

Insert Company Name/Logo

DECLARATION OF ELIGIBILITY FOR DELIVERY (the “Declaration”)

to [insert name of grain handling company] (the “Grain Handling Company”)

PART A – Producer Identification

Name _____

Address _____

PART B – Declaration made pursuant to the Canada Grain Act

The Declaration made in Part B is made pursuant to the *Canada Grain Act* sections 83.1, 83.2 and 83.3 and further specified in the *Canada Grain Regulations* section 65.

1. **I am the undersigned producer and do solemnly declare that**, unless otherwise specified by me, the grain to be delivered, or sold by me, or on my behalf is of a variety eligible for the kind of grain and class (if applicable) declared by me in my dealings with the recipient of this Declaration. This Declaration is made and intended to apply to all deliveries of grain made by me or on my behalf to the Grain Handling Company from and including the date indicated below until the end of the 2020-2021 crop year.

PART C – Declaration required by the Grain Handling Company

2. I am the undersigned producer and have entered into a contract with the grain buyer (the “Grain Buyer”) to deliver grain. In the case of a Corporation that has entered into a contract with the Grain Buyer to deliver grain, I am an authorized representative of the Corporation and make this Declaration personally and on behalf of the Corporation.
3. The grain delivered by me hereunder consisted entirely of a variety or varieties registered for sale in Canada. For varieties protected by the *Plant Breeders’ Rights Act* requiring such varieties to be procured from pedigreed seed (i.e. varieties protected after February 27, 2015), the seed from which the grain and was produced was purchased as pedigreed seed, or was derived by me from a generation of seed I originally purchased as pedigreed seed.
4. Warranties Regarding Pesticide Application

In addition to the below representations and warranties, I hereby further represent and warrant that all grain deliveries made by me or on my behalf in accordance with the Declaration have **only** been treated with crop protection products and/or with active ingredients registered for use in Canada.

Saflufenacil. I understand that Saflufenacil is registered for use in Canada, but that pre-harvest use on flax may result in residues that are not acceptable in certain export markets. I hereby represent and warrant that any and all deliveries of **flax** made by me or on my behalf have **not** been treated ‘pre-harvest’ with any product containing Saflufenacil, including the product known as “Heat LQ.”

Glufosinate-Ammonia. I understand that Glufosinate-Ammonia is registered for use in Canada, but that using it may result in residues that are not acceptable in certain export markets. I hereby represent and warrant that any and all deliveries of **lentils** made by me or on my behalf have **not** been treated with any crop protection product containing Glufosinate-Ammonia, including but not limited to the product known as “AgraCity MPower Good Harvest”.

With exception of the above, all grain delivered in accordance with this Declaration has been produced using active ingredients as registered in Canada.

In the event of noncompliance with any of the above representations and/or warranties, delivery of the grain offered for sale will not be accepted in satisfaction of any contractual obligations or terms of sale between me and the Grain Handling Company and/or Grain Buyer.

5. If I, or anyone on my behalf, deliver(s) to the Grain Handling Company and/or the Grain Buyer grain that does not comply with paragraphs 2 through 4 of this Declaration, I acknowledge that I will be liable to the Grain Buyer, and agree to indemnify and hold harmless Grain Handling Company and/or Grain Buyer from and against any and all loss, cost, damage, expense (including legal fees) or penalty that it may incur by reason of my non-compliance with this Declaration. I further acknowledge and agree that the Grain Buyer may consider me to be in default of my contract and may cancel any contracts between myself and the Grain Buyer.
6. I acknowledge and agree that the Grain Handling Company and/or Grain Buyer may exchange with each other and the Canadian Grain Commission relevant materials (including producer name, address, delivery sample information, and a portion of the physical sample taken by the Grain Handling Company) relating to suspected delivery(ies) of grain in noncompliance with paragraphs 1, 2, 3 and/or 4 hereof by me or on my behalf to the Grain Handling Company.
7. This Declaration is made and intended to apply to all deliveries of grain made by me or on my behalf to the Grain Handling Company from and including the date indicated below until the end of the 2020-2021 crop year, or until this Declaration is replaced or withdrawn by my written notice acknowledged by both the Grain Buyer and the Grain Handling Company.

PART D – Important Notes

8. This Declaration applies to the following grains prescribed under the *Canada Grain Act*: barley, beans, buckwheat, canola, chick peas, corn, fababeans, flaxseed, lentils, mixed grain, mustard seed, oats, peas, rapeseed, rye, safflower seed, soybeans, sunflower seed, triticale and wheat. (<https://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 889/>).
9. Varieties of grain not registered under the *Seeds Act* for sale in or importation into Canada are only eligible for the lowest grade in any class (http://www.inspection.gc.ca/active/netapp/regvar/regvar_lookupe.aspx), unless exempted by Commission Order (<https://grainscanada.gc.ca/en/industry/orders/index.html>).
10. Varieties of grain not designated to a class under the *Canada Grain Act* are only eligible for the lowest grade in any class (<https://www.grainscanada.gc.ca/en/grain-quality/variety-lists/>), unless exempted by Commission Order (<https://grainscanada.gc.ca/en/industry/orders/index.html>).
11. For a list of eligible varieties for all grain types telephone the Canadian Food Inspection Agency (CFIA) at 1-800-442-2342 or reference the (CFIA) website at: http://www.inspection.gc.ca/active/netapp/regvar/regvar_lookupe.aspx. For a list of eligible wheat varieties for the various classes, reference the Canadian Grain Commission (CGC) website at: <http://www.grainscanada.gc.ca/legislation-legislation/orders-arretes/ocgcm-maccg-eng.htm>, or call the CGC at 1-800-853-6705.

Part E - Signature

This Declaration may be signed either originally or by using electronic signatures. This Declaration may be electronically transmitted, each copy of which will be deemed to be an original, whether signed or forwarded electronically or otherwise.

DATED this _____ day of _____, _____

Producer Signature