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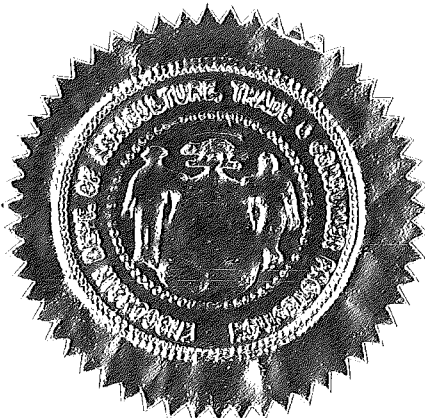
STATE OF WISCONSIN)
)
DEPARTMENT OF AGRICULTURE,) ss.
TRADE AND CONSUMER PROTECTION)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, James Smith, Administrator, Marketing Division, State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order amending rules relating to vegetable grade standards and grading procedures, Chapter Ag 99, Wis. Adm. Code, was duly approved and adopted by the Department on November 9, 1990.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 9th day of November, 1990.



James L. Smith
James Smith, Administrator
Marketing Division

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Final Draft
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ORDER
OF THE STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION
ADOPTING RULES

1 The state of Wisconsin department of agriculture, trade and
2 consumer protection adopts the following order creating ch. Ag
3 99, relating to vegetable grade standards and grading procedures.

Analysis Prepared by the Department of Agriculture
Trade and Consumer Protection

Statutory authority: ss. 93.07(1) and 100.03(15), Stats.

Statutes interpreted: s. 100.03(15), Stats.

This rule specifies grade standards and grading procedures for snap beans, peas and sweet corn grown in this state for use in processing. If the amount of payment received by a producer under a procurement contract depends on the grade of the vegetables, the vegetables must be graded in compliance with this rule. Grading includes any determination of the condition or classification of the vegetables. Vegetables must be graded according to grade standards adopted by the federal department of agriculture under 7 USC 1621 et seq., or according to other grade standards clearly specified in the procurement contract.

The rule also specifies required grading procedures. Grading procedures apply on a product-specific basis. Grading procedures specify various steps in the sample collection process and specify how the sample is to be handled through grade determination. Grading procedures under the rule must be followed in every instance regardless of which grade standard is used to grade the vegetable product. If any procurement contract provides for a deduction based on tare, tare must be based on actual tare as defined in the rule for each vegetable type. The rule also sets forth requirements for estimating the yield of suitable unharvested acreage ("passed acreage").

1 SECTION 1. Chapter Ag 99 is created to read:

2 Chapter Ag 99

3 VEGETABLE GRADING PROCEDURES AND GRADE STANDARDS

4 Subchapter I

5 DEFINITIONS AND GENERAL REQUIREMENTS

6 Ag99.01 DEFINITIONS. As used in this chapter:

7 (1) "Contractor" has the meaning specified in s.
8 100.03(1)(f), Stats., and includes an employe or agent of the
9 contractor.

10 (2) "Department" means the state of Wisconsin department of
11 agriculture, trade and consumer protection.

12 (3) "Procurement contract" has the meaning specified in s.
13 100.03(1)(vm), Stats.

14 (4) "Producer" has the meaning specified in s. 100.03(1)(w),
15 Stats.

16 (5) "Tare" means the weight of extraneous or foreign
17 material in a load of vegetables which is deducted from the gross
18 weight to obtain net weight. "Tare" does not include culled,
19 substandard or undergrade vegetables.

20 (6) "Vegetables" means sweet corn, snap beans or peas which
21 are grown or sold for use in food processing, whether or not they
22 are actually processed as food.

23 Ag 99.02 GRADE STANDARDS. A determination of the
24 condition or qualitative classification of vegetables is a
25 determination of grade. If the amount of payment received by a
26 producer under a vegetable procurement contract depends on the

1 grade of the vegetables, the grade of the vegetables shall be
2 determined according to one of the following:

3 (1) Applicable grade standards adopted by the federal
4 department of agriculture under 7 USC 1621 et seq.

5 (2) Alternative grade standards which are clearly specified
6 in writing in the procurement contract.

Note: Copies of USDA grade standards for snap beans for processing, fresh shelled peas for canning or freezing, and sweet corn for processing are on file with the department, the secretary of state, and the revisor of statutes. Copies may be obtained from the department.

7 Ag 99.03 GRADING PROCEDURES. (1) GENERAL. Vegetables
8 grown under a procurement contract, if graded for payment
9 purposes, shall be received, handled and graded in compliance
10 with this subchapter and crop-specific requirements under subchs.
11 II to IV.

12 (2) LOADING RECEIPT. When a contractor receives vegetables
13 under a procurement contract, the contractor shall immediately
14 provide the producer with a signed receipt for the vegetables.
15 If the contractor harvests the vegetables, or receives the
16 vegetables at the harvest site, the contractor shall provide the
17 producer with a receipt for each load of vegetables before that
18 load leaves the harvest field. The contractor may leave the
19 loading receipt in a receptacle provided by the producer at the
20 harvest field. The receipt shall include all of the following
21 information:

22 (a) The name and address of the contractor and carrier.

23 (b) The identity of the producer.

1 (c) The location of the harvest field.

2 (d) The date and beginning time of harvest.

3 (e) Identification of the load of vegetables, including the
4 license number of the transport vehicle used to haul the load of
5 vegetables.

6 (f) Signature of the contractor or agent of the contractor.

7 (3) EVERY LOAD SAMPLED; IDENTIFICATION OF SAMPLES. If
8 vegetables are graded for payment purposes, the contractor shall
9 collect a grading sample from every load of vegetables, according
10 to sampling procedures prescribed under this chapter. The sample
11 may be collected from the transport vehicle at the harvest
12 location or when the vegetables are delivered or unloaded at the
13 processing plant. Each sample shall be identified with all of
14 the following information:

15 (a) The name and address of the contractor.

16 (b) The identity of the producer.

17 (c) The location of the harvest field.

18 (d) Identification of the load of vegetables from which the
19 sample was drawn, including the license number of the transport
20 vehicle used to haul the vegetables.

21 (e) The date and time when the sample was collected.

22 (f) The date and time the vegetables were harvested.

23 (4) LOAD WEIGHT STATEMENT. Within 7 days after a load of
24 vegetables is harvested, the contractor shall mail or deliver to
25 the producer a written statement of load weight. A contractor
26 shall orally provide load weight information on request of the

1 producer made prior to delivery of the written load weight
2 statement. The statement shall identify the load of vegetables,
3 and shall state the weight of the load of vegetables, as
4 determined by the person who weighs the load. The weight
5 statement shall be signed by the weigher when the load is
6 weighed, and may be incorporated with a grade statement under
7 sub. (5). If tare is deducted from the weight, tare shall be
8 determined in compliance with sub. (6) and shall be recorded with
9 the weight statement.

10 (5) GRADE STATEMENT. Within 7 days after a load of
11 vegetables is harvested, the contractor shall mail or deliver to
12 the producer a written grade statement for that load. A
13 contractor shall orally provide grade information on request of
14 the producer made prior to delivery of the written grade
15 statement. The grade statement shall indicate the grade of the
16 load, as determined by the grader and shall be signed by the
17 grader when the load is graded. Grade shall be determined by
18 analyzing the grading sample collected under sub. (3), according
19 to standards and procedures prescribed under this chapter. The
20 grade statement shall include all of the following:

- 21 (a) The name and address of the contractor.
- 22 (b) The identity of the producer.
- 23 (c) The location, date and time at which the grading sample
24 was collected and the location at which it was graded.
- 25 (d) Identification of the load of vegetables to which the
26 grade statement pertains, including the license number of the

1 transport vehicle used to haul the vegetables.

2 (e) The date and time of grading.

3 (f) The weight of the samples used for grading.

4 (g) The weight of tare in the grading sample, and the
5 percentage of tare calculated on the gross weight of the sample.

6 (h) The grade information required under s. Ag 99.14 for
7 snap beans, Ag 99.23 for peas, and Ag 99.33 for sweet corn.

8 (i) Space for comments or remarks of the grader.

9 (j) The grader's signature.

10 (6) TARE. If, under any procurement contract, there is a
11 deduction for tare, tare shall be actual tare as defined under
12 s. Ag 99.12(4) for snap beans, s. Ag 99.21(3) for peas, or
13 s. Ag 99.31(4) for sweet corn. This subsection does not prohibit
14 a contractor from making a payment deduction for undergrade,
15 substandard or culled vegetables, but vegetables so classified
16 shall be separately identified and graded and shall not be
17 included as tare.

18 (7) GRADING LOCATION. Vegetables graded under this chapter
19 shall be sampled and graded in this state. Vegetables may be
20 graded outside this state with prior approval from the
21 department. Approval will only be granted if grading is
22 performed by a grader or inspector licensed by the federal
23 department of agriculture.

24 (8) REVIEW BY PRODUCER. A producer or producer's
25 representative may observe the loading, weighing, sampling and
26 grading of vegetables grown by that producer, and may review any

1 records required to be kept by the contractor under
2 s. Ag 99.05.

3 Ag 99.04 UNHARVESTED FARM PRODUCTS; ESTIMATED YIELD.

4 (1) GENERAL. If a contractor does not harvest vegetables
5 which are suitable for processing and are grown under a
6 procurement contract which requires payment based on yield or
7 grade, or both, the estimated yield of the unharvested acreage
8 shall be determined by field sampling under this section, unless
9 an equivalent method for estimating yield is clearly specified in
10 writing in the procurement contract. Field samples used to
11 estimate yield shall be collected when the unharvested vegetables
12 are at optimal maturity, and shall be collected from areas which
13 are reasonably representative of the field.

14 (2) NUMBER OF SAMPLES. Except as provided under sub. (3),
15 the number of samples collected under sub. (1) shall be based on
16 the size of the field as follows:

17 (a) At least 3 samples from different areas shall be taken
18 from a field which is less than 40 acres.

19 (b) At least 5 samples from different areas shall be taken
20 from a field which is 40 to 100 acres.

21 (c) At least 7 samples from different areas shall be taken
22 from a field which is larger than 100 acres.

23 (3) DIFFERENT CROP OR SOIL CONDITIONS WITHIN FIELD;
24 SUBDIVISION OF FIELD. If significant differences in crop or soil
25 conditions exist within a field, the field shall be subdivided so
26 that crop and soil conditions are reasonably uniform within each

1 subdivision. Each subdivision shall be treated as a separate
2 field under sub. (2).

3 (4) SELECTING SAMPLE AREAS. The samples collected under
4 sub. (2) or (3) shall be collected from sample areas alternately
5 selected by the contractor and producer. After the contractor
6 and the producer have each selected an equal number of sample
7 areas, the contractor and producer shall jointly select the last
8 sample area.

9 (5) SAMPLE AREAS DEFINED. Each sample area under sub.(4)
10 shall consist of one of the following:

11 (a) If the vegetable is a row crop such as sweet corn or
12 snap beans, each sample area shall be not less than 15 linear
13 feet of a row.

14 (b) If vegetables, such as peas, are planted by either the
15 drill or broadcast method, each sample area shall be a plot of
16 not less than 25 square feet having dimensions of not less than 5
17 feet in length and width.

18 (6) SAMPLE WEIGHTS. Each sample collected under this
19 section shall be individually weighed. The weights of the
20 individual samples shall be added together to obtain a combined
21 sample weight for the field, which shall be divided by the number
22 of samples to determine an average sample weight. Vegetable
23 samples shall be weighed according to the following procedures
24 for the respective commodity:

25 (a) Sweet corn shall be weighed after the ears are
26 completely husked, and the stem and any excess tip are removed.

1 (b) Snap beans shall be weighed after all beans in the
2 sample are removed from the vines.

3 (c) Sweet peas shall be weighed after all peas in the sample
4 are removed from the pods.

5 (7) CALCULATING YIELD PER ACRE. The yield per acre of
6 unharvested vegetables shall be calculated as follows:

7 (a) Calculate the square footage of each sample area. For
8 row crops, multiply the length of the row by the space between
9 rows, measured in feet to 2 decimal places.

10 (b) Determine the average square footage of all the sample
11 areas.

12 (c) Divide the square footage of one acre (43,560 square
13 feet) by the average square footage of the sample areas to
14 determine the number of sampling units per acre.

15 (d) Multiply the number of sampling units per acre by the
16 average sample weight under sub. (6) to determine the yield in
17 pounds per acre.

18 (e) Calculate the estimated yield for the unharvested field
19 by multiplying the yield per acre by the number of acres in the
20 field.

21 (8) DOCUMENTING THE YIELD ESTIMATE. Every yield estimate
22 under this section shall be documented in writing, and a copy
23 shall be provided to the producer. The documentation shall
24 include:

25 (a) The name and address of the contractor.

26 (b) The identity of the producer and the location of the

1 field.

2 (c) The date and time when the field was sampled and the
3 yield estimate was made.

4 (d) The size of the field, the number of samples collected,
5 and the calculations used to estimate the yield. If sampling
6 methods or yield estimation methods differ from those prescribed
7 under this section, the documentation shall specify the methods
8 used.

9 (f) The signatures of the contractor and the producer, or
10 their agents.

11 (9) GRADING SAMPLES. If payment for unharvested vegetables
12 is based on the quality or condition of the vegetables, the
13 samples collected under this section shall be graded in
14 compliance with this chapter.

15 Ag 99.05 RECORDKEEPING. (1) RECORDS REQUIRED. Every
16 contractor shall maintain copies of the following records for
17 each producer with whom the contractor has entered into a
18 procurement contract:

19 (a) Procurement contracts.

20 (b) Loading receipts under s. Ag 99.03(2).

21 (c) Sampling information under s. Ag 99.03(3).

22 (d) Load weight statements under s. Ag 99.03(4).

23 (e) Grade statements under s. Ag 99.03(5).

24 (f) Yield estimates under s. Ag 99.04, if any.

25 (2) RECORDS KEPT FOR 3 YEARS. Records required under this
26 section shall be kept for 3 years and shall be made available for

1 inspection and copying upon request by the producer, an
2 authorized agent of the producer, or a representative of the
3 department.

4 Ag 99.06 WEIGHING AND MEASURING DEVICES. (1) GOOD WORKING
5 ORDER. Scales and other measuring devices used in weighing,
6 sampling and grading vegetables shall be maintained in good
7 working order.

8 (2) ANNUAL INSPECTION AND TESTING. Every scale and
9 measuring device used in weighing, sampling or grading farm
10 products shall be inspected and tested for accuracy annually by
11 the manufacturer of the equipment or an independent testing or
12 service company. Inspection and testing shall comply with
13 applicable specifications, tolerances, standards and procedures
14 required by the national institute of standards and technology
15 and the department. Test weights shall be approved by the
16 department. Annual tests and inspections shall be at the expense
17 of the owner or operator of the scale or measuring device.

18 SUBCHAPTER II

19 GRADING PROCEDURE FOR SNAP BEANS FOR PROCESSING

20 Ag 99.11 GRADING DEADLINE. (1) GENERAL. Snap beans for
21 processing shall be weighed, sampled, and graded as soon as
22 reasonably possible after harvest, but not longer than 18 hours
23 after harvest. The contractor shall take necessary and
24 reasonable precautions to preserve the condition of the snap
25 beans at time of harvest until they are graded.

26 (2) DELAY DUE TO EXTRAORDINARY CIRCUMSTANCES; NOTICE. The

1 contractor shall give oral notice to the producer within 18 hours
2 after harvest if, due to extraordinary circumstances, the snap
3 beans cannot be weighed, sampled and graded within the time
4 provided under sub. (1). Within 7 days after harvest, the
5 contractor shall mail or deliver written notice to the producer,
6 describing the extraordinary circumstances which justify the
7 contractor's failure to comply with sub. (1).

8 Ag 99.12 SAMPLING PROCEDURE. (1) REPRESENTATIVE SAMPLING.
9 Each load of snap beans shall be graded on the basis of a grading
10 sample collected under s. Ag 99.03(3). The grading sample shall
11 be collected in compliance with this section. The composite
12 grading sample shall be representative of the entire load of snap
13 beans and shall reflect all qualitative gradations observed in
14 the load by the person who collects the sample.

15 (2) COMPONENT SAMPLES; COMPOSITE SAMPLE. At least ten
16 5-lb. samples of snap beans shall be individually collected from
17 each load of snap beans. The 5-lb. samples shall be combined
18 and thoroughly mixed to form a composite sample weighing not less
19 than 50 lbs. The composite sample shall be used to determine
20 tare for a load of snap beans.

21 (3) GRADING SAMPLE DRAWN FROM COMPOSITE SAMPLE. A grading
22 sample weighing at least 10 lbs. shall be taken from the
23 thoroughly mixed 50 lb. composite sample under sub. (2). The
24 10-lb. grading sample shall be used to determine the grade and
25 size of snap beans.

26 (4) TARE. Actual tare shall be used in grading snap beans.

1 Actual tare is the amount deducted from the gross weight of the
2 composite sample for extraneous material only. Extraneous
3 material consists of bean vines and leaves, weeds, stones,
4 sticks, loose dirt or other foreign material. All vines attached
5 to beans shall be detached in determining the grade, and shall be
6 included with the extraneous material.

7 Ag 99.13 GRADING AND SIZING PROCEDURE. (1) GRADE
8 STANDARDS. Snap beans shall be graded for grade characteristics
9 using USDA grade standards or alternative standards specified in
10 writing in the procurement contract.

11 (2) SIZE GRADING. If snap beans are size graded, the grader
12 shall size grade the sample in accordance with USDA size
13 classification standards. When sizing snap beans, the beans
14 shall be fed slowly and evenly through the sizer to avoid
15 crowding. Sieve size No. 5 beans and larger shall be passed
16 through the sizer at least a second time. The largest and
17 smallest looking beans in each size classification shall be sized
18 with a hand sizer to ensure the beans are identified in the
19 proper size classification.

20 (3) SIZING EQUIPMENT. Mechanical sizing equipment shall be
21 tested, calibrated and certified by the manufacturer of the
22 equipment or an independent certification agency prior to each
23 harvest season and recalibrated as often as necessary. Sizing
24 equipment shall be cleaned daily, or more frequently if required,
25 and shall be maintained in good working condition.

26 Ag 99.14 GRADE STATEMENT. Within 7 days after a load of

1 snap beans is harvested, the contractor shall provide the
2 producer with a grade statement for that load, as required by s.
3 Ag 99.03(5). A contractor shall orally provide grade information
4 on request of the producer made prior to delivery of the written
5 grade statement. The grade statement shall state the percentage
6 by weight of snap beans in each bean size classification and
7 grade category specified in the contract, as determined by the
8 grader under this subchapter. The grade statement shall also
9 include the information required under s. Ag 99.03(5).

10 SUBCHAPTER III

11 GRADING PROCEDURE FOR FRESH SHELLED PEAS

12 FOR CANNING OR FREEZING

13 Ag 99.20 GRADING DEADLINE. (1) GENERAL. Fresh shelled
14 peas for canning or freezing shall be weighed, sampled and graded
15 as soon as reasonably possible after harvest, but not longer than
16 6 hours after harvest. The contractor shall take reasonable and
17 necessary precautions to preserve the condition of the peas at
18 the time of harvest until the peas are graded.

19 (2) DELAY DUE TO EXTRAORDINARY CIRCUMSTANCES; NOTICE. The
20 contractor shall give oral notice to the producer within 6 hours
21 after harvest if, due to extraordinary circumstances, the peas
22 cannot be weighed, sampled and graded within the time provided
23 under sub. (1). Within 7 days after harvest, the contractor
24 shall mail or deliver a written notice to the producer,
25 describing the extraordinary circumstances which justify the
26 contractor's failure to comply with sub. (1).

1 Ag 99.21 SAMPLING PROCEDURE. (1) REPRESENTATIVE SAMPLING.

2 Each load of peas shall be graded on the basis of a grading
3 sample collected under s. Ag 99.03(3). The grading sample shall
4 be collected in compliance with this section. The grading sample
5 shall be representative of the entire load of peas and shall
6 reflect all qualitative gradations observed in the load by the
7 person who collects the sample.

8 (2) COMPONENT SAMPLES; COMPOSITE SAMPLE. The grading sample
9 collected from a load of peas shall weigh not less than 200
10 ounces. The grading sample shall consist of ten 20-oz. samples
11 individually drawn from throughout the entire load of peas. The
12 10 component samples shall be combined and thoroughly mixed to
13 form the composite grading sample, which shall be used to
14 determine grade and tare. The composite grading sample shall be
15 accurately weighed, and the weight shall be recorded.

16 (3) TARE. Actual tare shall be used in grading peas. All
17 peas shall be removed from any unshelled pods in the sample and
18 the pods included as tare. Actual tare is the amount deducted
19 from the gross weight of the sample for foreign material only.
20 Foreign material includes shelled pods, thistle buds and
21 everything in the sample other than the peas themselves. The
22 presence of thistle buds or other foreign material in the sample
23 shall not affect the grade of the peas.

24 Ag 99.22 GRADING AND TENDERNESS TESTING PROCEDURE.

25 (1) GRADE STANDARDS. Peas shall be inspected for grade
26 characteristics using USDA grade standards or alternative

1 standards specified in writing in the procurement contract.

2 (2) TENDERNESS. If peas are tested for tenderness in a
3 tenderometer or shear press, the peas in the sample shall be
4 washed in running water and cooled to a temperature of 55 to 65
5 degrees F. prior to testing. A quantity of not less than 48
6 ounces from the composite sample shall be used to perform the
7 tenderness test. Tenderness tests shall be conducted on 3
8 separate portions of the 48 ounce quantity set aside from the
9 composite sample. Peas shall be placed in the tenderometer up
10 to, and level with, the top edge of the test receptacle. If the
11 range between the high and low readings on the 3 separate
12 portions is greater than 6 points, 3 additional readings shall be
13 taken on peas from a second 48 ounce quantity removed from the
14 composite sample and all 6 readings averaged to obtain the
15 tenderness of the peas in the sample.

16 (3) DEVICES USED TO DETERMINE TENDERNESS. Tenderometers,
17 shear presses or other devices used to measure the tenderness of
18 peas shall be calibrated and certified by the manufacturer of the
19 equipment or an independent testing agency prior to each harvest
20 season and recalibrated daily or as often as necessary. The
21 equipment shall be cleaned between each tenderness reading and
22 maintained in good working condition.

23 Ag 99.23 GRADE STATEMENT. Within 7 days after a load of
24 peas is harvested, the contractor shall provide the producer with
25 a grade statement for that load, as required by s. Ag 99.03(5).
26 A contractor shall orally provide grade information on request of

1 the producer made prior to delivery of the written grade
2 statement. The grade statement shall state the percentage by
3 weight of peas in each grade category, as determined by the
4 grader under this subchapter, and the information required under
5 s. Ag 99.03(5). If tenderness of the peas is determined under
6 s. Ag 99.22(2), the grade statement shall also include the
7 tenderness classification.

8 Subchapter IV

9 GRADING PROCEDURE FOR SWEET CORN FOR PROCESSING

10 Ag 99.30 GRADING DEADLINE. (1) GENERAL. Sweet corn for
11 processing shall be weighed, sampled and graded as soon as
12 possible but not longer than 24 hours after harvest. The
13 contractor shall take necessary and reasonable precautions to
14 preserve the condition of sweet corn at the time of harvest until
15 it is graded.

16 (2) DELAY DUE TO EXTRAORDINARY CIRCUMSTANCES; NOTICE. The
17 contractor shall give oral notice to the producer within 24 hours
18 after harvest if, due to extraordinary circumstances, the sweet
19 corn cannot be weighed, sampled and graded within the time
20 provided under sub. (1). Within 7 days after harvest, the
21 contractor shall mail or deliver a written notice to the
22 producer, describing the extraordinary circumstances which
23 justify the contractor's failure to comply with sub. (1).

24 Ag 99.31 SAMPLING PROCEDURE. (1) REPRESENTATIVE SAMPLING.
25 Each load of sweet corn shall be graded on the basis of a grading
26 sample collected under s. Ag 99.03(3). The grading sample shall

1 be collected and prepared in compliance with this section. The
2 grading sample shall be representative of the entire load of
3 sweet corn and shall consist of all qualitative gradations
4 observed in the load by the person who collects the sample.

5 (2) METHOD OF SAMPLING. Component samples of approximately
6 equal weight shall be collected from at least 5 separate
7 locations which are representative of the load. The component
8 samples shall then be combined to form a composite grading sample
9 weighing at least 50 lbs.

10 (3) SAMPLE PREPARATION. The composite grading sample under
11 sub. (1) shall be prepared for grading as follows:

12 (a) All ears in the sample shall be completely husked. The
13 shank or stem and any excess tip on the husked ears shall be
14 removed.

15 (b) If a portion of the shank or stem remaining on any
16 husked ear extends more than one inch from the base of the cob,
17 the shank shall be broken or cut off at a point as close as
18 possible but not more than one inch below the base of the cob.

19 (c) If the tip of the cob has an area without usable kernels
20 measuring more than $\frac{1}{4}$ the length of the entire cob, enough of the
21 tip shall be broken or cut off so that the remaining portion
22 without usable kernels is not greater than $\frac{1}{4}$ the length of the
23 trimmed ear.

24 (4) TARE. Actual tare shall be used in grading sweet corn.
25 Actual tare is the amount deducted from the gross weight of the
26 sample for foreign material only. Foreign material consists of

1 shanks, stalks, leaves, weeds, stones, sticks, loose dirt or
2 foreign material other than the ear of corn itself. Foreign
3 material including shanks, stalks and leaves which are collected
4 as part of the sample shall not be removed prior to analysis of
5 the sample.

6 Ag 99.32 GRADING PROCEDURE. (1) GRADE STANDARDS. Sweet
7 corn shall be inspected for grade using USDA grade standards or
8 alternative standards specified in writing in the procurement
9 contract.

10 (2) MATURITY DEFECTS. If the maturity classification of a
11 load of sweet corn is determined, it shall be classified only
12 according to USDA standards for maturity. Damage to individual
13 ears in the analysis sample shall be described in terms of
14 defects as set forth in USDA grade standards for sweet corn.

15 (3) CORN AND TARE WEIGHED SEPARATELY. The corn in the
16 sample shall be weighed separately from the foreign material or
17 tare, and the weights of each shall be recorded on a grade
18 statement.

19 Ag 99.33 GRADE STATEMENT. Within 7 days after a load of
20 sweet corn is harvested, the contractor shall provide the
21 producer with a grade statement for that load as required by s.
22 Ag 99.03(5). A contractor shall orally provide grade information
23 on request of the producer made prior to delivery of the written
24 grade statement. The grade statement shall state the percentage
25 by weight of sweet corn in each grade category, the damaged
26 portion of ears, as determined by the grader under this

1 subchapter, and the information required under s. Ag 99.03(5).
2 If the maturity classification of sweet corn is determined under
3 s. Ag 99.32(2), the grade statement shall also include the
4 maturity classification as determined by the grader.

5 SECTION 2. EFFECTIVE DATE. The rules contained in this
6 order shall take effect on the first day of the month following
7 publication in the Wisconsin administrative register, as provided
8 in s. 227.22(2)(intro.), Stats.

Dated this 9th day of November, 1990.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By James L. Smith
James L. Smith
Administrator
Marketing Division

KM/Ag 99/D12
11/8/90

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