FEDERAL GRAIN INSPECTION SERVICE



2022
Annual Report
to Congress

About This Report

Each year, pursuant to section 17B (7 U.S.C. § 87f-2), the USDA, Agricultural Marketing Service, Federal Grain Inspection Service (FGIS) respectfully submits an annual report to the U.S. Congress. Activities described in this report cover Fiscal Year (FY) 2022 (October 1, 2021, through September 30, 2022).

Any mention of firm names or trade products does not imply that they are endorsed or recommended directly or indirectly by the U.S. Department of Agriculture (USDA).

FY 2022 inspection and weighing program data and financial information is available at:

www.ams.usda.gov/reports/fgis-annual-reports

The 508 Compliant version of this report is available on our website at:

 $\underline{www.ams.usda.gov/reports/fgis-annual-reports}$

Table of Contents

Section I Overview	
The Federal Grain Inspection Service	4
Program Mission	4
Key Activities	5
Employees and Locations	6
Resilience of the Grain Export System (Including Inspection and Weighing) After Hurricane Ida	7
Grain Inspection Advisory Committee	8
Section II Quality Assurance and Compliance Division	
Overview	9
USGSA Designation Audits, Trends, and the New Hybrid Audit Process	12
Mapping Project	14
Export Registration Management, Waivers, and Improvement Project	15
Section III Standards Development	
U.S. Standards for Grain	16
Section IV The Technology and Science Division	
Board of Appeals and Review	17
Soybeans of Other Colors Interpretations	18
Expanding Scope of Grain Testing Services	19
Pesticide Residue Testing	19
Mycotoxin Test Kit Evaluation	19
Standardizing Commercial Grain Inspection Equipment	20
Moisture Meter Approval	20
Light Emitting Diode	21
Section V Promoting U.S. Grain to International Customers	
Educating New USDA, Foreign Agricultural Service Personnel	22
Complaints From U.S. Grain Importers	23

SECTION I OVERVIEW

The Federal Grain Inspection Service

The USDA, Agricultural Marketing Service (AMS), FGIS facilitates the marketing of grains, oilseeds, and related product by establishing quality standards; providing impartial inspection and weighing services through a network of Federal, State, and private entities; and monitoring/enforcing compliance with the USGSA, as amended. FGIS administers uniform national grain inspection and weighing programs established by the USGSA. Services under the USGSA are performed on a fee basis for both export and domestic grain shipments. The USGSA requires that export grain be inspected and weighed, prohibits deceptive practices with respect to the inspection and weighing of grain, and provides penalties for violations. The USGSA also requires that all corn exported from the United States be tested for aflatoxin, prior to shipment, unless the contract stipulates that the testing is not required.

Program Mission

FGIS's primary mission is twofold: (1) promote the marketing of high-quality grain to domestic and international buyers and (2) maintain objective standards to certify as accurately as practicable. These standards define uniform and descriptive terms to facilitate the grain trade, help determine grain storability, offer users the best possible information to determine end-product yield and quality, provide market incentive frameworks, reflect the economic value-based characteristics to end-users, and accommodate scientific advances in testing.



violations of the USGSA and initiates appropriate corrective action.

programs through education and outreach to international buyers.

Helps U.S. trading partners develop and improve their grain inspection and weighing

Employees and Locations

FGIS is composed of:

379
Permanent Employees

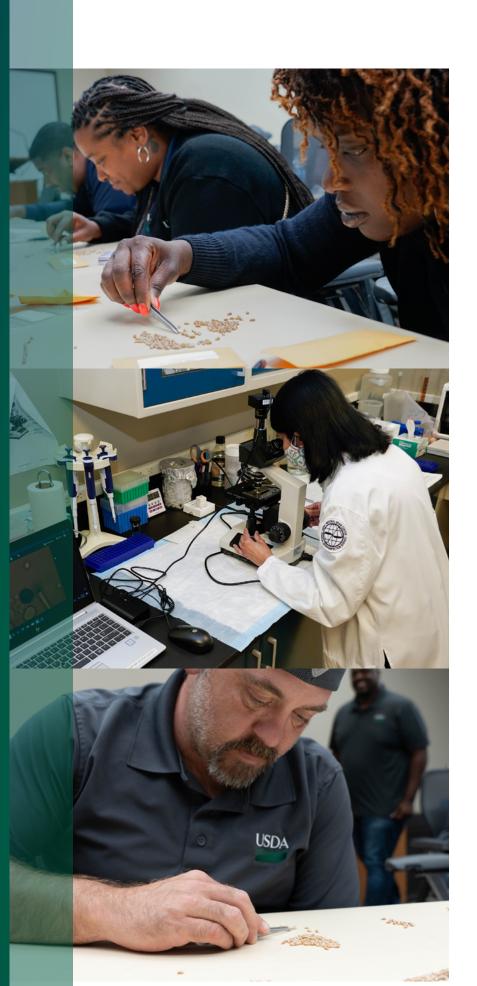
25
Intermittent Employees

64
Temporary Employees

FGIS is headquartered in Washington, DC, with the bulk of employees located at the National Grain Center in Kansas City, MO.

There are six field offices:

- Domestic Inspection
 Operations Office (DIOO),
 Kansas City, MO
- League City, TX
- New Orleans, LA
- Portland, OR
- Stuttgart, AR
- Toledo, OH



Resilience of the Grain Export System (Including Inspection and Weighing) After Hurricane Ida

On August 29, 2021, Hurricane Ida struck southern Louisiana as a major category 4 hurricane with maximum sustained winds of 150 miles per hour. Ida was the second-strongest hurricane to ever make landfall in Louisiana, trailing only Hurricane Katrina in 2005. While Katrina was devastating to the city of New Orleans and areas east of the city, Hurricane Ida hit the city of New Orleans and neighboring areas to its west, where most grain export facilities and FGIS employees are located; the damage to infrastructure was devastating. Approximately 100 (out of 200) FGIS employees lost homes or sustained major damage. In addition, most export grain elevators were impacted because of wind damage, power outages, flooding, high river levels, or unnavigable sections of the Mississippi River.

All of this occurred during a period of great demand, as the United States was experiencing a record year for all-time for grain exports (150 million metric tons exported). It was also a period of great uncertainty, as the Coronavirus COVID-19 pandemic was still affecting communities around the country. On an annual basis, approximately 50 percent of U.S. grain exports are loaded and shipped on vessels departing from southern Louisiana, with a value of over \$25 billion. However, because of Hurricane Ida's impacts, there was concern that farmers would not be able to bring their grain to market, as the river system was getting backed up with barges that needed to be unloaded and sent back upriver to be loaded with more grain. It was critical that exports (and inspection and weighing) resumed as quickly as possible.

Some elevators came online relatively quickly in the weeks after the storm; however, many remained down due to a lack of power. The river barge system, which had been offline for nearly 2 weeks, had a major backlog without enough capacity to export. To increase export capacity, exporters utilized generator-powered floating grain rig operations to move grain from barges to vessels; although, these floating rig operations did not have the capacity to appropriately sample or weigh the grain. Due to the impact that

Hurricane Ida had on the entire New Orleans area and the ability to export grain, the Under Secretary for Marketing and Regulatory Programs declared an emergency for the area, with respect to the requirements in the USGSA, and implemented optional waiver procedures whereby vessels could load grain without inspection or weighing, provided certain criteria were met. These waiver procedures were in place from September 16 to October 30, 2021. The waivers required that the buyer and seller agree that FGIS weights and grades were not needed and required official fumigation to receive a phytosanitary certificate.

During this emergency period, 45 total lots of freight were approved for shipping under the waiver process, which included 34 grain lots (corn, wheat, soybeans) and 11 commodity lots (soybean meal, DDGS, CGM), loaded over 21 vessels. The shipments totaled approximately 750,000 metric tons (approx. 650,000 grains and 100,000 commodity). These waivers allowed grain to keep moving, as well as ease the backlog of shipments upriver and at the first point of sale.

It is also important to note that, in the aftermath of the storm and as soon as elevators came back online, FGIS employees answered the call to provide mandatory inspection and weighing service, whether they were living in a hotel, a family member's home, a garage, or without power. No official inspection or weighing services were denied; service continued. These employees demonstrated great resilience in the midst of the storm; and some of them, still, have not fully recovered all that was lost because of Hurricane Ida's impact. Their commitment and dedication to the mission of FGIS are commended.

8 | FY 2022 FGIS ANNUAL REPORT TO CONGRESS | 9

Grain Inspection Advisory Committee

The Grain Inspection Advisory Committee consists of 15 members appointed by the Secretary of Agriculture who represents various segments of the grain industry. Membership includes grain producers, processors, merchandisers, handlers, exporters, consumers, grain inspection agencies, and scientists. The Committee's recommendations assist AMS in the facilitation of services and responsibilities that are established under the USGSA. The Committee holds two meetings annually.

On December 15-16, 2021, the Committee held a virtual meeting where they discussed three major topics: (1) the FGIS proposed Technology Review Process, (2) average inspection flexibilities, and (3) updating the Memorandum of Understanding between FGIS and the Food and Drug Administration (FDA). In response to a recommendation by the Committee, the Technology Review Process was created to ensure transparency on how FGIS approaches new equipment and technology used for grain inspection. The Committee sought to discuss flexibilities in the inspection process to explore additional mechanisms to be in place to report and certify all parts of a customer's load order. The final discussion topic was discussing draft changes to the Memorandum of Understanding between FGIS and the Food and Drug Administration. The Subcommittee presented their draft changes that propose pre-approved grain remediation actions for FGIS and FDA to approve.

The Committee was not able to take action on any of the agenda items during the meeting because a quorum was not present. As such, the discussions on each topic were helpful in preparing for their summer meeting. Detailed meeting minutes and additional documents can be found on the AMS public website (https://www.ams.usda.gov/about-ams/giac-dec-2021-meeting).

On June 22-23, 2022, the Committee held a hybrid meeting at the National Grain Center in Kansas City, Missouri. The Committee discussed grading Soybeans of Other Colors (SBOC), accessing real-time shuttle train data, Committee alternates, the Memorandum of Understanding between FGIS and the Food and Drug Administration, and the FGIS Technology Review Process. The Committee took up the topic of SBOC to discuss possible recommendations on how FGIS should respond to the increased presence of SBOC. Shuttle trains continue to be an issue for the



grain industry and the Committee wanted to discuss the continued engagement of Surface Transportation Board by the USDA. Due to the lack of quorum for the Fall Committee Meeting, Committee members put forward options on preventing future meeting quorum issues. The Committee wrapped up the discussions on the FGIS and FDA memorandum of understanding and the FGIS Technology Review Process. The Committee passed five recommendations on the discussed topics. Detailed meeting minutes and additional documents can be found on the AMS public website (https://www.ams.usda.gov/about-ams/giac-june-2022-meeting). Past Committee meeting minutes, presentations, agendas, and recommendations can all be found on the AMS public website (www.ams.usda.gov/about-ams/facas-advisory-councils/giac).

SECTION II QUALITY ASSURANCE AND COMPLIANCE DIVISION

Overview To help facilitate the integrity and effectiveness of the official inspection and weighing system, FGIS conducts a myriad of oversight and monitoring functions through its Quality Assurance and Compliance Division. The Division ensures that requirements defined within the USGSA are met by FGIS personnel and Official Agencies (OA). OAs are State and private agencies designated by FGIS to provide official inspection and weighing services in assigned geographic areas. They represent a unique network of approximately 2,300 personnel across the country. Of the 42 OAs that FGIS oversees:

- Thirty-two (32) are private agencies and six are State agencies designated to provide official inspection and/or sampling and weighing services in domestic markets;
- Three (3) are State agencies delegated to provide mandatory official export inspection and weighing services, as well as designated to provide official domestic inspection and weighing services within the State; and
- One (1) is a State agency delegated to provide mandatory official export inspection and weighing services within the State.

Toledo

| 11

12 | FY 2022 FGIS Annual Report to Congress | 13

USGSA Designation Audits, Trends, and the New Hybrid Audit Process

To minimize risks and improve customer service, FGIS maintains a review cycle during which OAs are audited for compliance with USGSA criteria. OAs are usually designated to provide services, on behalf of FGIS, for a period of up to 5 years. Throughout an OA's designation, FGIS maintains close contact to track performance and facilitate customer service. Near the end of the designation cycle, FGIS assigns compliance officers, all certified to audit under the ISO 9001 standards for Quality Management Systems, to evaluate OA performance according to USGSA criteria that focuses on facilities and equipment, system integrity, training requirements and personnel standards, conducting training and providing supervision, official fees and billing, use of official fees (only State OAs), conflicts of interest,

recordkeeping, job qualifications (State OAs only), and compliance with other official requirements. The compliance officers conduct interviews with the OAs and some of their customers, review inspection and weighing documents/records, and assess performance. At the end of the audit, FGIS issues a detailed report to the OAs that conveys their performance in each of the designation criterion and provides insights to strengths, as well as areas for improvement.

The following figure is an example Performance Table that summarizes an OAs performance by designation criteria:

USGSA Designation Performance

Figure 1 - Sample Designation Audit Performance Table

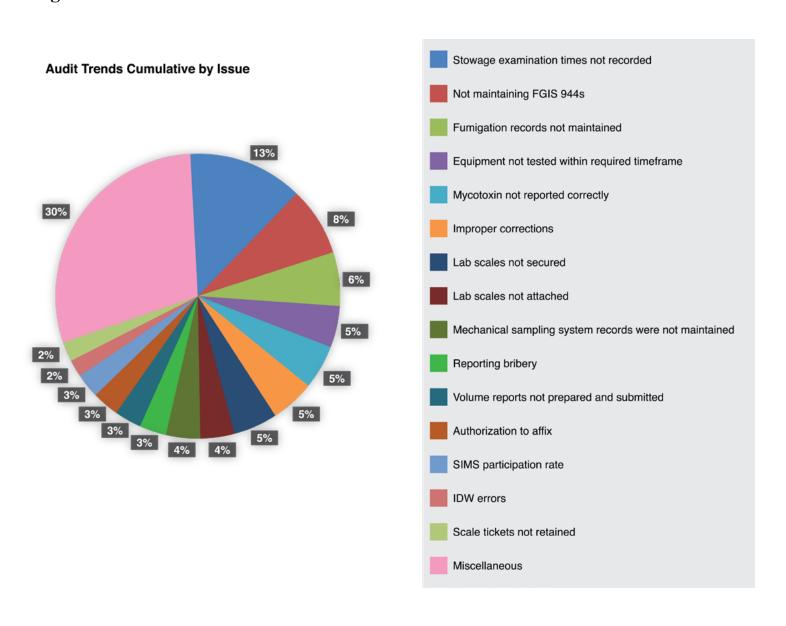
100% (i) Facilities, Equipment, & Personnel 99% (ii) Preserving System Integrity (iii) Training Requirements & Personnel Standards (iv) Conducting Training & Providing Supervision 100% (v) Official Inspection Fees & Billing 100% (vi) Use of Official Inspection Fees (States Only) 100% (vii) Conflict of Interest 100% (viii) Official Recordkeeping Requirements (ix) Employs Based on Job Qualifications (States Only) 100% (x) Compliance with the Act, Regs, & Instructions 100% (xi) Meets Other Criteria in Regulations 100%

Once an OA receives the detailed audit report, it is reviewed for areas of compliance and non-compliance. Where any non-compliances have been identified, the OA must establish a plan of action to

correct such non-compliances and provide that plan to FGIS for review and approval. FGIS uses that plan to conduct follow-up reviews with the OA to ensure implementation. **Audit Trends and Highlights**. During the year, FGIS conducted 19 of designation, delegation, and Agricultural Marketing Act audits. As part of the process, FGIS increased transparency and improved communication with both Official Service Providers (OSPs) and industry by sharing trends and areas for improvement throughout the fiscal year.

A summary of the trends is shown below:

Figure 2 - Overview of Audit Trends for Fiscal Year 22



The New Hybrid Audit Process. In 2020, due to the Covid-19 pandemic, FGIS designed a virtual audit process. This process enabled FGIS to adapt quickly, ensuring continued mission success and strong industry support. It also served as a springboard for FGIS to design a new hybrid audit process, enabling FGIS to implement a partially virtual and partially onsite designation audit, beginning in fiscal year 2023. This collaborative program has been

consistently lauded by the OAs and has provided a renewed focus on aspects of compliance and areas for improvement. The new hybrid program will utilize the strengths of the historic onsite audits and combine them with the strengths of the virtual program to continue to improve responsiveness, insight, and flexibility.

Mapping Project

During the year, FGIS completed a review of the current OAs' geographic areas and Service Point locations. FGIS discovered that the historic descriptions for OAs' geographic boundaries could be updated and clarified utilizing current technologies. Outdated descriptions could cause confusion for FGIS, OAs, and customers. To address this, FGIS issued proposed updates to the geographic area description for the OAs to compare with their agency's current historic description. FGIS shared the historic and updated versions with the OAs for feedback and concurrence. Once FGIS finishes

collaborating with the OAs, FGIS will issue a Federal Register notice to communicate the changes with the public. Additionally, FGIS intends to publish a map of USGSA designation boundaries on the AMS website:

https://agtransport.usda.gov/stories/s/a384-djzj

Export Registration Management, Waivers, and Improvement Project

Any business that engages is international grain commerce and plans to export grain more than 15,000 metric tons is required to register with FGIS each calendar year. In 2022, FGIS issued 130 certificates for export registration. This is more than a 20-percent increase over 2021, where 104 certificates for export registration were issued. In addition, exporters that meet certain criteria, as defined within 7 CFR 800.18, can waive official services for exported grain. In 2022, FGIS issued 44 waivers for shipment that did not exceed 15,000 metric tons or were for High-Quality Specialty Grains. This is a large increase from 2021, when we issued only 14 waivers. Registered exporters can be found at the AMS public website.

www.ams.usda.gov/services/fgis/ddr-export-registration-instructions

Since registration is required each calendar year, FGIS established a registration window from October to December to help ensure applicants will be on the initial 2023 registration list in January. After that, registrations are processed throughout the calendar year, on a rolling basis. On its website, FGIS provides lists of entities that registered, or are under waiver, to buy, handle, weigh, or transport grain for sale in foreign commerce. This list is shared with foreign governments, upon request, to ensure U.S. grain can easily move into international markets. As part of the improvement project, FGIS published a web page that would show export registrants in real time.



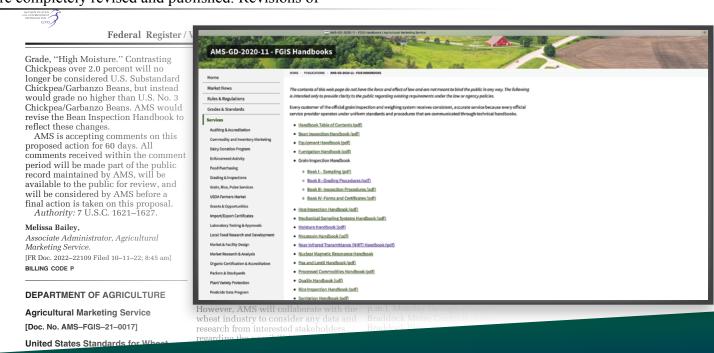
SECTION III STANDARDS DEVELOPMENT

U.S. Standards for Grain

FGIS regularly reviews the official standards and inspection instructions for grain and commodities to ensure such standards remain relevant to the marketplace. In FY 2022, FGIS submitted two Final Notices into clearance: the U.S. Standards for Canola (from a previous Notice for Comment), and the U.S. Standards for Wheat.

In FY 2022, FGIS published revised versions of five handbooks of instructions. The Near InfraRed Transmission Handbook and Moisture Handbook were completely revised and published. Revisions of

the Equipment Handbook and Moisture Handbook were published with targeted updates. Complete revisions of the Mycotoxin Handbook are in final clearance, to be published early in FY 2023. FGIS continues work on the following new handbooks: Certification and Licensing. Lastly, updates are being made to the FGISonline portfolio of online business applications that will facilitate publication of the revised Equipment Handbook and Weighing Handbooks.



SECTION IV THE TECHNOLOGY AND SCIENCE DIVISION

Board of Appeals and Review

The Board of Appeals and Review (BAR) is a team of six senior-level grain inspectors, led by a Chairman and an Assistant Chairman. The BAR is the final adjudication body for all disputes involving subjective grain quality issues raised by any interested party in a grain transaction. The BAR performs appeal inspections after the issue has been reviewed and addressed by FGIS field offices.

In 2022, the Board of Appeals and Review held in-person grain grading seminars for Quality Assurance Specialists (QAS) at the National Grain Center in Kansas City, Missouri. This was the first on-site seminar in 2 years due to the Covid-19 pandemic. The annual QAS seminars provided expert training for grains, pulses, and rice. The seminars allow QAS, from across the country, the opportunity to directly engage and train with the BAR. This training helps in reducing inspector variation and creates more consistent inspection results throughout the official grading system. Over 70 QAS from 26 Official agencies and FGIS attended this year.



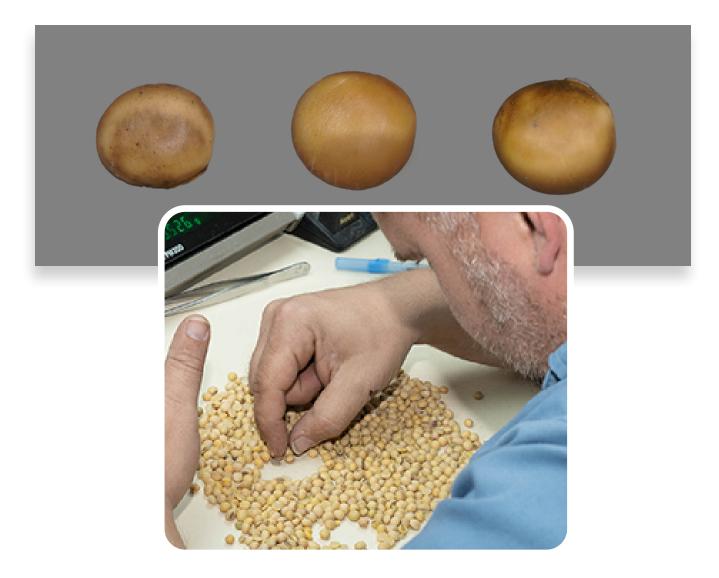
18 | FY 2022 FGIS Annual Report to Congress | 19

Soybeans of Other Colors Interpretations

In response to the increased appearance of SBOC, the BAR worked with QAS throughout the Official System to align them on SBOC determinations through hands-on training and sending training materials to QAS and inspectors. The BAR also increased the monitoring rate of QAS. This training helped QAS and inspectors in identifying the subtle differences that can be difficult to determine for this grading factor and helped in harmonizing the results between the BAR, QAS, and inspectors.

For soybean harvest, FGIS published a web page that provided resources for all inspection personnel to quickly reference information that fully explained how to correctly identify SBOC.

https://www.ams.usda.gov/services/grain-rice-pulse-inspection-services/sboc



Expanding Scope of Grain Testing Services

In accordance with the International Organization for Standardization (ISO) 17025 accreditation for its Biotechnology Laboratory, FGIS is increasing genetically modified organism (GMO) testing capacity in grains, through the addition of testing methodologies for detecting Figwort Mosaic Virus/Nopaline Synthase (FMV/NOS). ISO certification establishes credibility and trust with consumers,

trading partners and other stakeholders. ISO certification ensures that the FGIS Biotechnology Laboratory meets global standards for adhering to quality assurance and good laboratory practice standards. The addition of the FMV/NOS methods will increase the existing scope from the current 4 detection methods to a total of 12 methods for the detection of various GMO traits in grain.

Pesticide Residue Testing

Pesticides are widely used in agriculture to protect crops against pests, weeds, and diseases. These chemicals and their degradation products may remain as residues in the agricultural products, which becomes a concern for consumer exposure. To ensure stringent food safety standards, regulatory bodies around the world set limits on the type and amount of pesticide residues that can be legally present on foods. As a result, pesticide residues are an important factor in the trade of grain.

FGIS provides pesticide residue testing to the U.S. domestic and export grain industry. In FY 2022, FGIS expanded its capability by modifying existing methods to include 12 new analytes, based on customer requests. In addition, FGIS eliminated the need for one analytical method through consolidation of methods while still retaining coverage of all the residues. The scope of four methods were expanded to all three major commodities - corn, soybeans, and wheat. These efforts have resulted in improved efficiency and cost savings.

Mycotoxin Test Kit Evaluation

Mycotoxins are toxic chemicals produced by certain fungal species under favorable environmental conditions. Regulators have set maximum allowable concentration levels for specific mycotoxins in food and feed to ensure the safety of consumers. Mycotoxin levels are a critical factor in the trade of grain and quantitative mycotoxin testing is an integral part of buyer-seller contract specifications. FGIS provides official mycotoxin testing services throughout the United States for domestic and export grains, oilseeds, and processed-grain commodities. Official testing services are provided for aflatoxins,

deoxynivalenol, fumonisins, ochratoxin A, and zearalenone. Testing at field locations requires rapid, inexpensive, and accurate methods to effectively assess U.S. grain quality. An essential part of ensuring the quality of official mycotoxin testing is the FGIS test kit evaluation program, through which test kits are evaluated and certified for conformance to specific criteria. Only test kits having FGIS certification are approved for official mycotoxin testing. In FY 2022, FGIS evaluated 10 test kits. Of these, nine test kits met the performance criteria and became approved for official testing.

Standardizing Commercial Grain Inspection Equipment

In FY 2022, FGIS continued the cooperative effort with the National Conference on Weights and Measures (NCWM) and the National Institute for Standards and Technology (NIST) to standardize commercial inspection equipment within the requirements outlined by the NCWM National Type Evaluation Program (NTEP). The commercial inspection equipment includes grain moisture meters and any test weight modules contained within the meters. The program is supported through an Interagency Agreement that allocates funding from FGIS and NIST as well as the participating instrument manufacturers.

FGIS collected and analyzed calibration data for seven instrument models that are traceable through the official FGIS moisture program, including the air oven reference method. The meter calibrations certified through the NTEP are used to provide fair and consistent assessments across many commercial grain transactions throughout the United States. The certified calibrations encompass prediction algorithms for moisture content in grain samples composed of hard red winter wheat, hard red spring wheat, hard white wheat, soft red winter wheat,

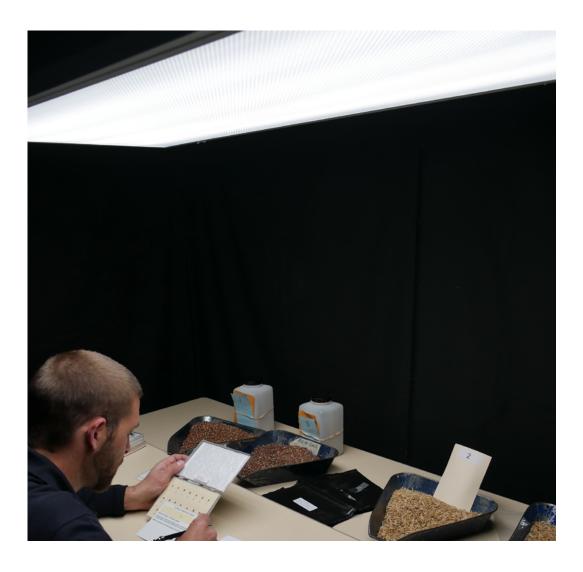
soft white wheat, durum wheat, corn, soybeans, six-row barley, two-row barley, long grain rough rice, medium grain rough rice, oats, sorghum, and sunflower seeds (oil-type). The NTEP standardization program has ensured that all participating instrument models have varied from the USDA air oven method (American Association of Cereal Chemists (AACC) standard reference method) by no more than 0.31 percent moisture (on average) over all major grain types within the primary market moisture ranges over the last 5 years. In FY 2022, FGIS will collect grain moisture meter calibration data for eight NTEP models and will conduct NTEP testing for new grain inspection equipment models upon request.

In FY 2022, FGIS' NTEP laboratory coordinated its issuance of Certificates of Conformance with FGIS' implementation of calibrations for the official moisture meter models for use with the major grains. This close coordination ensured that State-regulated commercial moisture meter users could use the same meters and calibrations as those used in official inspection.

Moisture Meter Approval

In FY 2022, the FGIS concluded an evaluation of the DICKEY-john GAC2700-UGMA meter which verified that the GAC2700-UGMA was metrologically and functionally equivalent to the currently approved DICKEY-john GAC2500-UGMA and the PerkinElmer AM5200A instruments. As a result, the GAC2700-UGMA is now certified

to provide moisture determinations alongside the currently approved models within the FGIS official inspection system. FGIS along with DICKEY-john engaged stakeholders to answer concerns about the newly approved GAC2700-UGMA to complete a successful rollout to the official testing system.



Light Emitting Diode

In FY 2022, FGIS concluded a study that evaluated the suitability of currently available Light Emitting Diode (LED) lamps for use as inspection lighting. This study tested a set of LED lamps in an actual inspection agency setting. Ten official grain inspection agencies agreed to participate in this study. The conclusion of that study was that there was no statistically significant difference the LED lamp used in the study and the currently approved fluorescent lamps. As a result, the LED lamps used in this study were approved for official grain inspection. FGIS engaged key stakeholders to answer concerns about the newly approved LED lamps to complete a successful rollout to the official testing system.

22 | FY 2022 FGIS Annual Report to Congress | 23

SECTION V PROMOTING U.S. GRAIN TO INTERNATIONAL CUSTOMERS

Educating New USDA, Foreign Agricultural Service Personnel

The International Affairs Division (IAD) works very closely with the USDA, Foreign Agricultural Service (FAS) on various international grain trade issues. IAD communicates with FAS on a biweekly basis to keep each other informed about the latest issues affecting the international grain trade. FAS hired many new mid-level career professionals during the Covid-19 pandemic. In an effort to help FAS train their new hires and provide them exposure to grain export and inspection related matters, as well as other agricultural issues, FGIS created a 1-week educational training program for the group of employees. The program

included guided tours to grain export facilities, grain inspection offices, a specialty grain processing facility, an ethanol plant, dairy and cattle farms, and the Extension Service at North Dakota State University. The trip started in Fargo, North Dakota and concluded in Kansas City with a visit to FGIS's National Grain Center. The employees were very appreciative of the orientation. They expressed that it helped them better understand the grain industry and perceive challenges that exist when responding to various grain-related agricultural trade issues.



Complaints From U.S. Grain Importers

In FY 2022, FGIS received five quality complaints and one weight complaint from importers on grains inspected under the USGSA.

SUMMARY OF COMPLAINTS REPORTED BY IMPORTERS ON INSPECTION AND WEIGHING 2022

Complainant	Grain/Commodity	Number of Complaints	Nature of Complaint
China	Sorghum Soybeans	1 2	Zearalenone Odor
Korea	Soybeans	1	Damage
Italy	Wheat	1	Short Weight
Malaysia	Wheat	1	Damage
TOTAL COMPLAINTS 6			

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Mail Stop 9410, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

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