

Program Notice

FGIS-PN-17-05

September 28, 2017

INSPECTION OF FLOOD DAMAGED GRAIN

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1. PURPOSE

The purpose of this notice is to provide guidance for grading and certifying flood damaged grain with use of the Federal Grain Inspection Service (FGIS), Interpretive Line Print/Inspection of Flood Damaged Grain and reporting actionable lots to the Food and Drug Administration (FDA).

2. REPLACEMENT HIGHLIGHTS

This notice supersedes Program Notice FGIS-PN-11-05, "Inspection of Flood Damaged Grain," dated 02-28-2011.

3. BACKGROUND

FGIS and FDA have certain mutual objectives in carrying out their respective service and regulatory functions. In accordance with the FGIS-FDA Memorandum of Understanding, FGIS reports to FDA certain lots of grain, rice, pulses, or food products which are considered "actionable" under the Food, Drug, and Cosmetic Act.

Events such as higher than normal spring rainfall and levee failures can result in significant flooding and may put stored grain at risk. FDA considers flood water to be inherently insanitary and deems grains, oilseeds, feed, and feed ingredients (including distillers grains) and food that have been in contact with flood water to be unfit for human consumption or animal feed.

Generally, for human food crops, if the edible portion of a crop is exposed to contaminated flood waters it is considered "adulterated" under the Federal Food, Drug, and Cosmetic Act and should not enter the human food supply. This is because there are no practical methods of reconditioning, or processing, these edible portions. Reconditioning is only acceptable when it can provide a reasonable assurance of food safety. Accordingly, FGIS has developed procedures for inspecting flood damaged grain.

4. PROCEDURES

Grain materially affected by flooding is considered as distinctly low quality (DLQ) and certified as U.S. Sample Grade. In addition, official personnel must report identifiable lots that are DLQ to the district FDA office as "actionable" in accordance with Directive 9060.2, dated 5-1-97.

The determination of DLQ is based on the appearance and condition of the lot or sample as a whole. Grain affected by flooding is evaluated on a portion of approximately 400 grams with the use of the FGIS Interpretive Line Print (ILP), Inspection of Flood Damaged Grain.

NOTE: Only officially sampled lots are considered as “actionable” under FDA reporting criteria. Therefore, do not report to FDA any submitted samples that are DLQ because of flood damage.

If a sample does not meet the requirements for DLQ, but the kernels are materially damaged (stained) by flooding and meet the Visual Reference Image, consider the kernels as damaged and count toward the total percentage of damaged kernels in the sample.

5. QUESTIONS

Direct any questions concerning this policy to the Policies, Procedures, and Market Analysis Branch at (202) 720-0228. Direct any questions concerning grading guidelines to the Board of Appeals and Review at (816) 891-0421.