

Title 2. Agriculture

Chapter I. Department of Agriculture, Generally

Subchapter A. Generally

Part 3. Grading and Sampling of Corn, Soybeans, and Wheat

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"V. Authority. A.C.A. § 2-25-101 et seq."

Subpart 1. Generally

2 CAR § 3-101. Definitions.

As used in this part:

- (1) "Department" means the Department of Agriculture;
- (2) "Excessive deductions" as used in the Arkansas Grain Grading Act, § 2-25-101 et seq., means deductions for grain that is graded as having more than four percent (4%) total damage;
- (3) "Grain" means:
 - (A) Corn;
 - (B) Soybeans; and
 - (C) Wheat;
- (4) "Grain dealer" means a grain dealer that:
 - (A) Employs a grain sampler or grader;
 - (B) Receives grain from a grain producer; and
 - (C) Sells or distributes grain commercially; and
- (5) "USDA" means the United States Department of Agriculture.

Authority. Arkansas Code § 2-25-103.

2 CAR § 3-102. Elevators — Official grades and sampling.

(a)(1) All grain shall be graded and sampled in accordance with official United States Department of Agriculture grading standards, as detailed in the Grain Inspection Handbook, Books I–IV.

(2) Procedures that result in equivalent results to the United States Department of Agriculture procedures are acceptable.

(b)(1) If a sample is to be reinspected due to excessive damage, the moisture content will not be subject to reinspection.

(2) The moisture content determined at the original time of inspection will be considered the official moisture content.

(c) All applicants for certification by the Department of Agriculture as a grain dealer must:

(1) Submit to the Department of Agriculture an application on a form which shall be provided by the Department of Agriculture;

(2) Submit to the Department of Agriculture a course of instruction for sampling and grading that is based on the United States Department of Agriculture grain inspection, packers, and stockyards administration standards;

(3) Sign a statement acknowledging that the Department of Agriculture employees may randomly inspect any of the grain dealers' locations to ensure certification as provided in this rule; and

(4) Sign a statement acknowledging that employees of the grain dealer who are responsible for sampling and grading grain may be required to demonstrate to the Department of Agriculture an adequate knowledge of sampling and grading as determined by the Department of Agriculture.

Authority. Arkansas Code § 2-25-103.

2 CAR § 3-103. Official grain inspections.

Standards established in regulations under the United States Grain Standard Act, 7 U.S.C. § 71 et seq., as amended, and the United States Department of Agriculture,

Federal Grain Inspection Service, 7 C.F.R. §§ 800.0–800.219, 801.1–801.12, 802.0–802.1, 810.101–810.108, 810.401–810.405, 810.1601–810.1605, 810.2201–810.2205, shall apply to all Department of Agriculture grain inspections.

Authority. Arkansas Code § 2-25-103.

2 CAR § 3-104. Renewals and probation.

(a) **Renewals.** All certifications shall expire on December 31 of each year and shall be renewed annually.

(b) **Probation.** Any grain dealer on probation may:

- (1) Be subject to more frequent inspection and testing; and
- (2) Be required to demonstrate to the Department of Agriculture an adequate knowledge of sampling and grading before being removed from probation.

Authority. Arkansas Code § 2-25-103.