(Insert on page 15 of Circular 70 of the Office of the Secretary)

UNITED STATES DEPARTMENT OF AGRICULTURE,

OFFICE OF THE SECRETARY.

Amendment No. 2 to Circular No. 70, Revised.

By virtue of the authority vested in the Secretary of Agriculture by the United States grain standards Act of August 11, 1916 (39 United States Statutes at large, p. 482), I, Henry C. Wallace, Secretary of Agriculture, do make, prescribe, publish, and give public notice of the following amendment to the regulations of the Secretary of Agriculture, dated July 30, 1920, as revised, under said Act, said amendment to be effective immediately.

Amend Regulation 2, Sections 22 and 23, to read as follows:

Sec. 22. Form of certificate to be approved.--No certificate of grade shall be issued under the Act until its form has been approved by the Chief of the Bureau of Markets and Crop Estimates, except as permitted in this section. Thus copies of the form not previously so approved, proposed to be issued by any licensed inspector, shall be submitted by or for him to the Chief of the Bureau of Markets and Crop Estimates within 20 days after the date of the license of such licensed inspector. Until 30 days after such approval, any certificate of grade customarily in use by such licensed inspector may be issued by him if it comply with the Act and the requirements of subdivisions h, l, m, n, o, p, and q of section 23 of this regulation.

Sec. 23. Certificates, form of.--Each certificate of grade issued under the Act by a licensed inspector shall, except as permitted in section 22 of this regulation, embody within its written or printed terms:

(a) the caption "Grain Inspection Certificate";

(b) whether it is an original, or a duplicate, or other copy;

(c) whether the inspection is in (heavily loaded), out, an route, export, sample, or otherwise;

(d) the name of the State, board of trade, chamber of commerce, exchange, or other organization, if any, by which the licensed inspector is regularly authorized or employed to inspect and grade grain;

(e) the name of the city or town in which the license of the licensed inspector is posted;

(f) the consecutive number, or other means of identification, of the certificate;

(g) the date the inspection was performed;

(h) that the certificate is issued by an inspector holding a license, under the United States grain standards Act, to inspect and grade the kind of grain covered by the certificate;

(i) the location of the grain at the time of sampling, and its identification by either (1) car initials, car number and name of carrier or other owner or operator of track, or (2) name or other designation of boat or vessel and hold number or other place of stowage, or (3) name or other designation of elevator or warehouse and of bin or compartment, or (4) otherwise as the case may require;

(j) the approximate amount of grain covered by the certificate stated either in carloads, or in bushels, or by weight;

(k) the kind of grain covered by the certificate;

(l) the grade of the grain, as determined by such licensed inspector, according to the official grain standards of the United States;

(m) unless issued for an export shipment, a statement of the factor or factors which determined the grade, except in the case of grade No. 1, to which may be added any other factor, or the complete analysis, and for inspections of wheat and oats shall include the test weight per bushel, whether such factor determined the grade or not, as follows: In the case of oats the test weight shall be given in terms of whole and half pounds, for which purpose a fraction of a pound when equal to or greater than a half shall be treated as a half, and when less than a half shall be disregarded; in the case of wheat, the test weight shall be given in whole pounds and tenths of a pound;

(n) in the case of grain graded Sample Grade solely on account of the presence of live weevil or other insects injurious to stored grain, the certificate shall state in the space for "remarks" the grade to which the grain would otherwise be entitled, and there shall also appear on the certificate a statement of the factor or factors which would determine the grade were it not for the presence of such live weevil or other insects injurious to stored grain;

(o) unless issued for an export shipment, in the case of wheat graded "Garlicky" on account of the presence of garlic or wild onion bulblets, there shall be stated in the space for "remarks" the approximate quantity of garlic or wild onion bulblets present, using the following terms: "light garlicky," "medium garlicky," or "heavy garlicky." "Light garlicky" is hereby defined to mean garlic or wild onion bulblets in an amount equal to one to three bulblets, inclusive, in one thousand grams; "medium garlicky" is hereby defined to mean garlic or wild onion bulblets in an amount equal to four to fifteen bulblets, inclusive, in one thousand grams; and "heavy garlicky" is hereby defined to mean garlic or wild onion bulblets in an amount equal to more than fifteen bulblets in one thousand grams;

(p) upon each certificate (formal or informal) issued for Hard Red Spring or Durum wheat arriving at such markets as may be designated from time to time by the Chief of the Bureau of Markets and Crop Estimates, the licensed inspector shall state in the "remarks" space on the certificate, (1) the principal kinds, and the quantity of each, of foreign material in the order of predominance, when the factor total foreign material other than dockage is the grade determining factor, and (2) when either moisture or foreign material other than dockage, or both, determine the grade, the grade to which the grain would be entitled, except for these factors, or either of them, by a statement such as the following: "Except for _____ this grain would grade _____ on account of _____;" provided, that when a licensed inspector has knowledge that a lot of grain has been previously inspected in another market, he shall not be required to state the grade which would otherwise be assigned to such grain; and

(q) the signature of the licensed inspector who determined the grade of the grain, affixed by him or by his authorized agent, and, in addition, the name of the chief inspector or other superior if he desire.

In addition, the certificate of grade may include any other matter not inconsistent with the Act and these regulations.

In case of a "sample" inspection, the certificate of grade shall clearly show that the inspection covers the sample only and does not include the grade of the lot or parcel of grain from which the sample is claimed to have been taken.

When the signature of the licensed inspector is affixed by his authorized agent, the agent shall identify himself on such certificate in connection with such signature, by initialing or otherwise. In order to determine the date of inspection or grading at any point for the purposes of these regulations, each day shall be deemed to end at such time if any before midnight thereof as may be fixed and announced for the convenience of the licensed inspectors and the trade at such point with

the approval of the supervisor in charge of the Office of Federal Grain Supervision for the district in which such point shall be located.

In testimony whereof I have hereunto set my hand and the official seal of the Department of Agriculture, in the City of Washington this 26th day of June, 1922.

Henry C. Wallace

Secretary of Agriculture.