

Planning and Coordinating Effective National Market Place Surveys

NCWM ANNUAL MEETING

PITTSBURGH, PA

JULY 2017

RACHELLE MILLER

CHIEF, WISCONSIN WEIGHTS AND MEASURES

Elements of an Effective National Market

Place Survey

- Clarify Purpose, Goals, and Roles
- Define Scope
- Plan and Establish Timeline
- Invite States to Participate- Clear Expectations
- Train
- Conduct Inspections and Submit Reports
- Compile Summary Data
- Communicate Investigation Findings
- Monitor Progress: Achieving Purpose and Goals

Roles and Responsibilities

- Roles and responsibilities relevant to National Studies
 - NCWM: Promote uniformity and encourage compliance in weights and measures laws, standards and practices. Ensures Local has contacted the appropriate company representatives of the issue.
 - Local (State, county, townships or city under local jurisdiction): Develop and maintain trained personnel to conduct testing, work with regional or adjacent jurisdictions to pursue appropriate procedures to bring about compliance.
 - NIST: Promote national uniformity in weights and measures standards, laws and practices. Issue NIST references; act as technical resource.
 - TEAM (NCWM Board of Directors Subteam- comprised of NCWM Chairperson, NCWM Chairperson-elect and 3 other non-industry NCWM Board Members): Evaluate and determine need for national studies, define study scope and develop protocol, specify who will analyze and report study results, decide when to share data with affected companies.
 - Study Originator: Weights and Measures jurisdiction, Federal agency or other appropriate organization requesting TEAM approval to conduct a national market place survey

Clear Purpose, Goals and Roles

- Origination:
 - Surveys can be requested by various parties including federal agencies, regional associations, local jurisdictions, the NCWM, and industry. The request should be submitted to the NCWM chairperson. The TEAM is responsible for making decisions on whether a study is warranted, the scope of the study, developing and approving the study protocol, establishing appropriate study evaluation methodology, designing who will conduct study analysis, and reporting of study results.
 - Surveys conducted for enforcement-related reasons should be considered when marketplace analysis is needed to confirm if a perceived marketplace problem exists that other enforcement options have not satisfactorily resolved.
 - Requests for National Market Place Surveys are assessed on a case-by-case basis.

Clear Purpose, Goals and Roles (cont.)

- The recommendation to proceed with a National market place survey must be approved by the majority of TEAM members. This group will assess if appropriate local, state, and regional actions have first been taken to attempt reaching resolution. Among the actions the TEAM will consider are:
 - Review inspection and test reports to ensure the jurisdiction conducted the tests in full accord with NIST Handbook 133 and applicable federal law.
 - Determine that an appropriately large enough sampling of product has been made to suggest a national marketplace survey is worthwhile.
 - Determine if this is an industry or company problem.
 - The local jurisdiction has contacted affected companies.
 - Review related industry correspondence to determine compliance issue communication, awareness, and related responsive actions.
 - Confirm that the Local has made reasonable efforts towards issue resolution.

Clear Purpose, Goals and Roles (cont.)

- Based on its findings and judgement, the TEAM can either:
 1. Decline to take further action,
 2. Recommend the local, State, or regional enforcement actions that still must be taken before considering the request, or
 3. Recommend pursuing the national market place survey.
- ❖ To ensure impartiality and to prevent possible conflicts of interest, no industry representative (whether on the NCWM Board of Directors, the Associate Membership Committee, etc.) should participate in the discussion/vote on whether the TEAM should pursue a national marketplace survey.

TEAM Defines Scope of Investigation

- Purpose of the study
- Relevant background
- Jurisdictions who will participate
- Products/product sizes to be tested
- Statistically sound design consistent with product characteristics
- Preferred sampling locations
- Time frame
- Test methodology
- Minimum lot and sample sizes
- Who will collect and analyze the data (Person or organization analyzing the data should not be the study originator)
- How data will be analyzed
- How errors will be handled
- How data will be reported

Plan and Establish Timeline

- Plan the critical steps necessary to achieve goals, and establish a timeline with dates and deadlines for each step:
 - ✓ Send e-mail to State Directors inviting participation
 - ✓ Plan, communicate, and conduct training
 - ✓ Send e-mail to participating State Directors including inspection, investigation and reporting protocol

Plan and Establish Timeline

- ✓ Conduct testing
- ✓ Send reporting reminder to State Directors
- ✓ Compile results
- ✓ Communicate results
- ✓ Issue NCWM and state press releases
- ✓ Assess and monitor progress on achieving purpose and goals

Invite States to Participate

- Purpose
- Scope
- Timeline and directions for inspections and reporting (if jurisdiction can only participate a portion of the time allotted for the survey request that they participate in the first half of the survey schedule).
- Provide sample reports and tools to assist inspectors and state directors
- List of equipment needed
- Copy of training presentation

Conduct Training

- Conduct training to NIST Handbook 133 requirements for uniformity of inspections and statistical validity of survey results.
- Training- funding is a critical issue

Inspections and Reports

- Provide sample reports including what information should be collected (e.g. lot codes, plant numbers, price of product tested)
- Reports should be as uniform as possible. Use the same units. This helps with analyzing the data and collating the results.

Compile Summary Data to Report

Summary Information for
Communicating Survey Results:

- Background and purpose
- Investigation timeframe
- States that participated
- Summary inspection results

Marketplace Survey Report Content

- Overall number of participating jurisdictions
- Number of jurisdictions from each region (NE, Central, South, West)
- Number of inspections conducted
- Number of inspections conducted in accordance with Handbook 133
- Percentage of inspections conducted in accordance with Handbook 133
- Number of products represented in conducted inspections
- Number of inspection lots passed using Handbook 133 procedures
- Percent of inspection lots passed using Handbook 133 procedures



Marketplace Survey Report Content (cont.)

- Number of inspection lots failed using Handbook 133 procedures
- Percent of inspection lots failed using Handbook 133 procedures
- Number of Handbook 133 lot failures due to MAV's
- Percent of Handbook 133 lot failures due to MAV's
- Number of Handbook 133 lot failures due to Average Requirements
- Percent of Handbook 133 lot failures due to Average Requirements
- Number of products passed using Handbook 133 procedures
- Percent of products passed using Handbook 133 procedures



Marketplace Survey Report Content (cont.)

- Number of products failed using Handbook 133 procedures
- Percent of products failed using Handbook 133 procedures
- Average amount overpack/underpack in products passed
- Average amount underpack in products failed
- Economic value of overpack/underpack in products passed
- Economic value of underpack in products failed
- Supplemental analysis where relevant

Communicate Investigation Findings

- TEAM shall approve the final report and decide when to affirmatively share data and the final report with affected companies and industries involved in the survey
- The TEAM will also determine if and when the survey report will be published
 - NCWM Press Release
 - State Press Releases
 - Press Interviews
 - E-mails to State Directors

Lessons Learned

- Have a clear reason for the marketplace survey. It has to matter to people.
- Getting participation nationally is key to success
- Thorough survey planning with established deadlines for each step of the survey is important
- Make sure everyone is doing inspections uniformly according to Handbook 133 procedures and that reported information is complete and accurate.
- Maintain the confidentiality of the survey before the survey commences. Want to ensure that all businesses are treated equally and fairly.
- Maintain and ensure impartiality throughout survey including analysis of results.
- Each State and local jurisdiction is responsible for their own enforcement actions.
- Each State and local jurisdiction is responsible for subsequent open records requests

Questions/Discussion?