up from the annual inspection and they would be able to focus in on problem areas.

Price scanners at virtually every store you visit now are also on a 12-month inspection cycle. This could be changed again, freeing up inspectors to inspect the products that residents cannot figure out themselves.

I believe most people would agree that our great country is suffering economically. One of the main causes was lack of oversight of banks and Wall Street. I like to believe that in most cases people are honest. However, a percentage of those people may bend the rules. I note the speed limit as an example. People might have a tendency to drive over the speed limit, but if they see a police officer with a radar gun waiting along the road, this is an effective deterrent – an unannounced verification that ensures our compliance. The same unannounced inspection theory applies to weights and measures inspections.

My fellow weights and measures professionals, almost every resident I have spoken to is concerned that gasoline stations, oil companies, and scale owners being given the ability to self-inspect would be a step in the wrong direction. I urge you to consider amending the laws to not turn over inspection responsibilities to the energy sector. Instead, let's team up together and work on a safer, less risky plan to help our weights and measures department achieve its responsibility to the taxpayers of Pennsylvania. There are inspectors with many years of experience who are ready and willing to help.

Again, I would like to thank everyone whose hard work brings us together today, and especially to the committee for its consideration of the subject of privatization of weights and measures.