

LICENSING PROGRAM

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1. PURPOSE

This directive establishes procedures for licensing personnel to perform official inspection and weighing functions under the authority of the U.S. Grain Standards Act (USGSA) and the Agricultural Marketing Act of 1946 (AMA).

2. REPLACEMENT HIGHLIGHTS

This directive supersedes the Federal Grain Inspection Service (FGIS) Licensing Handbook, dated 3-1-80, and all subsequent information (e.g., Program Bulletins, Notices, Issuance Changes) issued prior to 9-4-00 that describe FGIS licensing policies and procedures. Additionally, this directive cancels forms FGIS-153, Corrective Action Report, and CP-2, Licensee Sensory Examination Report.

3. SUMMARY OF CHANGES

FGIS has revised the licensing program to address the needs of the official inspection and weighing programs for providing official service in a cost effective and timely manner. The revised program streamlines the licensing process, adds flexibility to official agency staffing requirements, and implements a testing program that will more accurately evaluate the knowledge, skills, and abilities of licensed personnel. Some of the changes are relatively minor while others represent a significant change to our testing process. Significant changes to the program include:

- a. Licensing technicians to perform interpretive factor analysis;
- b. Increasing the “passing score” requirement from 70 percent to 80 percent;
- c. Adopting a pass/fail score on an individual factor basis;
- d. Developing a “Limited” wheat license;
- e. Segregating the rice license into 3 separate licenses; rough rice, brown rice, and milled rice;
- f. Developing a national database of written examinations (accessible to official personnel in electronic format);
- g. Developing a multiple stage testing process for inspector licenses;
- h. Eliminating the examination for mixed grain;
- i. Eliminating the “passing” score for the color vision examination; and
- j. Removing separate “domestic” and “export” designations from stowage exam licenses.

4. POLICY

Only FGIS authorized or licensed personnel can perform official inspection or weighing activities regulated under the provisions of the USGSA and/or AMA.

5. INDEX

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6. BASIC QUALIFICATIONS FOR A LICENSE

a. USGSA.

FGIS may license individuals to perform an official function only if they:

- (1) Have submitted an application for license;
- (2) Do not hold a suspended license and have never had a license summarily revoked;
- (3) Are not engaged in any activity that would be considered, or would give the appearance of a conflict of interest (see Program Directive 9070.3, "Conflicts of Interest of Official Agency Personnel");
- (4) Have available for their use, the equipment and facilities required to perform the function;
- (5) Are employed by an official agency to perform the service; and
- (6) Otherwise be found competent in accordance with sections 800.171 and 800.173 of the USGSA.

Warehouse sampler applicants are not required to satisfy the requirements of item numbers (3) and (5) above, but must be employed by a grain elevator

b. AMA.

FGIS may license individuals to perform an official function only if they:

- (1) Have submitted an application for license;
- (2) Are not engaged in any activity that would be considered, or would give the appearance of a conflict of interest (see Program Directive 9070.3, "Conflicts of Interest of Official Agency Personnel");
- (3) Are employed by a cooperator or under contract with FGIS to perform the service;
- (4) Have been trained to perform the function; and
- (5) Have successfully passed the required examination(s).

c. Failure to Meet Qualifications.

If applicants do not meet the requirements for an AMA/USGSA license, as applicable, FGIS will immediately inform them of:

- (1) Which requirements they failed to meet and, if possible, how they can meet the requirement(s); and
- (2) That they must qualify within 60 calendar days from the notification date or the agency will dismiss the application.

7. OFFICIAL FUNCTIONS OF LICENSES

a. Requirement.

Any individual who performs or represents that he or she is licensed or authorized to perform any or all inspection or weighing activities under the USGSA or AMA, as applicable, must be licensed or authorized by FGIS to perform each service.

b. Excepted Activities.

The provisions of the USGSA/AMA do not require a license for:

- (1) Opening or closing a carrier or container of grain; or transporting or filing official samples, or similar laboring functions;
- (2) Typing or filing official inspection and weighing certificates or other official forms or performing similar clerical functions;
- (3) Performing official equipment checktesting functions with respect to official inspection equipment;
- (4) Performing inspection, weighing, or scale testing functions that are not conducted for the purposes of the USGSA/AMA; or
- (5) Performing scale testing functions by a state or municipal agency or by the employees of such agencies.

c. Thirty-day Waiver.

A prospective applicant for a license as a sampler or technician may, for a period of time not to exceed 30 calendar days, help perform those official sampling, inspection, or weighing services for which the applicant desires to be licensed, under the direct supervision (physical presence) of an individual whom FGIS has licensed to perform the services. This provision is not available for persons applying for a technician's license to perform interpretive factor (e.g., Damaged Kernels total in corn) testing.

d. Warehouse Sampler.

The only function that can be performed by a warehouse sampler is sampling (sampling duties include an examination of the carrier) grain with FGIS-approved mechanical (i.e., diverter-type, probe-type) samplers. The USGSA prohibits a warehouse sampler from sampling export grain for inspection under the USGSA, from testing or grading grain, and from certifying the results from any official inspection function.

e. Samplers, Technicians, and Weighers.

Upon successful completion of a training and testing program, FGIS authorizes samplers, technicians, and weighers to:

- (1) Perform only those functions that are listed in the employee's profile record in the Quality Assurance\Quality Control (QA\QC) database, except that a license to perform "Weighing of Grain" also authorizes the licensee to perform "Handling of Grain;"
- (2) Supervise others in the same functions which FGIS licenses them to perform (excluding analysis of interpretive factors);
- (3) Issue approved official certificates for those functions that they perform; and
- (4) Cut down official samples into a work portion and a file portion by using an approved divider and scale if they have a license for a sampling function (other than stowage examination) or a testing function.

f. Inspectors.

FGIS authorizes licensed inspectors to:

- (1) Perform only those functions that are listed in the employee's profile record in the QA\QC database;
- (2) Issue approved official certificates for those functions that they perform;
- (3) Supervise others in the same functions which FGIS licenses them to perform;
- (4) Inspect, grade, and certificate only those grains/commodities (e.g., rice, edible beans, hops) for which they have been tested and approved for;
- (5) Inspect, grade, and certificate a lot of mixed wheat provided **that FGIS has licensed them to grade all of the classes of wheat in the mixture**; and
- (6) Inspect, grade, and certificate a lot of mixed grain provided **that FGIS has licensed them to grade the predominant grain in the mixture.**

g. Authorization to Perform Similar Functions.

Agency personnel who are licensed under the USGSA to perform certain technical functions (e.g., test weight, moisture) as part of a technician or inspector license are automatically approved to perform the same functions in other grains. Similarly, agency personnel who are licensed under the AMA to perform certain technical functions as part of a technician or inspector license are automatically approved to perform the same functions for other commodities.

Official personnel who are licensed under the USGSA to perform certain sampling functions, technical functions, and weighing duties will be authorized to perform similar functions under the AMA without further testing, provided that they possess an AMA license as an employee of a cooperator. This policy will also apply to persons licensed under the AMA who want to perform similar type duties under the USGSA.

Official personnel who are licensed to grade certain grains under the USGSA are automatically authorized to grade certain closely related commodities under the AMA. To acquire this authorization, applicants must meet the requirements for obtaining an inspector's license under the AMA and currently possess a license under the AMA.

Inspectors licensed to grade the following grains may be authorized to grade similar commodities as listed below.

<u>GRAIN</u>	<u>SIMILAR TYPE COMMODITY</u>
Canola	Mustard Seed or Rapeseed
Sunflower Seed	Confectionary Sunflower Seed
Durum Wheat	Kamut
Corn	Popcorn

Official personnel who are licensed under the USGSA to perform the handling of grain function or are licensed as a weigher are authorized to perform similar functions under the AMA provided that they possess an AMA license as an employee of a cooperator.

h. Interpretive Factor Testing.

Successful completion of a testing program will allow technicians and inspectors to perform an analysis of certain interpretive factors. Interpretive factor analysis approval is limited to the factors that appear on the licensee's profile record.

8. EXAMINATIONS

a. General.

Applicants for a license shall submit to examinations and reexaminations to determine their competency to perform the official inspection or weighing functions for which they are applying.

b. Competency Standards.

(1) Inspection.

FGIS may find an individual to be incompetent to perform official inspection services if the individual:

- (a) Has a color-vision deficiency;
- (b) Cannot meet the physical requirements necessary to perform the function;
- (c) Cannot readily distinguish between the different kinds and classes of grain, rice, and commodities as applicable, or the different conditions (e.g., odors) that may exist in the grain/rice/commodity;
- (d) Cannot demonstrate a technical ability to operate the sampling, testing, and grading equipment;
- (e) Does not have a working knowledge of the provisions and regulations of the USGSA/AMA, as applicable, the Official U.S. Standards, and the applicable instructions;
- (f) Cannot determine work-related mathematical computations; or
- (g) Cannot prepare legible records in English.

(2) Weighing.

FGIS may find an individual incompetent to perform weighing services if the individual:

- (a) Cannot meet the physical requirements necessary to perform the function;
- (b) Does not have a working knowledge of the provisions and regulations of the USGSA/AMA, as applicable, and the applicable instructions;
- (c) Cannot determine work-related mathematical computations; or
- (d) Cannot prepare legible records in English.

9. TESTING RESPONSIBILITIES

a. USGSA.

- (1) Samplers - Official Agency.
- (2) Warehouse Sampler - Official Agency or FGIS (when there is no agency operating in the area where the service is requested).
- (3) Technicians (handling of grain or technical function) - Official Agency.
- (4) Technicians (interpretive factor testing) - FGIS is responsible for administering all exams except as noted below.
- (5) Weighers - FGIS is responsible for administering exams. Under certain conditions, Field Office Managers may authorize agency managers or their designee to administer exams at the agency location. FGIS will furnish the testing materials when an agency administers the exam.
- (6) Inspectors - FGIS is responsible for administering all exams except as noted below.

b. AMA.

- (1) Samplers - Official Cooperative Agency.
- (2) Contract Samplers - FGIS is responsible for administering the testing of contract samplers who are hired by and under the direct supervision of FGIS for performing AMA activities.
- (3) Technicians (technical function) - Official Cooperative Agency.
- (4) Technicians (interpretive factor testing) - FGIS is responsible for administering all exams except as noted below.
- (5) Technicians (Bulk Weighing) - FGIS is responsible for administering exams. Under certain conditions, Field Office Managers may authorize agency managers or their designee to administer the exams at the agency location. FGIS will furnish the testing materials when an agency administers the exam.
- (6) Inspectors - FGIS is responsible for administering all exams except as noted below.

Note: The Field Office Manager (FOM) may delegate the testing for color vision to the official agency. The agency manager or their designee must administer the exam, certify the results and forward the results to the field office along with formal notification that the licensee is applying for a license to grade (grain, rice, or commodities as applicable) or perform interpretive factor testing.

10. PROCEDURES FOR OBTAINING A LICENSE

a. Official Agency Responsibilities.

- (1) Complete an application for license (form FGIS-943 for AMA or form FGIS-944 for USGSA) for the initial license.
- (2) Prepare written, practical, and sensory examinations, administer the exam(s), and complete a score sheet (see attachment 4). Field Office Managers may approve the use of an alternate score sheet format to record the information.
- (3) For the initial license exam, forward the application along with a score sheet (completed by the agency manager or person responsible for administering the test) to the field office.
- (4) Submit a completed score sheet to the field office for any subsequent exams that are administered.

b. Field Office Responsibilities.

- (1) Issue a license (form FGIS-902) for the type (USGSA, AMA, or combination) and level of service (e.g., sampler, technician, inspector) that the licensee is qualified to perform.
- (2) For the initial license, review and complete the application for license (form FGIS-943 for AMA, form FGIS-944 for USGSA) and forward a copy of the completed form to the agency. Notify the agency if any condition exists that would preclude the applicant from qualifying for a license.
- (3) For sampler and technician exams, review the score sheet, update the profile sheet, issue a new license (if necessary), and send updated profile sheet and license (if applicable) to the agency.
- (4) For weighers and inspectors, arrange with the agency for a mutually agreeable time and place for administering exams, prepare the testing material; administer the exam, score the exam, complete a score sheet, and notify the agency and licensee of the results. If the licensee successfully passes the exam, update the profile, and if needed, prepare a new license.
- (5) For contract samplers or warehouse samplers (when applicable), prepare written, practical and sensory examinations, administer the exam, score the exam, complete a score sheet, and furnish the agency with an up-to-date copy of the profile sheet and license (if applicable).

11. GENERAL INFORMATION AND INSTRUCTIONS FOR ISSUING LICENSES

- a. FGIS will issue a license (form FGIS-902) to each individual who provides official service under the USGSA or AMA. The Standards and Procedures Branch has provided to each field office having licensing responsibilities a disk containing the licensing template forms (total of 4) and instructions for accessing the templates.
- b. With the exception of contract samplers, the expiration date for all licenses will follow the schedule listed in section 13, Scheduled Termination of Licenses. Termination dates for contract samplers are reported on the license form as "See Contract" or "Indefinite".
- c. With the exception of agency personnel who hold a license under the USGSA and provide services under the AMA as a contract sampler, field offices will assign one license form for each licensed employee. These employees will be assigned separate license forms for activities performed under the USGSA and for contract sampler duties performed under the AMA.
- d. All licensees will be assigned a single five-digit numeric code (license number) from the number bank installed in the field office's licensing program. Only one license number will be assigned per licensee. Once a five-digit code has been assigned to a licensee, it is considered as a permanent identification number and will follow the licensee throughout their career.

License numbers currently in use that conform to a five-digit sequence will continue to be used in the program. Any licensee that has been assigned a code other than a five-digit code (e.g., alphanumeric or seven-digit code) will be reassigned a five-digit code from the program's number bank.

- e. Complete the license form by selecting the applicable template and completing the following information blocks.
 - (1) License Number Enter the assigned five-digit code.
 - (2) Issued Date Enter the date that the original license (at the same level) was issued.
 - (3) Renewal Date If applicable, enter the date that the current license was renewed on.
 - (4) Terminate Date Enter the termination date according to the termination schedule.
 - (5) Name Enter the licensee's first and last name as it appears on the application for license. Use of a middle name or initial is optional.
 - (6) Licensed as Enter the position title for which the license was issued (contract sampler, sampler, warehouse sampler, technician, weigher, or inspector).

- (7) Issued by and Title Enter the name and title of the person responsible for license issuance (typically the Field Office Manager).
 - (8) Office Enter the name of the field office or federal/state office issuing the license.
- f. Field offices can order license template disks, license form paper, and certificate jackets by contacting the Standards and Procedures Branch.

UNITED STATES DEPARTMENT OF AGRICULTURE		
GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION FEDERAL GRAIN INSPECTION SERVICE		
LICENSE NO. ①[License Number]	ISSUED ON: ②[Issue Date]	
	RENEWED ON: ③[Renewal Date]	
	TERMINATES: ④[Terminate Date]	
This certifies that ⑤[Name] is licensed as a ⑥[Licensed as] under the United States Grain Standards Act (7 U.S.C. <u>et seq.</u>).		
Issued by: ⑦[Issued by and title]	Signed: _____	
Location: ⑧[Office] Federal/State Office		
FORM FGIS-902 (10-97)		

12. RECORD KEEPING REQUIREMENTS

a. Official Agency.

- (1) In the employee's license file, maintain:
 - (a) A copy of each completed application form (furnished by the field office).
 - (b) The original copy of each completed written exam administered by the official agency.
 - (c) An up-to-date copy of the profile sheet (furnished by the field office).
 - (d) The original or a copy of the license. If the original copy is displayed at an official service point location other than the location where the official file is maintained, the official agency must maintain a copy in the employee's licensing file.
- (2) Notify the field office (in writing) of any changes of the licensee's employment status (e.g., layoff, resignation) that affects the status of the license.

- (3) Notify the field office (orally or in writing) of any other pertinent changes to the licensee's profile (e.g., address change).
- (4) Return to the field office all licenses that FGIS has canceled or superseded with a new license.

b. Field Office.

- (1) Maintain a copy of all applications for license forms or license renewal request forms, an up-to-date profile form, a copy of the completed weighers or inspectors exam and score sheet (if applicable), and a copy of the license in the licensee's file.
- (2) Provide licensees with written notification of suspension action (see Attachment 2 for an example of a suspension letter).
- (3) Maintain the licensing database and forward updates to Headquarters on a quarterly basis.

13. SCHEDULED TERMINATION OF LICENSES

a. Term of License.

Each current license (except AMA contract samplers) shall terminate as follows:

- (1) If it is the initial license - not less than 3 years nor more than 4 years after the date of issuance and in accordance with the schedule listed below. Licenses are subject to replacement more frequently in instances where the type of license changes (e.g., technician to inspector) or the license is changed to cover activities covered under more than one Act (e.g., licensed as an inspector under the USGSA, then adding inspector level under the AMA).
- (2) If it is a succeeding license - every 3 years and in accordance with the schedule below.
- (3) On the last day of the month in accordance with the alphabetical schedule of licensee's last name as follows:

For Licensees Whose Last Name Begins With	Termination Date Last Day of the Month
A	January
B	February
C, D	March
E, F, G	April
H, I, J	May
K, L	June
M	July
N, O, P, Q	August
R	September
S, T, U, V	October
W	November
X, Y, Z	December

b. Exceptions to the 3 Year Period.

- (1) Upon request of a licensee and for good cause shown, the FOM may advance or delay the termination date for a period not to exceed 60 days.
- (2) Licenses issued to persons under contract with FGIS to perform AMA activities shall terminate upon the terms of the contract.
- (3) Official personnel who upgrade (e.g., technician to inspector) or combine their licenses (combination USGSA/AMA license) will have their current license terminated on the date that the license is upgraded.
- (4) Licenses that have been automatically suspended because of change in employment, or voluntarily suspended (at the request of the licensee), will be terminated on the date specified by the field office.

14. RENEWAL OF LICENSES

a. Renewal Examinations.

FGIS may require triennial renewal examinations on the USGSA or AMA and Regulations. If the FOM requires the licensee to be tested, use the License Renewal Table to determine testing responsibilities and the type of examination to administer.

b. Field Office Responsibilities.

- (1) Issue a notice of termination (license renewal letter) to licensees at least 60 days in advance of the termination date. Field offices may use the standardized form (see attachment 3), or create their own form provided that the following information is shown:
 - (a) Detailed instructions for requesting renewal of licenses;
 - (b) A statement whether a reexamination is required;
 - (c) If a reexamination is required, the nature and scope of the reexamination; and
 - (d) Conflict of interest questions.
- (2) For samplers and technicians:
 - (a) Review the completed renewal notice;
 - (b) Review the completed score sheet (*if applicable);
 - (c) Update the profile sheet;
 - (d) Issue a new license; and
 - (e) Send the updated profile sheet and license to the agency.

(3) For Weighers and Inspectors:

- (a) Review the completed renewal notice;
- (b) Arrange with the agency for a mutually agreeable time and place for administering exams (*if applicable);
- (c) Prepare the testing material, administer the exam, score the exam (*if applicable);
- (d) Notify the agency and licensee of the results (*if applicable); and
- (e) If the licensee successfully passes the exam, (*if applicable), update the profile sheet, issue a new license, and send the updated profile sheet and license to the agency.

c. Official Agency Responsibilities.

(1) For Samplers and Technicians:

- (a) Review the completed renewal notice and profile sheet;
- (b) Prepare and administer written exams (*if applicable);
- (c) Complete a score sheet (*if applicable); and
- (d) Promptly forward the score sheet (*if applicable) and renewal notice to the field office. (The field office must receive all material prior to the license termination date.)

(2) For Weighers (if required by Field Office Manager):

- (a) Review the completed renewal notice and profile sheet;
- (b) Administer written exam(s);
- (c) Complete a score sheet; and
- (d) Promptly forward the score sheet and renewal notice to the field office. (The field office must receive all material prior to the license termination date.)

LICENSE RENEWALS				
Type	USGSA/AMA	Required Exams	Testing Responsibilities	Number of Questions/Samples
Sampler	USGSA	USGSA & Regulations	Official Agency	10
Warehouse Sampler	USGSA	USGSA & Regulations	* FGIS/Official Agency	10
Technician	USGSA	USGSA & Regulations	Official Agency	10
Weigher	USGSA	USGSA & Regulations	**FGIS/Official Agency	10
Inspector	USGSA	USGSA & Regulations	FGIS	10
Sampler	AMA	AMA & Regulations	Official Agency	5
FGIS Contract Sampler	AMA	Practical	FGIS	-----
Technician	AMA	AMA & Regulations	Official Agency	5
Inspector	AMA	AMA & Regulations	FGIS	10
<p>* Official Agency or Field Office as applicable. The field office assumes the responsibilities and functions assigned to the official agency when there is no agency operating in the area where the service is requested.</p> <p>** Under certain conditions, FOMs may authorize agency managers or his/her designee to administer the exams.</p>				

15. SUSPENSION, REVOCATION, AND CANCELLATION OF LICENSES

a. Suspension Period.

FGIS may suspend licenses for a period of not more than one continuous year before it must take further action (cancellation). Licenses that are put in a suspension status and due to terminate within a year of the effective suspension date will be limited to a suspension period that coincides with the termination date. For example: if a licensee was put in a suspension status on January 31, 2000, and the license termination date was August 31, 2000, the suspension period would be limited to the 7 month period between the suspension date and termination date.

b. Automatic Suspension of License by Change in Employment.

A license issued to an individual who is employed by an agency shall be automatically suspended when the employee ceases to be employed (i.e., removed from the agency roster) by the agency. If the individual is reemployed by the agency or employed by another agency within 1 year of the suspension date and the license has not terminated in the interim, upon request of the licensee, the license will be reinstated subject to the provisions of sections 800.172 and 800.173 of the USGSA, or section 68.81 of the AMA, as applicable.

c. Voluntary Cancellation or Suspension of Licenses.

Upon request of the licensee, FGIS may cancel a license or suspend a license for a period of time not to exceed 1 year. A license that has been voluntarily suspended shall be returned by FGIS upon request by the licensee within 1 year, subject to the provisions of section 800.172 of the USGSA or section 68.81 of the AMA, as applicable.

d. Summary Revocation of Licenses.

(1) USGSA Licenses.

FGIS may summarily revoke licenses in accordance with section 800.178 of the USGSA upon finding that the licensee has been convicted of an offense either prohibited by Section 13 of the USGSA or prohibited by Title 18 of the United States Code, with respect to the performance of services under the USGSA.

(2) AMA Licenses.

FGIS may suspend or summarily revoke AMA licenses if the licensee willfully, carelessly, or through incompetence fails to perform the duties specified in the AMA, regulations, standards, or the instructions or becomes incapable of performing required duties as specified under the scope of the license.

e. Summary Cancellation of Licenses.

FGIS may summarily cancel a license when:

- (1) The license has been under voluntary or automatic suspension for a period of 1 year and there has been no request for return of the license or a request for return of the license has been dismissed; or
- (2) The licensee has died or fails to surrender the license in accordance with section 800.175 of the USGSA or section 68.81 of the AMA, as applicable.

16. EXAMINATION MATERIAL

a. Responsibilities.

Examinations will be prepared by the agency (FGIS or the official agency) responsible for administering the exam. Refer to section 9, "Testing Responsibilities", and Section 14, "Renewal of Licenses", for specific responsibilities.

b. Accessing Written Examinations.

FGIS provides information (instructions, test questions, score sheets, etc.) required for official agencies and field offices for administering written examinations. Official agencies may access the Agricultural Marketing Service (AMS) website to open the licensing testing section. Field office personnel will access the material through the internal website address.

c. Sensory Examinations.

- (1) Samples for odor detection or odor determination are prepared by the agency (official agency or FGIS, as applicable) responsible for testing.
- (2) The S. Ishihara Color vision test and answer sheets are available at FGIS field offices. See Attachment 6 of this directive for a copy of the color vision test report. Official agencies administering the test may elect to purchase the test or make arrangements to use the field office's test.

d. Practical Examinations.

The agency (Official Agency or FGIS) responsible for administering the examination will prepare material (e.g., odor samples, analytical portions for interpretive factors) for practical examinations.

17. SCOPE OF EXAMINATIONS

Examinations or reexaminations may include tests on the applicable provisions and regulations of the USGSA/AMA, the Official U.S. Standards for Grain, the procedures for the inspection and weighing of grain, rice, and commodities, the instructions, on-site performance evaluations, and color vision or olfactory examinations. See Section 18, "Testing Requirements," for specific information on examinations required for each type of license.

a. Written Examinations.

Note: The examiner must score each written examination independently of all other written examinations.

- (1) USGSA/AMA and regulations - Questions covering the appropriate USGSA/AMA and regulations. This is an open book examination.

- (2) Specific function - Questions that are specific to the function (sampling, technical, weighing, inspection) applied for. This is a closed book exam (exams for USGSA samplers and warehouse samplers include questions concerning general sampling procedures).
- (3) Assignment of Grade - Assigning grade to a sample with given factors and/or conditions. This is an open book examination.

b. Sensory Examinations.

(1) Odor Detection Test.

The odor detection test is administered to applicants for sampler, technician, and warehouse sampler licenses to determine whether they can detect odor (it is not necessary for the applicant to determine the specific type of odor).

The examiner shall prepare and administer a test consisting of 5 samples of the same kind and class of grain/rice/commodity, as applicable: 2 samples with a distinct, unmistakable odor, and 3 samples with a normal odor. The samples should be similar in appearance and occupy the same amount of space in each of the sample containers.

(2) Color Vision Test.

The color vision exam is used as a screening test. Applicants must take the exam at any time prior to, or when they apply for a license for interpretive factor testing, or for an inspector's license, as applicable. If the FOM delegates the color vision testing to the official agency, the agency manager or their designee must administer the exam, certify the results, and forward them to the field office.

A total score below 73 percent accuracy (11 correct out of a possible 15) is an indication that the applicant may have one of four types of red-green color deficiency.

- (a) Protanopia - Blue-green appears grey, red-purple appears grey.
- (b) Protanomalopia - Blue-green appears indistinct greyish, red-purple appears indistinct greyish.
- (c) Deuteranopia - Green appears grey, purple-red appears grey.
- (d) Deuteranomalopia - Green appears indistinct greyish, purple-red appears indistinct greyish.

Note: The FOM will not allow an exchange of interpretive factor samples between the QAS and the applicant, or administer any exam involving interpretive factor testing until the color vision exam test has been completed and results reviewed.

c. Practical Competency Examinations.

(1) Sampler Functions.

(a) Sampling of Grain.

Applicants must sample, in the presence of an examiner, a lot of grain with the type of device they are applying for, and complete a work record (e.g., pan ticket) with the pertinent information concerning the carrier and sample (e.g., carrier identification, average depth of grain sampled, unusual conditions).

(b) Examination of Stowage.

Applicants must examine, in the presence of an examiner, each type of conveyance used most frequently in their area and complete a work record (e.g., stowage exam worksheet) with the results of the examination.

(2) Warehouse Sampler.

Applicants must perform, in the presence of an examiner, a stowage examination on the type of carrier/container typically loaded, if applicable, and an examination of the FGIS-approved mechanical sampling system. Additionally, the applicant must sample, in the presence of an examiner, a lot of grain with the mechanical sampler, divide a sample to the prescribed size, and complete a sampling report for the lot.

(3) Technician.

(a) Non-Interpretive Inspection Function.

Applicants must perform, in the presence of an examiner, the testing procedures for the function for which they are applying for, and record the test results on a work form that is typically used by their agency.

(b) Handling of Grain Function.

Applicants must show the examiner the delivery systems and distinguish all “in” and “out” legs, belts, and scales, and point out all diversion and seal points. Additionally, the applicant must display practical knowledge of the applicable truck, rail, and vessel loading and unloading operations.

(4) Weigher.

Applicants must explain (to the examiner) information for movements (in/out as applicable) of trucks, railcars, barges and ships (as applicable) at the elevator where their weighing duties are assigned. Additionally, applicants must demonstrate the ability to properly complete work records (e.g., spill logs, scale record book, weight loading log) and weight certificates.

Examiners should use the weighing practical exam examination worksheet for evaluating the applicant's performance. The worksheet is available under the licensing section of the AMS website.

(5) Technician (Interpretive Factor Analysis) and Inspector.

(a) Mathematical Assessment. **(A calculator may be used for this exam)**

Applicable to grains, rice, beans, peas, lentils, other commodities (e.g., safflower, confectionary sunflower seed, mustard seed, rapeseed, popcorn, kamut), and hops.

This exam is applicable only if FGIS has never tested the applicant. The examiner will test the applicant on five word problems on calculating percentages of factor(s).

This test is required for a license to perform interpretive analysis on factors calculated as percentages (e.g., foreign material, damaged kernels) and is not applicable to count factors (e.g., garlic count).

(b) Odor Determination.

Applicable to grains, rice, beans, peas, lentils, and other commodities (safflower, confectionary sunflower seed, mustard seed, rapeseed, popcorn, kamut).

To determine if the applicant can correctly identify the type of odor (if present) in the samples. The examiner shall prepare and administer a test consisting of 5 samples of the same kind and class of grain. The samples should be similar in appearance and occupy the same amount of space in each of the sample containers. This test is not required for technicians unless they specifically apply for the odor determination function.

(c) Sample Processing.

Applicable to grains and rice.

To determine if the applicant can process a sample to the appropriate work portion sizes and perform analysis for factors (e.g., test weight, moisture, dockage, shrunken and broken kernels). The FOM may waive this test in part, or fully, if the applicant is licensed as a technician or an inspector to perform the factor determinations.

If the applicant has not been previously tested on all of the factors comprising the grade determination (e.g., sound barley, other grains, foreign material), they must demonstrate the ability to successfully perform these analyses.

(d) General Observation and Special Factor Determination.

Applicable to grains, rice, beans, peas, lentils, and other commodities (e.g., safflower, confectionary sunflower seed, mustard seed, rapeseed, popcorn, kamut).

To determine whether the applicant can recognize whether special factors or conditions are present (e.g., ergot, garlic, stones, cob joints and chaff) that would necessitate an additional procedure or analysis. The examiner shall prepare whole (containing foreign material and/or dockage) samples of the typical work portion size (e.g., 1,000 grams) for the analysis. If a condition or factor is present, the applicant must provide a separation for the factor(s). This test is not required for technicians.

(e) Factor Testing (number of samples and type of factor dependent upon type of grain or rice - see section 18 "Factor Testing List").

Applicable to grains and rice.

To determine if the applicant can make accurate interpretive analysis of individual factors (e.g., damaged kernels, heat damage, class, subclass). If FGIS has already licensed an applicant to analyze a particular factor (e.g., class in wheat) it is not necessary to reexamine for that factor. Applicants must show portion size, separation size, and actual result (as reported on the certificate) on the envelope with the separation.

The applicant may use a calculator, interpretive line slides, inspection handbooks, and other reference material for completion of interpretive factor analysis exams.

Some factor determinations may require the applicant to process the sample to make a determination (e.g., foreign material and other grains in oats), while other determinations (e.g., damage, heat damage in corn) can be made on precut portions.

(f) Sample Analysis.

Applicable to beans, peas, lentils, and other commodities (e.g., safflower, confectionary sunflower seed, mustard seed, rapeseed, popcorn, kamut), and hops.

To determine if the applicant can proficiently analyze samples for all factors. Applicant must show portion size, separation size, and actual result (as reported on the certificate) on the envelope with the separation.

The applicant may use a calculator, interpretive line slides, inspection handbooks, and other reference material for completion of interpretive factor analysis exams.

18. TESTING REQUIREMENTS

Use the following tables to determine the examination material required for each specific USGSA/AMA license.

USGSA LICENSES		
TYPE	REQUIRED EXAMS	NUMBER OF QUESTIONS/SAMPLES
Sampler (Initial Function)	Act & Regulations Sampling (General & Specific Type) Odor Detection * Practical	10 Questions 10 Questions (5 general & 5 specific) 5 Samples
Sampler (Additional Function)	Specific Sampling Method Practical	5 Questions
Warehouse Sampler	Act & Regulations Sampling (General and Specific Type (D/T)) Stowage Odor Detection Practical	10 Questions 10 Questions (5 general & 5 D/T) 10 Questions 5 Samples
Technician (Handling of Grain)	Act & Regulations (restrict questions to weighing) Handling of Grain Procedures Practical	10 Questions 10 Questions
<p>* Odor detection examination for samplers and technicians is to determine if the applicant can detect odor, not to define the odor detected.</p> <p>** Sample processing portion of examination may be waived in part, or fully, (at the option of the FOM) if the applicant is already licensed as an inspector, or is licensed as a technician and is ompetent at sample processing. If testing is necessary, the FOM will determine the scope of the test.</p> <p>*** The color vision exam is used as a screening test. Applicants must take the exam at any time prior to, or when they apply for the interpretive factor testing or inspector license, as applicable. If the FOM delegates the color vision testing to the official agency, the agency manager or their designee must administer the exam, certify the results, and forward them to the field office.</p> <p>NOTE: The FOM will not allow an exchange of interpretive factor samples between the QAS and the applicant, or administer any interpretive factor test until the color vision exam test has been completed and results reviewed.</p>		

USGSA LICENSES		
TYPE	REQUIRED EXAMS	NUMBER OF QUESTIONS/SAMPLES
Technician (Initial Technical Function)	Act & Regulations (if never previously tested) Technical Function Odor Detection (if never previously tested) Practical	10 Questions 5 Questions per function 5 Samples
Technician (Interpretive Factor Analysis)	Technical Function Practical	5 Questions per function
Technician (Additional Technical Function)	Interpretive Factor Color Vision (if never previously tested) Mathematical Assessment (if never previously tested) Sample Processing ** Interpretive Factor Analysis	5 Questions per factor 15 Plates 5 Questions ** See Factor Testing List
Weigher	Act & Regulations (restrict questions to weighing) Weighing Procedures Practical	10 Questions 20 Questions
Inspector (Initial Grain)	Act & Regulations Specific Grain Assignment of Grade Mathematical Assessment (if never previously tested) Color Vision *** (if never previously tested) Odor Determination Sample Processing ** General Observation/Special Factor Determination Interpretive Factor Analysis	10 Questions 10 Questions 5 Questions 5 Questions 15 Plates 5 Samples (minimum) ** Discretion of Tester See Factor Testing List
Inspector (Additional Grain)	Specific Grain Assignment of Grade Odor Determination Sample Processing ** General Observation/Special Factor Determination Interpretive Factor Analysis	10 Questions 5 Questions 5 Samples (minimum) ** Discretion of Tester See Factor Testing List
Inspector (Additional Interpretive Factor)	Specific Factor Sample Processing ** Interpretive Factor Analysis	5 Questions per factor ** See Factor Testing List
<p>* Odor detection examination for samplers and technicians is to determine if the applicant can detect odor, not to define the odor detected.</p> <p>** Sample processing portion of examination may be waived in part, or fully, (at the option of the FOM) if the applicant is already licensed as an inspector, or is licensed as a technician and is ompetent at sample processing. If testing is necessary, the FOM will determine the scope of the test.</p> <p>*** The color vision exam is used as a screening test. Applicants must take the exam at any time prior to, or when they apply for the interpretive factor testing or inspector license, as applicable. If the FOM delegates the color vision testing to the official agency, the agency manager or their designee must administer the exam, certify the results, and forward them to the field office.</p> <p>NOTE: The FOM will not allow an exchange of interpretive factor samples between the QAS and the applicant, or administer any interpretive factor test until the color vision exam test has been completed and results reviewed.</p>		

AMA LICENSES		
TYPE	REQUIRED EXAMS	NUMBER OF QUESTIONS/SAMPLES
Sampler (Initial Function)	Act & Regulations Specific Sampling Method Odor Detection Practical	5 Questions 5 Questions 5 Samples
Sampler (Additional Function)	Specific Sampling Method Odor Detection Practical	5 Questions 5 Samples
FGIS Contract Sampler	Practical	-----
Technician (Initial Technical Function)	Act & Regulations (if never previously tested) Technical Function Odor Detection Practical	5 Questions 5 Questions per function 5 Samples
Technician (Additional Technical Function)	Technical Function Odor Detection Practical	5 Questions per function 5 Samples
Technician (Bulk Weighing)	Act & Regulations (if never previously tested) Weighing Procedures Practical	5 Questions 20 Questions
Technician (Interpretive Factor Analysis - Applicable to rice only)	Odor Detection Interpretive Factor Color Vision (if never previously tested) Mathematical Assessment (if never previously tested) Sample Processing Factor Analysis	5 Samples 5 Questions per factor 15 Plates 5 Questions See Factor Testing List
Inspector (Initial Rice License)	Act & Regulations Specific Commodity Mathematical Assessment (if never previously tested) Assignment of Grade Color Vision (if never previously tested) Odor Determination Sample Processing General Observation/Special Factor Determination Factor Analysis	10 Questions 10 Questions 5 Questions 5 Questions 15 Plates 5 Samples (minimum) Discretion of Tester See Factor Testing List
Inspector (Additional Rice License)	Specific Commodity Assignment of Grade Odor Determination Sample Processing General Observation/ Special Factor Determination Factor Analysis	10 Questions 5 Questions 5 Samples (minimum) Discretion of Tester See Factor Testing List

AMA LICENSES		
TYPE	REQUIRED EXAMS	NUMBER OF QUESTIONS/SAMPLES
Inspector (Initial License for Beans, Peas, and Lentils)	Act & Regulations Specific Commodity Mathematical Assessment (if never previously tested) Assignment of Grade Color Vision (if never previously tested) Odor Determination General Observation/Special Factor Determination Sample Analysis - all factors Sample Analysis - all factors Sample Analysis - all factors	10 Questions 10 Questions 5 Questions 5 Questions 15 Plates 5 Samples (minimum) Discretion of Tester 6 Samples - Beans 6 Samples - Peas 3 Samples - Lentils
Inspector (Additional License for Beans, Peas, and Lentils)	Specific Commodity Assignment of Grade Odor Determination General Observation/Special Factor Determination Sample Analysis - all factors Sample Analysis - all factors Sample Analysis - all factors	10 Questions 5 Questions 5 Samples (minimum) Discretion of Tester 6 Samples - Beans 6 Samples - Peas 3 Samples - Lentils
Inspector (Limited License for Beans or Peas)	Act & Regulations Specific Commodity Mathematical Assessment (if never previously tested) Color Vision (if never previously tested) OOO Assignment of Grade Odor Determination General Observation/Special Factor Determination Sample Analysis - all factors	10 Questions 10 Questions 5 Questions 15 Plates 5 Questions 5 Samples (minimum) Discretion of Tester 2 Samples
Inspector (Initial License for Safflower, Rapeseed, Mustard Seed, Confectionary Sunflower Seed, Popcorn, and Kamut)	Act & Regulations (if never previously tested) Specific Commodity Mathematical Assessment (if never previously tested) Color Vision (if never previously tested) OOO Odor Determination General Observation/Special Factor Determination Sample Analysis - all factors	10 Questions 5 Questions 5 Questions 15 Plates 5 Samples (minimum) Discretion of Tester 2 Samples
Inspector (Additional License for Safflower, Rapeseed, Mustard Seed, Confectionary Sunflower Seed, and Kamut)	Specific Commodity Odor Determination General Observation/Special Factor Determination Sample Analysis - all factors	5 Questions 5 Samples (minimum) Discretion of Tester 2 Samples
Inspector (Hops)	Act & Regulations (if never previously tested) Specific Commodity Mathematical Assessment (if never previously tested) Practical -Sampling Procedures & Sample Analysis	10 Questions 5 Questions 5 Questions 2 Samples

Official personnel who are licensed to perform bulk weighing under the USGSA are automatically authorized to perform bulk weighing under the AMA. The FOM may waive the sample processing portion of examination in part, or fully, (at the option of the FOM) if the applicant is already licensed as an inspector, or is licensed as a technician and is competent at sample processing. If testing is necessary, the FOM will determine the scope of the test.

The color vision exam is used as a screening test. Applicants must take the exam at any time prior to, or when they apply for a license for interpretive factor testing, or for an inspector's license, as applicable. If the FOM delegates the testing to the official agency, the agency manager or their designee must administer the exam, certify the results, and forward the results to the field office.

Applicable to samplers and technicians (if never previously tested) applying for a license to sample.

An applicant can acquire a "limited" inspector's license to grade only specific types of peas or beans (e.g., a license to grade garbanzo beans only).

Note: The FOM will not allow an exchange of interpretive factor samples between the QAS and the applicant, or administer any interpretive factor test until the color vision exam test has been completed and results reviewed.

19. FACTOR TESTING LIST

Use the following lists to determine the type of factors tested for each grain, rice, or commodity and the number of samples/sample portions per factor.

USGSA FACTOR LIST		
Grain	Number of Samples Per Factor	Factors
Barley - Class Barley	2	Dockage, subclass, thin, foreign material, plump, wild oats, other grains, broken kernels, damaged kernels, heat damage
Barley – Class Malting Barley	3	Skinned and broken kernels, foreign material, other grains, malting factors, wild oats, other grains, subclass, damaged kernels
Canola	3	Heat damage, green damage, damaged kernels total (includes heat and green damage), conspicuous admixture (ergot, sclerotinia, stones), total dockage (includes conspicuous admixture), inconspicuous admixture, glucosinolates
Corn	3 5	Broken corn & foreign material, class (corn of other colors) Damaged kernels, heat damage
Flaxseed	2	Dockage, damaged kernels, heat damage
Oats	3	Foreign material, other grains, wild oats, heat damage, other damaged kernels

USGSA FACTOR LIST		
Grain	Number of Samples Per Factor	Factors
Rye	3	Thin rye, foreign material other than wheat, total foreign material, dockage, damaged kernels, heat damage
Sorghum	3 5	Dockage, broken kernels & foreign material, foreign material Class, damaged kernels, heat damage
Soybeans	3 5	Foreign material, splits, class (soybeans of other colors) Damaged kernels, heat damage
Sunflower Seed	3	Foreign material, damaged kernels, heat damage, dehulled seed
Triticale	3	Damaged kernels, heat damage, foreign material total, foreign material other than wheat or rye, shrunken and broken kernels, dockage
Wheat-Initial Limited License (2 classes minimum)	2 per class 2 per class	Foreign material, dockage, shrunken and broken kernels Damaged kernels, heat damage, class (wheat of other class, contrasting class), subclass (if applicable)
Wheat-Additional Class	2	Foreign material, dockage, shrunken and broken kernels, damaged kernels, heat damage, class (wheat of other class, contrasting class), subclass (if applicable)
Wheat-All Classes	4 9	Foreign material, dockage, shrunken and broken kernels Damaged kernels, heat damage, class (wheat of other class, contrasting class), subclass (if applicable)

Examiners may prepare precut portions for testing (e.g., 250 grams for damage and heat damage in corn) certain factors while other factors (e.g., broken corn and foreign material) must be tested on the basis of the sample as a whole (1,000-gram portion).

Examiners may add official criteria factors (e.g., stress cracks in corn, seed count in soybeans) to the list of factors for the practical exam if the analysis is typically requested as part of the grade inspection request. Examiners will determine the number of samples to test for the particular factor.

A limited wheat license is defined as a license to grade a minimum of 2 classes of wheat. Examiners will test licensees applying for their initial limited wheat license on the primary class of wheat that is marketed in their area and another class (as determined by the FOM) that may form a typical mix (e.g., hard red winter/soft red winter, hard red spring/durum) or be marketed in their area.

In areas where only one type of wheat is typically graded, the examiner will prepare three samples of the predominant type wheat and one sample from each remaining class of wheat, excluding unclassified wheat. In areas where two classes of wheat are typically graded, the examiner will prepare two samples for the predominant types and one sample for each remaining class of wheat, excluding unclassified wheat.

AMA FACTOR LIST		
Commodity	Number of Samples Per Factor	Factors
Rough Rice (other factors if applicable)	3	Type, class, dockage, milling yield, whole kernels, total rice and whole kernels, heat damage, total seeds, red rice and damaged kernels, other types, chalky kernels, color, paddy kernels Broken kernels, large broken kernels
Brown Rice (other factors if applicable)	3	Type, class, milling yield, total rice and whole kernels, paddy kernels, total seeds, total broken kernels, heat damage, red rice and damaged kernels, chalky kernels, other types, well milled kernels, broken kernels removed by a 6 plate or a 6 ½ sieve, whole kernels, related and unrelated material Milling analysis, total broken kernels
Milled Rice (other factors if applicable)	3	Type, class, milling degree, paddy kernels, total seeds, heat damage, red rice and damaged kernels, chalky kernels, total broken kernels, other types, foreign material Kernels damaged by heat, parboiled kernels in nonparboiled rice, 30 sieve material, well-milled kernels, enrichment, total oil and free fatty acid
Lentils	3	Class, dockage, weevil damage, heat damage, damage, splits, foreign material, skinned, color, size
Beans (applicable to all classes) (additional factors) Pea Beans Baby Lima and Miscellaneous Beans Large Lima Beans	6	Damage, foreign material total, foreign material (stones), splits, contrasting classes, classes that blend Badly damaged Badly damaged, blistered, wrinkled, broken Badly damaged, total blistered, wrinkled and defects, broken, size
Safflower	2	Dockage, other grains, damaged kernels total
Rapeseed	2	Dockage, damaged kernels total, inconspicuous admixture
Confectionary Sunflower Seed	2	Dockage, admixture, purity, dehulled seed, damaged kernels total, seed size
Peas (Whole and Split) (additional factors) Whole Peas Split Peas	6	Size, class, color, foreign material, damage, heat damage, weevil damage, bleached Other classes, split peas, shriveled peas with cracked seedcoats Contrasting split peas, whole peas, white caps
Popcorn	2	Foreign material, damaged kernels, heat damage
Mustard Seed	2	Dockage, conspicuous admixture (includes buckwheat and other weed seeds), purity, damaged kernels total, inconspicuous admixture
Kamut	2	Dockage, shrunken and broken kernels, damaged kernels total, heat damage, foreign material

Number of samples to be determined by the examiner.

For a limited license (e.g., Garbonzo Beans only), the requirement is 2 samples.

20. TIME ALLOTMENT

- a. USGSA and AMA Written Exams - five minutes per question is allotted for all exams (including renewals).
- b. Odor Detection - three minutes per sample.
- c. Mathematical Assessment - five minutes per question.
- d. Color Vision - three seconds per plate.
- e. Practical Examinations.
 - (1) Sampling, technical functions, sample processing - a sufficient amount of time (to be determined by the FOM, QAS, agency manager, or testing official as applicable).
 - (2) Non-interpretive factors (e.g., test weight, dockage, shrunken and broken kernels) - five minutes per individual factor per sample not to exceed a total of fifteen minutes for 3 or more factors.
 - (3) General observation and special factor determination - typically five to fifteen minutes per sample. Additional time may be allowed due to the difficulty of the sample. (Actual analysis time to be determined by the testing official.)
 - (4) Interpretive factor testing.
 - (a) USGSA factors and rice (e.g., damaged kernels, class, subclass) - typically five to fifteen minutes per factor per sample. Additional time may be allowed due to the difficulty of the sample. (Actual analysis time to be determined by the testing official.)
 - (b) Commodities (peas, beans, lentils, safflower, confectionary sunflower seed, rapeseed, popcorn, kamut, mustard seed) - thirty to forty-five minutes per sample on average. Additional time may be allowed due to the difficulty of the sample. (Actual analysis time to be determined by the testing official.)
 - (c) Hops - Analysis time to be determined by the testing official.

21. SCORING SYSTEM

- a. Applicants must score a minimum of 80 percent on all applicable written (including license renewal) exams, odor detection/determination tests, and mathematical assessments.
- b. Color Vision - FGIS uses this exam as a screening test. Examiners record the applicant's response and calculate the total percentage of correct responses. A total score below 73 percent accuracy (11 correct out of a possible 15) is an indication that the applicant may have red-green color deficiency.
- c. Testing officials will apply a pass/fail scoring system for sample processing and for general observation and special factor determinations.
- d. An average score of 80 percent or more must be achieved on each factor that is tested. For example, if damaged kernels and heat damage are tested for in corn, the applicant must achieve an average minimum score of 80 percent for the five damaged kernels portions as well as an average minimum score of 80 percent for the five heat damage sample portions.
- e. The formula for determining the percent of grading accuracy is as follows:

$$\frac{(X - Y1)}{(X + Y2)} \times 100 = \text{Percent Accuracy}$$

X = original percent for the grading factor,
Y1 = percent of overpick
Y2 = percent of underpick

- f. Examiners score practical examinations for sampling, stowage examinations, technical functions, and handling of grain on a pass/fail system.

22. FAILURE TO PASS EXAMINATIONS

- a. Retesting.

FGIS will provide applicants the opportunity to be retested on any written, practical, or sensory examination. The FOM and/or agency manager (as applicable) will determine the appropriate waiting period before an applicant can be retested. The waiting period can be determined through methods such as sample exchanges, training classes, or pre-testing.

Applicants will be retested only on the individual exam (e.g., Assignment of Grade, Odor Determination) that they initially failed. For practical exams (e.g., corn, rough rice) that require multiple factor testing, applicants will be retested only on the factor(s) that they failed to achieve a passing score (80 percent) on.

b. Restrictions.

- (1) If an applicant fails an odor detection test (applicable to sampler, warehouse sampler, and technician licenses only), they cannot be licensed to perform either a sampling or grading function until passing a retest.
- (2) If an applicant fails the mathematical assessment they will not be permitted to take any further testing (e.g., factor testing, general observation and special factor determination) that involves a calculation of percentages until passing a retest.
- (3) If an applicant has not successfully passed all segments for acquiring a particular grain, rice or commodity license, they are restricted from assigning a grade to a sample.

23. REEXAMINATIONS OF LICENSEES FOR COMPETENCY

a. Justification for Reexamination.

FGIS will reexamine licensees for competency whenever the FOM determines, in consultation with the Director of Field Management Division, that the licensee's duty performance is questionable and that reexamination is appropriate under the circumstances. Determinations will be based on official reports and observations such as:

- (1) Analyses of grading performance reports from the QA\QC program;
- (2) Investigative reports, supervision reports, and performance reports;
- (3) Other indications that their duty performance or physical condition would impair their ability to fulfill their responsibilities.

b. Reexamination Notice.

The FOM will notify licensees by certified mail if FGIS will reexamine them for competency. The notification letter will state the basis for the action, provide details on the scope of the reexamination, and provide information on the date, time, and location where FGIS will administer the reexamination. Additionally, the notice will provide the licensee with an alternative (licensees may request voluntary cancellation of their license or function(s)) to the reexamination process.

c. Neglect or Refusal to be Reexamined.

If licensees refuse to be reexamined but do not request voluntary cancellation, or fail to report for reexamination without reasonable cause, the FOM will initiate administrative action to revoke the license or function(s). If licensees terminate employment without responding to the reexamination notice, FGIS will suspend the license (automatic suspension) and a reexamination for competency will be required for reinstatement of the license or function(s).

d. Examinations to be Administered.

Depending on the nature of the licensee's deficiency, reexaminations will consist of sensory testing and/or written competency testing and/or practical competency examinations. The FOM will determine the scope of the reexamination.

The FOM is responsible for preparing the examination material, administering the examination(s), and scoring the examination(s). Examiners will follow the procedures described in this directive for administering and scoring examinations.

The FOM will provide notification to the licensee, official agency manager, and the Director of Field Management Division of the results of the reexamination.

e. Failure to Pass Reexaminations for Competency.

Licensees who fail one or more of the tests in an initial reexamination for competency will be given the following options:

- (1) Request voluntary cancellation of their license or function(s); or
- (2) Take a subsequent reexamination on the failed test(s).

(Licensees must take any subsequent reexamination within 30 calendar days from the date of notification of the initial reexamination failure. Failure to pass the subsequent reexamination will result in administrative action to revoke the license or the appropriate function(s).)

24. PERFORMANCE REPORTS

FOMs are ultimately responsible for determining if an official agency and their licensed employees are performing inspection and weighing duties according to FGIS instructions. To support any administrative decision made by FGIS in regards to the performance of a licensee or official agency, a performance documentation system must be in place. To assist the FOM in tracking the performance of a licensee/agency, FGIS has developed a reporting system form, "Performance Report"(see Attachment 1).

a. Purpose.

The purpose of issuing a Performance Report is to:

- (1) Supplement the QA\QC system reports;
- (2) Advise a licensee or agency, as applicable, that FGIS has performed supervision on their inspection or weighing activity;
- (3) Document the licensee's or agency's (as applicable) performance;
- (4) Alert agencies that additional training may be needed;
- (5) Promote uniformity in inspection and weighing activities; and
- (6) Provide a basis for reexamination for competency of a licensed agency employee and, when necessary, initiate appropriate administrative action.

b. Reporting Requirements.

The FOM can use the Performance Report included in this directive to record supervision information or elect to use an alternate form. At a minimum, the report must show:

- (1) Information concerning the employee (name, title, agency);
- (2) Supervision date;
- (3) Description of supervised activity;
- (4) Results of supervision.

Note: Do not use the form to report willful violations of the USGSA/AMA that are of a serious nature and are required to be reported in accordance with FGIS Directive 9070.6, “Reporting Violations of the United States Grain Standards Act and the Agricultural Marketing Act of 1946”. This involves all violations of Section 13 (a) (7) and (8) or (b) (4) of the USGSA and includes, but is not limited to other violations such as sample manipulation and altering official forms or records that tend to deceive or that result in the issuance of false or incorrect certificates.

c. Filing Requirements.

Maintain a copy in the individual’s licensing file (applicable to the official agency and the supervising field office).

25. ENFORCEMENT ACTIONS

FGIS may issue a Cautionary Letter or Warning Letter to licensees who violate a provision of the USGSA/AMA, regulations, or instructions, or subject them to a temporary action, other-than-temporary action, or criminal prosecution. The type of action FGIS takes depends on the nature of the violation, how frequently a licensee violated a procedure or provision, whether knowingly and/or willfully, and other matters in the case.

a. Reporting Apparent Violations.

FGIS requires licensees and authorized personnel to immediately report apparent violations of the USGSA/AMA, regulations and instructions in accordance with FGIS Directive 9070.6, “Reporting Violations of the United States Grain Standards Act and the Agricultural Marketing Act of 1946”. Other persons may submit information regarding apparent violations or unwarranted actions by licensed personnel to the Director of the Compliance Division.

b. Letters.

(1) Cautionary Letters.

The FOM, with the approval of the Director of Compliance Division, issues Cautionary Letters to licensees for the first-time violations, or for violations which they have committed again after an extended period of time (2 years).

FGIS shall base the issuance of a Cautionary Letter on documented evidence and will make it a part of the licensee's file. If future violations of a similar or related nature occur, the licensee may be subject to more serious actions, such as an action to revoke the license.

(2) Warning Letters.

Warning letters are formal notices that the FOM issues (with the approval of the Director of Compliance) to licensees that allege that licensees have knowingly and/or willfully committed a serious violation. They are issued for serious violations such as offenses prohibited by Section 13 of the USGSA and by the penal statutes in Title 18 of the United States Code.

The FOM shall base the issuance of a letter on a thorough investigation of the alleged violation and on documented evidence. Warning letters are an alternative to initiating more severe enforcement actions, such as actions to suspend or revoke licenses.

(3) Complaint Letters.

The Director of Compliance Division shall issue Complaint Letters to initiate or propose other-than-temporary action for the purpose of suspending or revoking a license, refusing to renew a license, or refusing to return a suspended license.

The Director of Compliance Division issues Complaint Letters when he/she has reason to believe that licensees have willfully and/or knowingly violated, or are willfully or knowingly violating any provisions of the USGSA/AMA, regulations, or instructions, and the issuance of a warning letter would not be an adequate penalty.

c. Temporary Actions.

The Administrator may temporarily (up to 30 calendar days) suspend a license, refuse to return a suspended license, or refuse to renew a license without giving the licensee an opportunity for a hearing. The FOM shall take no action without the approval of the Director of Compliance Division.

The Administrator may initiate temporary actions when he/she has reason to believe that the action is in the best interest of the inspection and weighing programs and/or the public health, interest, or safety.

(1) Notice of a Temporary Action.

The Compliance Division will provide written notification of the temporary action to the licensee and the official agency. Temporary actions are effective as soon as the licensee receives the notice.

(2) Termination of a Temporary Action.

Within 30 days after the licensee receives a notice of temporary action, FGIS will take one of the following actions and promptly notify the licensee and official agency of all proposed and completed actions.

- (a) Terminate the temporary action without prejudice;
- (b) Terminate the temporary action and issue a suitable cautionary or warning letter;
- (c) Give the licensee an opportunity for a hearing and continue the temporary action while pursuing administrative action to suspend or revoke the license; or
- (d) Give the licensee an opportunity for a hearing, terminate the temporary action, and pursue administrative action to suspend or revoke the license.

d. Other-Than-Temporary Actions.

The Administrator may suspend a license, revoke a license or function(s), refuse to renew a license or function(s), or refuse to return a suspended license if, after giving the licensee an opportunity for a hearing, it is determined that the licensee:

- (1) Is incompetent;
- (2) Has issued or caused the issuance of any false, incorrect official certificate or form;
- (3) Has knowingly or carelessly inspected, weighed, or supervised the weighing of grain or commodities improperly;
- (4) Has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty;
- (5) Has used a license, or allowed it to be used, for any improper purpose;
- (6) Has violated any provision of the USGSA/AMA, regulations, and instructions;
or
- (7) Has inspected, weighed, or supervised the weighing of grain, rice, or commodities for the purposes of the USGSA/AMA by an unauthorized standard or criteria.

e. Response from Licensee.

A licensee to whom an FOM has issued a Cautionary Letter or Warning Letter is afforded the opportunity to respond (oral or written) to the FOM concerning the alleged violation.

Licensees to whom the Director of Compliance has issued a Complaint Letter are provided the opportunity to submit a reply (specific written statement) and request a formal hearing or informal administrative conference. The licensee must file a reply to a Complaint Letter with the Administrator within the time specified by the letter. Additionally, the licensee or his/her attorney must sign the letter.

f. Formal Hearings and Informal Administrative Conferences.

When the Administrator initiates action to suspend or revoke a license, refuses to return a suspended license, or refuses to renew a license, FGIS will give the licensee involved an opportunity to have an informal administrative conference or a formal hearing. A licensee must submit a written request to the Administrator in order to obtain a conference or hearing.

g. Criminal Prosecution.

FGIS may subject a licensee who commits an offense prohibited by the USGSA/AMA to criminal prosecution. If FGIS criminally prosecutes the licensee and finds him/her guilty, the licensee will be subject to fines and/or imprisonment in accordance with the applicable provisions of the USGSA/AMA. (See Section 203 (h) of the AMA and Section 14 of the USGSA.)

Attachments

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.

PERFORMANCE REPORT

Date: ① [Enter the date the report was completed]

To: [Enter the official agency manager's name and title]
 [Enter official agency name]

From: [Enter the name of the person issuing the report]
 [Enter the title of the person issuing the report]

Licensee Supervised: [Enter the name and title of licensee]
Date of Supervision: [Enter the date supervised]

SUPERVISED ACTIVITY: [Enter the inspection/weighing activity supervised]

(type of conveyance, identification, type of grain, certificate. number., location, etc.)

Agency Results
[Enter the appropriate information]

Supervision Results
[Enter the appropriate information]

Check (X) the areas of your inspection/weighing programs that were reviewed as a result of this report. [To be completed by official agency manager]

.....Training References Work records Work environment
.....Time Communication Equipment (other).....

The following action was taken as a result of your review:

[To be completed by official agency manager]

attach additional pages, if necessary

Signature and Date _____ [To be completed by official agency manager]

*****Please return to field office within 5 days of receipt*****

Attachment 2: Suspension Letter



United States
Department of
Agriculture

Grain Inspection,
Packers and Stockyards
Administration

① [Enter first line address]
[Enter second line address]
[Enter third line address]

②[Enter Date]

To: ③[who to?]

From: ④[who from?]
⑤[Title]

Subject: Suspension of License

We have suspended your United States Grain Standards Act (USGSA) and/or Agricultural Marketing Act (AMA) license number ⑥[enter license number] until ⑦[enter date]. This action is required by the regulations under the Act because you are no longer employed by an official agency.

If a request for the reinstatement of your license is not received before ⑧[enter cancel date], your license will be canceled without further notice.

Please acknowledge receipt of this memo by signing the attached copy and returning it to this office in the enclosed envelope.

Signature

Date

Attachment 3: Renewal Letter



United States
Department of
Agriculture

Grain Inspection,
Packers and Stockyards
Administration

① [Enter first line address]
[Enter second line address]
[Enter third line address]

②[Enter Date]

To: ③[who to?]

From: ④[who from?]
⑤[Title]

Subject: Renewal of License No. ⑥[enter number]

In accordance with the termination schedules in the regulations under the United States Grain Standards Act (USGSA) and the Agricultural Marketing Act (AMA), your license will expire on ⑦[enter date]. Please read the instructions listed below, complete this application form, and promptly return it to the field office.

1. RENEWAL PREFERENCE

In the appropriate section below, please indicate whether you want your license renewed.

- () *I request that my USGSA or AMA license be renewed.*
() *I hereby request that my USGSA or AMA license NOT be renewed.*

Signature of Licensee

Date

If you have indicated that you want your licensed renewed, you ⑧[check appropriate box] () will, () will not, be required to take a written open-book exam on the USGSA or AMA as applicable. FGIS or the official agency (as applicable) will arrange for a mutually agreeable time and place for administering the examination(s).

If you have indicated that you want your licensed renewed, proceed to section 2 of this form. If you choose not to renew your license, no further information is necessary.

2. CONFLICT OF INTEREST QUESTIONNAIRE

If you request that your license be renewed, answer the applicable conflict of interest questions. If applying for a combination USGSA/AMA license answer both sets of questions. If your answer to any of the questions is yes, explain in full giving all pertinent information. Failure to explain in full may be grounds for automatic dismissal of your application.

Attachment 3: Renewal Letter

AMA License

Are you, your spouse, or relatives residing in your household employed by, or receiving a financial consideration from a company that merchandises, handles, stores, or processes agricultural commodities that you would be licensed to sample or inspect?

Yes ___ No ___

Do you, your spouse, or relatives residing in your household have a financial interest in a company that merchandises, handles, stores, or processes agricultural commodities that you would be licensed to sample or inspect?

Yes ___ No ___

Do you, your spouse, or relatives residing in your household have a financial interest in any of the raw materials or companies providing the raw materials from which the commodities that you would be licensed to sample or inspect are manufactured?

Yes ___ No ___

USGSA License

Do you, your spouse, your minor children, or any blood relative immediately residing in your household, serve as an officer director, committee member, or employee of any business entity owning or operating any grain elevator or warehouse, or engage in the merchandising, storage, commercial transportation, or other commercial handling of grain?

Yes ___ No ___

Do you, your spouse, your minor children, or any blood relative immediately residing in your household, have stock or other financial interest, directly, or indirectly, in any grain elevator or warehouse, or any other business entity involved in the merchandising, storage, commercial transportation, or other commercial handling of grain?

Yes ___ No ___

Do you know of any other matters, family relationships, or other personal relationships, which might give rise to an apparent or possible conflict of interest involving your present employment and any business entity described above?

Yes ___ No ___

3. LICENSEE PROFILE

To assure accurate information entry into our database, please review your individual profile (see attachment), and note any entries that appear to be incorrect, or note any information that may have possibly been omitted. If you have any additions or corrections to the profile, please return it with the application form. Otherwise, detach it from the application form and discard.

**Attachment 4: Score Sheet and Report- Samplers, Technicians, and Weighers
(non-interpretive factor analysis)**

**USGSA/AMA EXAMINATION SCORE SHEET AND REPORT
SAMPLERS, TECHNICIANS (NON-INTERPRETIVE ANALYSIS), AND WEIGHERS**

Name of Applicant: _____ Agency: _____
 Service Point: _____ Field Office: _____ Date: _____

EXAMINATION FOR:

Sampler /__ / Warehouse Sampler /__ / Contract Sampler /__ / Technician /__ / Weigher /__ /

SENSORY EXAMINATIONS: (If applicable, attach a copy of the color vision test report)

Odor: Not Applicable /__ / Pass /__ / Fail /__ /

Color Vision: Not Applicable /__ / Score _____%

ACT AND REGULATIONS: Not Required /__ / Required /__ / Score: _____%

WRITTEN EXAMINATION(S): List appropriate examination(s) and test scores.

Exam	Score	Exam	Score	Exam	Score
_____	_____ %	_____	_____ %	_____	_____ %

PRACTICAL EXAMINATION(S): Mark "P" for pass and "F" for fail.

Exam	Score	Exam	Score	Exam	Score
_____	/__ /	_____	/__ /	_____	/__ /

I certify that the examination(s) given to the above named person has been conducted in accordance with current FGIS instructions.

_____ _____ _____ _____
 Examiner Date Agency Manager Date

_____ _____
 Field Office Manager Date

**Attachment 5: Score Sheet and Report - Technicians and Inspectors
(interpretive factor analysis)**

**USGSA/AMA EXAMINATION SCORE SHEET AND REPORT
TECHNICIANS (INTERPRETIVE ANALYSIS) AND INSPECTORS**

Name of Applicant: _____ Agency: _____

Service Point: _____ Field Office: _____ Date: _____

EXAMINATION FOR: Technician /__ / Inspector /__ /

SENSORY EXAMINATIONS: (If applicable, attach a copy of the color vision test report)

Color Vision: Not Applicable (previously tested) /__ / Score _____%

ACT AND REGULATIONS : Not Required /__ / Required /__ / Score: _____%

SAMPLE PROCESSING: Not Required /__ / Required /__ / Pass /__ / Fail /__ /

GENERAL OBSERVATION/SPECIAL FACTOR DETERMINATION:

Not Required /__ / Required /__ / Pass /__ / Fail /__ /

MATHEMATICAL ASSESSMENT: Not Required (previously tested) /__ /

Required /__ / Score: _____%

WRITTEN EXAMINATION(S): List appropriate examination(s) and test scores.

Exam	Score	Exam	Score	Exam	Score
_____	_____%	_____	_____%	_____	_____%

PRACTICAL EXAMINATION(S): List appropriate factor(s) and test scores.

Factor	Score	Factor	Score	Factor	Score
_____	_____%	_____	_____%	_____	_____%

Factor	Score	Factor	Score	Factor	Score
_____	_____%	_____	_____%	_____	_____%

Factor	Score	Factor	Score	Factor	Score
_____	_____%	_____	_____%	_____	_____%

**Attachment 5: Score Sheet and Report - Technicians and Inspectors
(interpretive factor analysis)**

Factor	Score	Factor	Score	Factor	Score
_____	_____ %	_____	_____ %	_____	_____ %

Remarks and Observations:

Based on the results of the examinations listed above and the observations of the examiner, the applicant is authorized to:

We certify that the examination(s) given to the above named person has been conducted in accordance with current FGIS instructions.

Examiner

Date

FGIS Manager

Date

Attachment 6: Color Vision Test Report

COLOR VISION TEST REPORT

Name of Applicant: _____ Agency: _____
 Service Point: _____ Field Office: _____ Date: _____

The examination must be given at a "picking table" where the work surface and lighting meet the requirements specified in the Equipment Handbook.

The examiner will place each plate, in turn, on the "picking table" approximately 30 inches from the applicant and tilt each plate so that the plane of the plate is at right angles to the applicant's line of vision. Results are recorded in the table below.

Plate	Number on Plate	Applicant's Response	Correct Response ()	Incorrect Response ()	Plate	Number on Plate	Applicant's Response	Correct Response ()	Incorrect Response ()
1					9				
2					10				
3					11				
4					12				
5					13				
6					14				
7					15				
8									

Total Correct Responses _____ Percent Correct _____

I certify that the examination(s) given to the above named person has been conducted in accordance with current FGIS instructions.

 Examiner Date Agency Manager (if applicable) Date

 Field Office Manager Date