

2012 Chairman's Address

Kurt Floren, Chairman
Los Angeles County, California

Good morning. First, let me welcome you to the 97th Annual Meeting of the National Conference on Weights and Measures (NCWM). I thank you for the honor of serving as Chairman of NCWM over this past year.

Secondly, let me confess at the outset that I have failed to accomplish anything close to what I had hoped and intended to do in the course of my chairmanship. This year, I had the sincere pleasure of traveling around the country, attending regional meetings and observing the great work of so many dedicated weights and measures officials, Associate Members, and interested parties from around the states. At each, I found myself doing something of an apology tour, expressing frustration and regret at the lack of progress in producing final work products in keeping with my theme for the year, "Taking Measure of Our Worth."

As I know I am not alone, this has been an indescribably challenging year, scrambling to retain support and funding for the very important work that we all do in a horrific economic environment. As I commented in my last newsletter article, I am so very proud of what we do. I highlighted the mottos that appear on the NCWM website: "Creating Confidence - Ensuring Equity;" "Giving A Voice To All;" "The Standard for Fairness in the Marketplace."

I have always been astounded at the array of topics and issues dealt with in the work of the conference. The agendas with which we are dealing this week are no exception, from railway track scale and retail motor fuel dispenser issues to polyethylene products, hydrogen fuel, and, of all things, animal bedding. It really is astounding - and sobering. What weights and measures regulatory and standards issues touch upon also touch virtually every consumer in this country and beyond every single day. That makes what we strive to do of tremendous worth and importance, not just in our governmental, manufacturing, and marketing worlds, but to every citizen in every community.

NCWM has accomplished a great deal over recent years. There is a temptation, as Chairman, to focus on and highlight what has been occurring in the last 12 months. But, it is important to consider things from a long-term perspective, in reverse and in moving forward. Looking back, to the credit of so many of you and of the great leadership provided by our past Chairs and board members, NCWM has undertaken many major operational reorganizations and service delivery improvements, making itself a much stronger and more effective organization:

- Just four years ago, NCWM assumed full management of its operations, including membership, arrangement and conduct of our meetings, hiring of an outstanding Executive Director, and establishment of a permanent home office, achieving fiscal soundness, stability, and organizational effectiveness not before enjoyed.
- Enactment of the Verified Conformity Assessment Program (VCAP) has accomplished great steps toward ensuring that load cell and, soon, other device manufacturing processes of those holding certificates of conformance result in uniformity and consistency in production, lending assurance and verification to quality and production-meets-type requirements.
- We have implemented the On-Line Position Forum, providing a great means to expand and enhance opportunities for members to actively participate in the development of standards, whether or not able to physically attend our meetings. The forum is receiving increased attention and utilization, and enhancements continue to be identified to make it more user-friendly and functional.
- The Professional Certification Program has been launched, with the work of the Professional Development Committee, our contractor and old friend Ross Andersen, and the many subject matter experts from among our members and their staffs teaming to continue development of exams to cover the broad spectrum of weights and measures disciplines. These certifications will serve to demonstrate and document the knowledge and competence of inspectors and ensure uniformity of skills and abilities in our system.
- Strategic Planning has been fully incorporated, not in the form of a dusty document turning yellow on a shelf, but a living document that is continually assessed, updated, and employed, with clear goals and

strategies to enhance NCWM as a national and international resource, to provide ongoing and improved training opportunities for members, to improve the National Type Evaluation Program, and to secure the financial stability of the conference.

The list goes on. And so does the work in continuing to build upon these achievements and derive ever-increasing returns from them. These represent the visions of many among us and, particularly, the endeavors of preceding NCWM Chairs and Boards of Directors who deserve great admiration for that forward vision. All of this and more has been done while fulfilling our core work in developing the standards and procedures that fill our handbooks and provide the assurance of equity in the marketplace, to which NCWM is dedicated.

All that I have mentioned are works in progress. None are complete, but, rather, are incredibly valuable undertakings that will and must continue to develop to produce their full potential in benefits for us all. This brings me back to my confession of not having fulfilled all that was my vision under our year's theme, "Taking Measure of Our Worth."

Back home in California, to say that things have been "challenging" would be a gross understatement. We, like so many states, have been dealing with continually declining resources and endless streams of threats to our programs. Our State Department of Food and Agriculture, within which resides our State Weights and Measures agency, Division of Measurement Standards, lost over \$33 million in general fund support - 35% of its budget - over the last year and a half. Program reductions have been widespread, not the least of which was utter decimation of all general fund support to Division of Measurement Standards, excepting only minimal funding of its metrology laboratory, upon which local jurisdictions rely for standard calibrations. In May, even that was significantly reduced due to continuing State revenue shortfalls.

To add to this, multiple legislative bills seeking to exempt certain industry sectors from all weights and measures regulatory oversight had to be addressed, as did the impending sunset of a statute authorizing County Sealers to charge device registration fees, the core support mechanism for local device inspection programs. As Agricultural Commissioner/Sealer of our state's largest jurisdiction and Vice-President of our statewide organization of Commissioners/Sealers, the call to action for self-preservation did severely frustrate advancements in formulating national Weights and Measures support strategies that I had envisioned in my role as your Chairman.

However, crisis often stimulates ingenuity, and I want to share some positive outcomes of these intense struggles. In addressing these fiscal challenges, representatives of industries affected by many threatened programs were brought together, teaming with regulators to examine program activities and identify least destructive approaches to reductions. Mutual objectives and concerns were considered and discussions of program values were undertaken in developing strategies to deal with funding issues. In every case, reliable, detailed data proved critical in reaching agreement in ranking program priorities and making sound decisions.

In the case of our device registration fee legislation, we benefited from a decades-long practice of our State Division of Measurement Standards in collecting and compiling statewide device inspection testing, compliance and expenditure data. Each County Sealer reports monthly inspection results for 29 specific categories of devices, recording pass/fail rates and hours expended for each. Year-end financial reports collected from all jurisdictions enable extrapolation of actual program costs. In negotiating with industry groups and legislators over recent months, this detailed information provided convincing evidence of the need for these regulatory activities and the actual costs of delivering the valuable consumer and competitor protection services. In negotiating with one industry sector originally seeking an outright exemption from all inspections and from registration fee requirements, the data we were able to produce served to demonstrate the value of regulatory inspections to them in securing fair competition and, in the end, solicited not only agreement on a fee structure, but a "support" position from them on the bill. As a final result, our device registration bill, even in these times of extreme economic pressure, is moving forward with revenue increases exceeding \$2 million toward enhancements of local Weights and Measures activities.

As to the State Weights and Measures funding dilemma, this same data served to convince legislators of the importance of State oversight, coordination, and training in support of local jurisdictions and facilitated development of State administrative fees that County Sealers, under newly-established statutory and regulation authorities, are

now collecting through our device registration billings and remitting to the State Division of Measurement Standards to sustain its device program work.

Finally, other innovative ideas have been implemented, including securing monies in the form of cy pres awards in settlements of civil prosecutions brought jointly by County and State Weights and Measures agencies against chronic violators. Those funds have been utilized to sustain package inspection and price verification programs at the State level, effectively causing non-compliant entities to carry the costs.

What this exhausting year in my state has produced is a dress rehearsal for what, I believe, must be pursued on a national basis. True teamwork among jurisdictions - State and County - and engagement of industry members, sharing and cooperating in data gathering and presenting a unified picture of the worth of Weights and Measures programs, is proving invaluable in producing innovative funding mechanisms very different from those of the past. We cannot keep doing things as we have always done them.

So, my year as Chairman draws to a close. Has progress been disappointing in taking measure of our worth nationally? Yes. Is there a declaration of defeat? No. Efforts must continue. I remain committed to continuing the effort and hope we can team together to accomplish far more than any of us can do individually. Like so many major NCWM endeavors, work is ongoing. Full results are not yet realized. But, there is great promise in what can be achieved. I thank you for the honor you have given me this year, and hope that, through teamwork, we can accomplish for years to come much more than what could be done in a single challenging year.

Again, I thank you, sincerely.