

Directive

9100.1

10-08-98

FOREIGN QUALITY AND WEIGHT COMPLAINTS

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 910-1, Revision 2, dated 10/23/90.

3. POLICY

The International Monitoring Staff (IMS) 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. IMS gathers all information and data received from FGIS field offices, the Technical Services Division (TSD), the U.S. agricultural attache, and the receiver. After evaluating all information and data, IMS prepares a report of findings and sends it to the buyer overseas through the U.S. agricultural attache.

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

4. RESPONSIBILITIES

a. IMS 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 after the discrepancy is reported and requesting samples and documents, as appropriate. IMS will instruct the field office to notify the export elevator that we have received a complaint.
- (4) 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, weighing logs 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
- (5) Requesting that the Weighing and Equipment Branch, Field Management Division, conduct a review of weighing for shipments involving weight discrepancies.
- (6) Maintaining contact with the appropriate FAS representatives in Washington and the U.S. agricultural attache at the respective post, until the report of findings has been issued.
- (7) Contacting the appropriate Animal and Plant Health Inspection Service (APHIS) representative in the United States and in overseas offices, for discrepancies involving phytosanitary issues.
- (8) Referring questionable or suspicious cases to the Compliance Division 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.
- (9) If the final report is delayed beyond 60 days, IMS will prepare an interim report.

- b. FGIS field offices are responsible for:
 - (1) Reviewing the sampling and inspection methods at the loading elevator used by the official inspection personnel performing the inspection.
 - (2) Submitting information requested to IMS.
 - (3) Submitting file samples to TSD relating to the discrepancy.
 - (4) Reporting to IMS immediately by telephone, all reports of overseas quality or weight discrepancies received from any source other than IMS.
 - (5) Reviewing the report of findings and, if necessary, taking appropriate corrective action.
 - (6) Sending a copy of the report of findings to the export elevator and, where applicable, to the official agency 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 IMS. 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 and any specific information requested. 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 IMS.

- d. The Weighing and Equipment Branch is responsible for:
 - (1) Conducting a review of weighing for shipments involving weight discrepancies.

- (2) Issuing a report of findings to the Director, Field Management Division, with a copy to IMS.
- e. The Compliance Division (CP) is responsible for:
- (1) Investigating discrepancies where possible violations may have occurred.
 - (2) Taking appropriate action, if warranted. CP will advise IMS of their findings.

David Orr, Director
Field Management Division

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Directive

FOREIGN QUALITY AND WEIGHT DISCREPANCIES

SUMMARY OF CHANGE(S) OR REMARKS:

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.

CLEARANCES			
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REASON(S) FOR NONCONCURRENCE: