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State Grain Grading Laws and Regulations

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An important factor in the sale of grain is quality. Grain is routinely sampled and inspected, often several times before reaching its end use, on a wide array of criteria depending on the type and use of the grain. States vary in the standards that they choose to use or not use. Many states do not have regulations governing grain sampling and inspection. Some states have created their own regulatory approach to grain inspection. And finally, some states have chosen to adopt the federal approach. Through the United States Grain Standards Act, the federal government created a set of standards used for import and export of grain. Some states have adopted these standards and have been delegated inspection authority by the Federal Grain Inspection Service. In this publication we have provided summaries of the state laws that have some form of grain inspection approach. States that are not listed below do not have a formal grain inspection law at this time. This document was created in August, 2019.

To review the Federal Grain Inspection Service handbook, click [here](#).

Click on the states below to see the summary of their rules on grain inspection:

Alabama*	Missouri
Arkansas	Montana*
Colorado	Nevada
Delaware	North Dakota
Florida	Ohio
Kansas	South Carolina*
Kentucky	Virginia*
Louisiana	Washington*
Mississippi	Wyoming*

* FGIS STATES: The official grain inspection and weighing system is a unique partnership comprised of Federal, State, and private partners serving customers across the Nation. Our State and private partners are authorized by FGIS to provide official inspection and weighing services to the domestic and export grain trade on our behalf. Specifically, FGIS delegates qualified State agencies to inspect and weigh grain at certain U.S. export port locations; and designates qualified State and private agencies to inspect and weigh grain at interior locations. FGIS licenses all State and private agency personnel who perform official inspection and weighing services, and oversees our official partners and the system at large. Every official service provider operates under uniform, official U.S. grain standards and procedures. [USDA AMS](#)

Alabama*	
Section Name	<i>Section 2-11-6 - Designation and licensing of inspectors; duties; fees; unlawful acts.</i>
Compliance Requirements	<ul style="list-style-type: none"> • The commissioner is hereby authorized to designate any competent employee or agent of the Department of Agriculture and Industries or United States Department of Agriculture and to license any competent person and to charge and collect a reasonable fee for such license to inspect or classify agricultural products for the purposes of this article and to revoke such licenses at his discretion. • Such inspectors shall be stationed at such places, furnish such certificates and information to the commissioner and interested parties and perform such other duties pertaining to the provisions of this article as the commissioner may require. The commissioner, with the approval of the Board of Agriculture and Industries, may fix, assess and collect or cause to be collected fees for such services. • Any person other than those properly designated under the provisions of this article who shall issue certificates of inspection or classification or represent himself to be such an inspector shall be guilty of a misdemeanor.
Link(s)	https://law.justia.com/codes/alabama/2014/title-2/chapter-11/

Arkansas

Arkansas	
Section Name	<i>CHAPTER 25: ARKANSAS GRAIN GRADING ACT</i>
Requirements for Compliance	<p>2-25-103. Administration.</p> <ul style="list-style-type: none"> • The Arkansas Agriculture Department shall adopt rules governing the standards for sampling and grading grain that are consistent with the standards for sampling and grading grain developed by the United States Department of Agriculture. • The Arkansas Agriculture Department shall certify: <ul style="list-style-type: none"> ○ Grain dealers that employ grain samplers and graders; and ○ Courses of instruction in the methods of sampling and grading grain • The Arkansas Agriculture Department shall issue a certificate to a grain dealer who conducts a course of instruction for sampling and grading grain that is satisfactory to the Arkansas Agriculture Department. • A grain dealer who issues grades for grain shall: <ul style="list-style-type: none"> ○ Sample and grade each load of grain delivered by a producer within twenty-four (24) hours of the time the grain is delivered to the grain dealer; and ○ Retain each sample of grain received from a producer that is subject to excessive deductions for grain damage or foreign material. • The Arkansas Agriculture Department shall promulgate a rule regarding the level of deduction that is excessive for each type of grain. The rule shall: <ul style="list-style-type: none"> • Include the deductions for grain damage or foreign material; • Be based upon the numerical grades determined for each type of grain by the United States Department of Agriculture; and • Include a provision allowing for variance in the moisture level of a sample, which shall not subject the sample to re-inspection. • Samples of grain that are subject to excessive deductions shall be retained in separate containers for two (2) days from the date the sample was graded. <p>2-25-104. Disputes.</p> <ul style="list-style-type: none"> • If a dispute arises regarding the grading of a sample that is subject to excessive deductions, the grain dealer or the producer, or both, may request that the sample be regraded by an official grading agency for an official grade that shall be deemed the official grade of the disputed sample. • If a regrading is requested, the grain dealer shall provide the sample to the agency at the requester's expense. <p>2-25-105. Enforcement.</p> <ul style="list-style-type: none"> • An employee of the Arkansas Agriculture Department may inspect randomly selected grain dealers to ensure the grain dealer is certified by the department for sampling and grading grain. • An employee of the grain dealer that is responsible for sampling and grading grain is required to demonstrate through skill an adequate knowledge of sampling and grading grain as determined by the department. <p>2-25-106. Penalties.</p> <ul style="list-style-type: none"> • If the Arkansas Agriculture Department conducts an inspection of a grain dealer as permitted under § 2-25-105(a) and determines that a grain dealer who issues grades does not take samples of graded grain in a manner consistent with the standards adopted by the

	<p>department, the department may place the grain dealer on probation.</p> <ul style="list-style-type: none"> • If a grain dealer who issues grades for grain is placed on probation, an employee of an official grading agency may inspect randomly selected samples of graded grain to determine whether the grain dealer is taking samples and grading grain in a manner consistent with the rules adopted by the department. • The samples of graded grain shall be obtained and an inspection performed during the normal working hours of the grain dealer. • The grain dealer shall pay for the samples of graded grain that are inspected.
Link(s)	http://www.arkleg.state.ar.us/assembly/2019/2019R/Bills/HB1846.pdf

Colorado

Colorado	
Section Name	<i>35-35-101. System of grading.</i> Source: L. 19: p. 420, § 1. C.L. § 3683. CSA: C. 69, § 32. CRS 53: § 7-15-1. L. 62: p. 129, § 1. C.R.S. 1963: § 7-13-1.
Compliance Requirements	<ul style="list-style-type: none"> • Any person, firm, company, association, or corporation, foreign or domestic, who makes a business of buying grain, wheat, corn, barley, oats, or rye from the producer shall be required: <ul style="list-style-type: none"> ○ to buy the same on the basis of federal grades, and ○ the purchasing agent of each person, firm, company, association, or corporation dealing in grain shall inspect and grade all grain purchased in accordance with the federal grades in effect at the time of said inspection.
Link(s)	https://leg.colorado.gov/sites/default/files/images/olls/crs2017-title-35.pdf

Delaware

Delaware	
Section Name	<i>Chapter 3 Del. Code Regs. § 802 Grain Inspection And Certification</i>
Compliance Requirements	<p>Inspection Standards</p> <ul style="list-style-type: none"> • Must be performed under the guidelines of the United States Grain Standards Act, U.S.C.A. Section 7 et. seq., A-D, and the USDA Grain Handling Procedures, Book I and Book II as amended. <p>Equipment</p> <ul style="list-style-type: none"> • Equipment, equipment procedures, and sampling procedures used to determine factors pertaining to the value of grain must be those contained in the USDA Grain Handling Procedures Book I and Book II. • The Department shall have the power to inspect and test as often as deemed necessary in its sole discretion, and to determine the accuracy of all equipment and procedures used to sample and grade grain purchased by the granaries. • The Department shall approve and mark, or seal for use, equipment found to be in proper and accurate operation and function. Any equipment

	<p>deemed to be inaccurate or improperly functioning shall be marked and labeled “condemned for repairs” or “not for grain inspection.”</p> <p>Grain Sample Preservation Program</p> <ul style="list-style-type: none"> • The grain inspector who determines grade factors for the purpose of establishing the value of grain shall identify and preserve the sample of each lot used to determine these factors for a period of twenty-four hours (24). • The sample size shall be a minimum of one and one-half (1.5) quarts and shall be preserved in a moisture-proof container maintained in adequate environmental conditions in order to preserve the integrity of the samples. • The samples shall be available at the granaries’ place of business, and shall be accessible for inspection by the Department or at the Department’s Inspection Laboratory. • To facilitate the use of file samples, each granary shall establish and maintain a uniform file system approved by the Department. <p>Record Keeping: Each granary shall make a written record as provided in Section 11.2 for each lot of grain weighed and graded. Unless otherwise agreed to at the time of transaction, the granary, or his agent, shall deliver a copy of the record to the person whom:</p> <ul style="list-style-type: none"> ○ Is delivering the grain to the granary; ○ Is selling the grain to the granary; ○ Is buying the grain from the granary. <ul style="list-style-type: none"> • The record shall include: <ul style="list-style-type: none"> ○ Name and address of the person for whom the grain was weighed or graded; ○ The date the grain was weighed and graded (if separate dates, each shall be stated); ○ Type of grain; ○ Grade factors determined (see USDA Grain Handling Procedures Book I and II as amended); <ul style="list-style-type: none"> ▪ Net weight from weigh ticket; ▪ Specification of all discounts and deductions and how applied, and if no discount or deduction is given that fact shall be so stated; ○ The conversion from net weight to pricing unit; ○ Gross price per pricing unit; ○ Net price per pricing unit; ○ Total amount of sale. ○ The weigh ticket shall be attached to and made part of the record as provided in Section 11.2. The record shall be kept by the granary for one year, and upon request shall be made available to the Department. <p>Violations: The following acts shall be considered to be violations of the 3 Del.C. §1601 et. seq., and shall be punishable as provided in Section 1606.</p> <ul style="list-style-type: none"> • Failure to apply for granary certification. • Failure to use licensed grain inspectors. • Failure to use approved grain testing equipment and procedures. • Failure to save, or have in place a sample preservation program. • Failure to keep adequate records. • Failure to post current discount where they can readily be viewed. • Granary has engaged in fraudulent or deceptive practices in the inspection of grain.
Link(s)	http://regulations.delaware.gov/AdminCode/title3/800/802.shtml

Florida

Section Name	<i>Fla. Stat. Ann. §603.11 Grades of fruits, vegetables, nuts, grains, and other agricultural products.</i>
Compliance Requirements	The standard grades of all fruits, vegetables, nuts, grains, and other agricultural products shall be the same as those of the United States grades as now promulgated or which may be promulgated by the United States Department of Agriculture.
Section Name	<i>Inspection of fruits, vegetables, nuts, grains, and other agricultural products; certificates</i>
Compliance Requirements	The Department of Agriculture and Consumer Services, cooperating with the United States Department of Agriculture, shall, when requested by the shipper, furnish carlot inspection of fruits, vegetables, nuts, grains, and other agricultural products at shipping point, furnishing certificates in conformity with those used by the United States Department of Agriculture in shipping point inspection. The expense or charge of such inspection shall be paid by the shipper.
Link(s)	https://www.flsenate.gov/Laws/Statutes/2018/603.11 https://www.flsenate.gov/Laws/Statutes/2018/603.12

Kansas

Section Name	<i>Kan. Stat. Ann. §34-128. Abolishment of state grain inspection department; transfer of limited powers and duties.**</i>
Compliance Requirements	On and after September 1, 1997: (a) The Kansas state grain inspection department established by K.S.A. 34-101 is hereby abolished. (b) Except as otherwise provided by this act, all of the powers, duties and functions of the Kansas state grain inspection department and the director of the Kansas state grain inspection department concerning public warehouses are hereby transferred to and conferred and imposed upon the department of agriculture and the secretary of agriculture. (c) Except as otherwise provided by this act, all of the powers, duties and functions of the Kansas state grain inspection department and the director of the Kansas state grain inspection department concerning grain inspection are hereby governed by the grain inspection, packers, stockyards administration of the United States department of agriculture. <i>** (Despite these powers, no regulations appear to have been implemented)</i>
Section Name	<i>Kan. Stat. Ann. §34-129. Same; transfer of limited powers, duties and functions from grain inspection to department of agriculture; successor thereto; rules and regulations; title to property.</i>
Compliance Requirements	On and after September 1, 1997: (a) Except as otherwise provided by this act, the department of agriculture and the secretary of agriculture shall be the successor in every way to the powers, duties and functions of the Kansas state grain inspection department and the director of the Kansas state grain inspection department

	<p>concerning public warehouses in which the same were vested prior to the effective date of this section. Every act performed in the exercise of such powers, duties and functions by or under the authority of the department of agriculture and the secretary of agriculture shall be deemed to have the same force and effect as if performed by the Kansas state grain inspection department and the director of the Kansas state grain inspection department, respectively, in which such powers, duties and functions were vested prior to the effective date of this section.</p> <p>(b) Except as otherwise provided by this act, whenever the Kansas state grain inspection department, or words of like effect concerning public warehouses, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the department of agriculture.</p> <p>(c) Except as otherwise provided by this act, whenever the director of the Kansas state grain inspection department, or words of like effect concerning public warehouses, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of agriculture.</p> <p>(d) All rules and regulations of the Kansas state grain inspection department and the director of the Kansas state grain inspection department concerning public warehouses in existence on the effective date of this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of agriculture until revised, amended, revoked or nullified pursuant to law.</p> <p>(e) All orders and directives of the Kansas state grain inspection department and the director of the Kansas state grain inspection department concerning public warehouses in existence on the effective date of this section shall continue to be effective and shall be deemed to be orders and directives of the department of agriculture until revised, amended or nullified pursuant to law.</p> <p>(f) On the effective date of this act, the department of agriculture shall succeed to whatever right, title or interest the Kansas state grain inspection department has acquired in any real property in this state concerning public warehouses, and the department shall hold the same for and in the name of the state of Kansas. On and after the effective date of this act, whenever any statute, contract, deed or other document concerns the power or authority of the Kansas state grain inspection department and the director of the Kansas state grain inspection department concerning public warehouses to acquire, hold or dispose of real property or any interest therein, the department of agriculture shall succeed to such power or authority.</p> <p>(g) The department of agriculture and the secretary of agriculture shall be continuations of the Kansas state grain inspection department and the director of the Kansas state grain inspection department concerning public warehouses.</p> <p><i>** (Despite these powers, no regulations appear to have been implemented)</i></p>
Link(s)	https://agriculture.ks.gov/docs/default-source/statutes-grainwarehouse/grainlaw.pdf?sfvrsn=e4d79cac_10

Kentucky

Section Name	<i>Ky. Rev. Stat. Ann. §260.036. Agricultural products grading program.**</i>
Compliance Requirements	<p>(1) The Department of Agriculture may promote the sale of raw agricultural products produced in the state by operating, maintaining, and administering a standard grading program for evaluating raw agricultural products.</p> <p>(2) The department may, after consultation with the University of Kentucky College of Agriculture and associations actively involved in promoting the sale of agricultural products within the state, promulgate standards for grading, marking, weighing, storing, transporting, and harvesting these agricultural products. These standards shall promote the sale of agricultural products by standardizing the quality and quantity of the raw agricultural products produced by participants in the department’s standard grading program.</p>

	<p>(3) The department may undertake appropriate measures to aid, encourage, foster, and promote the sale, development, and improvement of raw agricultural products produced in the state which have been graded by a department standard grading program.</p> <p>(4) The department may employ persons to carry out the provisions of this section.</p> <p>(5) The department may administer the provisions of this section and adopt administrative regulations to carry out the provisions of this section. The department may conduct examinations, inspections, or hearings for the proper administration of this standard grading program. All authorized hearings shall be conducted in accordance with KRS Chapter 13B.</p> <p>(6) The department may collect a reasonable fee for grading services provided to a participant in the standard grading program. However, the fee shall not exceed thirty dollars (\$30) per sample graded by the department's employees. All fees collected under the provisions of this section shall be credited to the department for use in carrying out the standard grading program.</p> <p><i>** (Despite these powers, no regulations appear to have been implemented)</i></p>
Link(s)	<p>https://advance.lexis.com/toc/minitoclever/?pdmfid=1000516&crld=6e99d640-2491-4381-8071-d61412fbc8dd&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5D87-RGF1-66PR-P0D9-00000-00&pdtocnodeid=AAVAAN&pdtocfullpath=%2Fshared%2Ftableofcontents%2Furn%3AcontentItem%3A8RKB-9YR2-D6RV-H2SY-00000-00&ecomp=b539k&prid=19e9e4bd-fc49-44b7-b8c1-231a8a6fbf4f</p>

Louisiana	
Section Name	<i>La. Rev. Stat. Ann. §3414.3. Grain sampling and grading</i>
Compliance Requirements	<ul style="list-style-type: none"> • The commission by rule shall adopt standards for sampling and grading grain. The standards shall: <ul style="list-style-type: none"> ○ include tolerances for the interpretive element of grading. ○ be consistent with the standards adopted by the United States Department of Agriculture for sampling and grading grain. ○ The commission shall provide copies of any changes in the standards to each grain dealer prior to the date the changes become effective. • The commission may certify grain samplers and graders. <ul style="list-style-type: none"> ▪ The commission may conduct courses of instruction in the methods of sampling and grading grain in one or more locations throughout the state. ○ Each person who displays an adequate knowledge of sampling and grading grain which is satisfactory to the commission shall be issued a certificate. • Each grain dealer who issues grades for grain shall sample and grade each load of grain delivered by a producer <u>within seventy-two hours</u> from the time the grain is delivered to the grain dealer. • Each grain dealer who issues grades for grain shall <u>retain each sample of grain</u> received from a producer which is subject to excessive deductions. <ul style="list-style-type: none"> ○ The commission by rule shall determine the level of deductions which are excessive for each type of grain. This determination shall include deductions for all causes and shall be based upon the numerical grades determined for each type of grain by the

	<p>United States Department of Agriculture. Samples of grain which are subject to excessive deductions shall be retained in separate containers and shall be retained for five days from the date the sample was graded.</p> <p>DISPUTES</p> <ul style="list-style-type: none"> • If a dispute arises as to the grading of a sample which is subject to excessive deductions, the grain dealer, or the producer, or both, may request that the sample be regraded by the department. If a regrading is requested, the grain dealer shall provide the sample to the department. • The department may charge a fee for regrading a sample. The fee shall be fixed by the commission by rule in an amount not to exceed fifty dollars. • If the dispute is not resolved on the basis of the regrading, either party may introduce the results of the regrading in evidence in any legal action which results from the dispute. • The employees of the department may inspect randomly selected samples to determine if a grain dealer who issues grades for grain is taking samples and grading grain in accordance with the standards adopted by the commission. The department shall not charge for an inspection under the provisions of this Section. The sample shall be obtained, or the inspection performed, during the normal working hours of the grain dealer. • If a grain dealer who issues grades for grain does not take samples or grade grain in accordance with the standards adopted by the commission, the commission may place the grain dealer on probation. If the grain dealer continues to sample or grade grain incorrectly, or if the grain dealer fails to retain samples or to provide samples as required by this Section, the commission may suspend or revoke the grain dealer's license. • A grain dealer may be placed on probation and a grain dealer's license may be suspended or revoked only by a ruling of the commission based on an adjudicatory hearing held in accordance with the Administrative Procedure Act. • The department shall inspect, classify, and grade all grain subject to this Subsection. The department may charge a fee for inspecting, classifying, and grading grain. The fee shall be fixed by the commission by rule and shall be based on the actual cost of providing the service. The provisions of this Subsection shall not apply to grain sold for export nor to inbound grain intended for export shipment.
Link(s)	http://www.ldaf.state.la.us/wp-content/uploads/2016/09/Agricultural-Commodity-Dealer-Warehouse-Law-Title-3.pdf

Mississippi	
Section Name	<i>Miss. Code Ann. § 69-1-23. Inspection of grain crops; definitions; licensing of inspectors; grading samples</i>
Compliance Requirements	<p>The Mississippi Department of Agriculture and Commerce is hereby designated as the official inspection agency within the State of Mississippi, or for a company domiciled in the State of Mississippi, to certify to producers, shippers, and other financially interested parties the grade, quality, or condition of grain crops. Grain crops for the purpose of this chapter shall be those crops for which standards have been established under the United States Grain Standards Act; namely, wheat, oats, corn, barley, rye, flaxseed, soybeans, grain sorghum, and mixed grains and other crops for which standards may hereafter be established.</p> <ul style="list-style-type: none"> • The Mississippi Department of Agriculture and Commerce shall have the sole authority to recommend to the U. S. Department of Agriculture the licensing of inspectors for the purpose of carrying out the inspection, grading and certification of grain inspection under

	<p>the United States Department of Agriculture Grain Standards Act, except that those persons already licensed as of this date under any other authority may continue to operate in their respective designated areas.</p> <ul style="list-style-type: none"> • The Commissioner of Agriculture and Commerce shall adopt rules and regulations to provide that any grain producer, submitting grain for sale at any elevator in the state, shall be entitled to have that grain graded by an official inspector. The grain producer shall be responsible for and shall pay the cost of grading such sample.
Link(s)	http://www.mdac.ms.gov/laws_and_regulations/Grain Inspection and Weighing/inspection grain crops 69-1-23.pdf

Missouri

Missouri	
Section Name	Mo. Ann. Stat. §411.100 Missouri Grain Warehouse Law
Compliance Requirements	<ul style="list-style-type: none"> • Must be inspected by an authorized inspector • 411.100. No person shall be eligible to hold the office of chief inspector or inspector unless he has passed the examinations of the United States Secretary of Agriculture required for the issuing of a license to inspect and grade those grains designated by the director for which standards are provided under the provisions of an act of Congress known as "The United States Grain Standards Act".
Link(s)	https://law.justia.com/codes/missouri/2009/t26/c411/c411.html

Montana*

Montana*	
Section Name	<i>Mont. Code Ann. §80-4-702. Qualifications of official agricultural commodity inspectors, samplers, and weighers.</i>
Compliance Requirements	<ul style="list-style-type: none"> • Official agricultural commodity inspectors, samplers, and weighers must be qualified in accordance with the Grain Standards Act. • Official agricultural commodity inspectors, samplers, and weighers may not be directly or indirectly interested in the handling, sorting, shipping, purchasing, or selling of agricultural commodities, grain, or grain commodities.
Other resource	<i>Grain inspection handbook:</i> Inspection methods for grains, pulses, oilseeds and specialty crops for which no standards have been established processed commodities from standardized and not standardized crops and screenings derived from cleaning or handling agricultural products.
Link(s)	Standards for not-standardized grains: https://agr.mt.gov/Portals/168/Documents/SGL/MT_Standards_NS.pdf https://agr.mt.gov/State-Grain-Lab

	https://leg.mt.gov/bills/mca/title_0800/chapter_0040/part_0070/section_0020/0800-0040-0070-0020.html
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North Dakota	
Section Name	<i>N.D. Cent. Code §60-02-27. Federal grades to control — Grades to be posted.</i>
Compliance Requirements	<ul style="list-style-type: none"> • All public warehousemen shall purchase and store grain except dry edible beans in accordance with the official grades established from time to time by the secretary of agriculture of the United States, except as otherwise provided in rules and regulations applicable thereto adopted by federal officials pursuant to law. • Public warehousemen shall post in a conspicuous place in the public warehousemen’s warehouse the official grades so established and also any change that may be made from time to time. • Warehousemen of dry edible beans shall purchase, store, and deliver beans in accordance with the policy of the warehousemen which must be filed with the commissioner and posted in a conspicuous place in the warehouse of the public warehousemen. • Other grading standards may be used if mutually agreed to in writing by the warehouseman and the owner of the grain. However, the owner may demand the use of federal grading standards. The commissioner, after hearing, may prohibit the use of nonfederal grades.
Section Name	<i>N.D. Cent. Code §60-02-28. Grading of grain.</i>
Compliance Requirements	All public warehousemen before testing for grade any grain handled by them shall remove therefrom and make due allowance for any dockage of such grain made by reason of the presence of straw, weed seeds, dirt, or any other foreign matter.
Section Name	<i>N.D. Cent. Code, § 60-02-05. Grain marketing — Procedure for resolving disputes.</i>
Compliance Requirements	<p>If any dispute or disagreement arises between the person receiving and the person delivering grain at any public warehouse in this state as to the proper grade, dockage, vomitoxin level, moisture content, or protein content of any grain:</p> <ul style="list-style-type: none"> • an average sample of at least three pints of the grain in dispute may be taken together by both parties interested. The sample must be: <ul style="list-style-type: none"> ○ certified by each party as a true and representative sample of the grain in dispute on the day the grain was delivered. ○ forwarded in a suitable container by parcel post or express, prepaid with the name and address of both parties for inspection by a federal licensed inspector, or a mutually agreed-upon third party, who will examine the grain and adjudge what grade, dockage, vomitoxin level, moisture content, or protein content the sample of grain is entitled to under the inspection rules and grades adopted by the secretary of agriculture of the United States. ○ The person requesting the inspection service shall pay for the inspection. ○ If the grain in question is damp, otherwise out of condition, or if moisture content is in dispute, the sample must be placed in an airtight container. ○ Payment for the grain involved in the dispute must be made and accepted on the basis of the determination made by the federal licensed inspector or third party. ○ However, all other quality factors may also be considered in determining the price of the grain. ○ An appeal of the determination made by a third party other than a federal licensed inspector may be made to a federal licensed

	<p>inspector.</p> <ul style="list-style-type: none"> ○ An appeal of the determination made by a federal licensed inspector may be made as provided under the United States Grain Standards Act [Pub. L. 103-354; 108 Stat. 3237; 7 U.S.C. 79(c) and (d)] and under 7 CFR 800.125-800.140. ○ A person not abiding by a final determination is liable for damage resulting from not abiding by the determination. ● If any dispute or disagreement arises between the person delivering grain and the person receiving grain as to the determination of quality factors of grain purchased or delivered in the state for which inspection rules and grades have not been adopted by the secretary of agriculture of the United States, an average sample of at least three pints of the grain in dispute may be taken together by the parties interested. <ul style="list-style-type: none"> ○ The sample must be certified by each party as a true and representative sample of the grain in dispute on the day the grain was delivered. ○ If the grain is damp or otherwise out of condition, the sample must be placed in an airtight container. ○ The sample must be forwarded in a suitable container by parcel post or express, prepaid with the name and address of both parties, for inspection by a federal licensed inspector, or a mutually agreed-upon third party, who may examine the grain and determine the quality factors in dispute. ○ The person requesting the inspection service shall pay for the inspection. ○ The determination made by the inspector, or the third party, must be used in the settlement of the dispute.
Link(s)	<p>https://advance.lexis.com/document/?pdmfid=1000516&crd=0eb42f87-7265-4a08-81ec-6a12b9885f99&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5CP7-X831-66WP-P55J-00000-00&pdtocnodeidentifier=ACRAACAAAF&ecomp=dzkd&prid=895db95e-3b76-4d09-9fa9-57c59b564aa8</p>

Nevada	
Section Name	<i>Nev. Rev. Stat. §587.390 Official standards for grading and classifying agricultural products and farm product containers: Adoption by State Quarantine Officer; changes.**</i>
Compliance Requirements	<p>In order to promote, protect, further and develop the agricultural interests of this state, the State Quarantine Officer is hereby authorized and empowered, after investigation and public hearing:</p> <ol style="list-style-type: none"> 1. To fix and promulgate: <ol style="list-style-type: none"> (a) Official standards for grading and classifying any or all agricultural products offered for sale in this state; and (b) Official standards for containers of farm products. 2. To change any of them from time to time. <p><i>** (Despite these powers, no regulations appear to have been implemented)</i></p>
Section Name	<i>Nev. Rev. Stat. §587.079 Service grain grading; schedule of fees.</i>
Compliance Requirements	<p>The Director may</p> <ul style="list-style-type: none"> ● Do service grain grading, including testing for dockage and moisture, and

	<ul style="list-style-type: none"> • establish a schedule of fees for that grading and testing. <p><i>** (Despite these powers, no regulations appear to have been implemented)</i></p>
Link(s)	https://www.leg.state.nv.us/NRS/NRS-587.html#NRS587Sec390

Ohio

Ohio	
Section Name	<i>Ohio Rev. Code Ann. §926.30 Agricultural commodity tester certificate.</i>
Compliance Requirements	<ul style="list-style-type: none"> • No licensed handler or employee of a licensed handler who receives an agricultural commodity from a producer, either for sale or for storage under a bailment agreement, shall perform a quality test on the commodity for the purpose of applying a premium, discount, or conditioning charge unless the person making the test has passed an examination on the subject that is approved by the director of agriculture. • Upon application by a person who has passed the examination, the director shall issue to the person an agricultural commodity tester certificate that shall be valid for a period of three years. • Except as otherwise provided in this division, an agricultural commodity tester shall pass an examination on agricultural commodity testing approved by the director prior to each renewal of a certificate. • The director may exempt from the examination requirement for certificate renewal an agricultural commodity tester who, during the year prior to expiration of the certificate, successfully completes training on agricultural commodity testing that has been approved by the director. • The director shall establish by rule standards that such training must meet in order to be approved by the director. The rules shall require the training to include instructions in the use of the official grain standards of the United States as a basis for determining the quality of the commodities tested by an agricultural commodity tester. • An agricultural commodity tester certificate issued prior to the effective date of this amendment shall be considered to be valid until the date on which, at the time of issuance, it was scheduled to expire. Upon expiration of the certificate, the examination requirement for renewal shall apply. • The director may determine that retraining or review is necessary for the tester as a result of changes in or amendments to the official grain standards of the United States, or if the director has reason to believe that retraining is necessary as a result of complaints relating to the tester's inability to accurately test commodities according to the official grain standards. • The director may suspend or revoke the certificate of an agricultural commodity tester in accordance with Chapter 119. of the Revised Code for failure or inability of the tester to apply the official grain standards of the United States in testing the quality of an agricultural commodity.
Link(s)	http://codes.ohio.gov/orc/926

South Carolina*

Section Name	<i>Title 46 Chapter 42: Sampling, Grading, and Inspection of Grains and Oilseeds</i>
Compliance Requirements	<p>Responsibility, training, and certification of persons engaged in sampling, grading, and inspection of grains and oilseeds.</p> <ul style="list-style-type: none"> All dealers and handlers engaged in the grading of grain and oilseeds shall be responsible for the proper grade determination as set forth by the official United States Standards for grain or those approved by the Commissioner of Agriculture. All persons engaged in grading of grains and oilseeds shall be certified or supervised by a person certified by the South Carolina Department of Agriculture. <p>Equipment and procedures used in sampling, grading, and inspection of grains and oilseeds.</p> <ul style="list-style-type: none"> All equipment used and procedures employed in the sampling, grading and inspection of grains and oilseeds shall be capable of consistently producing results in accordance with those specified by the United States Grain Standards Act or those approved by the Commissioner of Agriculture. The Commissioner of Agriculture (Commissioner) or his agent may inspect all equipment and procedures and may condemn equipment and suspend certificates when inaccuracies occur. <p>Portion of sample to be retained for checking when discount or weight deduction is assessed.</p> <ul style="list-style-type: none"> If requested by the deliverer of grain or oilseed on which a discount or weight deduction is assessed, one-half must be placed and sealed in a tamper-proof container provided by the Department of Agriculture and the container must be returned to the deliverer of the grain or oilseed sampled, tested or graded. Records shall be maintained for a period of one year on each lot of grain or oilseed for which a grade is determined by the dealer and handler in order to assist the Commissioner in evaluation grading performance. The Commissioner may suspend or revoke a grader's certificate when he deems the grader incapable of competent performance.
Link(s)	https://www.scstatehouse.gov/code/t46c042.php

Virginia*

Section Name	<i>2 Va. Admin. Code §5-240-20</i>
Compliance Requirements	<ul style="list-style-type: none"> Inspectors must grade grain according to the official U.S. standards for specific grains Grain Services office holds informative grain grading workshops for producers and industry to teach proper grading procedures. The grading equipment is acceptable in administering the US Grain Standards Act pursuant to procedures employed by inspectors under the US Grain Standards Act.

Section Name	<i>2 Va. Admin. Code §5-240-30</i>
Compliance Requirements	<ul style="list-style-type: none"> • Handlers or anyone in their employment who determine grade factors shall identify and preserve the sample of each lot used to determine the factors for a period of twenty-four hours and shall be a minimum of one and one-half quarts preserved in a moisture-proof container if moisture was a factor. • These sample shall be kept at the handler's place of business and subject to inspection by the Commissioner, their representative, or at a state inspection laboratory.
Link(s)	https://www.vdacs.virginia.gov/inspection-and-grading-grain-marketing.shtml https://law.lis.virginia.gov/admincode/title2/agency5/chapter240/

Washington*

Section Name	<i>Chapter 16-240 WSDA GRAIN INSPECTION PROGRAM—DEFINITIONS, STANDARDS, AND FEES</i>
Compliance Requirements	<p>Wash. Admin. Code §16-240-032-Grades and standards adopted by Washington state: Washington state adopts the following grades and standards:</p> <ul style="list-style-type: none"> • The grades and standards established by the United States Department of Agriculture from August 1, 1984, and as subsequently amended, that apply to all grains and commodities regulated by this chapter. • The procedures to sample, grade, test and weigh grains and commodities, established by the regulations and instructions under the United States Grain Standards Act and the Agricultural Marketing Act of 1946, and as subsequently amended.
Link(s)	https://apps.leg.wa.gov/wac/default.aspx?cite=16-240

Wyoming*

Section Name	<i>11-11-113. Grading of grain; notation on warehouse receipt.</i>
Compliance Requirements	<p>All grain accepted for storage shall be</p> <ul style="list-style-type: none"> • graded by the warehouseman or designee • according to standards of the United States department of agriculture, and • the grade established shall be specified upon the warehouse receipt issued for the grain .
Link(s)	https://law.justia.com/codes/wyoming/2011/title11/chapter11/section11-11-113/