

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

49

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Department of Agriculture
(Agency or Board)

Regulation No. Agr 19 thru 21 (amended)

Subject: Christmas Tree Grades & Standards

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

APR 9 1974 2:20 p.m.

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 4-9-74

Rev. 9-72

RULES AND REGULATIONS RELATING TO
CHRISTMAS TREE GRADES AND STANDARDS
CHAPTER 1: AGR 19-21

Minnesota Department of Agriculture Regulations, Chapter One, Regulation Agr 19 Christmas Tree Standards, is amended by deleting all language after the title and inserting new material to read as follows:

Agr 19 Christmas Tree Standards. By authority of Minnesota Statutes 1971, Section 27.07, the commissioner of agriculture hereby adopts the United States Standards of Grades for Christmas trees as the official Minnesota standards.

(a) General. The standards and grades contained in this subpart are applicable to sheared or unsheared trees of the coniferous species which are normally marketed as Christmas trees.

Grading of Christmas trees is voluntary. However, if Christmas trees are advertised, offered for sale, or sold as U.S. graded Christmas trees, they shall be graded by the grower in conformance with the standards and grades set forth in these regulations. At the request of the seller or buyer, the Minnesota Department of Agriculture, by appropriate certificate, shall certify the grade as per the applicable schedules.

(1) U. S. Premium. "U. S. Premium" consists of trees possessing the characteristics typical of the species, which are fresh, clean, healthy, well shaped, butt trimmed, of not less than medium density, with normal taper, and the handle length unless otherwise specified, may not be less than six (6) inches, or more than one and three-fourths (1 3/4) inches for each foot of tree height, and with each of the four (4) faces free from damage by any cause.

(2) U. S. No. 1 or U. S. Choice. "U.S. No. 1 or U.S. Choice" consists of trees possessing the characteristics typical of the species, which are fresh, clean, healthy, well shaped, butt trimmed, of not less than medium density, with normal taper, and the handle length unless otherwise specified, may not be less than six (6) inches, or more than one and three-fourths (1 3/4) inches, for each foot of tree height and with three (3), or more faces which are free from damage by any cause.

(3) U.S. No. 2 or "U.S. Standard" consists of trees possessing the characteristics typical of the species which are fresh, fairly clean, healthy, well shaped, butt trimmed, light or better density, candlestick normal or flaring taper, and the handle length, unless otherwise specified, may be not less than six (6) inches, or more than one and three-fourths (1 3/4) inches for each foot of tree height, and with two (2) or more adjacent faces which are free from damage by any cause.

(4) Culls. "Culls" consist of individual trees which fail to meet the requirements of the U.S. No. 2 or U.S. Standard Grade.

(b) Size. Size of trees shall be stated in terms of height in foot or half-foot steps, and unless otherwise specified, the following color code may be used to designate the respective sizes:

	Feet
Purple tag	4 to 5
Blue tag	4 to 5 1/2
Yellow tag.....	5 to 6
Red tag	5 1/2 to 7
Orange tag	6 to 7
Green tag	7 to 8
White tag	8 to 10

(c) Tolerances. In order to allow for variations incident to proper sizing, grading, and handling in each of the foregoing grades the following tolerances, by count, shall apply when a lot of Christmas trees is required to meet a specified grade.

(1) Off-Size. Ten percent for trees which fail to meet the height specified.

(2) Off Length Handle. Twenty (20) percent for trees which fail to meet the requirement for handle length but which meet all other requirements for the specified grade.

(3) Defects. Ten percent for trees which fail to meet the remaining requirements of the grade: Provided, That for the U.S. Premium and U.S. No. 1 or U.S. Choice grades not more than one-half of this amount, or five (5) percent, shall be allowed for trees which fail to meet the requirements of the next grade lower than that specified.

(d) Definitions.

(1) Fresh. "Fresh" means that the needles are pliable and generally firmly attached with not more than slight shattering.

(2) Clean. "Clean" means that the tree is practically free from vines or other undesirable foreign material.

(3) Healthy. "Healthy" means that the foliage possesses a thrifty, fresh, natural appearance characteristic of the species.

(4) Well Shaped. "Well Shaped" means that the tree is not flat on one side and the branches of the tree, whether sheared or unsheared, are of sufficient number and length to form a circular outline tapering from the lowest whorl of branches to the top.

(5) Butt Trimmed. "Butt Trimmed" means that all barren branches below the first whorl of foliated branches shall have been removed, and the butt of the trunk has been smoothly cut at approximately right angles to the trunk.

(6) Density. "Density" means the amount of foliage present. Factors contributing to the degree of density are: The number and size of branches within the whorl, distance between whorls, number and arrangement of branchlets on each branch, the extent of internodal branching, needle arrangement, and needle length. Species differ in their habit of growth and some species do not have internodal branches. Density is judged on the basis of species characteristics.

(aa) Medium Density. "Medium Density" means that the whorls or branches are relatively close together, the branchlets or side branches are fairly numerous and the needle population is adequate to cover the branches. The stem may be

visible, but not distinctly visible throughout most of its length. To grade U. S. Premium or U.S. No. 1 or U.S. Choice trees must possess at least "medium density".

(bb) Light Density. "Light Density" means that the whorls or branches may be thinly spaced, the branchlets or side branches may be only reasonably numerous, but the needle population must be adequate to reasonably cover the branches. The stem is usually visible for approximately seventy (70) percent of its length. To grade U.S. No. 2 or U.S. Standard trees must have at least "light density". Trees that are more open or which do not meet the requirements of "light density" are culls.

(7) Taper. "Taper" means the relationship of the width of the tree to its height. "Flaring", "normal", and "candlestick" taper are the terms used to describe degrees of taper. At least seventy-five (75) percent of the branch ends must touch or overlap the line of the cone.

(aa) "Flaring taper" means that the general shape of the tree, judged from its best side, forms a cone the base of which is more than ninety (90) percent of its height.

(bb) "Normal taper" means that the general shape of the tree, judged from its best side, forms a cone the base of which is from forty (40) to ninety (90) percent of its height.

(cc) "Candlestick taper" means that the general shape of the tree, judged from its best side, forms a cone the base of which is less than forty (40) percent of its height.

(8) Face. "Face" means the visible surface area of a tree as viewed from a distance of eight (8) to ten (10) feet from the tree. A tree shall be considered as having four (4) faces, each consisting of one-quarter (1/4) of the surface area of the tree.

(9) Fairly Clean. "Fairly clean" means that the tree is moderately free from vines or other undesirable foreign material.

(10) Handle. "Handle" means that portion of the trunk betwen the butt or base of a tree and the lowest complete whorl of foliated branches.

(11) Height. "Height" means the distance from the base of the trunk to the top of the main leader, excluding that portion of the leader which extends more than four (4) inches above the apex of the cone of the taper applicable to the tree.

(12) Damage. "Damage" means any specific noticeable defect described or listed in this section, or an equally objectionable variation of any one of these defects , any other defect, or any combination of defects which materially detracts from the appearance or marketing quality of the Christmas tree.

(aa) The following are noticeable defects which generally affect one (1) or more faces and are usually readily observed by casual observation of a tree:

(i) Decided gap (abnormal space between whorls of branches).

(ii) Unduly long branches.

(iii) Uneven density.

(iv) Weak branches.

(v) Broken branches.

(vi) Barren lower whorl (no needles on branches of bottom whorl).

(vii) Curved stems.

(viii) Hole in tree (lack of branches or foliage and appears as an opening of considerable size).

(ix) Excessively long main leader (when the main leader or stem above top whorl of branches is not proportionate to the overall tree height).

(x) Incomplete whorl of branches.

(xi) Handle not proportionate to height of tree.

(bb) The following are defects which individually or in combination with other defects may materially detract from the appearance or marketing quality of a tree to the same degree as the noticeable defects listed above.

(i) Multiple leaders.

(ii) Crow's-nest (cluster of short branches which forms a compact nest type whorl arrangement).

(iii) Multiple main stems.

(iv) Gooseneck (greater than usual distance between two (2) whorls of branches).

(v) Noticeable presence of galls on the branches.

(vi) Abnormal loss of needles.

(vii) Abnormal curling of needles.

(viii) Noticeable presence of dead twigs.

(ix) Vines.

(x) Foreign material.

(e) Metric conversion table.

Feet	Centimeters (cm)	Feet	Centimeters (cm)
1/2 =	15.24	6 =	182.88
1 =	30.48	7 =	213.36
2 =	60.96	8 =	243.84
3 =	91.44	9 =	274.32
4 =	121.92	10 =	304.80
5 =	152.40		

Minnesota Department of Agriculture Regulations Chapter One, Regulation Agr 20 Inspection Procedures Specified, is amended to read as follows:

"Agr 20 Inspection Procedures-Specified. Inspection procedures specified by the United States Department of Agriculture for inspection of Christmas trees shall be applied for inspection and the certification of Minnesota Christmas tree grades."

Minnesota Department of Agriculture Regulations, Chapter One, Regulation Agr 21 Fees for Inspection and Grading, is amended by deleting all language after the title and inserting new material to read as follows:

"Agr 21 Fees for Inspection and Grading. Fees for inspection and grading shall be as follows:

Hourly basis.

$10.00 per hour (by contract)

$ 6.00 per hour standby time if product is not available for inspection.

$ 6.00 per hour additional for any inspection made on an overtime basis.

12 cents per mile for travel to perform inspection and grading service.

The commissioner shall review the fee charges annually and make necessary adjustments to maintain the inspection service on a self-supporting basis as required by Minnesota Statutes, Section 27.07. Payment for inspection fees shall be made to the State Treasurer not later than 30 days from the date of inspection."

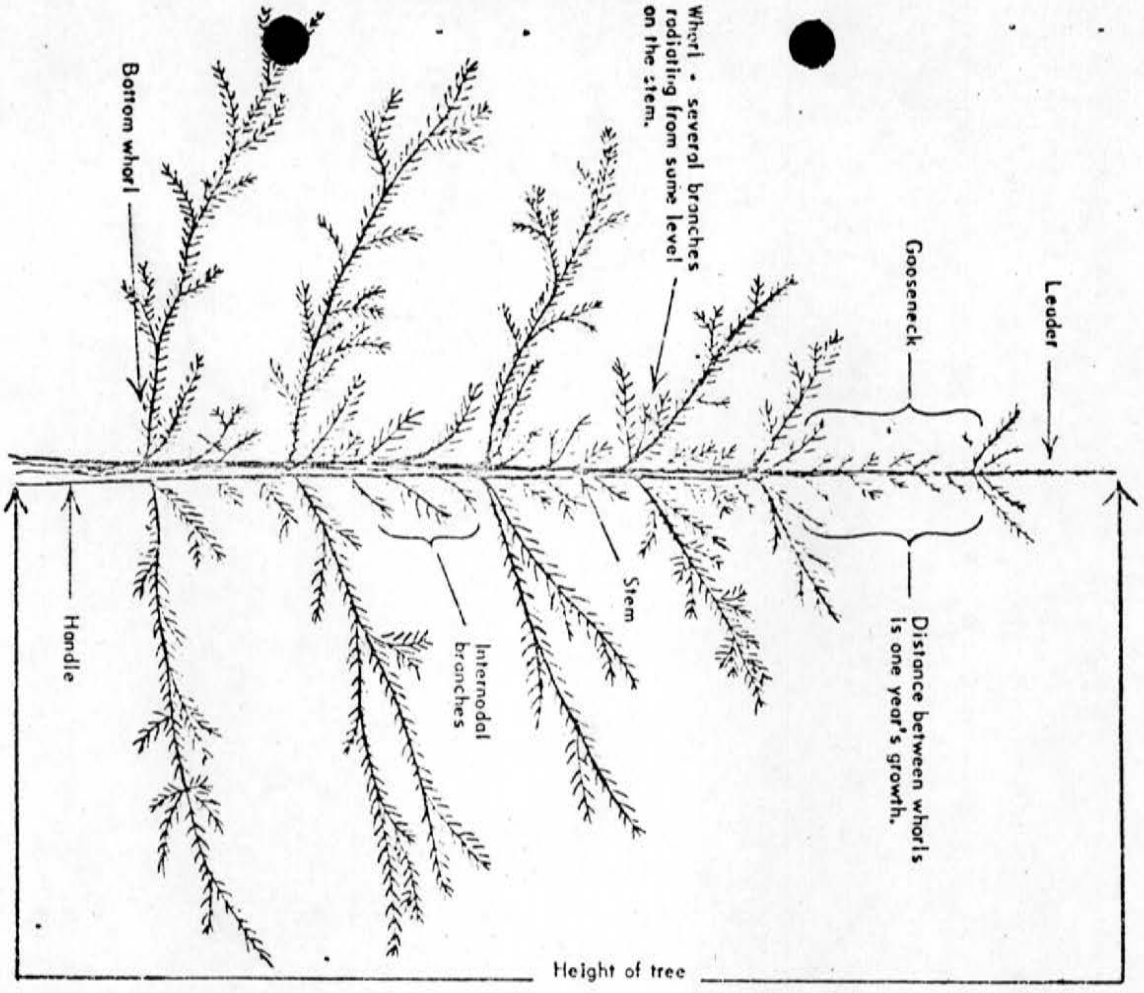
Agr 22 - 30 Reserved for future use.

Filed

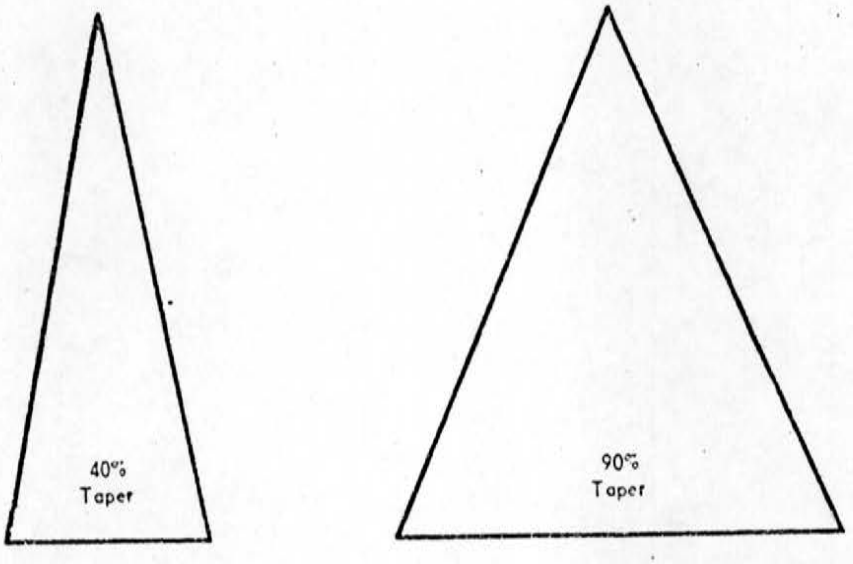
APPROVED AS TO FORM AND LEGALITY
4-9 19 74
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 9 - 1974 - 1:30 pm
Arlen I. Erdahl
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
APR 9 1974 2:20 pm
BY Ede Staudenmaier
AUTH. SIGNATURE



CHRISTMAS TREE TERMINOLOGY



less than 40% . . . . . Candlestick

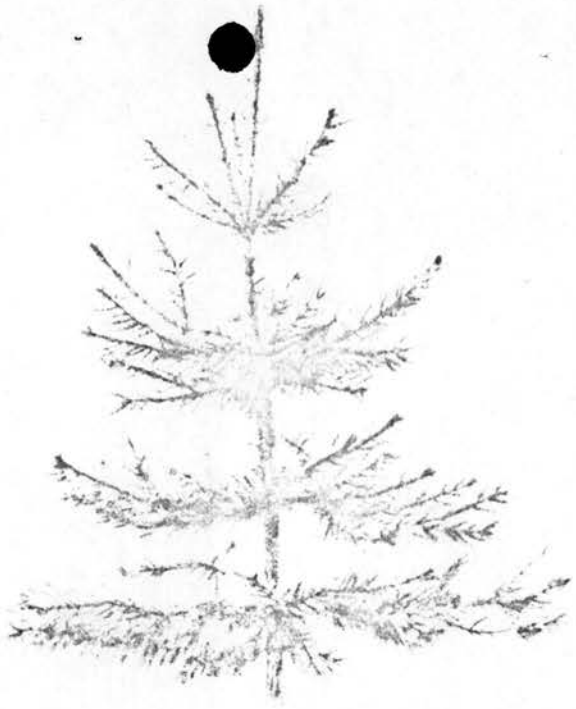
40 - 90% . . . . . Normal

more than 90% . . . . . Flaring

CHRISTMAS TREE TAPER

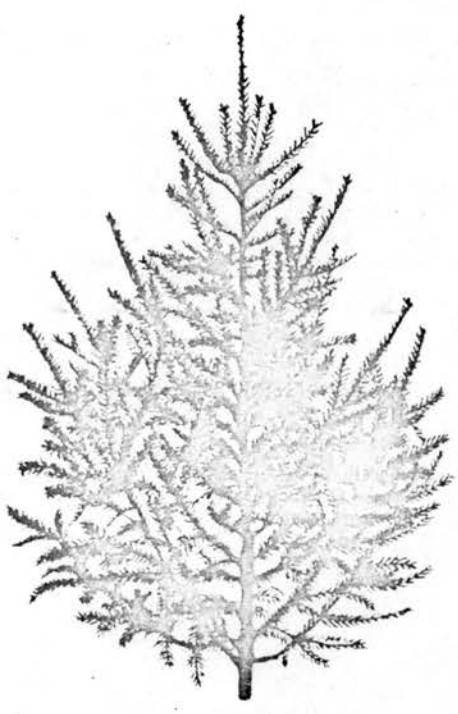


LIGHT DENSITY

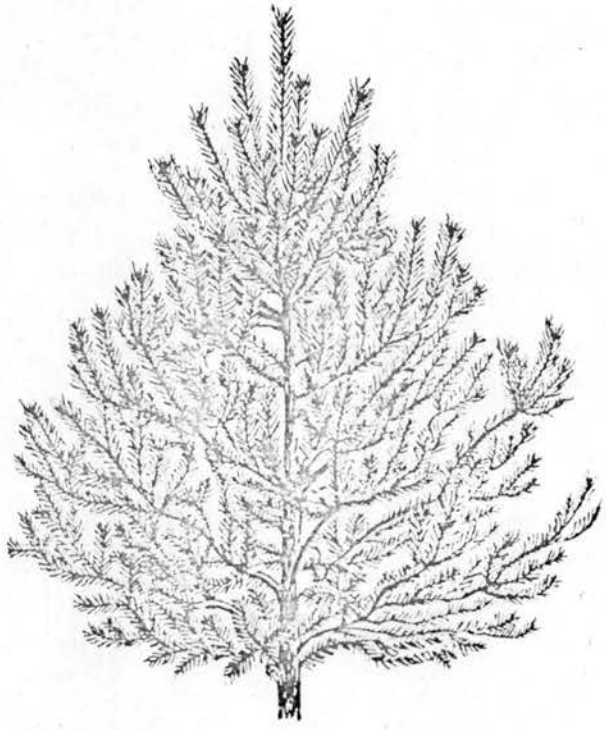


LIGHT DENSITY

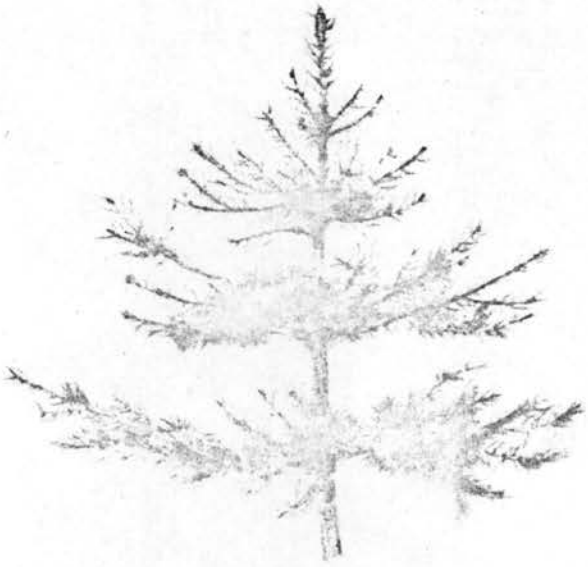
DENSITY HEAVIER THAN THIS WOULD BE CONSIDERED MEDIUM



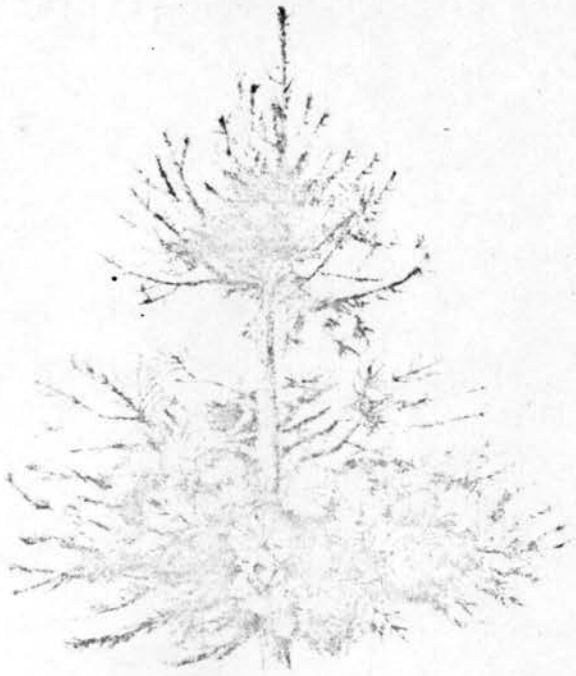
U.S. PREMIUM
LOWER LIMIT MEDIUM DENSITY
for trees other than the genus Pinus



U.S. PREMIUM
LOWER LIMIT MEDIUM DENSITY
for trees of the genus Pinus

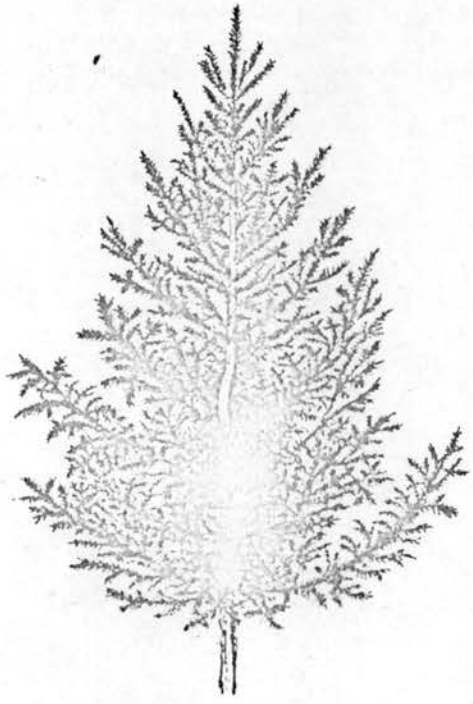


U.S. NO. 2 OR U.S. STANDARD
light density, too much space
between lower whorls



CULL
large hole, partial crows nest
uneven density

8

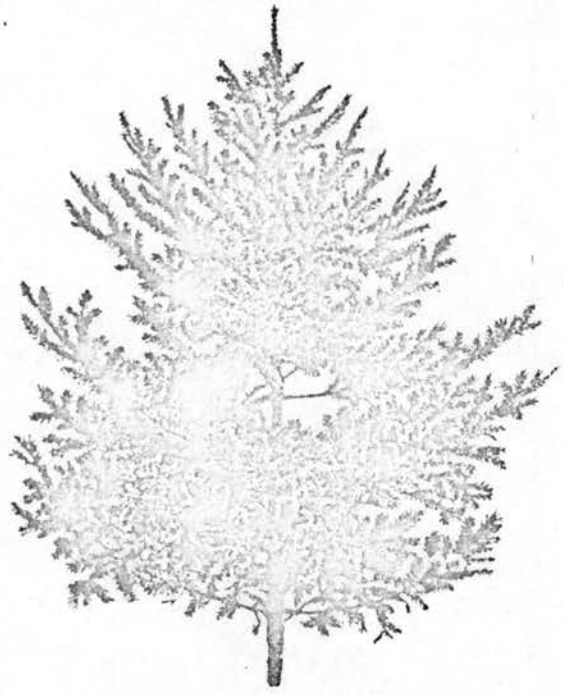


U.S. NO. 1 OR U.S. CHOICE
(UPPER LIMIT)
slight crook in stem

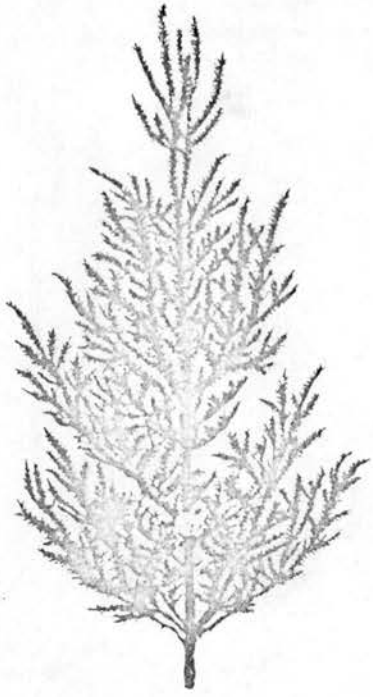


U.S. NO. 2 OR U.S. STANDARD
appearance damaged by crook in stem,
and incomplete whorl

9



U.S. NO. 2 OR U.S. STANDARD
hole in crown, affecting more than one face



U.S. NO. 2 OR U.S. STANDARD
multiple leaders and incomplete whorl

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 9 - 1974 1:30 pm
Arlen I. Erdahl
Secretary of State



U.S. NO. 1 OR U.S. CHOICE
(UPPER LIMIT)
barren lower whorl



U.S. NO. 2 OR U.S. STANDARD
(UPPER LIMIT)
incomplete whorls, uneven density

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Thomas Kalitowski do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Thomas Kalitowski

Special Assistant Attorney General

Dated: March 27, 1974

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Amendments of Rules of the State Department of Agriculture Relating to Christmas Tree Grades and Standards, Agr 19 through 21.

ORDER OF HEARING

To effectively provide current requirements on which to determine grades and standards for Christmas trees, the Minnesota Commissioner of Agriculture deems it necessary to update the Rules of the Minnesota Department of Agriculture, Chapter One, Regulations Agr 19 through 21, by bringing them into conformance with standards of the United States Department of Agriculture.

NOW, THEREFORE, IT IS ORDERED this 23rd day of October, 1973, that a public hearing on the proposed amended rules captioned above to be held in Conference Room D, 5th Floor, Veterans Service Building, St. Paul, Minnesota, on Thursday, November 29, 1973, commencing at 9:30 A.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and to all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA

JON WEFALD
COMMISSIONER OF AGRICULTURE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Amendments of Rules of the State Department of Agriculture Relating to Christmas Tree Grades and Standards, Agr 19 through 21.

STATEMENT OF NEED

The above captioned rules are amendments to existing rules of the Minnesota Department of Agriculture.

The need to adopt these rules arises because the standards and grades developed and used by the United States Department of Agriculture (U.S.D.A.) have been changed and updated thereby making Minnesota rules obsolete.

Since a substantial portion of Minnesota grown Christmas trees are marketed outside Minnesota, it is desirable to adopt U.S.D.A. standards thereby allowing our producers and processors of Christmas trees to operate under a single, uniform set of rules for standards and grades.

STATE OF MINNESOTA

Jon Wefald

JON WEFALD
COMMISSIONER OF AGRICULTURE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Amendments of Rules of the State Department of Agriculture Relating to Christmas Tree Grades and Standards, Agr 19 through 21.

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes 1971, Section 15.0412, Subdivision 4, in the above entitled matter in Conference Room D, 5th Floor, Veterans Service Building, St. Paul, Minnesota, November 29, 1973, commencing at 9:30 A.M., and continuing until all persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

The Commissioner proposes to amend rules relating to Grades and Standards for Christmas Trees as authorized and directed by Minnesota Statutes 1971, Section 27.07, and as identified by Department of Agriculture Regulations, Chapter One, Regulations 19 through 21. The proposed amendments will bring present rules into conformity with United States Department of Agriculture Standards For Grades of Christmas Trees, C.F.R. Title 7, Sections 51.3085 through 51.3104, Effective April 1, 1973.

Copies of the proposed rules may be obtained by writing to the Office of the Commissioner, 420 State Office Building, St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing.

Dated October 23, 1973

STATE OF MINNESOTA

JON WEFALD
COMMISSIONER OF AGRICULTURE

PROPOSED

RULES AND REGULATIONS RELATING TO CHRISTMAS TREE GRADES AND STANDARDS CHAPTER 1: AGR 19-21

Minnesota Department of Agriculture Regulations, Chapter One, Regulation Agr 19 Christmas Tree Standards, is amended by deleting all language after the title and inserting new material to read as follows:

Agr 19 Christmas Tree Standards. By authority of Minnesota Statutes 1971, Section 27.07, the commissioner of agriculture hereby adopts the United States Standards of Grades for Christmas trees as the official Minnesota standards.

(a) General. The standards contained in this subpart are applicable to sheared or unsheared trees of the coniferous species which are normally marketed as Christmas trees.

(1) U. S. Premium. "U. S. Premium" consists of trees possessing the characteristics typical of the species, which are fresh, clean, healthy, well shaped, butt trimmed, of not less than medium density, with normal taper, and the handle length unless otherwise specified, may not be less than six (6) inches, or more than one and three-fourths (1 3/4) inches for each foot of tree height, and with each of the four (4) faces free from damage by any cause.

(2) U. S. No. 1 or U. S. Choice. "U.S. No. 1 or U.S. Choice" consists of trees possessing the characteristics typical of the species, which are fresh, clean, healthy, well shaped, butt trimmed, of not less than medium density, with normal taper, and the handle length unless otherwise specified, may not be less than six (6) inches, or more than one and three-fourths (1 3/4) inches, for each foot of tree height and with three (3), or more faces which are free from damage by any cause.

(3) U.S. No. 2 or "U.S. Standard" consists of trees possessing the characteristics typical of the species which are fresh, fairly clean, healthy, well shaped, butt trimmed, light or better density, candlestick normal or flaring taper, and the handle length, unless otherwise specified, may be not less than six (6) inches, or more than one and three-fourths (1 3/4) inches for each foot of tree height, and with two (2) or more adjacent faces which are free from damage by any cause.

(4) Culls. 'Culls' consist of individual trees which fail to meet the requirements of the U.S. No. 2 or U.S. Standard Grade.

(b) Size. Size of trees shall be stated in terms of height in foot or half-foot steps, and unless otherwise specified, the following color code may be used to designate the respective sizes:

	Feet
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(c) Tolerances. In order to allow for variations incident to proper sizing, grading, and handling in each of the foregoing grades the following tolerances, by count, shall apply when a lot of Christmas trees is required to meet a specified grade.

(1) Off-Size. Ten percent for trees which fail to meet the height specified.

(2) Off Length Handle. Twenty (20) percent for trees which fail to meet the requirement for handle length but which meet all other requirements for the specified grade.

(3) Defects. Ten percent for trees which fail to meet the remaining requirements of the grade: Provided, That for the U.S. Premium and U.S. No. 1 or U.S. Choice grades not more than one-half of this amount, or five (5) percent, shall be allowed for trees which fail to meet the requirements of the next grade lower than that specified.

(d) Definitions.

(1) Fresh. 'Fresh' means that the needles are pliable and generally firmly attached with not more than slight shattering.

(2) Clean. 'Clean' means that the tree is practically free from vines or other undesirable foreign material.

(3) Healthy. 'Healthy' means that the foliage possesses a thrifty, fresh, natural appearance characteristic of the species.

(4) Well Shaped. "Well Shaped' means that the tree is not flat on one side and the branches of the tree, whether sheared or unsheared, are of sufficient number and length to form a circular outline tapering from the lowest whorl of branches to the top.

(5) Butt Trimmed. "Butt Trimmed" means that all barren branches below the first whorl of foliated branches shall have been removed, and the butt of the trunk has been smoothly cut at approximately right angles to the trunk.

(6) Density. 'Density" means the amount of foliage present. Factors contributing to the degree of density are: The number and size of branches within the whorl, distance between whorls, number and arrangement of branchlets on each branch, the extent of internodal branching, needle arrangement, and needle length. Species differ in their habit of growth and some species do not have internodal branches. Density is judged on the basis of species characteristics.

(aa) Medium Density. "Medium Density" means that the whorls or branches are relatively close together, the branchlets or side branches are fairly numerous and the needle population is adequate to cover the branches. The stem may be visible, but not distinctly visible throughout most of its length. To grade U. S. Premium or U.S. No. 1 or U.S. Choice trees must possess at least "medium density'.

(bb) Light Density. 'Light Density' means that the whorls or branches may be thinly spaced, the branchlets or side branches may be only reasonably

numerous, but the needle population must be adequate to reasonably cover the branches. The stem is usually visible for approximately seventy (70) percent of its length. To grade U.S. No. 2 or U.S. Standard trees must have at least "light density'. Trees that are more open or which do not meet the requirements of "light density" are culls.

(7) Taper. 'Taper' means the relationship of the width of the tree to its height. 'Flaring', "normal", and "candlestick" taper are the terms used to describe degrees of taper. At least seventy-five (75) percent of the branch ends must touch or overlap the line of the cone.

(aa) "Flaring taper' means that the general shape of the tree, judged from its best side, forms a cone the base of which is more than ninety (90) percent of its height.

(bb) 'Normal taper' means that the general shape of the tree, judged from its best side, forms a cone the base of which is from forty (40) to ninety (90) percent of its height.

(cc) "Candlestick taper' means that the general shape of the tree, judged from its best side, forms a cone the base of which is less than forty (40) percent of its height.

(8) Face. 'Face" means the visible surface area of a tree as viewed from a distance of eight (8) to ten (10) feet from the tree. A tree shall be considered as having four (4) faces, each consisting of one-quarter (1/4) of the surface area of the tree.

(9) Fairly Clean. 'Fairly clean' means that the tree is moderately free from vines or other undesirable foreign material.

(10) Handle. 'Handle' means that portion of the trunk betwen the butt or base of a tree and the lowest complete whorl of foliated branches.

(11) Height. 'Height' means the distance from the base of the trunk to the top of the main leader, excluding that portion of the leader which extends more than four (4) inches above the apex of the cone of the taper applicable to the tree.

(12) Damage. 'Damage' means any specific noticeable defect described or listed in this section, or an equally objectionable variation of any one of these defects , any other defect, or any combination of defects which materially detracts from the appearance or marketing quality of the Christmas tree.

(aa) The following are noticeable defects which generally affect one (1) or more faces and are usually readily observed by casual observation of a tree:

(i) Decided gap (abnormal space between whorls of branches).

(ii) Unduly long branches.

(iii) Uneven density.

(iv) Weak branches.

(v) Broken branches.

(vi) Barren lower whorl (no needles on branches of bottom whorl).

(vii) Curved stems.

(viii) Hole in tree (lack of branches or foliage and appears as an opening of considerable size).

(ix) Excessively long main leader (when the main leader or stem above top whorl of branches is not proportionate to the overall tree height).

(x) Incomplete whorl of branches.

(xi) Handle not proportionate to height of tree.

(bb) The following are defects which individually or in combination with other defects may materially detract from the appearance or marketing quality of a tree to the same degree as the noticeable defects listed above.

(i) Multiple leaders.

(ii) Crow's-nest (cluster of short branches which forms a compact nest type whorl arrangement).

(iii) Multiple main stems.

(iv) Gooseneck (greater than usual distance between two (2) whorls of branches).

(v) Noticeable presence of galls on the branches.

(vi) Abnormal loss of needles.

(vii) Abnormal curling of needles.

(viii) Noticeable presence of dead twigs.

(ix) Vines.

(x) Foreign material.

(e) Metric conversion table.

Feet	Centimeters (cm)	Feet	Centimeters (cm)
1/2 =	15.24	6 =	182.88
1 =	30.48	7 =	213.36
2 =	60.96	8 =	243.84
3 =	91.44	9 =	274.32
4 =	121.92	10 =	304.80
5 =	152.40		

Minnesota Department of Agriculture Regulations Chapter One, Regulation Agr 20 Inspection Procedures Specified, is amended to read as follows:

'Agr 20 Inspection Procedures-Specified. Inspection procedures specified by the United States Department of Agriculture for inspection of Christmas trees shall be applied for inspection and the certification of Minnesota Christmas tree grades.'

Minnesota Department of Agriculture Regulations, Chapter One, Regulation Agr 21 Fees for Inspection and Grading, is amended by deleting all language after the title and inserting new material to read as follows:

'Agr 21 Fees for Inspection and Grading. Fees for inspection and grading shall be as follows:

Hourly basis.

$10.00 per hour (by contract)

$ 6.00 per hour standby time if product is not available for inspection.

$ 6.00 per hour additional for any inspection made on an overtime basis.

12 cents per mile for travel to perform inspection and grading service.

The commissioner shall review the fee charges annually and make necessary adjustments to maintain the inspection service on a self-supporting basis as required by Minnesota Statutes, Section 27.07. Payment for inspection fees shall be made to the State Treasurer not later than 30 days from the date of inspection.'

Agr 22 - 30 Reserved for future use.

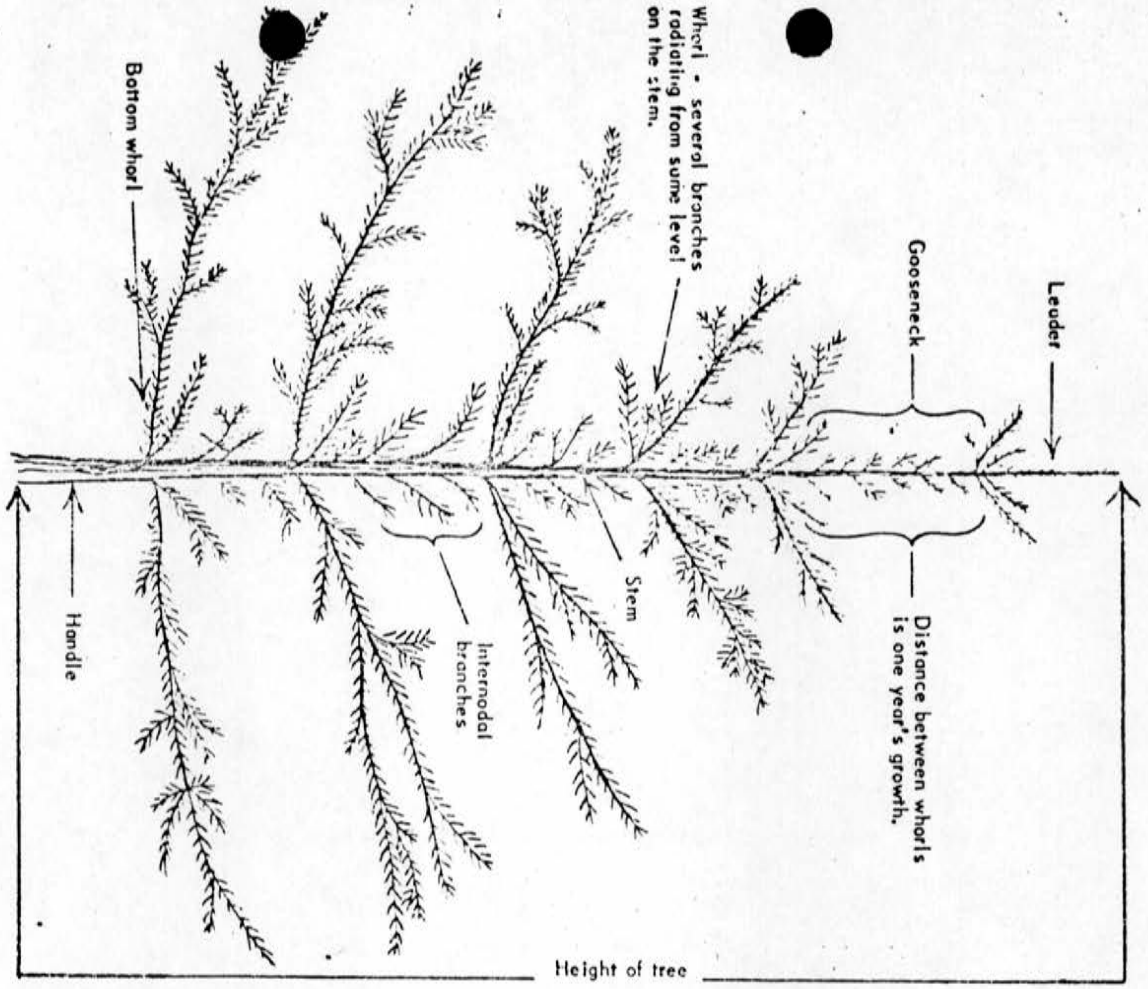
Filed 11-14-45; 3-25-47; 8-13-52; 11-1-65; 12- -73.

AGR 19 . . . .

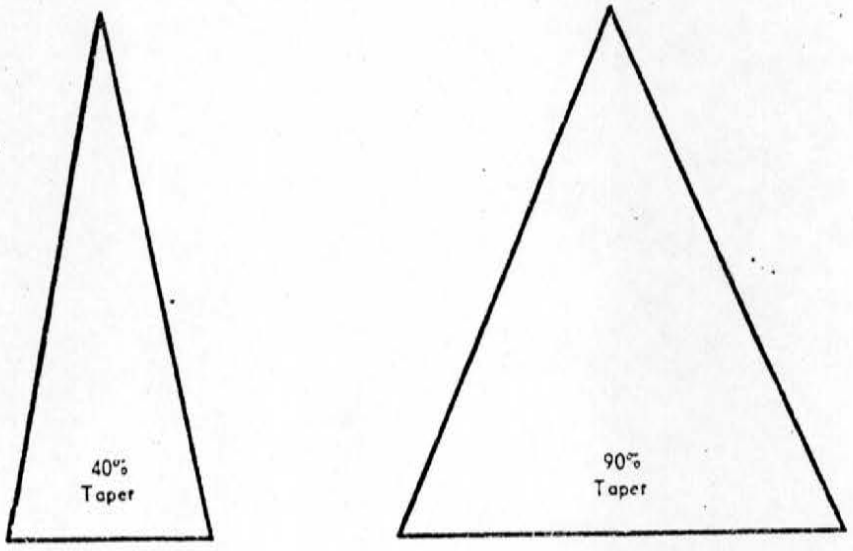
(a) The standards and grades contained in this subpart are applicable to sheared or unsheared trees of the coniferous species which are normally marketed as Christmas trees.

Grading of Christmas trees is voluntary. /However, if Christmas trees are advertised, offered for sale, or sold as graded Christmas trees, they shall be graded by the grower in conformance with the standards and grades set forth in these regulations. At the request of the seller or buyer, the Minnesota Department of Agriculture, by appropriate certificate, shall certify the grade as per the applicable schedules.

11/73



CHRISTMAS TREE TERMINOLOGY



less than 40% . . . . . Candlestick

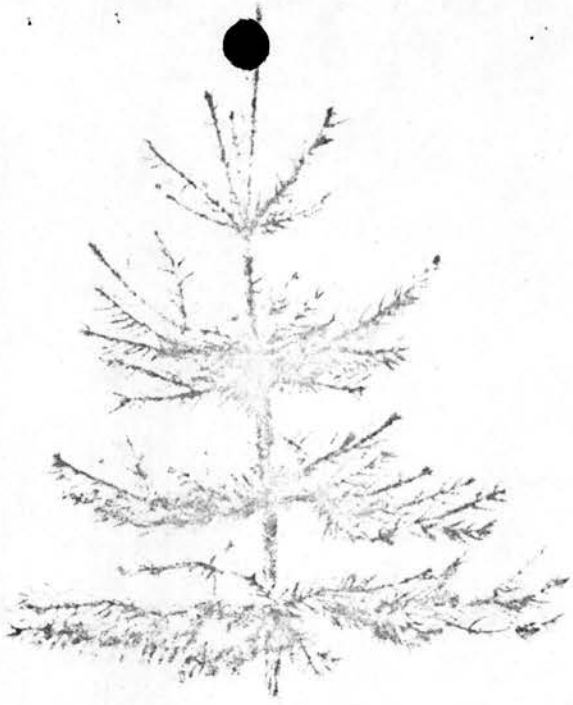
40 - 90% . . . . . Normal

more than 90% . . . . . Flaring

CHRISTMAS TREE TAPER

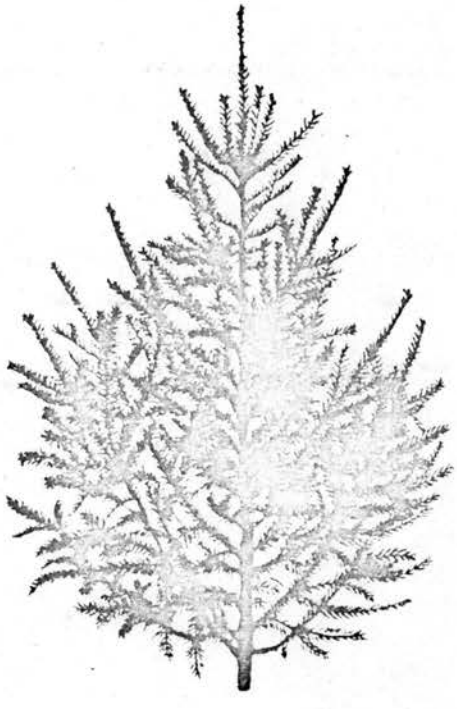


LIGHT DENSITY

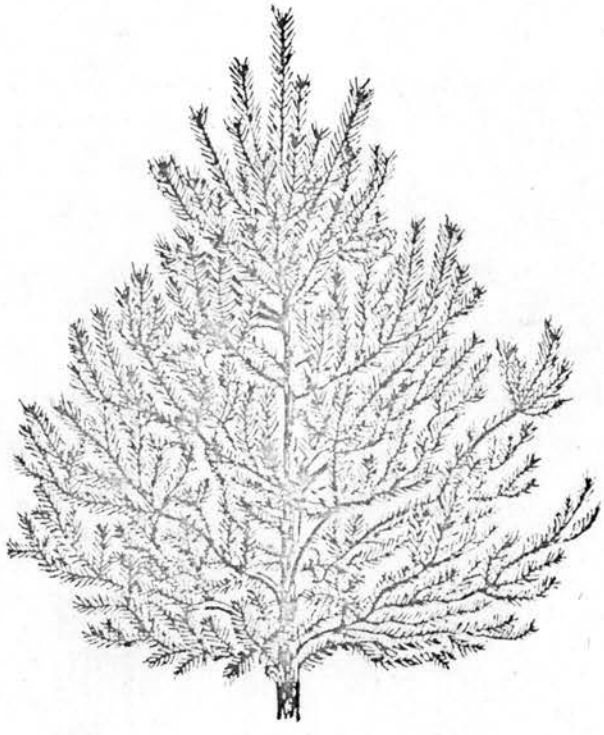


LIGHT DENSITY

DENSITY HEAVIER THAN THIS WOULD BE CONSIDERED MEDIUM



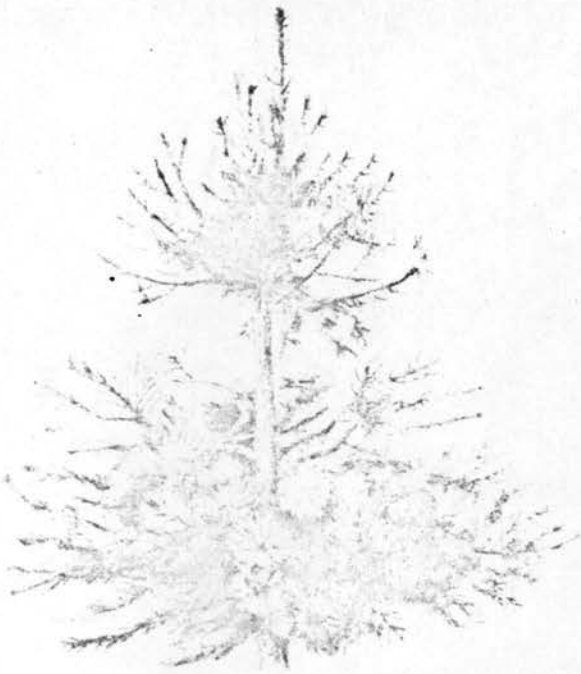
U.S. PREMIUM
LOWER LIMIT MEDIUM DENSITY
for trees other than the genus Pinus



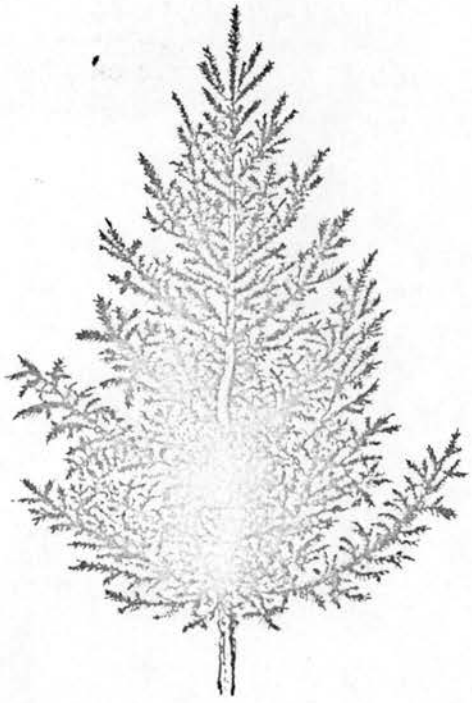
U.S. PREMIUM
LOWER LIMIT MEDIUM DENSITY
for trees of the genus Pinus



U.S. NO. 2 OR U.S. STANDARD
light density, too much space
between lower whorls



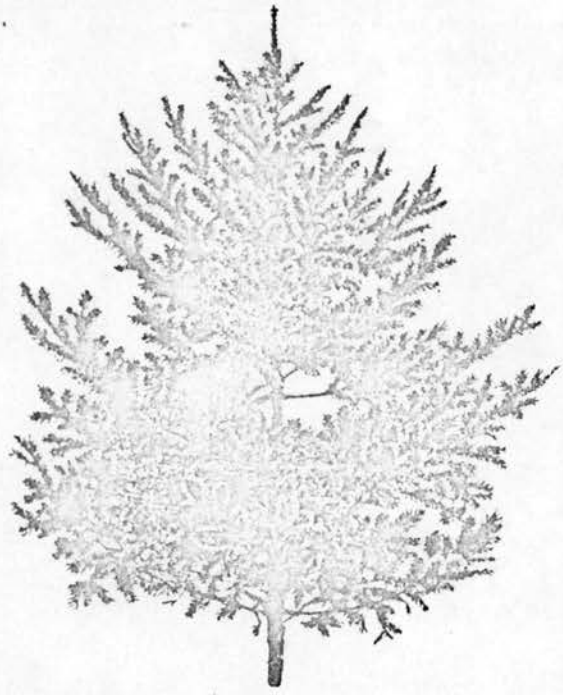
CULL
large hole, partial crows nest
uneven density



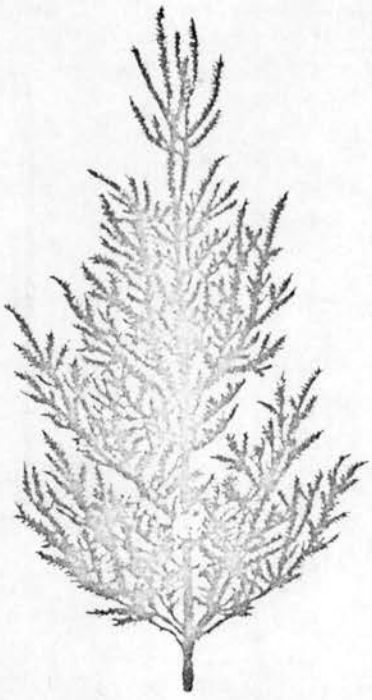
U.S. NO. 1 OR U.S. CHOICE
(UPPER LIMIT)
slight crook in stem



U.S. NO. 2 OR U.S. STANDARD
appearance damaged by crook in stem,
and incomplete whorl



U.S. NO. 2 OR U.S. STANDARD
hole in crown, affecting more than one face



U.S. NO. 2 OR U.S. STANDARD
multiple leaders and incomplete whorl



U.S. NO. 1 OR U.S. CHOICE
(UPPER LIMIT)
barfen lower whorl



U.S. NO. 2 OR U.S. STANDARD
(UPPER LIMIT)
incomplete whorls, uneven density

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the matter of the Proposed Amendments of Rules of the State Department of Agriculture Relating to Christmas Tree Grades and Standards, Agr 19 through 21.

I hereby certify that the attached 297 labels & 2 sheets constitute the complete list of persons, associations, and other interested groups who as of 10:15 o'clock A.M., this 25th day of October, 1973, have requested pursuant to M.S. 1971, Sec. 15.0421, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Arlan J. Erdahl

By Neil Dion

AFFIDAVIT

Joyce Walkosz, being duly sworn on oath deposes and says:

1) That she is an employee of the Agriculture Department of the State of Minnesota.

2) That on the 25th day of October, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations and other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 25th day of October, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Joyce Walkosz

Subscribed and sworn to before me
this 25th day of Oct. 1973.
Emma Copeland

Notary Public,
Ramsey County, Minnesota
My Commission expires 3-17-77.

EMMA COPELAND
Notary Public, Ramsey County, Minn.
My Commission Expires Mar. 17, 1977

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Amendments of Rules of the State Department of Agriculture Relating to Christmas Tree Grades and Standards, Agr 19 through 21.

AFFIDAVIT OF MAILING

Joyce Walkosz, being first duly sworn, deposes and says:

That on the 25th day of October, 1973, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addressed listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

Joyce Walkosz

Subscribed and sworn to before me this 25th day of Oct, 1973.

Emma Copeland

Notary Public

Ramsey County, Minnesota

My Commission expires 3-17-77.

EMMA COPELAND
Notary Public, Ramsey County, Minn.
My Commission Expires Mar. 17, 1977

STATE OF MINNESOTA

COUNTY OF RAMSEY

JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Amendments of Rules of the State Department of Agriculture Relating to Christmas Tree Grades and Standards, Agr 19 through 21.

FINDINGS OF FACT

The above entitled matter came on for hearing before the Agriculture Commissioner of the State of Minnesota on the 29th day of November, 1973, at 9:30 A.M., Conference Room D, fifth floor, Veterans Service Building, St. Paul, Minnesota, after proper notice required by M.S. 1971, Section 15.0412 was served on all persons, associations and other interested groups registered with the Secretary of State for that purpose and to all members of the Minnesota Legislature.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following:

1. That present standards and grades are inconsistent with those used by U.S.D.A.

2. That Minnesota Department of Agriculture cannot provide grading service consistent with U.S.D.A. grades.

3. That growers and processors of Christmas trees in Minnesota would need to conform to two different standards and grades to compete with their counterparts in other states.

4. That grades placed on trees by Minnesota Department of Agriculture will not be honored on trees shipped for sale interstate.

5. That trees bearing Minnesota grades when shipped interstate will be considered "ungraded".

6. That the individual purchasing Christmas trees in Minnesota and elsewhere expects the grade shown to be authentic and will benefit only if grades are uniform.

7. That the Christmas tree industry nationwide will benefit by the establishment of uniform grades.

8. That the State of Minnesota will enhance its reputation as a producer of quality merchandise by keeping current its Christmas tree standards and grades.

STATE OF MINNESOTA

Jon Wefald

JON WEFALD
COMMISSIONER OF AGRICULTURE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Amendments of Rules of the State Department of Agriculture Relating to Christmas Tree Grades and Standards, Agr 19 through 21.

ORDER ADOPTING RULES

The above entitled matter came on for hearing before the Agriculture Commissioner of the State of Minnesota on the 29th day of November 1973, at 9:30 A.M. in Conference Room D, fifth floor, Veterans Service Building, St. Paul, Minnesota, after proper notice required by M.S. 1971, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose, and to all members of the Minnesota Legislature.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards and criteria, and having confirmed the need for the above captioned rules,

NOW, THEREFORE, IT IS ORDERED that the amendments to the rules identified as Rules and Regulations of the State Department of Agriculture Relating to Christmas Tree Grades and Standards, Agr 19 and 21, are adopted this 26th day of February, 1974, pursuant to the authority vested in me by M.S. 1971, Sections 15.0412 and 27.14.

STATE OF MINNESOTA

Jon Wefald

JON WEFALD
COMMISSIONER OF AGRICULTURE