

# Directive

9180.55

8-1-05

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## OFFICIAL COMMERCIAL INSPECTION SERVICES

### 1. PURPOSE

The directive establishes the policies and procedures for requesting, performing, certificating, and monitoring official commercial inspection services performed under the U.S. Grain Standards Act, as amended (USGSA).

### 2. REPLACEMENT HIGHLIGHTS

This directive supersedes FGIS Program Directive 9180.55 dated 5/1/97. This directive is updated to clarify official commercial equipment policy.

### 3. GENERAL INFORMATION

- a. Official commercial inspection services, like other official services, provide for the inspection of grain in a lot or submitted sample, by official personnel, using approved and checktested equipment. Unlike other services, applicants for this service may also request that sampling and inspection procedures be modified, certain equipment be used, file samples not be maintained, and certificates not be issued.
- b. There are two types of official commercial inspection services: official commercial sample-lot inspection services and official commercial submitted sample inspection services.
  - (1) Official commercial sample-lot inspection services consist of official personnel sampling identified lots of grain and analyzing the grain samples for grade, official factors, or official criteria, or any combination thereof, according to the Official U.S. Standards for Grain, this directive, other FGIS instructions, and the request for inspection.

- (2) Official commercial submitted sample inspection services consist of applicants, or their agents, submitting grain samples to official personnel and official personnel analyzing the grain samples for grade, official factors, or official criteria, or any combination thereof, according to the Official U.S. Standards for Grain, this directive, other FGIS instructions, and the request for inspection.
- c. Official commercial inspection services are not available for the inspection of export grain.

#### 4. REQUESTS FOR SERVICE, WORK RECORDS, AND CERTIFICATES

- a. Requests for Service. Any interested person may request an original, reinspection, appeal, or Board appeal official commercial inspection service.
  - (1) Requests must be filed, in writing, with the official agency or field office that is responsible for providing the requested service.
    - (a) For original inspection and reinspection requests, applicants for service may use any form that provides all necessary information.
    - (b) For appeal and Board appeal inspection requests, applicants for service must use Form FGIS-907, "Application for Inspection and Weighing Services."
  - (2) Requests may include one or more lots.
  - (3) Requests must include a detailed description of the sampling and inspection procedures that are to be used and whether or not file samples will be maintained and certificates issued. For example:

“ABC Grain Company requests official commercial sample-lot inspections on all trucklots of corn and soybeans delivered to Elevator X from May 1, 1992, to May 1, 1993. Each trucklot shall be sampled with the elevator’s mechanical truck probe in three randomly selected locations. Each trucklot sample shall be inspected for moisture, test weight per bushel, BCFM or FM, odor, and damaged kernels (total). The percent of damaged kernels (total) shall be determined on a 100-gram portion for lots of corn and on a 50-gram portion for lots of soybeans. Do not maintain file samples, do not issue certificates.”

- b. Work Records. Official personnel must complete and maintain a detailed work record for each official commercial inspection performed.
- (1) FGIS field offices and official agencies may use any form or format that suits their needs and is approved by the FGIS field office manager who is responsible for the area in which the grain is located; e.g., standard or special pan tickets, inspection logs, letterhead paper, or electronic (computer) records.
  - (2) The information shown on the work records must:
    - (a) Be typed or written legibly in English;
    - (b) Show the identification of the lot or sample and the results of the inspection; and
    - (c) Include the name or initials of the official inspection personnel who are responsible for the accuracy of the inspection results.
  - (3) If official certificates are not issued, the FGIS field office or official agency that performed the inspection must provide the original of the completed work record to the applicant for service and, if requested, a copy to each interested party. The FGIS field office or official agency that performed the inspection must also retain a copy of each work record for their files.
- c. File Samples.
- (1) Official personnel are not required to maintain file samples unless requested by the applicant for service or an interested party, or when deemed necessary by FGIS.
  - (2) When requested or otherwise deemed necessary, FGIS field offices and official agencies must:
    - (a) Maintain file samples for the minimum retention period specified by the applicant or as specified in section 800.152 of the regulations under the USGSA.
    - (b) Retain the file samples in a manner that will preserve the representativeness of the sample from the time it is obtained until it is discarded.

d. Certificates.

- (1) Official personnel are not required to issue official certificates unless requested by the applicant for service or an interested party, or when deemed necessary by FGIS.
- (2) When requested or otherwise deemed necessary, FGIS field offices and official agencies must issue certificates in accordance with the requirements in sections 800.160 - 800.165 of the regulations under the USGSA and Chapter 3, "Certificates," of Book IV to the Grain Inspection Handbook.
- (3) Official commercial sample-lot inspection certificates must:
  - (a) Be **green** in color--the original and all copies;
  - (b) Show the caption "Official Commercial Sample-Lot Inspection," immediately below the captions "U.S. Grain Standards Act" and "Official Grain Inspection Certificate;"
  - (c) Include a statement, if requested by the applicant for inspection or another interested party, describing the use of any non-FGIS approved sampling equipment, or special sampling or inspection procedures that were agreed to by the applicant for inspection and the official personnel; e.g., "The sample was drawn from three randomly selected locations in the lot, using an open-throat probe." or "The percent of damaged kernels (total) was determined on a reduced (50 gram) factor portion."; and
  - (d) Any other information and statements of fact as provided by FGIS instructions or approved by the appropriate FGIS field office manager.
- (4) Official commercial submitted sample inspection certificates must:
  - (a) Be **blue** in color--the original and all copies;
  - (b) Show the caption "Official Commercial Submitted Sample Inspection" immediately below the caption "Official Certificate;"

- (c) Include a statement, if requested by the applicant for inspection or another interested party, describing the use of any special inspection procedures that were agreed to by the applicant for inspection and the official personnel; e.g., “The percent of damaged kernels (total) was determined on a reduced (50 gram) factor portion.”; and
- (d) Any other information and statements of fact as provided by FGIS instructions or approved by the appropriate field office manager.

(5) The results of more than one inspection may be shown on one certificate.

## 5. SAMPLING AND INSPECTION

- a. Sampling Requirements. (Applicable to official commercial sample-lot inspections only.) Samples must be obtained:
  - (1) By an authorized FGIS sampler or an FGIS-licensed sampler;
  - (2) Using an FGIS-approved sampling device, or an open-throat probe, a truck tailgate sampler, or a mechanical truck probe (core or gravity-fill type only); and
  - (3) According to the sampling procedures in Book I to the Grain Inspection Handbook, or as agreed to by the applicant for inspection and the official personnel, provided that such procedures are reasonable and proper; e.g., an applicant may ask that only two probe samples be drawn, at random, from each trucklot. But an applicant may not direct that samples be taken from particular areas in the lot.

**NOTE: The same type of equipment and procedures used for obtaining the sample used for the original inspection shall be used for obtaining a sample for any subsequent reinspection or appeal inspection.**

b. Inspection Requirements. Grain must be inspected:

- (1) By an authorized FGIS inspector or an FGIS-licensed inspector;
- (2) Using FGIS-approved inspection equipment, or commercial equipment. Commercial equipment includes devices that are approved or allowed by local or state weights and measures jurisdictions as “legal for trade.” Much of the FGIS official equipment meets stricter tolerances or design requirements than commercial equipment; however, commercial equipment may be considered for official commercial inspection services.
- (3) According to the inspection procedures in FGIS Book II to the Grain Inspection Handbook, or as agreed to by the applicant for inspection and the official personnel, provided that such procedures are reasonable and proper; e.g., an applicant may ask that the percent of damaged kernels be determined only if, in the inspector’s judgment, the sample or lot contains 0.5 percent or more of damaged kernels. Otherwise, the inspector should indicate “less than 0.5 percent” on the work record for percent of damaged kernels.

**NOTE: The same procedures used for performing the original inspection shall be used for performing any subsequent reinspection, appeal inspection, or Board appeal inspection.**

c. “Other Criteria” Test Requirements. “Other criteria” tests (e.g., aflatoxin, protein, and oil content) must be performed:

- (1) By an authorized FGIS technician or an FGIS-licensed technician;
- (2) Using FGIS-approved equipment and calibrations; and
- (3) According to the test procedures in the appropriate FGIS handbooks or directives.

6. FEES

Fees assessed for official commercial inspection services shall be reasonable and nondiscriminatory.

- (1) FGIS field offices shall charge the fees shown in Schedule A of section 800.71 of the regulations under the USGSA.

- (2) Official agencies shall either charge the fees shown in their approved fee schedule or charge a negotiated fee. If a negotiated fee is charged, the official agency must:
  - (a) Use their approved fee schedule as a basis for the fee.
  - (b) Include a statement in their approved fee schedule that official commercial inspection service is available, upon request, and fees for this service will be negotiated on a case-by-case basis.
- (3) Fees for official commercial inspection service will not be individually approved by FGIS Compliance Division but will be reviewed by the appropriate FGIS field office and the Compliance Division during compliance and management reviews.

## 7. REVIEWS AND MONITORING

- a. Reviews. FGIS field office and official agency managers must review each new request for official commercial inspection service and determine if the requested modifications in sampling and/or inspection procedures are reasonable and proper. Although FGIS and official agencies are not restricted by State law, managers should ensure that commercial equipment meets minimum State and local specifications and tolerances.
  - (1) Both the FGIS field office and the official agency manager must approve all procedural modifications, in writing, prior to providing the requested official commercial inspection services.
  - (2) Copies of procedural modification requests and approvals must be provided to interested parties upon request.
- b. Monitoring. FGIS field office and official agency quality assurance specialists must monitor the grading accuracy of FGIS agricultural commodity graders and FGIS-licensed inspectors who perform official commercial inspection services, using any methods deemed appropriate; e.g., over-the-shoulder supervision, referee samples, and separation monitoring.

*/s/ David Orr*

David Orr, Director  
Field Management Division