

FOREIGN QUALITY AND WEIGHT COMPLAINTS

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1. PURPOSE

This directive establishes responsibilities and procedures for Federal Grain Inspection Service (FGIS) personnel to follow in addressing quality and weight discrepancies from overseas buyers on officially inspected and/or weighed grain, oilseeds, rice, pulses, and processed grain products.

2. REPLACEMENT HIGHLIGHTS

This directive replaces FGIS Instruction 9100-1, Revision 3, dated March 19, 2019. This directive addresses changes in division names, clarifies responsibilities, and sets timeframes for deliverables.

3. POLICY

The International Affairs Division (IAD) works closely with the Foreign Agricultural Service (FAS) in investigating and responding to quality and weight discrepancies reported by importers of U.S. grain, oilseeds, rice, pulses, and processed grain products. Notification of a quality or weight complaint on any grain, rice, pulse or processed commodity that is or going to be exported, is considered as a foreign complaint. Complaint notifications are neither formal nor informal. Only the buyer or receiver of the cargo can file a foreign complaint. The complainant must submit the complaint through the FAS office in their country. FAS will in turn forward the complaint information to IAD to initiate the investigation.

IAD gathers all information and data received from FGIS field offices or delegated states, the Technology and Science Division (TSD), the U.S. Agricultural Attaché, and the receiver. After evaluating all information and data, IAD prepares a report of findings (final report) and sends it to the complainant overseas through the FAS office at the U.S. Embassy in the destination country.

The purpose of the investigation is to verify whether the original quality inspection and certification were in fact correct and to determine, insofar as possible, what factors may have contributed to a discrepancy in results at destination.

4. WHO CAN FILE A COMPLAINT

Only importers or other purchasers in foreign countries involving alleged discrepancies in the quality or weight of officially inspected or Class X weighed export grain can file a complaint. They should submit their complaints to the appropriate U.S. Agricultural Attaché in writing as soon as possible after receiving an unsatisfactory grain quality or short weight shipment.

All complaints must be filed through the appropriate FAS office in the destination country. FGIS will not honor requests to extend the file sample retention period past the normal sample retention period of 90 days for vessels and 60 days for containers.

5. RESPONSIBILITIES

a. International Affairs Division (IAD) is responsible for:

- (1) Receiving, recording, and processing all allegations or indications of mishandling of export cargo inspection or weighing services from FAS in the complainant's destination country.
- (2) Notifying the field office immediately by email stating the name of the vessel, date, and location where loading took place, the nature of the complaint, destination country, documentation requested, and any additional pertinent instructions received through the FAS.
- (3) Instructing the field office or official service provider to send the file subplot samples to the FGIS Board of Appeals and Review (BAR) for review.
- (4) Instructing the field office or official service provider to notify the export elevator that FGIS has received a complaint.
- (5) Collecting necessary information to evaluate the discrepancy and formulate a reply. Exporters, grain traders, importers, FGIS field offices, and official service providers are sources of relevant information from the export service point may include, but is not limited to:
 - (a) Original subplot file samples (when available)
 - (b) Load order
 - (c) Inspection logs and certificates
 - (d) Stowage exam documents
 - (e) Fumigation documents
 - (f) Scale tapes and logs, weights logs, event logs, automated weighing program malfunction logs, WH-13 repair modification, forms, gate checks, seal logs, program changes, pertinent emails, time-lapsed video of the loading of the ship, and certificates
 - (g) Protein logs (if appropriate)
 - (h) Supervision results (if available)
 - (i) Work records (Grain Sample Ticket, Rice Sample Ticket, etc.)
 - (j) Field office manager's memo transmitting all pertinent data highlighting any unusual circumstances or events
- (6) Requesting assistance from the Policies, Procedures, and Market Analysis Branch (PPMAB) to conduct a comprehensive review of weighing for shipments involving weight discrepancies.

Note: IAD will assist with PPMAB's comprehensive review by collecting destination weight data and information about the discharge and weighing processes used at the destination port.

- (7) Maintaining contact with the appropriate FAS representatives in Washington, D.C. and the appropriate FAS overseas office(s) until the final report of findings has been issued to the complainant through FAS.
 - (8) Contacting the appropriate Animal and Plant Health Inspection Service (APHIS) representative in the United States and in overseas offices, for discrepancies involving phytosanitary issues.
 - (9) Referring questionable or suspicious cases to QACD for review, when there is evidence of a possible violation of the United States Grain Standards Act, (USGSA) as amended, or the Agricultural Marketing Act of 1946, or if it appears that litigation may result.
 - (10) Issuing final report of findings to complainant within 30 days of receipt of all documentation and test results; with a courtesy copy to FAS/DC, FGIS Field Office or Official service provider where the shipment was loaded and to all FGIS directors and Deputy Administrator.
 - (11) Providing a status update to the complainant through FAS if the final report is delayed beyond 30 days.
- b. FGIS Field Offices and Official Service Providers are responsible for:
- (1) Securing and ensuring file samples relating to the discrepancy are submitted to the Board of Appeals and Review (BAR) in a timely manner. File samples should be double bagged and double sealed in plastic bags for shipping.
 - (2) Submitting information requested to IAD within 5 days of notification. Requested information may include, but is not limited to:
 - (a) Original subplot file samples (when available)
 - (b) Load order
 - (c) Inspection logs and certificates
 - (d) Stowage exam documents
 - (e) Fumigation documents
 - (f) Scale tapes and logs, weights logs, event logs, automated weighing program malfunction logs, WH-13 repair modification, forms, gate checks, seal logs, program changes, pertinent emails, time-lapsed video of the loading of the ship, and certificates
 - (g) Protein logs (if appropriate)
 - (h) Supervision results (if available)
 - (3) Reviewing IAD's final report and, if necessary, taking appropriate corrective action as indicated in the report.
 - (4) Sending a copy of IAD's final report to the export elevator where the shipment originated.

- c. The Board of Appeals and Review (BAR) is responsible for:
- (1) Analyzing samples from quality discrepancies sent from origin and destination, reporting the results to IAD within 10 days of receipt of the samples. The samples will be analyzed for all factors necessary to respond to the complaint, except those factors for which the sample is of insufficient size or if the sample was not maintained in a manner to preserve its identity or condition.
 - (2) Including any additional information concerning the results of the file sample review and any specific information requested to IAD. Additional information such as the condition of the sample in the file container and any abnormal condition should be recorded.
 - (3) Retaining all samples in appropriate file containers in cold storage for 60 days, unless otherwise directed by IAD.
- d. The PPMAB is responsible for:
- (1) Initiating and conducting a comprehensive review of records and events leading up to a receiver's alleged weight discrepancy.
 - (2) Requesting all the necessary weight records and documentation from the applicable FGIS Field Office, Official Service Providers, and the exporting elevator.
 - (3) Upon receipt and analysis of records and documentation, PPMAB will issue a report of findings within 60 days and send a copy of the report to IAD to forward for internal clearance. Once approved, IAD will forward the response to the FAS officials that reported the complaint and then share with the complainant.
- e. The QACD is responsible for:
- (1) Initiating an investigation after IAD reviews the reported complaint and identifies a possible violation of the USGSA or AMA within a reasonable timeframe of notification.
 - (2) Issuing a report of findings to the IAD with a copy to the Director of Field Management Division, when investigation is completed.
- Note: If investigations take longer than 90 days to complete, QACD will apprise IAD of the status.**
- (3) Taking appropriate action, if warranted.

6. QUESTIONS

Direct any questions concerning this directive to the International Affairs Division at (202) 690-3368.