

DEPARTMENT OF AGRICULTURE
PESTICIDE AND PLANT PESTICIDE MANAGEMENT DIVISION
REGULATION NO. 523. DRY EDIBLE BEANS

(By authority conferred on the director of the department of agriculture by section 2 of Act No. 91 of the Public Acts of 1915, as amended, being S285.32 of the Michigan Compiled Laws)

R 285.523.1 Michigan standards for dry edible beans.

Rule 1. (1) Michigan standards for dry edible beans are as follows:

Figure for 285.523.1 (Part 1 of 2)

Processed Bean Grades
Grade Requirements
Navy/Small White/Great Northern Beans

Grade	Maximum Limits of					
	Total Defects ³	Badly Damaged	Contrasting Classes	Foreign Material	Other Classes That Blend	Average Color of Crop Year
Michigan Choice	Percent	Percent	Percent	Percent	Percent	Good
Michigan Prime	2.0	0.1	0.01	0.01	1.0	Fair
	3.0	0.2	0.01	0.01	1.0	

Grade	Maximum Limits of					
	Total Defects ³	Contrasting Classes	Foreign Materials		Other Classes That Blend	Average Color of Crop Year
	Percent	Percent	Total	Stones	Percent	
Michigan No. 1	2.0	0.1	0.2	0.1	1.0	Good
Michigan No. 2	3.0	1.0	0.6	0.2	5.0	Fair
Michigan No. 3	6.0	1.0	0.6	0.2	5.0	Fair
Michigan Generic	10.0	1.0	0.05	0.02	5.0	Fair

Grade Requirements
Pinto Beans

Grade	Maximum Limits of					
	Total Defects ^{2/3}	Contrasting Classes	Foreign Materials		Other Classes That Blend	Average Color of Crop Year
	Percent	Percent	Total	Stones	Percent	
Michigan No. 1	3.0	0.5	0.4	0.2	1.0	Good
Michigan No. 2	5.0	1.0	0.6	0.2	5.0	Fair
Michigan No. 3	7.0	2.0	0.6	0.2	10.0	Fair
Michigan Generic	10.0	1.0	0.6	0.2	5.0	Fair

Grade Requirements
Black, Kidney, Pink, and Small Red Beans

Grade	Maximum Limits of					
	Total Defects ³	Contrasting Classes	Foreign Materials		Other Classes That Blend	Average Color of Crop Year
	Percent	Percent	Total	Stones	Percent	
Michigan No. 1	2.0	0.5	0.4	0.2	1.0	Good
Michigan No. 2	4.0	1.0	0.6	0.2	5.0	Fair
Michigan No. 3	6.0	2.0	0.6	0.2	10.0	Fair
Michigan Generic	10.0	1.0	0.6	0.2	5.0	Fair

Figure for 285.523.1 (Part 2 of 2)

**Grade Requirements
Cranberry, Yellow Eye, and Marrow Beans**

Grade	Maximum Limits of					Average Color of Crop Year
	Total Defects ^{2/3/4}	Contrasting Classes	Foreign Materials		Other Classes That Blend ¹	
			Total	Stones		
Michigan No. 1	Percent 2.0	Percent 0.5	Percent 0.4	Percent 0.2	Percent 1.0	Good
Michigan No. 2	3.0	1.0	0.6	0.2	5.0	Fair
Michigan No. 3	4.0	2.0	0.6	0.2	10.0	Fair
Michigan Generic	8.0	1.0	0.6	0.2	6.0	Fair

¹ The beans of the class yelloweye in any established grade may contain not more than 12% white beans similar to yelloweye in size and shape.

² The beans in the classes cranberry and pinto may contain faintly or indistinctly mottled beans of the same type in the following percentages:

- (a) Not more than 3% Michigan No. 1 grade.
- (b) Not more than 4% Michigan No. 2 grade.
- (c) Not more than 5% Michigan No. 3 grade.
- (d) Not more than 5% Michigan generic grade.

³ All graded beans shall be dry and well screened, show evidence of being processed and graded, possess a clean natural odor, and be free from objectionable foreign material.

⁴ The beans in the classes of cranberry, yelloweye, and marrow may contain an additional 2% split, but otherwise sound, beans of the same class in any of the established grades.

Grade Requirements Adzuki Beans

Maximum Limits of Total Contrasting Foreign Material Other
Average Grades Defects² Classes Total Stones Classes Color of That Blend Crop
Year

Percent Percent Percent Percent Percent Michigan No. 1 1.0
0.5 0.2 0.1 1.0 Good Michigan No. 2 2.0 1.0 0.2 0.1
2.0 Fair Michigan No. 3 3.0 2.0 0.3 0.2 5.0 Fair Michigan
Generic 5.0 2.0 0.3 0.2 5.0 Fair

1. The beans of the class yelloweye in any establish grade may contain not more than 12% white beans similar to yelloweye in size in shape.

2. The beans in the classes cranberry and pinto may contain faintly or indistinctly mottled the moves of the same type in the following percentages:

- (a) Now more than 3% Michigan No. 1 grade.
- (b) Now more than 4% Michigan No. 2 grade.
- (c) Now more than 5% Michigan No. 3 grade.
- (d) Now more than 5% Michigan generic grade.

3. All graded beans shall be dry and well screened, shall evidence of being processed and graded, possess a clean natural odor, and be free from objectionable foreign material.

4. The beans in the classes of cranberry, yelloweye, and marrow may contain an additional 2% split, but otherwise sound, beans of the same class in any of the established grades.

SPECIAL GRADES REQUIREMENTS

(2) Michigan split beans shall be beans of any class which have been split or broken and may contain not more than 5% of otherwise damaged beans, 1% of foreign material, and 2% of contrasting classes. The sample shall be reasonably free from chaff, dust, and loose skins or seed coats.

(3) Michigan mixed split beans shall be a mixture of 2 or more classes of split and broken beans and may contain not more than 5% of otherwise damaged beans and 1% of foreign material. The sample shall be reasonably free from chaff, dust, and loose skins or seed coats.

History: 1979 AC; 1987 AACS; 1998-2000 AACS.

R. 285.523.2 Definitions.

Rule 2. As used in these rules:

(a) "Badly damaged beans" means beans and pieces of beans that are seriously injured or discolored so as to seriously affect the appearance and quality of the sample.

(b) "Certified shipper" means a processor, packer, shipper, or authorized representative approved by the director of the department of agriculture to draw samples and submit self-drawn samples to the official grading agency for grading.

(c) "Contrasting classes" means beans of other classes that are of a contrasting color, size, or shape to the beans of the class designated.

(d) "Damaged beans" (culls) means beans and pieces of beans that are seriously injured or discolored by any of the following so as to affect the appearance and quality of the samples:

- (i) Frost.
- (ii) Bin burn.
- (iii) Weather.
- (iv) Diseases.
- (v) Insects.
- (vi) Other causes.

(e) "Defects" means splits, damaged beans, contrasting classes, and foreign material.

- (f) "Foreign material" means any of the following:
- (i) Stones.
 - (ii) Dirt.
 - (iii) Weed seeds.
 - (iv) Cereal grain of 1 kernel per 500 grams maximum.
 - (v) All matter other than dry edible beans.
- (g) "Graded beans" means dry, edible beans that meet the quality and condition requirements of any 1 of the specific processed grades as indicated in R 285.523.1 as determined by a licensed bean inspector at the point of origin or as a submitted sample.
- (h) "Labeling" means labels or other written, printed, or graphic matter upon or accompanying dry edible beans.
- (i) "Licensed bean inspector" means a person trained and licensed by the Michigan department of agriculture to sample and grade dry edible beans .
- (j) "Mixed beans" means any lot of dry edible beans composed of 2 or more classes mixed together. The mixture shall meet the regular grade requirements for the predominating class in the sample in all respects except for the presence of sound split beans of any class, sound sports or faders, and other classes.
- (k) "Off-color beans" means beans of any class which, after removal of defects, do not meet the standards for good or fair color, which are distinctly below normal color standards, due to any natural cause, but which are not materially weathered and are otherwise sound. Off-color beans shall be graded and designated according to the grade requirements of the standards applicable to off-color beans that are not off-color; however, the standards shall not apply to choice, prime, and no. 1 grades. The word "off-color" shall be added to, and made a part of, the grade designation following the name of the class.
- (l) "Official grading agency" means the Michigan bean shippers association or other agency approved by the director of the department of agriculture to grade dry edible beans and issue official grade documents.
- (m) "Other classes that blend" means sound beans of other classes that are similar in color, size, and shape to the beans of the class designated.
- (n) "Peewee beans" or "small beans" means all sound navy beans that screen out by using a 9/64-inch screen. The beans shall be known as "Peewee" and the regular grade requirements for dry beans shall apply in the grading of Peewee beans. The inspection certificate shall bear the "Peewee" designation and the labeling on the package shall also include the "Peewee" designation.
- (o) "Percentage of moisture" means moisture content as ascertained by the water oven or air oven and the method of use as described in service and regulatory announcement no. 147 of the agricultural marketing service of the United States department of agriculture or moisture content as ascertained by any device and method that gives equivalent results. Moisture content shall be designated in units of half percent and whole percent. A fraction of a percent that is equal to or greater than 1/2 shall be stated as 1/2 and when less than 1/2 shall be disregarded.
- (p) "Percentages," except in the case of moisture, means percentages ascertained by weight.
- (q) "Picking stock beans," also known as beans of "no established grade" means dry beans of any class that fail to qualify for any of the processed grades because of

condition, excessive total defects, other disqualifying factors, or not having been well-screened or well-processed.

(r) "Point of origin inspection" means an inspection performed by a licensed bean inspector at the point where the product is processed and packaged before being placed into channels of commercial trade.

(s) "Sound beans" means beans which have a natural odor and which are free from must, mold, damage, and other defects.

(t) "Splits" means pieces of beans which are not damaged and which consist of 3/4 or less of the whole bean and includes bean halves that are held together loosely, but does not include beans that have only cracked or checked skins.

(u) "Stones" means any of the following:

(i) Rocks.

(ii) Pebbles.

(iii) Shale.

(iv) Other concreted earthly matter.

(v) Other substances of similar composition and hardness that do not readily disintegrate in water.

(v) "Submitted samples" means a sample of dry edible beans which is drawn by a certified shipper using approved methods and which is submitted to the official grading agency for grading.

(w) "Weevily beans" means beans which are infested with weevils or other insects injurious to stored beans or which contain beans that have been damaged by weevils or insects.

(x) "Well screened," as applied to the general appearance of beans, means that the beans are as free from small, shriveled, undeveloped, split, and broken beans, large beans, and foreign materials as practicable through the proper use of top and bottom mill screens as is generally recognized by the bean industry. The recognized top and bottom screen sizes to be used in combination on navy beans are as follows:

Minimum Bottom	Maximum Top
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9/64-inch x by 3/4-inch slotted with no. 20	or 20/64-inch diameter perforation
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11/64-inch x by 3/4-inch slotted with no. 21	or 21/64-inch diameter perforation
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12/64-inch x by 3/4-inch slotted with no. 22	or 22/64-inch diameter perforation
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The recommended minimum bottom and maximum top screen sizes for use in screening colored beans are as follows:

Top Range	Bottom
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Cranberry 26 to 28	12/64-inch by 3/4 inch	Yelloweye 24 to 26	12/64-inch by 3/4 inch
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Kidney 26 to 30	11/64-inch by 3/4 inch
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History: 1979 AC; 1987 AACCS; 1998-2000 AACCS.

R 285.523.3 Beans placed in consuming trade channels; grading, labeling, packing, and inspection; shipping and transportation; moisture content.

Rule 3. (1) All dry edible beans sold, shipped, or distributed in Michigan shall be labeled using 1 of the following criteria:

- (a) Grade based on a point of origin inspection by a licensed bean inspector.
- (b) Grade based on samples submitted by a certified shipper to the official grading agency for analysis. All certificates and labeling for lots graded by submitted sample shall carry the statement: "grade derived from submitted sample."
- (c) No inspection. Lots not examined by the official grading agency shall not be labeled with an official Michigan grade.

(2) All dry edible beans which are grown in Michigan, which are placed in consuming trade channels, and which are graded at the point of origin by a licensed bean inspector or are graded by means of submitted samples shall be in compliance with the requirements and specifications of the official Michigan grades for dry beans.

(3) The person, firm, association, or corporation in Michigan responsible for placing graded beans into consuming trade channels or placing graded beans on the market for resale or consumption shall be responsible for the grading, labeling, packing, and voluntary inspection of the beans.

(4) Labeling shall be performed at the point of origin on the lot or shipment as follows:

(a) All containers of 100 pounds or less shall be conspicuously and legibly labeled on the face of the container showing all of the following information:

- (i) The net weight of the contents.
- (ii) The name of the product, including the word "Michigan" when produced in this state.
- (iii) The official state grade of the contents if inspected and approved by a licensed bean inspector.
- (iv) The name and address of the person or firm responsible for placing the product on the market.

(b) On 100-pound bags or containers inspected and approved by a licensed bean inspector for shipment to canners, packagers, and processors, and when there is positive assurance that the beans will not be displayed to the consuming public in the original shipping container, the grade labeling may be shown as specified in subdivision (a) of this subrule or the shipper may declare the grade using a placard as described in R 285.523.4(6). All other labeling, as required in subdivision (a) of this subrule shall appear in its entirety. The shipper or packer whose name must appear on the bag or container will be held fully responsible for any diversion of shipments not bearing the grade label on the individual bag or container.

(c) Every lot or shipment that is inspected and approved by a licensed bean inspector shall be issued an official grade certificate.

(5) Beans that are graded by a licensed bean inspector may be shipped in bulk to canners, packagers, and processors, subject to the inspection requirements of these rules.

(6) All conveying vehicles shall be in compliance with all of the following specifications:

(a) The floors, walls, and ceilings shall be thoroughly cleaned and tightly fitted to protect the load from the weather, contamination, and extraneous matter. Conveying vehicles shall also be free from objectionable foreign odors.

(b) There shall be adequate space above the loaded mass to permit thorough sampling, when requested, throughout the length and depth of the load and also to provide for circulating air space between the top of the load and the roof of the vehicle.

(c) If a point of origin inspection is requested utilizing a licensed bean inspector, then the type and construction of any conveyance that might be considered hazardous to the inspector or prevent the performance of his or her duties prescribed for adequate and thorough sampling and inspection shall

not be used to transport beans. The shipper shall sign a bulk conveyance report which shows that the provisions of subdivision (a) of this subrule were complied with before loading.

(7) The standard moisture content of beans defined in the grades in these rules shall not be in excess of 18% moisture and shall be within the limits of the tolerance as defined in R 285.523.2(k). High-moisture beans may be graded and designated according to the grade requirements of the standards otherwise applicable. The words "except moisture" shall be added to, and made a part of, the grade designation in every case of high moisture content, following the name of the class, followed by a statement of the percentage of moisture of the beans in terms of whole percent and half percent. The statement shall appear on the inspection certificate to establish and protect the grade.

(8) Official bean inspection certificates declaring an established grade shall not be issued by any authorized inspector until all the containers and conveyances conform to all labeling and condition requirements.

History: 1979 AC; 1987 AACS; 1998-2000 AACS.

R 285.523.4 Beans placed in any trade channels; grading, labeling, and inspection.

Rule 4. (1) All dry edible beans, whether for human consumption, precooking, manufacturing, or canning, before being placed into any trade channels, through purchase, sale, or by transportation shall be labeled or placarded. At the option of the processor, packager, or shipper, the dry edible beans may be officially inspected for grade by a licensed bean inspector.

(2) All bags or containers used in packing and shipping beans graded by a licensed bean inspector shall be standard, sound, clean, free from holes, and neatly and legibly printed or stenciled.

(3) All of the following information shall appear on the face of the bag, carton, parcel, or package used in packing and shipping beans or on a tag affixed to a bag, carton, parcel, or package:

(a) The name of the product, including the word "Michigan" when grown in Michigan.

(b) The official state grade of the beans if inspected by a licensed bean inspector.

(c) The net metric weight (grams, kilograms, milliliters, liters) and the net United States customary system weight (ounces, pounds, fluid ounces).

(d) The name and address of the person or firm responsible for placing the product on the market.

(4) The labeling of bags, cartons, parcels, or packages shall be legible, conspicuous, neatly and uniformly applied, and comply with all of the following specifications and requirements:

(a) The word "Michigan" and the word "beans" shall appear on the container as a part of the trademark or identification. For a product inspected by a licensed bean inspector, the words "Michigan" and "beans" shall appear in the declaration of the grade in the following order and form: "Michigan Choice Navy Beans" or "Michigan No. 1 Light Red Kidney Beans."

(b) All container labeling shall meet food and drug administration (FDA) regulations as referenced in 21 C.F.R. § 101 et seq.

(c) When a shipper so desires, all the required labeling may appear on a tag made from cloth or tough paper. The tag shall not be less than 2 1/2 inches by 5 inches in size, shall be furnished by the shipper, and shall be securely attached to the top and outside of the package. The proper grade, the name and address of the packer or distributor, or the net weight may appear alone on the tag if the other required label information appears on the container.

(d) A shipper shall not use containers bearing the names of other shippers without having, in his or her possession, a signed authorization from the other shippers to use the containers.

(e) Containers bearing grade labels that do not conform to the grade of beans being packaged shall be rebranded or stenciled in a neat and legible manner and improper labeling shall be completely obliterated. If rebranding is necessary and the shipper elects to use the tag labeling, then the containers may be turned with the plain side out if, in the judgment of the shipper, the procedure would improve the general appearance of the package.

(5) Each lot or shipment of dry beans which is inspected by a licensed bean inspector and which is being transported and moving into trade channels, as described in subrule (1) of this rule, shall be accompanied by a copy of the official grade certificate or, instead of a copy of the official grade certificate, in the case of warehouse lots inspected by a licensed bean inspector, the driver of the vehicle or the transporting agent shall have, in his or her possession, documentary evidence giving all pertinent information regarding the grading and identification of the lot. For carload shipments inspected by a licensed bean inspector, the transport copy of the grade certificate shall be fastened to the inside of the car.

(6) For all shipments of beans which are graded by a licensed bean inspector and which are loaded in bulk or packed in 100-pound bags or containers on which the grade label does not appear, the correct grade and other required information shall appear on a placard supplied by the shipper or the applicant. The shipper or the applicant shall post the placard in a conspicuous place on the inside of the conveying vehicle. The placard shall be not less than 6 inches by 12 inches in size. The grade shall appear on the placard on a separate line in letters or figures that are a minimum size of 1/2 inch, shall be of the form and wording used in the standards as provided in subrule

(7) of this rule, and shall agree in every detail with the grade as stated on the transport copy of the inspection certificate, which the shipper shall also conspicuously post near the shipper's placard on the inside of the railroad vehicle.

(7) To achieve uniformity and to be consistent, the following form is required for the placard:

Figure for 285.523.4

NOTICE		Inspection Cert. No. <u>A-77902</u>
MICHIGAN BEAN PLACARD		
(Letter Size 1/2") MICHIGAN CHOICE NAVY BEANS		
		(Grade & Class)
Big 4-49785 (Car Number)	Bean Transport-Mich. 478-524 (Truck Name & Number)	
Seal Record-M.D.A. 210149-50	Quantity	78,000# (Bags or Lbs.)
Loaded at - Bean-Town (Location-Town or City)	By County Elevator (Elevator or Firm Name)	
Date: June 20, 1958	SIGNATURE	John Doe
IMPORTANT: The receiver of this shipment shall remove this card and inspection copy and keep on file.		

History: 1979 AC; 1987 AACs; 1998-2000 AACs.

R 285.523.5 Point of origin inspection on loaded lots.

Rule 5. (1) Shippers or others requesting point of origin inspection on any lot of beans shall give the inspector ample advance notice of desired inspection service.

(2) All shipments shall be completely loaded before official inspection is made. Beans shall not be loaded to a depth that would hinder or prevent thorough sampling of the load throughout the length and depth of the shipment. Official inspection shall not be made of beans that are sampled in the loading bins.

(3) Shippers shall furnish help to the inspector to provide for thorough sampling or to gain access to all parts of any specific lot on which inspection is desired.

(4) Inspectors shall thoroughly sample not less than 10% of all 100-pound bags in the lot and not less than 10 packages from every 10,000 pounds represented if containers hold less than 100 pounds each. Not less than 5 packages shall be selected for sampling of any sized lot. If small packages become mutilated as a result of sampling, then similar packages containing beans of equivalent quality may be substituted for the ones selected for sampling.

(5) Extreme care shall be exercised by the inspector at all times when sampling so as not to unnecessarily damage the containers.

(6) Samples shall be taken from all parts of the lots at random. The inspector shall be personally responsible for all samples and shall vouch that all samples drawn are truly representative to the best of his or her knowledge and belief.

(7) Sufficiently large samples shall be drawn by the sampler or inspector so that not less than a 1-pound portion may be filed with the inspection laboratory and a portion that is equal to or greater than the 1-pound portion shall be kept on file by the inspector for not less than 90 days.

(8) Bulk sampling methods and procedures shall be uniform for all inspectors and shall be in accordance with the instructions that shall be issued, in writing, to all inspectors from time to time as required.

(9) Grade certificate for an established grade shall not be issued if there is an apparent wide variation of quality, but picking stock regulations shall then govern the inspection and disposition of the load.

(10) An inspector shall at all times be in a position to furnish a sworn affidavit on any sample to substantiate and verify the origin and identity of the sample. An affidavit shall also specify that the sample was personally taken by the inspector strictly in accordance with the instructions provided under subrule (8) of this rule.

(11) Entire composite samples of all bulk loads inspected shall be kept intact in approved sample bags and filed by the inspector for not less than 90 days.

(12) Inspectors shall seal all trucks, cars, and other vehicles with official seals of the department of agriculture. Warehouse lots shall be sealed and identified in accordance with the provision of R 285.523.7.

History: 1979 AC; 1987 AACs; 1998-2000 AACs.

R 285.523.6 Submitted sample inspection.

Rule 6. (1) Dry edible beans may be inspected and graded based on a sample of product submitted by certified shippers.

(2) Certified shippers shall utilize the following sampling procedures when drawing samples for submission to the official grading agency for analysis:

(a) All lots or loads to be graded on the basis of a submitted sample shall be sampled by a certified shipper.

(b) A certified shipper shall thoroughly sample not less than 10% of all 100-pound bags in the lot and not less than 10 packages from every 10,000 pounds represented if containers hold less than 100 pounds each. Not less than 5 packages shall be selected for sampling of any sized lot.

(c) Samples shall be taken from all parts of the lots at random. The certified shipper shall be responsible for all samples and shall vouch that all samples drawn are truly representative to the best of his or her knowledge and belief.

(d) Sufficiently large samples shall be drawn by the certified shipper so that not less than a 1,000 gram portion may be filed with the inspection laboratory. The following is the minimum sample sizes for various conveyances:

Conveyance	Size/Cwt	Sample Size/Grams	Containers	420	1,000	Truck/Bulk
Bagged	450	1,000	Railcar/Hopper	1,500/2,000	2,000	

(3) A shipper shall be certified by the director of the Michigan department of agriculture based on a minimum of 4 hours of basic training and 2 hours of supplemental instruction each year after the year in which basic training is provided. The training and instruction shall be provided by the official grading agency and monitored by the Michigan department of agriculture.

(4) A certified shipper shall be immediately disqualified from the privilege of participating in the submitted sample grading program for failing to utilize a certified sampler, failing to draw samples using an approved protocol, falsifying any samples or shipping documents, or failing to prevent shipments that do not meet the standards specified by the shipping documents. Disqualification shall remain in effect for a period of not less than 3 years from the date of declaration by the director. In addition, the shipper shall be provided a Michigan grade solely on a point of origin inspection during the disqualification period.

(5) The documents accompanying the submitted sample shall include the shipper's key number, lot number, proposed grade and weight of shipment, the name of the person drawing the sample, and the date of sampling.

(6) Certified submitted samples shall be sent or delivered to the official grading agency where a moisture reading and grade analysis will be performed.

(7) File samples shall be retained by the official grading agency for not less than 90 days. The certified shipper shall retain the remainder of the composite samples for not less than 90 days from the date of sampling. The labeling of the composite sample must include the shippers key number, lot number, date of sample, proposed grade and weight of shipment, the name of shipper and location, and the name of the person drawing the sample.

(8) A shipper will be furnished a grade certificate if the beans in the sample are in compliance with the criteria of the specific grade.

(9) A grade certificate will indicate that the grade was based on a submitted sample and that the grade applies to the contents of the submitted sample only and not to the lot or load that it is meant to represent.

History: 1979 AC; 1987 AACS; 1998-2000 AACS.

R 285.523.7 Point of origin inspection on warehouse lots.

Rule 7. (1) Warehouse point of origin inspection service shall be granted to dealers who comply with both of the following requirements:

(a) A warehouseman or shipper shall positively and adequately identify warehouse lots with a key number and lot number for 100% of the containers before sampling and inspection.

(b) A shipper or warehouseman shall furnish help to the inspector that enables the inspector to thoroughly sample, identify, and seal all warehouse inspected lots.

(2) Warehouse inspection shall be refused by the department of agriculture for noncompliance with the required procedures set forth in these rules.

(3) The transport copy of the grade certificate or other positive and adequate evidence of inspection shall be supplied to the transporting agent by the shipper.

History: 1979 AC; 1987 AACCS; 1998-2000 AACCS.

R 285.523.8 Issuance and use of official grade certificates.

Rule 8. (1) The official bean grade certificate of the Michigan department of agriculture shall consist of a form and words mutually agreed upon and approved by the department and the official grading agency and shall carry the official state seal.

(2) Throughout the duration of the cooperative agreement between the Michigan department of agriculture and the official grading agency, the chief bean inspector of the official grading agency shall be the official grading authority for the determination of conformance of any lot of beans to the official state grade.

(3) Each grade certificate shall have the key identification number of the shipper, as furnished by the Michigan department of agriculture, recorded on the certificate.

(4) A grade certificate shall not be valid if the beans are not shipped within 15 days of the date on the certificate.

(5) Each car lot and truck lot of beans inspected by a licensed bean inspector at the point of origin shall be sealed with the official seal of the Michigan department of agriculture and the seal numbers shall be recorded on the grade certificate. Lot numbers or symbols of identification of warehouse lots shall appear on the grade certificate.

(6) For lots inspected by a licensed bean inspector the original grade certificate or suitable manifests shall, in all cases, be delivered to the buyer with the invoice or other documents covering the shipment.

History: 1979 AC; 1987 AACCS; 1998-2000 AACCS.

R 285.523.9 Reinspection.

Rule 9. A shipper, owner, or seller of an officially certified lot of beans is entitled to reinspection at the point of origin if he or she has sufficient grounds to differ with the grading of the lot by the inspector making the original point of origin inspection. The request for a reinspection shall be filed with the chief inspector. The chief inspector shall supervise or direct the resampling or he or she may use the inspector's sample for analysis. If the chief inspector's grading differs from the original inspector's grading, then all copies of the certificate covering the first inspection shall be surrendered and a new certificate shall be issued by the chief inspector. If the grading of the first inspector is confirmed, then the applicant for a reinspection shall bear all additional costs incurred in connection with the reinspection.

History: 1979 AC; 1987 AACCS; 1998-2000 AACCS.

R 285.523.10 Appeal inspections.

Rule 10. (1) A financially interested party is entitled to appeal the grade of a lot or shipment of beans officially inspected as a point of origin inspection if the quality and condition of the lot, upon arrival at the destination, does not conform to the grade and condition as shown on the official bean grade certificate. The request for an appeal inspection shall be filed with the chief inspector within 3 full business days after arrival

of the shipment and before the shipment is unloaded and loses its identity. The chief inspector shall supervise and direct the sampling and the grade shall be determined by the director of the Michigan department of agriculture on the basis of the sample submitted to him or her by the chief inspector. An advisory board shall be established for the purpose of advising the director of the Michigan department of agriculture. The board shall consist of the chief inspector, the state supervisor, and 1 disinterested licensed bean inspector.

(2) If the original grade is reversed, then the outstanding certificate shall be recalled and a certificate giving the correct grade shall be issued by the director of the Michigan department of agriculture. The decision of the director of the Michigan department of agriculture is final. The loser in the appeal shall bear the cost incurred in connection with the appeal.

History: 1979 AC; 1987 AACS; 1998-2000 AACS.

R 285.523.11 Interpretation and amendment of rules.

Rule 11. (1) The director of the Michigan department of agriculture is charged with responsibility of the administration of these rules and is authorized to interpret their provisions and set up procedures that he or she deems necessary to carry out the intent and purposes of these rules.

(2) These rules may be amended at any time throughout the year by the commission of agriculture upon agreement between the parties of the latest cooperative contract between the Michigan department of agriculture and the official grading agency. The amendments shall be made by means of a special committee. The members of the special committee shall consist of persons appointed by the official grading agency to represent its interests in the contract and the director of the Michigan department of agriculture who represents the commission of agriculture, and who represents the department's interest in the contract. Amendments shall be promulgated under Act No.306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

History: 1979 AC; 1987 AACS; 1998-2000 AACS.

R 285.523.12 Rescinded.

History: 1998-2000 AACS.