



PLEASE NOTE

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this regulation, current to February 1, 2004. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

If you find any errors or omissions in this consolidation, please notify the Legislative Counsel Office at (902) 368-4291 or by email to pmporter@gov.pe.ca.

CHAPTER A-9

AGRICULTURAL PRODUCTS STANDARDS ACT

GRAIN GRADING REGULATIONS

Under authority of section 4 of the *Agricultural Products Standards Act* R.S.P.E.I. 1988, Cap. A-9, Council made the following regulations:

- 1.** In these regulations Definitions
 - (a) “Act” means the *Agricultural Products Standards Act* R.S.P.E.I. 1988, Cap. A-9; Act
 - (b) “Commission” means the Canadian Grain Commission; Commission
 - (c) “dockage” means any material intermixed with a parcel of grain; dockage
 - (d) “grader” means an inspector as defined in the Act; grader
 - (e) “grain” means wheat, barley, oats, corn, rye, buckwheat, whole soybeans or field peas, which are used directly for livestock feed or in the manufacture of livestock feed and any other product designated as grain by the Minister by notice published in the Gazette; grain
 - (f) “sample” means a sample of grain. (EC531/85) sample
- 2.** Grain is a designated product to which the standards specified in the Act apply. (EC531/85) Designated product
- 3.** Grades of grain and the characteristics, qualities and names corresponding to such grades are those prescribed for Eastern Canada under the *Canada Grain Act* R.S.C. 1985, Chap. G-10 and the regulations made under that Act. (EC531/85) Grades
- 4.** All grading of grain shall be done in accordance with the grades and procedures set out in these regulations. (EC531/85) Grading
- 5.** No person may assign to grain a grade referred to in section 3 unless appointed as a grader by the Minister. (EC531/85) Prohibition
- 6.** Every person wishing to be appointed as a grader shall apply to the Minister in Form 1 of the Schedule. (EC531/85) Application
- 7.** The Minister may suspend for such period as he may determine or revoke the appointment of a grader if the grader contravenes these regulations. (EC531/85) Suspension, revocation of appointment

GRADING AND INSPECTION OF GRAIN

Operation and location of equipment	8. A grader is responsible for ensuring that the equipment used to grade grain is in a proper location and operated in accordance with guidelines issued by the Minister. (EC531/85)
Grade certificates to Minister	9. Every grader shall issue a grade certificate for each sample of grain graded and shall provide to the Minister a copy of every grade certificate issued within five days after the fifteenth day and the last day of each month. (EC531/85)
Grade certificate	10. The grade certificate issued by a grader under these regulations shall be in Form 2 of the Schedule. (EC531/85)
Official sample	11. In order for a sample to be considered an official sample it shall <ul style="list-style-type: none"> (a) be representative in that it is taken in either of the following ways: <ul style="list-style-type: none"> (i) where the sample is taken from a bulk load of grain, a minimum of five portions are taken with an approved probe in such a manner that the portions taken are uniformly distributed throughout the load, and are sufficient in number to represent the apparent variation in the load, or (ii) where the sample is taken during the loading or unloading of grain, the sampling, be it mechanical or manual, shall be spaced regularly during the total discharge of grain; and (b) be taken by a grader or an individual under his supervision. (EC531/85)
Unofficial sample	12. A sample shall be considered an unofficial sample when <ul style="list-style-type: none"> (a) it is random sample; or (b) it is taken by a person other than a grader or an individual under his supervision. (EC531/85)
Weight of sample	13. A sample, whether official or unofficial, shall be at least 1500 grams. (EC531/85)
Assessment	14. The assessment of the dockage, the moisture level and the test weight of the grain shall be performed in the presence of the person delivering the grain if he requests the grader to do so. (EC531/85)
Moisture meter accuracy	15. The moisture level shall be determined with a moisture meter approved by the Minister, the accuracy of which shall be verified by the Minister annually or upon request. (EC531/85)
Guidelines for grading	16. After cleaning the sample taken, the grader shall grade the sample according to the guidelines issued by the Minister. (EC531/85)

17. Where the person requesting the grade is not satisfied with the grade given to the sample by the grader, the sample shall be forwarded to the Canadian Grain Commission for determination of a final binding grade using the following procedures:

- (a) the sample shall be sent within seven days of grading to the Minister in a sealed airtight container together with a Dispute of Grade form in Form 3 of the Schedule duly completed;
- (b) the Minister shall forward the sample to the Commission. (EC531/85)

18. When results are received from the Commission, the Minister shall notify the grader and the person requesting the grade of the decision and shall issue, where applicable, a new grade certificate and shall cancel specifically any previous grade certificate. (EC531/85)

19. The decision of a grader on the moisture level shall not be the subject of a reference to the Commission. (EC531/85)

GRADING CHARGE

20. The person requesting the grade shall pay to the grader a fee of \$5 per sample. (EC531/85)

SCHEDULE**FORM 1****GRAIN GRADING REGULATIONS
APPLICATION FOR APPOINTMENT AS A GRAIN GRADER**

This is application for an appointment as a grain grader in accordance with the Grain Grading Regulations.

A. INFORMATION ON THE APPLICANT

1. Name of applicant
2. Mailing address
..... Postal Code
- Telephone No. (Business)..... (Home).....
3. Name and address of establishment where grading will be done:
Name of establishment
- Address Postal Code

B. KIND OF GRAIN TO BE GRADED

Please select the kind of grain you wish to be authorized to grade:

Wheat	Rye	Corn
Oats	Mixed grain	Field Peas
Barley	Buckwheat	Whole Soybeans

C. GRADING EQUIPMENT

All grading equipment must be acceptable to the Minister. Please identify your equipment on the following list.

	None	Owned
Carter Dockage Machine	_____	_____
Hand Sieves (for cleaning) Catch Pans	_____	_____
Moisture Meter _____ Kind	_____	_____
Toledo Scale	_____	_____
Grain Scale _____ Kind	_____	_____
Cox Funnel and Striker	_____	_____
Probe _____ Kind	_____	_____
Grading Lights	_____	_____

D. OTHER INFORMATION

- | | | |
|---|--------------|------------------------|
| 1. Volume of grain handled
intended to be graded | Last
year | This
year
(Est.) |
| Wheat | _____ | _____ |
| Oats | _____ | _____ |
| Barley | _____ | _____ |
| Rye | _____ | _____ |
| Mixed Grain | _____ | _____ |
| Buckwheat | _____ | _____ |
| Corn | _____ | _____ |
| Field Peas | _____ | _____ |
| Whole Soybeans | _____ | _____ |
2. By signing this application I agree to participate in a grain-grading course, and to undergo testing conducted by the Minister in order to be considered for authorization to grade grain.

To the best of my knowledge, the information noted on this application form is correct.

Signature

Position

Date

FORM 2

**GRAIN GRADING REGULATIONS
GRAIN GRADE CERTIFICATE**

Name.....
 Address Postal Code
 Sample Identification Date
 Grain Temperature
 Dockage % Reading
 Test weight kg/hl Moisture
 Protein
 Grade
 Grader..... Authorized Number

Grade and Moisture test applies only to the sample submitted:

OFFICIAL SAMPLE
 UNOFFICIAL SAMPLE

WHITE & CANARY: Owner/Seller PINK: Minister GOLDENROD: Grader

FORM 3

**GRAIN GRADING REGULATIONS
DISPUTE OF GRADE**

Name of person disputing grade:

Mailing Address: Postal Code

Telephone Number:

Name of Grader:

Mailing Address: Postal Code

Telephone Number:

NOTE: All copies of the initial Grade Certificate issued for this sample must be attached to this form.

GRADE CERTIFICATION NO. _____

The sample submitted is agreed by both the grader and the person disputing the grade as being a sample of the lot of grain.

Signature:

Person Disputing Grade

.....
Grader Certificate No.

Location Date

(EC531/85)