

Program Notice

FGIS-PN-19-04

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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-17-05, "Inspection of Flood Damaged Grain," dated 09-28-2017, and is being re-issued as a result of flooding in 2019.

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.

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, IMPLEMENTATION OF THE FGIS-FDA MEMORANDUM OF UNDERSTANDING 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 DLQ designation, but the kernels are materially damaged (stained) by flooding and meet a current Visual Reference Image, consider the kernels as damaged and count toward the total percentage of damaged kernels in the sample.

5. FREQUENTLY ASKED QUESTIONS

Q. Will there be an ILP specific to Flood Damaged soybeans?

A. No. The existing ILP titled Flood Damaged Grain, while depicting corn, is suitable for determining flood damaged grain for all grains. FGIS encourages sending Opinion samples, especially soybean samples, to the Board of Appeals and Review.

Q. If a railcar that is made DLQ due to Flood Damaged Grain, is it permissible to probe the railcar for condition (as a reinspection for example)?

A. Yes for a domestic train (not for rail to Canada or Mexico). FGIS Directive 9170.15 REVIEW INSPECTIONS OF GRAINS AND COMMODITIES states that “If a lot is sampled using an on-line sampling device during continuous loading, all review inspections except for condition factors (i.e., odor, infestation, and heating) are performed on the basis of the official file sample for single lots or an unworked portion of the sample for CuSum sublots. For domestic grain shipments, reinspection and appeal inspections for condition factors may be performed on the basis of a new probe sample drawn from a lot that was sampled during continuous loading.”

A rail car is considered a domestic movement of grain (unless bound for Canada or Mexico). FGIS considers grain made DLQ due to Flood Damaged Grain as a condition factor similar to odor, infestation, and heating. Therefore, if an applicant asks that a new sample be taken by probe for reinspection/review inspection of grain made DLQ on Flood Damage, the request can be honored.

Q. What about grain that was in a flooded bin but above the water line?

A. Official service providers will not know if grain was above or below the water line, therefore applying the ILP is of paramount importance. As a reminder, grain exposed to flood water is considered adulterated by FDA and cannot be allowed for blending.

Official service providers should be extra vigilant in examining grain samples for the presence of mold or mold damage on the surface of kernels and odor.

6. 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. Official service providers needing the Flood Damaged Grain ILP should contact the Digital media group at (816) 891-0499.