

PROGRAM CONTEXT

The objective of the *Fairness at the Pumps Act* (FAPA) was to strengthen consumer protection against losses due to inaccurate measurement of devices used in trade (e.g., scales and fuel pumps) by making retailers more accountable for the accuracy of their devices and introducing stricter enforcement measures to deter measurement inaccuracy. FAPA was announced in April 2010 and it came into force in August 2014.

Measurement Canada (MC), a special operating agency of ISED, ensures the accuracy in the selling of measured goods in more than 40 sectors in Canada and is responsible for implementing FAPA.

FAPA enabled amendments to the *Weights and Measures Act* (WMA) and regulations, and the *Electricity and Gas Inspection Act* (EGAI) to introduce:

- Mandatory re-inspection frequencies in eight trade sectors under the WMA;
- Recognition of non-government inspectors to conduct inspections under the WMA; and
- New enforcement measures (i.e., increased fines for non-compliance and Administrative Monetary Penalties (AMPs)).

WHAT THE EVALUATION FOUND

FAPA increased the number of mandatory re-inspections of devices in the eight regulated trade sectors under the WMA (from 23,000 in 2013-14, to more than 110,000 in 2018-19). However, more than 30 other trade sectors under the WMA are not subject to the same level of oversight, with some of these sectors showing very low compliance rates (as low as 53.5% in 2018-19) compared to an average compliance rate of 94.3% in the eight trade sectors under FAPA.

FAPA contributed to enhancing MC’s enforcement capability. Overall, education and information provided to device owners, as well as warnings provided to them for offenses, have been effective compliance measures. Although AMPs have been used to a limited extent to date, they are generally viewed as having a deterrent effect.

A large national network of non-government inspectors (i.e., Authorized Service Providers – ASPs and their Recognized Technicians – RTs) is available for device owners, but with a limited presence and at a higher cost in northern and remote areas.






Although RTs are qualified and competent to perform inspections and their training is seen to be adequate, there is a need for additional learning tools and refresher courses to enable them to maintain knowledge of regulations and procedures. Further, with the introduction of ASPs to conduct inspections that were previously done by MC inspectors, it may have inadvertently limited MC inspectors’ exposure to specialized devices, and thereby the knowledge needed to inspect them.

While the total number of MC inspections and related costs declined as a result of FAPA, the total number of hours spent by MC employees on accreditation and registration of ASPs and monitoring performance nearly doubled, requiring MC to commit additional resources to support these activities. Given MC’s total operating budget declined between 2011-12 and 2018-19, it can be concluded that MC utilized financial resources provided for the implementation of FAPA efficiently, including absorbing some of these costs.

There is a lack of awareness among Canadians and device owners of MC’s mandate and role, as well as the implications and results of FAPA. Making such information available aligns with the open government initiative and would support consumer confidence in measurement-based transactions.

EVALUATION APPROACH

This evaluation was designed to meet a Treasury Board submission requirement. It focused on the period from April 1, 2014 to March 31, 2019, utilizing multiple lines of evidence:

 Document review	 Key informant interviews
 Literature review	 Administrative data analysis
 Surveys	

RECOMMENDATIONS

1. **Accuracy and fairness in the marketplace:** MC should explore risk-based approaches, including periodic re-inspections, to improve accuracy and fairness in trade sectors not currently overseen by FAPA.
2. **ASPs and RTs availability in northern and remote areas:** MC should explore alternative approaches to enable efficiencies for re-inspections in northern and remote areas and access to ASPs (e.g., greater coordination of re-inspections).
3. **Training and Knowledge transfer:** MC should facilitate the access to online refresher courses and learning tools for RTs and consider implementing strategies to facilitate knowledge transfer for MC inspectors.
4. **Communication with device owners and Canadians:** MC should improve communication with device owners and Canadians, including easily accessible information on activities (e.g., enforcement actions) and results (e.g., compliance rates).