



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

AGRICULTURAL PRODUCTS STANDARDS ACT GRAIN GRADING REGULATIONS

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to November 15, 2008. 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 on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office

Tel: (902) 368-4292

Email: legislation@gov.pe.ca

**AGRICULTURAL PRODUCTS STANDARDS ACT****Chapter A-9****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. Definitions

In these regulations

- (a) “**Act**” means the *Agricultural Products Standards Act* R.S.P.E.I. 1988, Cap. A-9;
- (b) “**Commission**” means the Canadian Grain Commission;
- (c) “**dockage**” means any material intermixed with a parcel of grain;
- (d) “**grader**” means an inspector as defined in the Act;
- (e) “**grain**” means wheat, barley, oats, corn, rye, buckwheat, whole soybeans, canola, oilseed rape, rapeseed, flax 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;
- (f) “**sample**” means a sample of grain. (EC531/85; 658/08)

2. Designated product

Grain is a designated product to which the standards specified in the Act apply. (EC531/85)

3. Grades

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)

4. Grading

All grading of grain shall be done in accordance with the grades and procedures set out in these regulations. (EC531/85)

5. Prohibition

No person may assign to grain a grade referred to in section 3 unless appointed as a grader by the Minister. (EC531/85)

6. Application

Every person wishing to be appointed as a grader shall apply to the Minister in Form 1 of the Schedule. *(EC531/85)*

7. Suspension, revocation of appointment

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)*

GRADING AND INSPECTION OF GRAIN

8. Operation and location of equipment

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)*

9. Grade certificates to Minister

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)*

10. Grade certificate

The grade certificate issued by a grader under these regulations shall be in Form 2 of the Schedule. *(EC531/85)*

11. Official sample

In order for a sample to be considered an official sample it shall

- (a) be representative in that it is taken in either of the following ways:
 - (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)*

12. Unofficial sample

A sample shall be considered an unofficial sample when

- (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)*

13. Weight of sample

A sample, whether official or unofficial, shall be at least 1500 grams. *(EC531/85)*



14. Assessment

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)

15. Moisture meter accuracy

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)

16. Guidelines for grading

After cleaning the sample taken, the grader shall grade the sample according to the guidelines issued by the Minister. (EC531/85)

17. Dispute of grade

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. Notification of Commission decision

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. Moisture level determination

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. Fees**

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 | Canola |
| Oats | Mixed grain | Field Peas | Rapeseed |
| Barley | Buckwheat | Whole Soybeans | Oilseed rape |
| | | | Flax |

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	_____	_____
Canola	_____	_____
Rapeseed	_____	_____
Oilseed rape	_____	_____
Flax	_____	_____

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; 658/08)

