

Directive

FGIS 9170.12

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FURNISHING OFFICIAL SAMPLES

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1. PURPOSE

This directive establishes procedures for:

- a. Performing an official sampling service;
- b. Providing interested persons with a composite sample representing a shiplot of grain;
- c. Providing interested persons portions of official subplot samples; and
- d. Providing interested persons portions of official sample-lot inspection samples.

2. REPLACEMENT HIGHLIGHTS

This directive supersedes FGIS Instruction 9170.12, dated 5-1-97. This directive is updated to reflect organizational changes and new format with only minor changes to policy. With the introduction of export container inspection in the 2000s, and regular applicant requests for shipping composite samples, the previous requirement prohibiting the mailing or shipping of composite samples was removed from section 7. Additionally, section 8 was added to address situations where collection and use of official samples is requested by non-interested persons.

3. POLICY

All requests for official samples shall be made in accordance with this directive.

4. AUTHORITY

- a. Official Sampling Service. Section 800.75(e) of the regulations under the U.S. Grain Standards Act, as amended (USGSA), requires the Federal Grain Inspection Service (FGIS) and official agencies to provide official sampling services upon request.
- b. Furnishing Official Samples. It has always been FGIS policy to allow official inspection personnel, upon request, to provide an interested person with a composite sample representing a lot of grain, a portion of the official subplot sample, or a portion of the official sample-lot inspection sample.

5. GENERAL

Interested persons often desire a portion of the grain sample representing a specified lot of grain. The use of these samples ranges from elevator quality control to meeting contractual obligations for foreign grain purchases. To meet these needs, FGIS and official agencies will furnish samples, upon request, whenever practical.

Portions of samples that are requested and provided to interested persons shall not be considered excess grain. For information on the handling of official file samples and excess grain, see FGIS Directive 9170.13 and section 800.81(e) of the regulations

under the USGSA. Official inspection personnel are released from any responsibility for a sample once it is submitted to the applicant. For official inspection, samples submitted to applicants or other persons shall no longer be considered representative of the lot.

6. OFFICIAL SAMPLING SERVICE

- a. Application for Service. Any interested person may request an official sampling service in accordance with section 800.116 of the regulations under the USGSA. In addition to the requirements set forth in this section, all requests for an official sampling service must be confirmed in writing and specify the approximate quantity of sample desired, the location where the sample(s) is to be forwarded, and any other special instructions pertinent to the handling of the sample(s).
- b. Performing Service. When an official sampling service is requested, official personnel shall:
 - (1) Sample the identified lot of grain in accordance with establishing sampling procedures.
 - (2) Upon request of the applicant, divide the sample into two or more representative portions.
 - (3) Place the sample or representative portions in a polyethylene bag and seal the sample to maintain the representativeness. If an applicant wishes the samples to be placed in a container other than a polyethylene bag, the applicant must supply the special container to official personnel.
 - (4) Issue an official certificate to the applicant.
 - (5) Forward the sample or representative portions and a copy of the official certificate as requested by the applicant.
 - (6) Bill the applicant in accordance with appropriate fees and charges for providing official sampling services.
- c. Dismissal of Request. If an official sample-lot inspection service and official sampling services are requested on the same lot of grain and only one sample can be obtained, the request for the official sampling service shall be dismissed in accordance with section 800.48(b) of the regulations under the USGSA. Portions of official samples may be forwarded to interested persons under section 6 of this directive.

7. FURNISHING A COMPOSITE SAMPLE, PORTIONS OF OFFICIAL SUBLOT SAMPLES OR PORTIONS OF OFFICIAL SAMPLE-LOT INSPECTION SAMPLES

- a. Requesting Samples. Any interested person may request a composite sample, a portion of the official subplot sample, or a portion of an official sample-lot inspection sample. Applicants requesting samples shall:

- (1) Provide the following information either on the load order document, in the application for inspection, or in some other written form.
 - (a) A statement requesting a composite sample, a portion of the subplot sample(s), or a portion of the official sample-lot inspection sample;
 - (b) The approximate quantity of sample(s) desired; and
 - (c) Name and address of the person to whom the sample(s) is to be furnished.
 - (2) Supply a special container(s) if a polyethylene bag(s) or similar type container(s) is not suitable for holding the sample(s).
 - (3) Refrain from conduct which could jeopardize the integrity of the service being rendered or otherwise engaging in actions which could endanger official personnel working in the area.
 - (4) Plan to pick up the sample(s) at the inspection point where they were obtained. If the interested person or his/her representative(s) requesting the service is not present at the time of sampling, loading, or when the composite sample is being assembled, the sample(s) shall be handled in a manner mutually acceptable and agreed to by the applicant and the official inspection personnel performing the service.
- b. Obtaining a Composite Sample of a Lot. When a composite sample is requested, official inspection personnel shall:
- (1) Obtain a sufficient portion of grain from each subplot so that the composite sample and the quantity requested can be furnished.
 - (2) Identify each composite sample by name of vessel and date loaded.
 - (3) When loading is finished, submit the composite sample to the applicant in the container furnished by the applicant. If a specific container is not requested and supplied by the applicant, FGIS personnel shall use a polyethylene bag, and official agencies may use a suitable container of their choice.
- c. Obtaining an Official Sublot Sample. When a portion of an official subplot sample(s) is requested, official inspection personnel shall:

- (1) Obtain the requested portion from the official sample representing the subplot. Identify each subplot sample by vessel name, date sampled, and subplot number.
 - (2) Place each subplot sample in a container furnished by the applicant and submit to the applicant. If a specific container is not requested and supplied by the applicant, FGIS personnel shall use a polyethylene bag, and official agencies may use a suitable container of their choice.
- d. Obtaining an Official Sample-Lot Inspection Sample. When a portion of an official sample-lot inspection sample is requested, official inspection personnel shall:
- (1) Obtain the requested portion from the official sample representing the lot. The portion shall be taken from the work sample if available. If not available, the request shall be dismissed.
 - (2) Identify the sample by carrier identification and date loaded.
 - (3) Place the sample in a container furnished by the applicant and submit to the applicant. If a specific container is not requested and supplied by the applicant, FGIS personnel shall use a polyethylene bag, and official agencies may use a suitable container of their choice.

8. COLLECTION AND USE OF OFFICIAL SAMPLES FOR NON-INTERESTED PERSONS

Occasionally, FGIS performs testing for studies, surveys, or other data collection purposes at the request and cost of non-interested persons using official samples or market samples (e.g., chemical contaminant testing). A non-interested person is defined as any person without a contract or other financial interest in the grain as the owner, seller, purchaser, warehouseman, or carrier, or otherwise.

When the collection and use of official samples is requested by non-interested persons for purposes other than performing the USGSA inspection services requested by the applicant for service, the owner of the grain may authorize the collection, use, and release of additional official samples to the non-interested person or FGIS in writing, at their discretion. A copy of the written and signed authorization or release document must be provided to FGIS prior to collecting and providing samples for testing.

No additional official samples may be collected, used, or released for these purposes without a written and signed authorization or release document from the owner of the grain.