

CHAPTER 1511
DEPARTMENT OF AGRICULTURE
GRAIN STANDARDS TESTING

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1511.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1511.0100 to 1511.0170.

Subp. 2. **Department.** "Department" means the Minnesota Department of Agriculture.

Subp. 3. **Person.** "Person" means an individual, firm, co-partnership, cooperative, company, association, or receiver licensed by the department to purchase grain or store grain for others.

Subp. 4. **Test equipment.** "Test equipment" means mechanical or electronic devices commonly used in the measurement of grain qualities, including equipment that determines moisture or protein content, test weight per bushel apparatus, and dockage testing devices.

Subp. 5. **Reject tag.** "Reject tag" means a device that is applied to test equipment that fails to meet established tolerances.

Subp. 6. **Tolerances.** "Tolerances" means values fixing the minimum or maximum limit of allowable error or departure from true performance or value.

Subp. 7. **Standard sample.** "Standard sample" means a sample of grain with a known measurement of quality or weight for the purpose of testing equipment.

Subp. 8. **Grain.** "Grain" means cereal grain, coarse grain, or oilseed in unprocessed form for which a standard has been established by the United States Secretary of Agriculture or the Minnesota Board of Grain Standards, dry edible beans, or other agricultural crops designated by the commissioner by rule.

Subp. 9. **On-site review.** "On-site review" means the testing of equipment and test equipment operators conducted where grain quality is determined for grain that is received for purchase or storage.

Subp. 10. **Condemned tag.** "Condemned tag" means a device that is applied to equipment that is beyond a state of repair rendering the equipment unfit for making grain quality determinations.

Subp. 11. **Chief equipment operator.** "Chief equipment operator" means a person assigned by the firm management as the responsible person for operating equipment used to determine grain quality.

Subp. 12. **Authorized service representative.** "Authorized service representative" means a person that has been certified by the manufacturer or distributor of the test equipment as being technically qualified and capable of servicing their test equipment.

Statutory Authority: *MS s 17B.041*

History: *14 SR 2432*

1511.0110 ESTABLISHED TOLERANCES.

Established tolerances for each type of equipment are:

- A. moisture determination, plus or minus 0.5 of one percent;
- B. protein determination, plus or minus 0.5 of one percent;

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- C. test weight determination, plus or minus one-half pound; and
- D. dockage determination, plus or minus 0.5 of one percent.

Statutory Authority: *MS s 17B.041*

History: *14 SR 2432*

1511.0120 TEST EQUIPMENT LIST PROVIDED TO DEPARTMENT.

A person who receives grain for purchase or storage in Minnesota shall provide the department with a list of equipment used to determine grain quality on forms provided by the department. The list must include the model number, serial number, and make or brand name of each piece of equipment used to determine moisture or protein content, test weight measuring apparatus, and dockage testing devices.

Statutory Authority: *MS s 17B.041*

History: *14 SR 2432*

1511.0130 TESTING GRAIN EQUIPMENT.

Subpart 1. **Testing for accuracy.** Persons in Minnesota who receive grain for purchase or storage are subject to having the equipment used to determine grain quality routinely tested for accuracy by the department. The test equipment must include mechanical or electronic devices that are used to determine moisture or protein content, test weight scales, and dockage testing devices.

Subp. 2. **Standard samples.** Standard samples for testing equipment, prepared by the department, must be forwarded to persons or firms that perform quality determinations for grain received for purchase or storage.

Subp. 3. **Analysis; results.** Department standard samples received by a firm must be analyzed by the designated chief equipment operator. Test results must be recorded on the forms provided by the department and returned to the department within five days of receipt of the standard samples.

Statutory Authority: *MS s 17B.041*

History: *14 SR 2432*

1511.0140 RETESTING OF EQUIPMENT.

Test equipment that does not meet the established tolerances must be retested. A second set of standard test samples must be forwarded for test equipment that exceeds the established tolerance. Results of the second set of standard test samples must be returned to the department within five days of receipt of the standard test samples.

Statutory Authority: *MS s 17B.041*

History: *14 SR 2432*

1511.0150 ON-SITE REVIEWS OF TEST EQUIPMENT AND EQUIPMENT OPERATORS.

The department may randomly perform an on-site review of test equipment and the chief test equipment operator at each location where grain is being received for purchase or storage. An on-site review must be conducted during normal business hours. An on-site review may be conducted when one or more of the following conditions are determined by the department:

- A. if the test results of standard samples are not returned to the department within the prescribed time;
- B. if test equipment fails to meet the established tolerance on the second set of standard test samples;
- C. if the department determines that inaccurate test results may be caused by the chief test equipment operators' procedures;
- D. if the department determines that the environmental conditions in the area where the test equipment is operated may be inadequate; and

E. if the department receives a signed statement from a purchaser or seller of grain requesting a review of the test equipment or test equipment operator.

Statutory Authority: *MS s 17B.041*

History: *14 SR 2432*

1511.0160 TAGGING OF TEST EQUIPMENT.

Subpart 1. Attachment and removal of tags. Test equipment found to exceed the established tolerances during an on-site review must have a reject tag attached to the test equipment by the department and the equipment must not be further used to determine the quality of grain received for purchase or storage until the test equipment has been serviced and the reject tag is removed:

A. by an employee of the department, upon completion of testing that shows the equipment to be within the established tolerance; or

B. by an authorized service representative who certifies to the department that the equipment has been serviced and tested for compliance within the established tolerance.

Subp. 2. Return of tags. A reject tag must be returned to the department immediately upon placing the equipment back into service. The information requested on the reverse side of the reject tag must be completed and contain the signature of the authorized service representative or the department employee.

Subp. 3. Condemned tag. A condemned tag must be attached to test equipment used to determine grain quality when it is determined that the test equipment is no longer serviceable.

Statutory Authority: *MS s 17B.041*

History: *14 SR 2432*

1511.0170 POSTING NOTICE.

A person in Minnesota who receives grain for purchase or for storage must post a notice, furnished by the department, informing persons delivering grain for sale or storage of their right to have a representative sample of the grain in dispute forwarded to the department for analysis. The notice must be posted in a conspicuous place in conjunction with the license to buy or buy and store grain.

Statutory Authority: *MS s 17B.041*

History: *14 SR 2432*