

and wild oats that are slightly discolored as a result of heat.

(l) *Injured-by-mold kernels.* Kernels, pieces of barley kernels containing slight evidence of mold.

(m) *Mold-damaged kernels.* Kernels, pieces of barley kernels, other grains, and wild oats that are weathered and contain considerable evidence of mold.

(n) *Other grains.* Black barley, corn, cultivated buckwheat, einkorn, emmer, flaxseed, guar, hull-less barley, nongrain sorghum, oats, Polish wheat, popcorn, poulard wheat, rice, rye, safflower, sorghum, soybeans, spelt, sunflower seed, sweet corn, triticale, and wheat.

(o) *Plump barley.* Barley that remains on top of a $\frac{5}{64} \times \frac{3}{4}$ slotted-hole sieve after sieving according to procedures prescribed in FGIS instructions.

(p) *Sieves.* (1) $\frac{5}{64} \times \frac{3}{4}$ slotted-hole sieve. A metal sieve 0.032 inch thick with slotted perforations 0.0781 ($\frac{5}{64}$) inch by 0.750 ($\frac{3}{4}$) inch.

(2) $5\text{-}\frac{1}{2} \frac{5}{64} \times \frac{3}{4}$ slotted-hole sieve. A metal sieve 0.032 inch thick with slotted perforations 0.0895 ($5\text{-}\frac{1}{2}/64$) inch by 0.750 ($\frac{3}{4}$) inch.

(3) $\frac{5}{64} \times \frac{3}{4}$ slotted-hole sieve. A metal sieve 0.032 inch thick with slotted perforations 0.0937 ($\frac{5}{64}$) inch by 0.750 ($\frac{3}{4}$) inch.

(q) *Skinned and broken kernels.* Barley kernels that have one-third or more of the hull removed, or that the hull is loose or missing over the germ, or broken kernels, or whole kernels that have a part or all of the germ missing.

(r) *Sound barley.* Kernels and pieces of barley kernels that are not damaged, as defined under (d) of this section.

(s) *Suitable malting type.* Varieties of malting barley that are recommended by the American Malting Barley Association and other malting type(s) used by the malting and brewing industry. The varieties are listed in GIPSA instructions.

(t) *Thin barley.* Thin barley shall be defined for the appropriate class as follows:

(1) *Malting barley.* Six-rowed Malting barley that passes through a $\frac{5}{64} \times \frac{3}{4}$ slotted-hole sieve and Two-rowed Malting barley which passes through a $5\text{-}\frac{5}{64} \times \frac{3}{4}$ slotted-hole sieve in accordance with procedures prescribed in GIPSA instructions.

(2) *Barley.* Six-rowed barley, Two-rowed barley, or Barley that passes through a $\frac{5}{64} \times \frac{3}{4}$ slotted-hole sieve in accordance with procedures prescribed in GIPSA instructions.

(u) *Wild oats.* Seeds of *Avena fatua* L. and *A. sterilis* L.

[52 FR 24418, June 30, 1987; 52 FR 28534, July 31, 1987; 61 FR 18491, Apr. 26, 1996]

PRINCIPLES GOVERNING THE APPLICATION OF STANDARDS

§ 810.203 Basis of determination.

All other determinations. Each determination of heat-damaged kernels, injured-by-heat kernels, and white or blue aleurone layers in Six-rowed barley is made on pearled, dockage-free barley. Other determinations not specifically provided for under the *General Provisions* are made on the basis of the grain when free from dockage, except the determination of odor is made on either the basis of the grain as a whole or the grain when free from dockage.

GRADES AND GRADE REQUIREMENTS

§ 810.204 Grades and grade requirements for Six-rowed Malting barley and Six-rowed Blue Malting barley.

Grade	Minimum limits of—			Maximum limits of—				
	Test weight per bushel (pounds)	Suitable malting types (percent)	Sound barley ¹ (percent)	Damaged kernels ¹ (percent)	Foreign material (percent)	Other grains (percent)	Skinned and broken kernels (percent)	Thin barley (percent)
U.S. No. 1	47.0	95.0	97.0	2.0	0.5	2.0	4.0	7.0
U.S. No. 2	45.0	95.0	94.0	3.0	1.0	3.0	6.0	10.0
U.S. No. 3	43.0	95.0	90.0	4.0	2.0	5.0	8.0	15.0

§ 810.205

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Grade	Minimum limits of—			Maximum limits of—				
	Test weight per bushel (pounds)	Suitable malting types (percent)	Sound barley ¹ (percent)	Damaged kernels ¹ (percent)	Foreign material (percent)	Other grains (percent)	Skinned and broken kernels (percent)	Thin barley (percent)
U.S. No. 4	43.0	95.0	87.0	5.0	3.0	5.0	10.0	15.0

¹ Injured-by-frost kernels and injured-by-mold kernels are not considered damaged kernels or considered against sound barley.

NOTES: Malting barley shall not be infested in accordance with §810.107(b) and shall not contain any special grades as defined in §810.206. Six-rowed Malting barley and Six-rowed Blue Malting barley varieties not meeting the requirements of this section shall be graded in accordance with standards established for the class Barley.

[61 FR 18492, Apr. 26, 1996]

§ 810.205 Grades and grade requirements for Two-rowed Malting barley.

Grade	Minimum limits of—			Maximum limits of—			
	Test weight per bushel (pounds)	Suitable malting types (percent)	Sound barley ¹ (percent)	Wild oats (percent)	Foreign material (percent)	Skinned and broken kernels (percent)	Thin barley (percent)
U.S. No. 1	50.0	97.0	98.0	1.0	0.5	5.0	5.0
U.S. No. 2	48.0	97.0	98.0	1.0	1.0	7.0	7.0
U.S. No. 3	48.0	95.0	96.0	2.0	2.0	10.0	10.0
U.S. No. 4	48.0	95.0	93.0	3.0	3.0	10.0	10.0

¹ Injured-by-frost kernels and injured-by-mold kernels are not considered damaged kernels or considered against sound barley.

NOTES: Malting barley shall not be infested in accordance with §810.107(b) and shall not contain any special grades as defined in §810.206. Two-rowed Malting barley varieties not meeting the requirements of this section shall be graded in accordance with standards established for the class Barley.

[61 FR 18492, Apr. 26, 1996]

§ 810.206 Grades and grade requirements for barley.

Grade	Minimum limits of—		Maximum Limits of—				
	Test weight per bushel (pounds)	Sound barley (percent)	Damaged kernels ¹ (percent)	Heat damaged kernels (percent)	Foreign material (percent)	Broken kernels (percent)	Thin barley (percent)
U.S. No. 1	47.0	97.0	2.0	0.2	1.0	4.0	10.0
U.S. No. 2	45.0	94.0	4.0	0.3	2.0	8.0	15.0
U.S. No. 3	43.0	90.0	6.0	0.5	3.0	12.0	25.0
U.S. No. 4	40.0	85.0	8.0	1.0	4.0	18.0	35.0
U.S. No. 5	36.0	75.0	10.0	3.0	5.0	28.0	75.0

U.S. Sample Grade:

U.S. Sample grade shall be barley that:

- (a) Does not meet the requirements for the grades 1, 2, 3, 4, or 5; or
- (b) Contains 8 or more stones or any number of stones which have an aggregate weight in excess of 0.2 percent of the sample weight, 2 or more pieces of glass, 3 or more crotalaria seeds (*Crotalaria* spp.), 2 or more castor beans (*Ricinus communis* L.), 4 or more particles of unknown foreign substance(s) or commonly recognized harmful or toxic substance(s), 8 or more cocklebur (*Xanthium* spp.) or similar seeds singly or in combination, 10 or more rodent pellets, bird droppings, or equivalent quantity of other animal filth per 1 1/8 to 1 1/4 quarts of barley; or
- (c) Has a musty, sour, or commercially objectionable foreign odor (except smut or garlic odor); or
- (d) Is heating or otherwise of distinctly low quality.

¹ Includes heat-damaged kernels. Injured-by-frost kernels and injured-by-mold kernels are not considered damaged kernels.

[61 FR 18492, Apr. 26, 1996]

SPECIAL GRADES AND SPECIAL GRADE
REQUIREMENTS**§ 810.207 Special grades and special grade requirements.**

(a) *Blighted barley.* Barley that contains more than 4.0 percent of fungus-damaged and/or mold-damaged kernels.

(b) *Ergoty barley.* Barley that contains more than 0.10 percent ergot.

(c) *Garlicky barley.* Barley that contains three or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets in 500 grams of barley.

(d) *Smutty barley.* Barley that has kernels covered with smut spores to give a smutty appearance in mass, or which contains more than 0.20 percent smut balls.

[52 FR 24418, June 30, 1987, as amended at 52 FR 24441, June 30, 1987]

Subpart C—United States Standards for Canola—Terms Defined

SOURCE: 57 FR 3274, Jan. 29, 1992, unless otherwise noted.

§ 810.301 Definition of canola.

Seeds of the genus *Brassica* from which the oil shall contain less than 2 percent erucic acid in its fatty acid profile and the solid component shall contain less than 30.0 micromoles of any one or any mixture of 3-butenyl glucosinolate, 4-pentenyl glucosinolate, 2-hydroxy-3-butenyl, or 2-hydroxy-4-pentenyl glucosinolate, per gram of air-dried, oil free solid. Before the removal of dockage, the seed shall contain not more than 10.0% of other grains for which standards have been established under the United States Grain Standards Act.

§ 810.302 Definitions of other terms.

(a) *Conspicuous Admixture.* All matter other than canola, including but not limited to ergot, sclerotinia, and stones, which is conspicuous and readily distinguishable from canola and which remains in the sample after the removal of machine separated dockage. Conspicuous admixture is added to machine separated dockage in the computation of total dockage.

(b) *Damaged kernels.* Canola and pieces of canola that are heat-damaged, sprout-damaged, mold-damaged, distinctly green damaged, frost damaged, rimmed damaged, or otherwise materially damaged.

(c) *Distinctly green kernels.* Canola and pieces of canola which, after being crushed, exhibit a distinctly green color.

(d) *Dockage.* All matter other than canola that can be removed from the original sample by use of an approved device according to procedures prescribed in FGIS instructions. Also, underdeveloped, shriveled, and small pieces of canola kernels that cannot be recovered by properly rescreening or recleaning. Machine separated dockage is added to conspicuous admixture in the computation of total dockage.

(e) *Ergot.* *Sclerotia* (sclerotium, sing.) of the fungus, *Claviceps* species, which are associated with some seeds other than canola where the fungal organism has replaced the seed.

(f) *Heat-damaged kernels.* Canola and pieces of canola which, after being crushed, exhibit that they are discolored and damaged by heat.

(g) *Inconspicuous admixture.* Any seed which is difficult to distinguish from canola. This includes, but is not limited to, common wild mustard (*Brassica kaber* and *B. juncea*), domestic brown mustard (*Brassica juncea*), yellow mustard (*B. hirta*), and seed other than the mustard group.

(h) *Sclerotia* (*Sclerotium*, sing.). Dark colored or black resting bodies of the fungi *Sclerotinia* and *Claviceps*.

(i) *Sclerotinia.* Genus name which includes the fungus *Sclerotinia sclerotiorum* which produces sclerotia. Canola is only infrequently infected, and the sclerotia, unlike sclerotia of ergot, are usually associated within the stem of the plants.

PRINCIPLES GOVERNING THE
APPLICATION OF STANDARDS**§ 810.303 Basis of determination.**

Each determination of conspicuous admixture, ergot, sclerotinia, stones, damaged kernels, heat-damaged kernels, distinctly green kernels, and inconspicuous admixture is made on the basis of the sample when free from