

1 Department of Agriculture

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3 Adopted Permanent Rules Relating to the Testing of Equipment and  
4 Equipment Operators Involved in Determining the Quality and  
5 Condition of Grain Received for Purchase or Storage

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7 Rules as Adopted

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GRAIN STANDARDS TESTING

9 1511.0100 DEFINITIONS.

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

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

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

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

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

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

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

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

1 agricultural crops designated by the commissioner by rule.

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

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

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

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

19 1511.0110 ESTABLISHED TOLERANCES.

20 Established tolerances for each type of equipment are:

21 A. moisture determination, plus or minus 0.5 of one  
22 percent;

23 B. protein determination, plus or minus 0.5 of one  
24 percent;

25 C. test weight determination, plus or minus one-half  
26 pound; and

27 D. dockage determination, plus or minus 0.5 of one  
28 percent.

29 1511.0120 TEST EQUIPMENT LIST PROVIDED TO DEPARTMENT.

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

1 apparatus, and dockage testing devices.

2 1511.0130 TESTING GRAIN EQUIPMENT.

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

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

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

19 1511.0140 RETESTING OF EQUIPMENT.

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

26 1511.0150 ON-SITE REVIEWS OF TEST EQUIPMENT AND EQUIPMENT  
27 OPERATORS.

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

34 A. if the test results of standard samples are not

1 returned to the department within the prescribed time;

2 B. if test equipment fails to meet the established  
3 tolerance on the second set of standard test samples;

4 C. if the department determines that inaccurate test  
5 results may be caused by the chief test equipment operators'  
6 procedures;

7 D. if the department determines that the  
8 environmental conditions in the area where the test equipment is  
9 operated may be inadequate; and

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

13 1511.0160 TAGGING OF TEST EQUIPMENT.

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

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

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

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

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

35 1511.0170 POSTING NOTICE.

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