

## Christmas Tree Grading Regulations

made under Section 40 of the  
Forests Act  
R.S.N.S. 1989, C. 179  
O.I.C. 94-850 (October 11, 1994), N.S. Reg. 193/94

### Citation

1 These regulations may be cited as the "Nova Scotia Christmas Tree Grading Regulations".

### Interpretation

2 In these regulations

- (a) "Act" means the Forests Act;
- (b) "Chief Inspector" means a person or agency designated by the Minister to review the assignment of an official grade to trees;
- (c) "Department" means the Department of Natural Resources;
- (d) "grade tag" means a tag issued pursuant to these regulations for the purpose of assigning an official grade to a tree;
- (e) "graded tree" means a tree the official grade of which has been assigned by a grader;
- (f) "grader" means any person licensed by the Minister to grade trees;
- (g) "Minister" means the Minister of Natural Resources;
- (h) "official grade" means the Nova Scotia grade assigned to trees pursuant to these regulations;
- (i) "Supervisor of Grading" means the person designated by the Minister pursuant to subsection 8(1); and
- (j) "tree" means a coniferous tree cut for sale as a Christmas tree.

### Application of grading

- 3 (1) A person may sell trees without an official grade or grade tag.
- (2) No person shall represent, advertise, offer for sale or sell trees with an official grade except in accordance with these regulations.
- (3) A person who intends to sell trees by official grade shall be responsible for arranging for the grading of the trees and for paying the costs of grading.

### Issuance and use of grade tags

- 4 (1) The Minister, upon the application of a grader, may issue grade tags to be used for the purpose of these regulations and may determine the fee to be paid for the issuance of grade tags.
- (2) Except as provided in these regulations, no person shall assign an official grade or affix a grade tag to a tree.

## Grader licensing program

5 (1) The Department shall administer a grader licensing program for the purpose of educating applicants for grader licenses in the proper standards and procedures for the grading of trees and to provide standards for the issuance and renewals of grader licenses.

(2) The grader licensing program shall include a grader licensing course and a refresher course.

(3) The content of the grader licensing program shall be determined by the Department.

## Grader's license

6 (1) Any person may apply for a grader license provided the person

(a) attends a grader licensing course administered by the Department;

(b) attends a grader refresher course administered by the Department; and

(c) completes an examination by the Supervisor of Grading of the person's grading practices to the satisfaction of the Supervisor of Grading.

(2) The Supervisor of Grading shall issue a grader license to an applicant upon being satisfied that the applicant has met the requirements set out in subsection (1).

(3) No person shall act as a grader unless the person is the holder of a license issued pursuant to these regulations.

## Expiry and renewal

7 (1) A grader license expires at the end of the calendar year.

(2) Unless sooner cancelled, the grader license shall be renewed upon the successful completion by the applicant of a grader refresher course administered by the Department.

## Grading procedure

8 (1) The Minister may designate a person as the Supervisor of Grading who shall supervise the grading of trees in accordance with the requirements of these regulations.

(2) The Supervisor of Grading shall

(a) assist in administering the grader training course;

(b) administer the refresher course;

(c) carry out examinations of persons as required to license persons as graders;

(d) carry out inspections of licensed graders during the grading season to ensure proper application and maintenance of grading standards;

(e) maintain accurate records of examination and inspection of graders and applicants for a grader license;

(f) issue licences in accordance with Section 6;

(g) provide information and assistance to the Chief Inspector as required;

(h) make such reports to the Minister as required by the Minister.

(3) The Supervisor of Grading may remove a grade tag from a tree and replace it with a different grade tag if the Supervisor of Grading is of the opinion that the tree is not properly graded.

(4) In circumstances where the Supervisor of Grading is of the opinion that at least five percent of a shipment of trees examined by the Supervisor of Grading have been improperly graded, the Supervisor of Grading may

(a) instruct the grader who assigned the official grades as to the proper standard of grading and direct the grader to review and regrade the shipment according to such instructions; or

(b) where the grader is not available, revoke the official grades assigned to the shipment and direct that the shipment be graded by a different grader.

(5) In the event the grader fails to comply with the instructions of the Supervisor of Grading referred to in clause (4)(a), the Supervisor of Grading may

(a) cancel the grading licence of the grader; and

(b) revoke the official grades assigned to the shipment and direct that the shipment be graded by a different grader.

(6) A grader shall

(a) examine and grade each tree in accordance with these regulations;

(b) where an official grade is to be assigned to a tree, tag each tree with the correct grade tag;

(c) maintain a daily record of the numbers and grades of all trees graded;

(d) submit a report to the Supervisor of Grading on or before the 20th day of January next following the year in which any grading has been carried out setting out the number of tags used by grade and the number of unused tags by grade; and

(e) follow the directions of the Supervisor of Grading.

(7) In addition to the provisions of subsection (4), the Supervisor of Grading may cancel the license of a grader where the grader has failed to comply with these regulations.

(8) Where a license has been cancelled pursuant to subsection (6), the holder of the cancelled license may reapply for a license pursuant to Section 6.

#### Review of grade

9 (1) Any buyer who questions the official grades assigned to a shipment or consignment of trees by a grader may, within seven days after receipt thereof, request the Chief Inspector to review the official grades assigned.

(2) The Chief Inspector shall, within ten days after receipt of the request referred to in subsection (1), review and

(a) confirm the official grade assigned by the grader;

(b) assign a different official grade; or

- (c) determine that the trees do not qualify for an official grade pursuant to these regulations.
- (3) A decision by the Chief Inspector pursuant to subsection (2) is final.
- (4) A buyer who requests a review pursuant to subsection (1) shall keep the entire shipment intact for review by the Chief Inspector, but if the shipment is not kept intact, the official grade originally assigned to any portion that has been accepted, used, or missing shall not be changed in any review.
- (5) Where a review has been carried out pursuant to subsection (2), the seller of the trees shall be responsible for the cost of the review where more than five per cent of the shipment reviewed has been regraded to a lower grade or found not to qualify for any official grade.
- (6) With the exception of subsection (5), the buyer shall be responsible for the cost of carrying out a review.
- (7) The Chief Inspector may require the buyer to prepay all or a portion of the cost of carrying out a review.

#### Grade terminology and standards

10 (1) Density is the amount of foliage on a tree and for grading purposes is classified as follows:

(a) "heavy density" applies to trees with the following characteristics:

(i) the whorls or branches are relatively close together and the spaces between the whorls or branches are so filled with twigs that eighty to one hundred percent of the main stem is generally invisible, and

(ii) the needle population and growth are adequate to cover the branches;

(b) "medium density" applies to trees with the following characteristics:

(i) the whorls or branches are reasonably close together and the spaces between the whorls or branches are so filled with twigs that sixty to eighty percent of the main stem is generally invisible, and

(ii) the needle population and growth are adequate to cover the branches; and

(c) "light density" applies to trees with the following characteristics:

(i) the whorls or branches are reasonably spaced and the spaces between the whorls or branches are only partially filled so that forty to sixty percent of the main stem is generally invisible, and

(ii) the needle population and growth are adequate to reasonably cover the branches.

(2) Taper is the relationship of the width of the tree at its lowest branches to the height of the tree.

(3) The balance of a tree is determined as follows:

(a) by considering a tree to have four faces, each face encompassing one quarter section of the tree and including the visible area of a tree as viewed from a distance of 8 to 10 feet from the tree, and by inspecting each face for completeness and defects in the process of grading;

(b) by assessing the tree to be "well-shaped" meaning the tree as having branches of sufficient number and length to form a conical outline tapering from the lowest whorl of branches to the top, with the main stem at the centre.

(4) Foliage is assessed under the following terms:

(a) "fresh", when the needles are green, crisp and firmly attached;

(b) "clean", where the tree is almost free of foreign material;

(c) "healthy", when the needles have a fresh natural appearance characteristic of the species.

(5) For official grade purposes

(a) "defects" includes the lack of some part of the tree or the presence of extraneous parts or of foreign material which detracts from its appearance; and

(b) "minor defects" means slight imperfections in the development of the tree or as a result of handling which do not seriously affect the appearance of the tree and are identified as

(i) slight uneven density,

(ii) slight visible crook in the main stem,

(iii) partially visible multiple main stem,

(iv) small open hole,

(v) slight physical damage,

(vi) slight insect or disease damage,

(vii) multiple leader,

(viii) weak lower whorl or lower branches,

(ix) broken branch, and

(x) extra long branch.

(6) Defects in excess of minor defects that appear on more than one face shall exclude a tree from any official grade.

(7) The tree handle shall be free of branches below the bottom whorl and smoothly cut at approximate right angles to the trunk of the tree and unless otherwise specified, the handle shall be not less than six inches in length and not longer than one and one-half inches for each foot of tree height.

(8) Tree height is the distance from the base of the handle to the top of the main leader, excluding that portion of the leader that extends more than four inches above the apex of the cone of the taper applicable to the tree.

(9) The factors set forth in this Section apply in the grading of all species of trees with due consideration for the natural characteristics of the various species.

## Grades

11 (1) The official grades of trees are

(a) Nova Scotia Grade Select;

(b) Nova Scotia Grade Fancy; and

(c) Nova Scotia Grade Choice.

(2) The minimum requirements for the factors for each official grade are set forth in the following table:

Factors	Nova Scotia Grade Select	Nova Scotia Grade Fancy	Nova Scotia Grade Choice
Density	Heavy	Medium to Heavy	Light to Medium
Taper	Minimum 40%		
	Maximum 100%	Minimum 40%	
	Maximum 100%	Minimum 40%	
	Maximum 100%		
Balance	Well shaped; at least four complete faces	Well shaped; at least three complete faces	Well shaped; at least three complete faces
Foliage	Fresh, healthy, clean	Fresh, healthy, clean	Fresh, healthy, clean
Minor Defects	Not more than 2	Not more than 2	Not more than 2

(3) With due consideration for the factors set out in subsection (2), the general appearance of a tree shall be the determining factor in establishing the official grade of the tree.

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