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USDA's United States Grain Standards Act: *Oregon*



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[Or. Rev. Stat. Ann. § 586.530](#)

[Or. Rev. Stat. Ann. § 586.550](#)

[Or. Rev. Stat. Ann. §§ 632.905 through 632.918; 632.935 through 632.945; 632.955 through 932.970; 632.980](#)

§ 586.530. Establishment of standard grades for commodities received.

- (1) The State Department of Agriculture shall fix and establish standard grades to apply to all grain received for shipment or storage by public warehouses in this state. The department may establish standard grades for forage products, including but not limited to straw and hay and for other agricultural commodities received for shipment or storage at such warehouses.
- (2) The standards shall be established or changed in accordance with the provisions of ORS 632.900 to 632.935.

§ 586.550. Warehouseman to keep copy of regulations available for inspection.

- (1) It is the duty of the State Department of Agriculture, immediately after the establishment of grades under ORS 586.530, to supply all warehousemen with a copy of the grades, rules and regulations of the department.
- (2) Every public warehouseman shall keep:
 - (a) The copy of grades, rules and regulations on file in a convenient place in every such warehouse.
 - (b) If an office is maintained in connection with such warehouse, a copy of the grades, rules and regulations on file in the office.
 - (c) A placard notice, furnished by the department, posted in a conspicuous place in every such warehouse and such office, reading as follows:

A copy of Oregon grades, rules and regulations is on file [here](#) for information of interested parties.



- (3) Every warehouseman shall exhibit the copy of grades, rules and regulations to any interested party applying therefor at the warehouse or office and shall permit the interested party to examine and consult the copy.

§ 632.905. Grades and standards for horticultural and agricultural products and containers; rules.

In order to promote, protect, further and develop the agricultural industry of this state the State Department of Agriculture may adopt by rule official standards for grading and classifying any or all horticultural and agricultural products and official standards for containers of such products and may change any of such grades and standards from time to time. The grades and standards adopted by the department shall be in conformance to any and all laws of this state providing special grades or standards for any of such products or containers. With respect to canned goods, the department is empowered to adopt only definitions and standards of identity, quality and fill of containers. Unless modified, altered or revoked, grades and standards in force on February 2, 1939, shall continue to be official as though adopted under ORS 632.900 to 632.940 and 632.955 to 632.980.

§ 632.910. Factors to be considered in establishing grades, standards or classifications.

(1) In establishing, under any law of this state, any grades, standards or classifications for any horticultural or agricultural products, the State Department of Agriculture, in addition to other factors as may be specified by law, shall take into account and base the grades, standards or classifications upon the following factors that are applicable to the product involved:

- (a) Degree of maturity;
- (b) Size, measured by dimensions or weight;
- (c) Degree of freshness, as determined by physical examination or chemical test or analysis;
- (d) Moisture content;
- (e) Uniformity;
- (f) Color;
- (g) Firmness;
- (h) Tenderness;
- (i) Freedom from injury;



- (j) Freedom from insect pests;
- (k) Diseases;
- (L) Appearance;
- (m) Freedom from mixture with other varieties;
- (n) Freedom from noxious weeds or weed seeds;
- (o) Freedom from decay;
- (p) Conformation;
- (q) Soundness;
- (r) Varietal characteristics or type;
- (s) Number of specimens per pound;
- (t) Nature of pack;
- (u) Presence of dirt or other foreign material;
- (v) Condition as to temperature and extent to which the product is hot or heating or is in a sour condition;
- (w) Extent to which commodity is satisfactory for human or other consumption or use, as the case may be;
- (x) Extent to which the product has been affected by handling or treatment;
- (y) Extent to which the product has a commercially objectionable odor or flavor; and
- (z) Other factors indicative of quality or condition, and the value or suitability of the commodity involved for the commercial or other use to be made thereof.

(2) In addition, the department shall take into account any grades, standards or classifications for a product established by the United States Department of Agriculture and also applicable federal grades and standards laws.

§ 632.915. Consideration of commercial or other use; change of grades, standards or classifications.

The factors that the State Department of Agriculture must consider in establishing grades, standards or classifications for a horticultural or agricultural product, or



processes used in connection with a horticultural or agricultural product, apply to the extent and in the manner that those factors relate to the quality, quantity and condition of that product and the value and suitability of the product for the commercial or other use to which the product normally is put. The department may change the grades, standards or classifications established by the department to:

- (1) Conform more nearly to commercial or trade requirements, practices or methods;
- (2) Meet changed conditions;
- (3) Comply with new and improved methods of handling, processing, packing, transporting, marketing or using the product involved;
- (4) Apply or make effective any new and improved method of test, analysis or examination of the quality or condition of that product or the value or suitability of the product for its normal use; and
- (5) Comply with new methods of controlling insect pests and diseases.

§ 632.918. Classifications and standards for certified horticultural and agricultural processes; rules.

The State Department of Agriculture may adopt by rule classifications and standards for horticultural and agricultural processes certified under ORS 632.940. Classifications and standards for horticultural and agricultural processes adopted under this section are in addition to the grades, standards or classifications for horticultural or agricultural products or containers adopted under ORS 632.905 and 632.910. [2003 c.602 §2]

Note: 632.918 was added to and made a part of 632.900 to 632.935 by legislative action but was not added to any other series. See Preface to Oregon Revised Statutes for further explanation.

§ 632.935. Adoption of United States standards; cooperation with United States.

The State Department of Agriculture may establish as the official standard for this state for any horticultural or agricultural product or container, any standard which may have been promulgated or announced therefor under the authority of the Congress of the United States, and the department is authorized to cooperate with the United States, or any department thereof, in accomplishing the matters and things provided for in ORS 632.900 to 632.940 and 632.955 to 632.980.

§ 632.940. Inspection and classification of horticultural and agricultural products by department; fees and charges.

- (1) Except as provided in ORS 632.945, the State Department of Agriculture may designate an employee or agent of the department to inspect or classify horticultural and agricultural products, or the processes used in connection with those



products, when those services are requested by persons having an interest in the products or processes.

(2) The department may ascertain and certify to the interested persons the grade, classification, quality, condition or amount of the products, the processes used in connection with the products or other pertinent facts relating to the products or processes that the persons may request.

(3) The department may fix, assess and collect, or cause to be collected, fees for the services performed by employees or agents of the department under this section. The fees must have a uniform basis and be in an amount reasonably necessary to cover the cost of the inspection and administration of this section. The department shall adjust the fees to be collected under this section to meet the expenses necessary to carry out the provisions of this section, and may prescribe a different scale of fees for different localities.

(4) The department may prescribe a reasonable charge for traveling expenses and services if performing the services described in this section involves unusual cost to the department.

(5) All fees and charges received by the department under this section and ORS 632.211, 632.600 and 632.945 must be deposited in the Department of Agriculture Service Fund, and are continuously appropriated to the department for the enforcement of this section and ORS 632.211, 632.600 and 632.945.

§ 632.945. Procedure for department inspection and classification; collection of costs; fees.

(1) Under such conditions as the State Department of Agriculture may prescribe by rule, the department, through any competent employee or agent, shall inspect or classify produce in accordance with standards specified in the written agreement between the grower and the handler for sale of the produce. The methods and procedures for inspection or classification of produce shall be in accordance with such rules as the department may prescribe.

(2) The department shall ascertain and certify to the parties to the written agreement the grade, classification, quality, condition or amount of the produce and any other pertinent facts relating to such produce that a party to the written agreement may request.

(3) The department may fix, assess, and collect or cause to be collected from the handler, fees for such services in the manner and to the extent provided by ORS 632.940. All such fees are continuously appropriated to the department for the enforcement of ORS 632.940 to 632.980.

(4) As used in this section:



(a) "Grower" means any person engaged in the business of growing or producing any produce in this state and includes any cooperative organization composed exclusively of growers and handling exclusively the produce of its own members and operating under and by virtue of the laws of this state or of any other state or of the United States.

(b) "Handler" means a person or the agent of the person who processes produce the person has purchased or otherwise acquired in this state from a grower.

(c) "Produce" means any fruit or vegetable grown or produced by a grower and of which total sales by growers to handlers for the previous growing season totaled more than \$1 million. The department shall determine and verify the application of this defined term, and the total sales value herein specified, and for this purpose shall be authorized to inspect books and records and require reports.

§ 632.955. Investigation of complaint of purchaser's misrepresentation of product; inspection and classification of products received by purchaser.

Upon complaint of any person to the State Department of Agriculture that the grade, classification, quality, condition or amount of any horticultural or agricultural product is being misrepresented by the purchaser thereof, or that the grades are not being made by the purchaser in accordance with the purchase agreement, the department shall investigate such complaint and, when in its opinion such complaint is justified, shall order such purchaser so misrepresenting to cease and desist from such practices in addition to the other provisions of ORS 632.900 to 632.940 and 632.955 to 632.980. Upon failure of the purchaser to so cease and desist from such practices, the department shall designate its agent to inspect and classify all such products received by such purchaser, the cost of such service to be fixed, assessed and collected from such purchaser as provided in ORS 632.940. This section does not apply to a cooperative association nor to a person deriving the major livelihood of the person from a farm or orchard which the person operates either as owner or renter.

§ 632.960. Appeal to department for classification; fee.

Whenever any quantity of any horticultural or agricultural product has been inspected under ORS 632.940 and 632.955 to 632.980 and a question arises as to whether the certificate issued therefor shows the true grade, classification, quality or condition of such product, any interested person, subject to such regulations as the State Department of Agriculture may prescribe, may appeal the question to the department. The department is authorized to cause such investigation to be made and such tests to be applied as it may deem necessary and to determine and issue a finding as to the true grade or classification of the product or the quality or condition thereof. Whenever any appeal is taken to the department under this section it shall charge and assess and collect, or cause to be collected, a reasonable fee, to be fixed by it, which shall be refunded if the appeal is sustained.



§ 632.965. Certificate of grade, classification, quality or condition as prima facie evidence.

A certificate, when not superseded by a finding on appeal, or a finding on appeal of the grade, classification, quality or condition of any horticultural or agricultural product, issued under ORS 632.900 to 632.940 and 632.955 to 632.980 and all certificates issued under authority of the Congress of the United States relating to the grade, classification, quality or condition of horticultural or agricultural products shall be accepted in any court of this state as prima facie evidence of the true grade, classification, condition or quality of the horticultural or agricultural products at the time of its inspection.

§ 632.970. Misrepresentation of grades and standards for horticultural or agricultural products; improper use of insignia indicating grade.

If any quantity of any horticultural or agricultural product has been inspected and a certificate issued under ORS 632.900 to 632.940 and 632.955 to 632.980 showing the grade, classification, quality or condition thereof, no person shall represent that the grade, classification, quality or condition of the product at the time and place of the inspection was other than as shown by the certificate. Whenever any standard for the grading or classification of any horticultural or agricultural product becomes effective under ORS 632.900 to 632.940 and 632.955 to 632.980, and any word or words, figure or letter, has been adopted by the State Department of Agriculture to indicate the grade or quality of the horticultural or agricultural product contained in any container or package, no person, firm or corporation shall use any of such words, letters or figures, in connection with any container or package, to represent the grade or quality of the horticultural or agricultural product contained therein, to be sold or offered for sale, if such product does not meet the requirements of the grade indicated by the marking.

§ 632.975. Use of containers not conforming to standard.

Whenever any standard for a container for any horticultural or agricultural product becomes effective under ORS 632.900 to 632.940 and 632.955 to 632.980, no person thereafter shall pack or place for sale, offer for sale, consign for sale or sell and deliver, in a container, any such horticultural or agricultural product to which the standard is applicable, unless the container conforms to the standard, subject to such variations therefrom as may be allowed by law or by rules and regulations made pursuant to law, unless such product is brought from outside the state and offered for sale, consigned for sale, or sold in the original package which is a standard package in the state of origin. This section does not apply to horticultural or agricultural products packed for and sold as gift packages, and shipped in containers, the specifications of which, or a sample of which, have been submitted to and approved by the State Department of Agriculture.



§ 632.980. Improper grading and incorrect certificates prohibited.

No person shall, under ORS 632.900 to 632.940 and 632.955 to 632.980, knowingly inspect, grade or classify improperly any horticultural or agricultural product or knowingly give any incorrect certificate of grade, classification, quality or condition.

