

Directive

9100.1

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FOREIGN QUALITY AND WEIGHT COMPLAINTS

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1. PURPOSE

This directive establishes responsibilities and procedures for Federal Grain Inspection Service (FGIS) personnel to follow in addressing quality and weight discrepancies from overseas buyers on officially inspected and/or weighed grain, oilseeds, rice, pulses, and processed grain products.

2. REPLACEMENT HIGHLIGHTS

This directive replaces FGIS Instruction 9100-1, Revision 2, dated October 8, 1998. This directive addresses changes in division names, clarifies responsibilities, and sets timeframes for deliverables.

3. POLICY

The International Affairs Division (IAD) works closely with the Foreign Agricultural Service (FAS) in investigating and responding to quality and weight discrepancies reported by importers of U.S. grain, oilseeds, rice, pulses, and processed grain products. Notification of a quality or weight complaint on any grain, rice, pulse or processed commodity that is or going to be exported, is considered as a foreign complaint. Complaint notifications are neither formal nor informal, regardless of the origin of the notification, the complaint must be reported to the FGIS, International Affairs Division.

IAD gathers all information and data received from FGIS field offices or delegated states, the Technology and Science Division (TSD), the U.S. Agricultural Attaché, and the receiver. After evaluating all information and data, IAD prepares a report of findings (final report) and sends it to the buyer overseas through the FAS office at the U.S. Embassy.

The purpose of the investigation is to verify whether the original quality inspection and certification were in fact correct and to determine, insofar as possible, what factors may have contributed to a discrepancy in results at destination.

4. RESPONSIBILITIES

a. IAD is responsible for:

- (1) Receiving, recording, and processing all allegations or indications of mishandling of export cargo inspection or weighing services from foreign sources, whether received orally, by telephone, electronically, or in writing.
- (2) Recording all pertinent information about the discrepancy and maintaining a database of all the discrepancies received.

- (3) Notifying the field office immediately of any requests from any interested party to the sale to retain the file sublots samples beyond the normal 90 days for export ships and 60 days for container shipments.
- (4) Notifying the field office as soon as possible after the discrepancy is reported and requesting samples and documents, as appropriate. IAD will instruct the field office or official service provider to notify the export elevator that we have received a complaint.
- (5) Collecting all necessary information to evaluate the discrepancy and formulate a reply. Exporters, grain traders, importers, and FGIS field offices, are sources of relevant information. Information from the export service point may include, but is not limited to:
 - (a) Original subplot file samples (when available)
 - (b) Load order
 - (c) Inspection logs and certificates
 - (d) Stowage exam documents
 - (e) Fumigation documents
 - (f) Scale tapes and logs, weights logs, event logs, automated weighing program malfunction logs, WH-13 repair modification, forms, gate checks, seal logs, program changes, pertinent emails, time-lapsed video of the loading of the ship, and certificates
 - (g) Protein logs (if appropriate)
 - (h) Supervision results (if available)
 - (i) Work records (Grain Sample Ticket, Rice Sample Ticket, etc.)
 - (j) Field office manager's memo transmitting all pertinent data highlighting any unusual circumstances or events
- (6) Requesting that the Quality Assurance and Compliance Division (QACD) to conduct a review of weighing for shipments involving weight discrepancies.
- (7) Maintaining contact with the appropriate FAS representatives in Washington, D.C. and the appropriate FAS overseas office(s) until the final report of findings has been issued.
- (8) Contacting the appropriate Animal and Plant Health Inspection Service (APHIS) representative in the United States and in overseas offices, for discrepancies involving phytosanitary issues.
- (9) Referring questionable or suspicious cases to QACD for review, when there is evidence of a possible violation of the United States Grain Standards Act, (USGSA) as amended, or the Agricultural Marketing Act of 1946, or if it appears that litigation may result.

- (10) Issuing final report of findings to complainant within 30 days of receipt of all documentation and test results; with a courtesy copy to interested parties/ stakeholders including all FGIS directors.
- (11) Providing a status update to complainant if the final report is delayed beyond 30 days.

b. FGIS field offices and official service providers are responsible for:

- (1) Take immediate action from any interested party to the sale to retain the file sublots samples beyond the normal 90 days for export ships and 60 days for container shipments. After doing so, notify IAD of the request.
- (2) Reviewing the sampling and inspection methods at the loading elevator used by the official inspection personnel performing the inspection.
- (3) Submitting information requested to IAD within 5 days of notification. Requested information may include, but is not limited to:
 - (a) Original subplot file samples (when available)
 - (b) Load order
 - (c) Inspection logs and certificates
 - (d) Stowage exam documents
 - (e) Fumigation documents
 - (f) Scale tapes and logs, weights logs, event logs, automated weighing program malfunction logs, WH-13 repair modification, forms, gate checks, seal logs, program changes, pertinent emails, time-lapsed video of the loading of the ship, and certificates
 - (g) Protein logs (if appropriate)
 - (h) Supervision results (if available)
 - (i) Work records (Grain Sample Ticket, Rice Sample Ticket, etc.)
 - (j) Field Office manager's memo transmitting all pertinent data highlighting any unusual circumstances or events
- (4) Ensuring file samples relating to the discrepancy are submitted to TSD in a timely manner.
- (5) Reporting to IAD immediately by telephone, all reports of overseas quality or weight discrepancies received from any source other than IAD.
- (6) Reviewing IAD's final report and, if necessary, taking appropriate corrective action as indicated in the report or corresponding memo.
- (7) Sending a copy of IAD's final report to the export elevator and, where applicable, to the official service provider that performed the inspection.

- c. TSD is responsible for:
- (1) Analyzing samples from quality discrepancies sent from origin and destination, and reporting the results to IAD within 14 days of receipt. The samples will be analyzed for all factors necessary to respond to the complaint, except those factors for which the sample is of insufficient size or if the sample was not maintained in a manner to preserve its identity or condition.
 - (2) Including any additional information concerning the results of the file sample review and any specific information requested to IAD. Additional information such as the condition of the sample in the file container, type of sample bag, and any abnormal condition should be recorded.
 - (3) Retaining all samples in appropriate file containers in cold storage for 6 months, unless otherwise directed by IAD.
- d. The QACD is responsible for:
- (1) Initiating a review of weighing for shipments involving weight discrepancies within 14 days of receipt.
 - (2) Issuing a report of findings to the IAD with a copy to the Director of Field Management Division, within 30 days.
 - (3) Investigating discrepancies where possible violations may have occurred within 60 days of notification. If investigations take longer than 60 days to complete, QACD will apprise IAD of their statuses.
 - (4) Taking appropriate action, if warranted. QACD will provide IAD with a copy of their findings.