

# Directive

9170.13

February 25, 2008

---

## UNIFORM FILE SAMPLE RETENTION SYSTEM

# Contents

1. PURPOSE .....	2
2. REPLACEMENT HIGHLIGHTS.....	2
3. POLICY .....	2
4. USE OF FILE SAMPLES.....	2
5. SIZE OF FILE SAMPLES .....	3
6. SAMPLE RETENTION .....	3
7. SEPARATIONS .....	5
8. FILE SYSTEM .....	5
9. STORAGE AND PROTECTION OF FILE SAMPLES .....	5
10. IDENTIFICATION OF SAMPLES .....	6
11. DISPOSITION OF SAMPLES.....	6

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternate means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint, write to the USDA, Office of Civil Rights, Room 326-W, 1400 Independence Avenue, SW, Washington, DC 20250-9410, or call (202) 720-5964 (voice and TDD). USDA is an equal employment opportunity employer.

## **1. PURPOSE**

The purpose of this directive is to establish a uniform method for retention of file samples of grain and commodities by Official Service Providers (OSP), Agricultural Marketing Service (AMS), Federal Grain Inspection Service (FGIS) field offices, the Analytical Services (AS), and the Board of Appeals and Review (BAR) for specified periods of time.

## **2. REPLACEMENT HIGHLIGHTS**

This directive summarizes the procedures for retaining official file samples for grain and commodities inspected under the authority of the United States Grain Standards Act (USGSA), or the Agricultural Marketing Act (AMA). This directive supersedes Program Directive 9170.13 dated 5-1-97. This directive is updated to reflect the establishment of a file retention period for samples from export containers and short voyage vessels.

## **3. POLICY**

To accomplish the mission of the agency, AMS FGIS has established a records management program. Part of the official record system is the maintenance of file samples retained for reference or review purposes.

## **4. USE OF FILE SAMPLES**

The term "file sample," when used in this directive, means a representative sample or representative portion of a sample that is retained for a specified period of time for reference or review purposes under the USGSA or AMA. Do not use any file sample that has changed condition to obtain official results.

File samples retained by official personnel may be used for:

- \* Retests
- \* Reinspections
- \* Appeal Inspections
- \* Board Appeal Inspections
- \* Investigation into trade complaints
- \* Training of official inspection personnel
- \* Supervision or review by field office and BAR personnel
- \* Supplementary completion of the original grade (e.g., infestation, odor, etc.)

## 5. SIZE OF FILE SAMPLES

File samples should be of sufficient size to accommodate subsequent examinations or analysis. The file sample shall be an unworked portion (if available) of the representative sample used for the inspection. The worked portion may be retained as the final file only when insufficient sample is available for an unworked file sample.

- a. USGSA Inspections. Samples retained for grade should be approximately 1,300 grams or more, except for the lighter grains (e.g., oats, barley, etc.) that require less grain to determine grade. For factor only tests or official criteria (e.g., wheat protein), smaller file samples should prove sufficient to handle review services. File samples larger than 1,300 grams may be retained if deemed necessary to provide subsequent inspection service.
- b. AMA Inspections. File samples of graded commodities shall be of sufficient size to perform a complete grading or factor analysis. To determine the proper size for specific commodities, refer to the Rice Inspection Handbook, Bean Inspection Handbook, or Pea and Lentil Inspection Handbook as appropriate.

The amount of sample sent to the testing laboratory for nongraded commodities (e.g., flour, oil, etc.) shall be of sufficient size to perform original, retest, and appeal testing analysis. To determine the proper sample size for specific products, refer to Chapter 2, Sampling, in the Processed Commodities Handbook.

## 6. SAMPLE RETENTION

- a. For each submitted sample or officially inspected lot examined for grade, factors, or official criteria, a file sample must be retained except for the categories noted below.

Rejected Sublots. All rejected sublots (i.e., material portions due to grade or condition factors) at export locations which are returned to the facility.

Elevator Elects. Grain returned to the elevator before a subplot is designated by inspection personnel, or a subplot that is inspected and found acceptable under the inspection plan, but the elevator elects to return the subplot to the house.

Mycotoxin Samples. All aflatoxin and vomitoxin testing services in which the contractual specifications have been satisfied.

Official Commercial Inspection Service Samples. Unless requested by the applicant for service or an interested party, or when deemed necessary by the field office manager.

- b. File samples for grain and graded commodities shall be maintained by the OSP or FGIS field office that performed the original inspection. If a file sample retained by the OSP is used for an appeal or supervision inspection, the field office which performed the appeal or supervision inspection shall thereafter have the responsibility for retaining the file sample for the applicable time period.

- c. AS must maintain the official file samples of nongraded commodities tested.
- d. Defense Supply Center Philadelphia (DSCP) noncomposite file samples for both food and nonfood components and end items shall be retained by the inspection office or at the sampling point.
- e. Official personnel may, at their discretion, keep file samples for a longer period than required. The minimum retention periods for file samples representing grain or commodities are as follows:

### **USGSA FILE SAMPLES**

<u>CARRIER</u>	<u>IN</u>	<u>MINIMUM DAYS</u>		
		<u>OUT</u>	<u>EXPORT</u>	<u>OTHER</u>
TRUCKS	3	5	30	--
RAILCARS	5	10	30	--
BARGES (river)	5	25	--	--
SHIPS & BARGES	5	25	90	--
SHIPS (short voyage) 5 days or less	5	25	60	--
EXPORT CONTAINERS	--	--	60	--
BINS & TANKS	--	--	--	3
SUBMITTED SAMPLES	--	--	--	3

### **AMA FILE SAMPLES**

<u>A. GRADED COMMODITIES</u>	<u>MINIMUM DAYS</u>
DOMESTIC	10
EXPORT	60
DSCP	30
SUBMITTED SAMPLES	3
<u>B. NONGRADED COMMODITIES</u>	<u>MINIMUM DAYS</u>
MISCELLANEOUS PROCESSED PRODUCTS	30 (after last test result) (e.g., original, retest, appeal)
HOPS	15
DSCP (food and nonfood components)	30
DSCP (end items)	30

## **7. SEPARATIONS**

- a. If the work portion is saved for file purposes, separations made in the grading analysis may be mixed back into the major portion of the sample, provided that the addition of separations does not alter the overall quality of the sample. Do not add portions back into the sample which have undergone a material change (e.g., pearling, bleaching, etc.). Maintain these portions separately.
- b. The field office manager shall determine which separations, if any, need to be saved on file samples analyzed for original, reinspection, appeal, Board appeal, or supervision purposes.

## **8. FILE SYSTEM**

- a. The filing system must permit efficient retrieval of file samples and ensure adherence to the required retention periods. Further, file samples must be protected against theft, manipulation, substitution, and unauthorized use.
- b. Use large polyethylene bags, semi-rigid plastic containers, or metal containers to retain file samples of grain, graded commodities, and dry nongraded commodities. Use metal or semi-rigid plastic containers when samples contain an off odor.
- c. Retain samples of liquid or semisolid nongraded commodities in tightly closed glass, metal, or similar kinds of containers as specified in the Processed Commodities Handbook. Use only clean, rust free containers.

## **9. STORAGE AND PROTECTION OF FILE SAMPLES**

- a. Store each file sample in a manner that will protect it from moisture loss, exposure to manipulation or substitution, and from rodent infestation. Do not place paper identification stubs, paper envelopes, or other similar absorptive materials in direct contact with the grain or commodity in the container.
- b. If only FGIS and OSP personnel have access to the room where file samples are stored, lock or seal the room when official personnel are absent.
- c. If industry personnel have access to the room where file samples are stored, protect the samples by storing them in a cabinet or closet which is locked or sealed when official personnel are absent.
- d. When the samples are protected by lock, only FGIS or OSP personnel shall have access to the key(s) or combination(s). When the samples are protected by seals, maintain a record of the seals applied and/or removed.

## 10. IDENTIFICATION OF SAMPLES

The office retaining the file samples must identify each sample by attaching a sample ticket, a numbered or coded sampling ticket stub, or by coding the sample containers in a manner which will ensure positive identification of the sample.

## 11. DISPOSITION OF SAMPLES

- a. Emptying of Containers. At the end of the retention period, empty the file containers, clean if necessary, and inspect for condition and odor. Discard containers that will not maintain the integrity of the sample.
- b. Sample Disposal. FGIS field offices and OSP's which sell, donate, or destroy excess grain or commodity samples shall maintain a record of each transaction and include a copy of the record with their budget report. Reporting requirements for excess USGSA samples are found in Book IV of the Grain Inspection Handbook. For procedures for disposal of commodities inspected under the authority of the AMA, refer to FGIS Directive 5130.2, dated 6/05/85.
- c. Poisonous Samples. Samples containing noxious weed seeds or other material which might be harmful to human or animal life shall not be sold, donated, or used for human food or animal feed. Samples which contain toxic substances (e.g. aflatoxin, etc.) shall be disposed of in accordance with applicable Federal, state, and local laws.