

# PROCEDURE FOR RESOLVING GRAIN GRADE DISPUTES

## NDCC §§ 60-02-05 & 60-02.1-05. Grain marketing – Procedure for resolving disputes.

1. If any dispute or disagreement arises between the person receiving and the person delivering grain at any public warehouse in this state as to the proper grade, dockage, vomitoxin level, moisture content, or protein content of any grain, an average sample of at least three pints of the grain in dispute may be taken together by both parties interested. The sample must be certified by each party as a true and representative sample of the grain in dispute on the day the grain was delivered. The sample must be forwarded in a suitable container by parcel post or express, prepaid with the name and address of both parties for inspection by a federal licensed inspector, or a mutually agreed upon third party, who will examine the grain and adjudge what grade, dockage, vomitoxin level, moisture content, or protein content the sample of grain is entitled to under the inspection rules and grades adopted by the secretary of agriculture of the United States. The person requesting the inspection service shall pay for the inspection. If the grain in question is damp, otherwise out of condition, or if moisture content is in dispute, the sample must be placed in an airtight container. Payment for the grain involved in the dispute must be made and accepted on the basis of the determination made by the federal licensed inspector or third party. However, all other quality factors may also be considered in determining the price of the grain. An appeal of the determination made by a third party other than a federal licensed inspector may be made to a federal licensed inspector.

An appeal of the determination made by a federal licensed inspector may be made as provided under the United States Grain Standards Act [Pub. L. 103-354; 108 Stat. 3237; 7 U.S.C. 79(c) and (d)] and under 7 CFR 800.125-800.140. A person not abiding by a final determination is liable for damage resulting from not abiding by the determination.

2. If any dispute or disagreement arises between the person delivering grain and the person receiving grain as to the determination of quality factors of grain purchased or delivered in the state for which inspection rules and grades have not been adopted by the secretary of agriculture of the United States, an average sample of at least three pints of the grain in dispute may be taken together by the parties interested. The sample must be certified by each party as a true and representative sample of the grain in dispute on the day the grain was delivered. If the grain is damp or otherwise out of condition, the sample must be placed in an airtight container. The sample must be forwarded in a suitable container by parcel post or express, prepaid with the name and address of both parties, for inspection by a federal licensed inspector, or a mutually agreed upon third party, who may examine the grain and determine the quality factors in dispute. The person requesting the inspection service shall pay for the inspection. The determination made by the inspector, or the third party, must be used in the settlement of the dispute.

## Officially licensed inspection offices in North Dakota include.

### Parent Office:

ND Grain Inspection Service, Inc., (Fargo)  
2601 North University Drive  
Fargo, ND 58102  
Ph: (701) 293-7420  
Fax: (701) 241-8818  
E-mail: [ndgi@graininspection.com](mailto:ndgi@graininspection.com)  
Web site: [www.graininspection.com](http://www.graininspection.com)

### Specified Service Points:

ND Grain Inspection Service, Inc., (Alton)  
PO Box 100  
(Street delivery: 200 Hwy 81 South, 58045)  
Hillsboro, ND 58045  
Ph: (701) 636-5210  
Fax: (701) 636-5210  
Email: [mike.adams@graininspection.com](mailto:mike.adams@graininspection.com)

ND Grain Inspection Service, Inc., (Taylor)  
3645 ½ 98<sup>th</sup> Ave SW  
Taylor, ND 58656  
Ph: (701) 483-8126  
Fax: (701) 483-8127  
Email: [mike.adams@graininspection.com](mailto:mike.adams@graininspection.com)

### Parent Office:

Northern Plains Grain Inspection Ser., Inc., (Grand Forks)  
PO Box 13217  
(Street delivery: 1013 North 5<sup>th</sup> Street, 58203)  
Grand Forks, ND 58208-3217  
(701) 772-2414  
Fax: (701) 746-7218  
E-mail: [paul@npgis.com](mailto:paul@npgis.com)  
Web site: [www.npgis.com](http://www.npgis.com)

### Parent Office:

Grain Inspection, Inc., (Jamestown)  
PO Box 1652  
(Street delivery: 314 2<sup>nd</sup> Ave. NW, 58401)  
Jamestown, ND 58402  
Ph: (701) 252-1290  
Fax: (701) 252-1298  
Email: [grain@csicable.net](mailto:grain@csicable.net)

ND Grain Inspection Service, Inc., (Enderlin)  
PO Box 123  
(Street delivery: 309 2<sup>nd</sup> Avenue, 58027)  
Enderlin, ND 58027  
Ph: (701) 437-3000 ext. 202  
Fax: (71) 437-2923  
Email: [LoriG@graininspection.com](mailto:LoriG@graininspection.com)

### Specified Service Point:

Northern Plains Grain Inspection Service, Inc., (Devils Lake)  
210 5<sup>th</sup> Street  
Devils Lake, ND 58301  
Ph: (701) 662-1801  
Fax: (701) 662-8081  
Email: [paul@npgis.com](mailto:paul@npgis.com)

### Parent Office:

Minot Grain Inspection, Inc., (Minot)  
PO Box B  
(Street delivery: 1804 Valley Street, 58701)  
Minot, ND 58702  
Ph: (701) 838-1734  
Fax: (701) 838-3782  
Email: [motgrins@srt.com](mailto:motgrins@srt.com)

ND Grain Inspection Service, Inc., (Ayr)  
686 Main Street  
Ayr, ND 58007  
Ph: (701) 668-2214  
Fax: (701) 668-2453  
Email: [ndgi@arthurcompanies.com](mailto:ndgi@arthurcompanies.com)

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Licensing Division at 701-328-4097  
to request a copy of this procedure or  
see our web site: [www.psc.state.nd.us](http://www.psc.state.nd.us)