

GIPSA received several questions recently that pertain to both unit train loading and aflatoxin testing on composite samples. Our goal is to achieve uniformity when responding to these situations, so we came up with a few examples:

If we grind a 10-pound sample for a 5-car composite for aflatoxin testing, which portion should we use if the applicant requests a reinspection?

Per instructions in the FGIS Aflatoxin Handbook, use 500g ground work portion for original testing purposes, and save a 500g ground portion for the file sample for review inspections (e.g. reinspection, appeal).

We tested a 5-car composite for aflatoxin and the result was over 20 ppb. We ran a reinspection and the result was also over 20 ppb. Now, the applicant asked us if we can probe the cars and run the samples individually. What are their options?

The applicant may request an individual official aflatoxin inspection on the basis of a probe sample. In this case, we would issue original individual aflatoxin certificates for each car. If the original 5-car composite was over 20 ppb, follow instructions from FDA per our FGIS-FDA MOU and be sure to document the movement of any “hot” grain. (See CFR Sections 800.48; 800.80; 800.81; 800.87; 800.125)

When should we notify FDA if we have a 5-car composite exceeds the aflatoxin action limit of 20 ppb?

Notify FDA when all reinspection or appeal analysis is completed. If the applicant requests individual probe samples, report individual positive aflatoxin results to FDA (not the whole composite). Disposition of actionable grain should be accounted for with the cooperation of FDA and the applicant.

Does the applicant still have the right to an appeal or board appeal on the composite sample if the reinspection aflatoxin result is over 20 ppb?

Yes. The applicant may avail themselves of all reinspection, appeal, and board appeal options before opting to break up the composite to obtain new samples. Once the applicant elects to break up the composite, they may no longer receive any review inspections based on the composite sample. If the applicant requests that the composite be broken up, and individual probe samples drawn from each railcar, each of those original inspections is eligible for a reinspection, appeal, or board appeal.

What if we had 5-car composite results for grades, and the applicant requests individual probe samples due to a high aflatoxin composite? Should we still issue grade certificates on the 5-car composite?

Generate the certificates to ensure they are accounted for in IDW, but do not issue the certificates to the applicant until all appeals are exhausted. Do not issue the grade certificates on composites if one or two cars are over the contracted limit for aflatoxin and must be either

dumped or set aside. The identity of the 5-car lot will be changed since one or two cars will not be shipped. Instead, grade the cars individually on the basis of the probe sample. For further questions, please contact PPMAB (See USGSA as well as CFR Sections 800.84(g) and 800.125)

We are performing aflatoxin testing on the basis of 5-car composites. Is it ok to save time and set aside a ground portion of each car in case the applicant wants to change the scope to individual samples for aflatoxin?

No. If the applicant requests aflatoxin analysis on the basis of a 5-car composite, we will test on that basis. If there is a 5-car composite of cars over the contracted limits for aflatoxin, the applicant may request a reinspection on the basis of the file sample representing the 5-car composite OR request individual aflatoxin results on the basis of a probe sample. Official personnel may not review the individual D/T file samples for aflatoxin. The only way to properly “change the scope” of the inspection is by obtaining a new sample via probe. (See CFR sections 800.48; 800.80; 800.81)