

# Frequently Asked Questions September 20, 2013

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## Inspection and Weighing of Containers

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## SECTION 1- DEFINITIONS

**88-hour Rule** – time constraint applied to “continuous loading.” For a single lot with multiple carriers, there may be no breaks in loading exceeding 88 hours. This allows breaks for overnights, weekends, holidays, breakdowns, etc. This does not mean that every container in a lot must be loaded in 88 hours. For example, an applicant could load a container, stop for 88 hours, load another container, stop for 88 hours, etc. The 88-hour time limit begins after the carrier is sampled. This time limit also applies to official weighing services.

**Average Composite** – Container samples graded individually with factor results averaged together to get one grade. A maximum of 20 containers may be averaged per certificate.

**Average Grade** – See “average composite.” This is not to be confused with “Average Quality Certification,” which is a term applied to CuSum lots.

**Booking** - A portion of a contract that has designated space on an ocean vessel.

**Combined Lot** – upon applicant request, a certified lot of grain (e.g., a certificate for 20 containers containing U.S. No. 2 YC) may be combined with another certified lot of grain of like quality (e.g., another lot with 20 containers of U.S. No. 2 YC) to get one certificate. To issue a combined lot certificate, the original certificates must be voided. A new certificate will be issued with all carriers listed, and the factor results must be calculated using a weighted average. Combined lot certificates may be formed from single lot certificates that originated in different official service providers’ territories.

**Composite Sample** – Combining container samples together to make one sample to grade.

**Composite Grade** – See “composite sample.”

**Continuous Loading** – a provision that multiple containers loaded as part of the same lot must be loaded in a reasonably continuous fashion. See “88-hour rule.”

**Weighted average** – used to calculate the factor results for a combined lot certificate. A certificate with 20 containers may be combined with a certificate with 10 containers, provided they are averaged using procedures outlined in Grain Inspection Handbook, Book III, Chapter 1, Section 1.8 “Determining Mathematical or Weighted Average.”

## SECTION 2 - CERTIFICATION

### Question #1 (Split Shipment by M/V)

How do you handle bookings where the lot is split and the applicant wants to re-designate part of a booking to a new booking. For example, the applicant has 20 containers graded (composite grade on all 20, or 20 individual grades averaged for one certificate) and designated as booking XYZ123, but only 15 of the containers from the booking make the ship. The remaining 5 containers were placed on another ship. The applicant is requesting that the remaining 5 containers be assigned to a new booking (e.g., ABC 456). Can we retract the original certificate for the 20 containers and issue a new certificate for the 15 containers and apply the 5 remaining containers to the new booking?

### Answer

*First and foremost – we do not reissue certificates because the applicant has restructured the components of the booking. Containers that are inspected as part of one lot (e.g., booking XYZ123) may not be renamed or included as part of a second lot (e.g., booking ABC456). The applicant can request a letterhead statement (GIPSA letterhead stationary) to identify container identifications involved in a split shipment. The letterhead statement must reference the certificate number and certificate date. The letterhead statement may also include a reference to the grade of the shipment (if it is a reference to the inspection certificate) or to the total weight of the lot (if it is a reference to the weight certificate). The applicant may also state the name of the vessel that carried the containers.*

*Statement example: “The following containers were graded as a U.S. No. 2 yellow soybean as identified by certificate number [show certificate number], dated [show date]. The applicant states that these containers were loaded onto the M/V [show vessel name].”*

*Following this statement, include the container identifications provided by the applicant. These container identifications must match the identifications, in part, on the referenced certificate.*

*The applicant may attach a copy of the referenced certificate to the letterhead statement. If another original certificate is needed by the applicant [one for each vessel], the applicant may request and receive a duplicate certificate.*

### Question#2 (Split Shipment by Customer)

Split shipments are allowed when bookings are split between vessels. Are we allowed to split shipments by customer also?

### Answer

*Yes. Use the following statement on USDA Letterhead: “The applicant states these containers were sent to Customer” in place of the statement: “The applicant states these containers were loaded onto the M/V show vessel name”.*

### **Question #3 (number of containers allowed in a booking)**

What is the maximum number of containers that may be composited or averaged to form a booking?

#### **Answer**

*The maximum number of containers that may be inspected as a single lot is 20. This is not necessarily a limit on the booking. A booking of 100 containers could be graded in groups of 20, and then certified together using combined lot procedures.*

### **Question #4 (averaging container grades to make a booking)**

Can an applicant request individual grades on containers then ask for an “average composite” of containers to form a booking?

#### **Answer**

*Yes, provided that all of the containers that will be combined are uniform with respect to condition (i.e., infestation, odor, sample grade factors, special grades).*

### **Question #5 (certificate date)**

What certificate date should we use if we are grading individual containers to form an average composite? Do we use the date of the applicants request or the actual date of the last inspection on the booking? For example: a booking of 20 containers (each graded individually) was started on April 6, 2013 and finished on April 9, 2013. The applicant requested an average composite for the booking on April 12, 2013. Which date, April 9 or April 12, do we show on the certificate?

#### **Answer**

*The date that the last container was graded. In the above example the certificate date would be April 9, 2013.*

### **Question #6 (number of separately graded certificates per booking)**

An applicant has requested two separate export certificates for a booking: one grade certificate from a “composite sample” made from representative portions of each container in the booking, and another from the “average composite” result from individually graded containers. Can we provide two separate certificates for the same booking with identical identifications?

#### **Answer**

*No, only one export certificate is allowed for the booking. However, the shipper can request an average composite grade for export certification and then request a submitted sample inspection on the basis of a composite sample.*

### **Question #7 (multiple sampling methods)**

Can a booking be inspected as a single lot if it is sampled by various sampling methods? If so, how would it be reported on the inspection certificate?

#### **Answer**

*Yes, provided that the amount of sample representing the container is weighted according to the weight of the grain loaded into the container. Report all methods of sampling on the certificate.*

### **Question #8 (multiple locations)**

Can a booking be inspected as one lot if it is loaded at multiple locations?

#### **Answer**

*Yes, provided that the sampling service for all containers is performed by a single inspection agency within their assigned territory. We will not allow multiple agencies to sample containers within a booking and send the samples to another agency for inspection purposes.*

### **Question #9 (corrected certificates/letterhead statements)**

Three weeks ago we inspected and certified several carlots of peas that would be later transshipped into containers in the Pacific Northwest. Now, the applicant for service called and requested "Corrected" certificates for the railcars because they wanted the following information "Applicant states that the peas were loaded into containers ABC and XYZ" added to the certificates. Should we issue "Corrected" certificates or can we issue a letterhead with the requested information.

#### **Answer**

*Do not issue corrected certificates for the carlots. Do not include statements such as "Applicant states that the peas were loaded into containers ABC and XYZ" on the certificate. After the carlots are graded, promptly provide the certificates for grade to the applicant. It will be the responsibility of the shipper to provide documentation to the buyer that the railcars were transloaded into containers.*

### **Question #10 (922 Inspection Volume Report)**

When numerous containers are loaded, but certificated as only one inspection, how is this reported on the 922 Inspection Volume report? If reported individually, are we paying user fees on all 20 containers, or just the one composite inspection?

#### **Answer**

*Report multiple containers loaded as a composite the same way that you would report a unit train of 20 railcars that are loaded under cusum, or railcars graded as a composite or combined lot. A unit rate is applied by the official agency for each container included in the composite, and a user fee is also applicable for each container.*

### **Question #11**

Even though, at the applicant's request, we are inspecting only one combined sample to issue the certificate, should we be charging for each individual container included in the composite sample?

#### **Answer**

*Yes, this is basically the same as railcar loading. You charge a fee per unit, whether it is graded individually or within a composite. I believe that many of the official agencies charge a flat rate of approximately \$16 per container (individual grade analysis or composite analysis) and also charge an hourly fee for each sampler at a loading location.*

## **Question #12**

We are sampling a processed product (soybean meal) and performing a phytosanitary inspection. We complete an "Insects in Grain Report", FGIS 921-2, and forward the report to the shipper. Is it necessary to complete an AMA certificate for the sampling service and furnish a copy to the shipper?

### **Answer**

*Issue a certificate upon the request of the applicant for service. If the applicant does not request a certificate it will still be necessary to input the information into the certificate program for the purpose of supplying the inspection data to the Inspection Data Warehouse (IDW).*

## **Question #13 (grading and certifying prior to selection)**

When performing composite sample analysis, can the official service provider grade and certify individual containers prior to the applicant selecting which carriers to combine for composite?

### **Answer**

*No, however the applicant can request submitted sample analysis or official commercial inspection service (OCIS) analysis of the containers (components) prior to designating the containers selected for a composite. Another option may be "average composite" grading, where each carrier is graded, but not certified. Then, the applicant selects which carriers they would like to combine and average on one certificate.*

## **Question #14 (combining lots when load order specifies limits on factors)**

Can you combine a single lot (20 containers) of #2 Yellow Corn that has a moisture of 14.5% with a single lot (20 containers) of #2 Yellow Corn that has a moisture of 15.5% and meet the load order requirement of "maximum of 15% moisture"?

### **Answer**

*No. If the load order specifies a maximum of 15% moisture, a single lot of 14.5% cannot be combined with a single lot of 15.5% even if it is the same grade because the 15.5% moisture exceeds the 15% limit. However if the load order is silent on moisture then the two could be combined and a mathematical average would be performed equaling 15% moisture.*

## **Question #15 (combining average grade/average composite with composite lots)**

Can you combine an average grade/average composite single lot with a composite grade single to form a combined-lot certificate?

### **Answer**

*Yes, an average grade/average composite single lot can be combined with a composite grade single lot as long as long as the combined-lot procedures that are outlined in Code of Federal Regulations 800.85 and FGIS Directive 9180.78 are followed.*

### **Question #16**

With the new Combined Lot procedures, how should we identify a booking of 100 containers broken up into 5 single lot certificates of 20 each? Should we call them Booking 123ABC #1, Booking 123ABC #2, etc.?

### **Answer**

*Identify the lot at the applicant's request. Currently, booking numbers are used to identify container lots. It is acceptable to continue this practice. At the applicant's request, identify the lots by the booking number, or any subdivision thereof (sublot 1, sublot 2, group A, etc.). Continue to identify all the containers in the lot in the remarks section of the certificate.*

## SECTION 3 - GRADING

### Question #1 (commercial inspection)

Is official commercial inspection service (OCIS) applicable to container shipments?

#### Answer

*No, OCIS is not applicable to export shipments of grain.*

### Question #2 (combining containers)

If the applicant does not specify they want composite sample analysis how many containers can be combined for single grade analysis.

#### Answer

*The default is one grade, one certificate per container.*

### Question #3 (applicant selects containers to be averaged)

If the applicant requests individual grades per container can they request an average of certain containers to form a booking.

#### Answer

*Yes, we consider this a form of a composite sample. We refer to this as “average composite”. So, when an applicant specifies they want to use the composite sample method that includes “average composite”. The maximum number of containers that could be combined to form an average composite is 20.*

### Question #4 (loss of identity from overloaded container)

An applicant notified us (official inspection agency) several containers that were officially inspected and weighed were overloaded and that grain had to be discharged before it could be shipped. Can the applicant remove some grain from the affected containers without having it deemed as “loss of identity” for the quality analysis? If so, how much can be removed?

#### Answer

*There is no real definitive answer for how much can be removed. Professional judgment must be used to determine whether the lot has lost its identity.*

### Question #5 (options when a container has an odor)

What are the applicant’s options for combining a container with an off-odor (sour) with other containers with no odor (ok) to make a composite sample.

#### Answer

*The sample may not be combined with other “sound” grain to form a composite sample. The applicant may request a reinspection, appeal inspection, and board appeal inspection on the sample, may elect to discharge the grain from the container, receive separate certification for the container, or combine the sample with other samples (same class) that have the same type odor to form a composite sample.*

*If the applicant elects to have a review inspection performed on the individual container then all containers that are sampled and inspected within the composite must be inspected at the same level.*

### **Question #6 (allowing applicant one combination of containers)**

Can we honor a request to readjust the mix of containers in an “average composite” booking if the applicant is not satisfied with the average grade of the containers.

#### **Answer**

*No. Once the applicant has provided official personnel with a list of containers to average for a booking and the certificate has been issued then the “average composite” analysis is considered complete. Official personnel should not honor a request for a new mix of containers for an average composite grade. All containers included in the “average composite” for the booking must remain intact as a unit.*

### **Question #7 (options for containers with special grades)**

What are the applicant’s options if they are requesting a “composite sample” and a sample from an individual container is visually examined and determined to contain a special grade (e.g., garlicky in wheat)?

#### **Answer**

*Containers that are loaded with grain that have a special grade designation may not be combined with other grain that does not have the same special grade assignment. However, they may be composited or graded as an “average composite” with other samples that are of the same grain class and contain the same special grade assignment.*

### **Question #8 (waxy)**

The shipper has a composite sample load order identifying the special grade WAXY. Do we examine each sample in the composite to identify that WAXY is at least 95% present or just examine along with grade factors on the composite sample?

#### **Answer**

*Perform the waxy analysis along with grade on the composite sample. If the corn does not meet the requirements for WAXY then all containers in the lot are considered as not waxy. The shipper can request review inspections on the composite sample if they are not satisfied with original WAXY result.*

### **Question #9 (condition)**

What are the applicant’s options if they are requesting a “composite sample” and grain from an individual container is visually examined and found to meet the sample grade criteria for the grain (e.g., excess number of stones).

#### **Answer**

*The sample may not be combined with other “sound” grain to form a composite. Use this same criteria if the sampler sees any other obvious inferior condition, like odor, DLQ, or different kind of grain (e.g., more than 10% of soybeans in a corn sample).*

### **Question #10 (containers with soybeans that are Purple Mottled or Stained)**

What are the applicant's options if they are requesting a "composite sample" and grain from an individual container is visually examined and determined to meet the criteria for "Purple Mottled or Stained"?

#### **Answer**

*Containers that are loaded with soybeans that have the special grade designation "Purple Mottled or Stained" may not be combined with other soybeans that do not have the same special grade assignment. However, they may be composited or graded as an "average composite" with other samples that are of the same grain class and contain the same special grade assignment.*

### **Question #11 (change in condition after sampling)**

What should we do when compositing samples together for grade we find a sample containing insects after the earlier online condition inspection indicated no insects were present?

#### **Answer**

*If the individual container sample meets the criteria for "infested" or sample grade due to insects do not combine the sample with other "sound" grain to form a composite. Notify the shipper that the container has undergone a change in condition. The applicant will then have the option of fumigating the container or receiving separate certification.*

### **Question #12 (options when container grain is infested)**

What are the applicants options if during a condition inspection we find a container meeting the criteria for infested?

#### **Answer**

*The applicant can elect to have the container fumigated, or receive certification for the individual container as "infested".*

### **Question #13 (limit for loading a booking)**

What is the maximum time span for the composite loading of a booking, from the loading of the first container to the completion of loading for the last container?

#### **Answer**

*There is no specific time limit to load a booking, HOWEVER, if the containers are all sampled as one lot, they must be loaded in a reasonably continuous operation. We define this to mean that breaks in loading cannot exceed 88 hours. This means an applicant could load a container, take a break for up to 88 hours, load another container, take a break, etc. As long as there are no breaks in loading that exceed 88 hours. Also, the applicant must apply for a phyto certificate to APHIS within 30 days of the day that they were sampled. This restriction also applies if containers are loaded at different locations within an OSP territory. The applicant could load a container at Location A on Monday, load another container at Location B on Wednesday, and another container back at Location A on Saturday. This example would be acceptable for continuous loading under the 88-hour rule.*

#### **Question #14 (change in condition after sampling)**

What should we do if a sample has undergone a change in condition between the time the container was sampled and the date that the samples were composited?

#### **Answer**

*If the samples to be composited have undergone a change in condition then they should not be composited with other samples that are in sound condition.*

#### **Question #15 (holding samples for grading)**

We have sampled containers and performed condition inspections but the shipper has not declared a booking number or offered instructions whether they want the containers graded on an individual basis, or composite basis, or a composite average basis. How long should we hold these samples?

#### **Answer**

*If no instructions are forwarded by the shipper within a week of sampling the container contact the shipper and request grading instructions. If the shipper fails to provide grading instructions then grade the sample and issue a domestic inspection certificate and a weight certificate for the container. Remember that for containers to be certified as a single lot, they must be loaded in a reasonably continuous operation, which means no breaks to exceed 88 hours.*

#### **Question #16 (sampling & grading a booking)**

We are sampling and grading a booking of that consists of 19 containers. The licensed samplers are checking the samples for odor, insects, and condition as the containers are loaded. If the sampler detects an odor he/she will “flag” the sample ticket to alert the agency inspector to check the sample for odor at the grading lab. Only the samples that have been “flagged by the sampler are checked by the inspector before they are composited for grading purposes. All other samples that the sampler determined to be “OK” in regards to odor are not individually checked for odor before being composited. Is this the proper procedure for determining odor on samples that are composited for a booking?

#### **Answer**

*No. The licensed sampler on site is responsible for making an onsite check for condition, odor, and insect infestation on all containers. “Flagging” samples that are suspected of having an “off” odor is a good practice and is part of the inspection process. However, the check for odor is only considered as a cursory check and will serve to alert the shipper of the preliminary result for odor and provide the inspector at the grading lab with a “heads-up” to potential problems or suspect odors in the sample. Ultimately, it is the responsibility of the inspector to check each individual sample for odor prior to combining samples to form a composite type sample for grade analysis. Only samples that are “OK” in respect to odor may be combined to form a composite sample.*

### **Question #17 (sampling with an on-line device)**

While sampling with an on-line type sampling device (pelican, D/T sampler) the sampler detects a cut or portion of the grain in the collection bucket has a sour, musty, or COFO odor. Does sampler or inspector make the final determination for odor on the grain in the container if this occurs?

### **Answer**

*The inspector is ultimately responsible for making the determination on odor. The sampler will be responsible for maintain a separate portion of the grain that is suspected of having an "off" odor from the remainder of the sample that is "OK" in respect to odor.*

### **Question #18 (sampling multiple containers)**

Based on composite sampling where an unspecified number of containers would be combined as a single sample for inspection, should infestation, odor and heating checks be made during online sampling when using an ellis cup or pelican, or performed in the lab (except heating) under more stable conditions?, or would this apply only to d/t sampling?

### **Answer**

*Ideally, the checks for infestation, odor, and condition should be done at the loading site. This will provide the shipper with a heads-up that there is a potential problem. However, if your sampling crew is not adept at making some of these determinations then I would suggest that they bring the entire sample back to the lab for an inspector to make the determination(s). Ultimately, it is the responsibility of the inspector grading the composite to make sure that proper determinations on odor, insects, and condition are being made.*

### **Question #19**

What percentage of a sample should be kept when up to 20 containers might be included as 1 inspection? Would the percentage of grain added to the composite sample truly represent the condition of the container it was taken from when loading takes place over 1 week or more?

### **Answer**

*Even though the samples are checked during the loading process for odor, infestation, and condition, they should be checked again when they are composited, especially when the compositing takes place days after the grain was initially sampled. If the applicant requested composite sample analysis of 20 containers, and the total quantity required for testing and file amounted to 7,500 grams (including aflatoxin analysis) you would be required to save a proportionate amount from each sample (375 grams per container if they are all approximately the same size) to attain the target amount of 7,500 grams. If all of the containers were approximately the same size, and the samples were approximately the same size, I would blend all of the samples together through the cargo divider to get my 7,500 gram portion.*

### **Question #20**

A 30 car train is loading as cu-sum and then sent to a container yard and the grain is then transferred to containers. Can the grade from the cu-sum be applied to the containers or does the commodity need to be inspected again? This all takes place within a couple days time frame.

### **Answer**

*We will allow the shipper to use the cu-sum grade of grain provided that all of the railcars are loaded into the same booking, and no other grain (sourced from bins, trucks, etc.) is added to the container lot. Additionally, all grain from rail cars must be loaded into the containers-no leftover grain in railcars. In addition to monitoring the loading process, you would have to establish an IP protocol and verify that the grain was transloaded into xyz containers. The transloading point would be ideal for performing the insect check-the clock (30 day period for phytos) would start running for the phyto certificate on the basis of the inspection at the time of loading the container as opposed to the date that the railcar was loaded.*

### **Question #21**

We are sampling 3 bookings under the same contract number for one customer at different locations. The applicant has made a request to have the samples from the 3 separate bookings combined to form a composite sample. The composite sample would represent the 3 bookings and the inspection certificate would represent the 3 bookings. Can we combine different bookings to form a composite sample?

### **Answer**

*No. Since the applicant presented the containers as 3 separate bookings they must be inspected as separate units. If the applicant wants to combine the results of the 3 bookings to receive a single certificate representing the 3 bookings they must request combined lot certification. Official personnel must follow the requirements for combined lot certification as stated in section 800.85 of the USGSA regulations. Also, the maximum number of containers in a lot is capped at 20 containers.*

### **Question #22**

If we are grading containers under Average Composite, and a sample turns out to be a different class or kind of grain than what was requested, is it acceptable to combine in the composite?

### **Answer**

*No. To maintain the integrity of the official system, flag any samples that do not appear to meet the criteria for kind of grain, class, or subclass, and inspect the sample before combining in a composite. Only flag samples where there may be an obvious discrepancy over the load order requirement. Do not composite samples that do not meet the criteria for kind of grain, class, or subclass.*

## SECTION 4 – MYCOTOXINS

### Question #1 (options when aflatoxin exceeds limit)

What are the applicants options if a composite sample aflatoxin test result exceeds 20 parts per billion (e.g., 69 ppb)?

#### Answer

*The applicant can request a reinspection, appeal, and Board Appeal on the sample.*

### Question #2 (aflatoxin sample size)

The applicant has requested “average composite” analysis of all factors, including aflatoxin. What is the required aflatoxin sample size for each container?

#### Answer

*The same as trucklot samples – 2 pounds.*

### Question #3 (do not average aflatoxin results that exceed 20 ppb with those that don't)

The applicant has requested “average composite” analysis of all factors, including aflatoxin. If an individual result exceeds 20 ppb can it be combined and averaged with other results under 20 ppb?

#### Answer

*No. Any result exceeding 20 ppb cannot be averaged with results not exceeding 20 ppb. In addition, any result exceeding 20 ppb must be reported to the local FDA office.*

### Question #4

If an Average Composite may not include containers that exceed contract or FDA limits, can an average composite include a vomitoxin result of 1.1 ppm if the contract limit is 1.0 ppm?

#### Answer

*It depends if the contract or load order specifies an average or maximum. If the load order or contract specifies an average of 1.0 ppm, then yes, a result of 1.1 ppm is acceptable to combine for the average. If the contract specifies a maximum of 1.0 ppm, then no, any result over 1.0 ppm may not be combined with results of 1.0 ppm or less. FDA limits may never be exceeded and combined to form a composite or combined lot (e.g., 22 ppb on Aflatoxin may never be averaged with 18 ppb to get 20 ppb).*

## SECTION 5 - REVIEW INSPECTIONS

### Question #1 (reviewing one container in a booking)

If the applicant requests a reinspection on an individual container grade that is included in an “average composite” booking at which level (original or reinspection) is the lot certified?

### Answer

*All containers within the booking must be inspected and certified at the same level. For example: 20 containers of soybeans in a booking are graded individually and the applicant requests a reinspection on one or more containers within the booking of 20 containers. In order to get certification at one level then all containers (20) within the booking must be inspected at the same (reinspection) level to get a certificate at the reinspection level.*

### Question #2 (reviewing one container in a booking)

Can the applicant request a review inspection of a single container within an “average composite” lot?

### Answer

*No, all containers inspected within the booking must be inspected and certified at the same level. For example: 20 containers of soybeans in a booking inspected individually and the applicant requests a reinspection on one or more containers within the booking of 20 containers. In order to get certification at one level then all containers (20) within the booking must inspected at the same (reinspection) level to get a certificate at the reinspection level.*

## SECTION 6 - STOWAGE

### Question #1

Are there any special stowage examination procedures for containers?

### Answer

*Follow the guidelines set forth in FGIS Directive 9180.48. In general, the stowage area must comply with the standards of fitness established in the directive to be considered clean, dry, free of infestation, rodents, toxic substances, and foreign odor; and suitable to store or carry bulk or sacked grain, rice, beans, peas, lentils, or processed commodities.*

*The stowage area, including hatch covers and other openings, must not have holes, cracks, or any other condition that could cause a change in the weight or condition of the commodity. Examine the inside and outside of the container for all conditions listed in Section 7, Standards of Fitness.*

*Containers must be placed on the ground and positioned so that official personnel have sufficient space to walk between adjacent containers. Use a safe, stable ladder to examine suspect conditions beyond the inspector's reach. DO NOT CLIMB ONTO THE ROOF OF THE CONTAINER. Applicants must offer containers in a manner that will accommodate full examination or the request for service will be denied.*

*When examining the inside of the container, check for penetrating light to ensure that the container is free from small holes, cracks, separated floorboards, loose or missing fasteners, or other similar defects that could expose the product to damaging conditions (e.g., rain). Cracks or holes in the roof, doors, or side panels must be satisfactorily repaired by welding or permanently affixing a patch of like material (e.g., steel, aluminum, fiberglass) to the affected area. Temporary repairs, including the use of tar tape, are unacceptable.*

*Also, examine the door gaskets, panels, and hinges to ensure that the doors provide for a light/water tight seal when closed. Enter the container, close the doors, and then examine the closure from the inside to see if there is any penetrating light.*

### Question #2

Is a stowage exam always required for container inspection and weighing service?

### Answer

*Sections 800.75(f) and (j) of the regulations under the USGSA require that a prior-to-loading stowage examination be performed when an export or outbound domestic lot of grain is officially sampled and inspected at the time of loading, when an outbound lot of grain in a land carrier is officially weighed, or when an official checkloading service is requested.*

*When a stowage examination is required by the USGSA (prior-to-loading stowage examination), official personnel shall withhold official inspection, weighing, or check loading service until the stowage area has been examined and declared fit.*

### **Question #3**

Is a stowage exam necessary for containers that will be probe sampled for inspection purposes?

### **Answer**

*Stowage is required if official inspection personnel are present when the container is loaded. If inspection personnel arrive after loading has been completed then a stowage exam is not required. However, the official work record and certificate shall show the statement "Stowage area not examined."*

*If official weighing services are also performed on the container then a stowage exam is mandatory.*

### **Question #4**

The shipper is concerned about containers that arrive at the loading facility that are not suitable to carry grain because of issues with the standards of cleanliness. Can we perform stowage exams at a container yard and certify whether they are suitable to carry grain?

### **Answer**

*Yes. Consider this a service-on-request (permissive type) stowage exam. However, if a service-on-request exam is performed a prior-to-loading exam must also be performed.*

### **Question #5**

An applicant has a special request for lining containers with plastic type material. Is this allowed? If so, do we perform the stowage exam before or after the lining material is in place?

### **Answer**

*Yes, a plastic liner may be installed prior to loading. The stowage exam must be performed prior to the installation of the material. The normal standards of fitness are applicable to the empty container.*

### **Question #6**

Can a shipper use cardboard to cover up oil residues that are left on container floorboards?

### **Answer**

*No, any type of residues in the container stowage area must be cleaned and dried before the stowage area is approved.*

### **Question #7**

A shipper is requesting official sampling and weighing of containerized grain and is concerned about the number of containers that are rejected at the loading site because of oil residues, penetrating light, etc. Can the shipper request a waiver for the stowage exam?

### **Answer**

*No, Section 800.75 (f)(2) of the regulation states that “approval of the stowage space is required for official sample-lot inspection services on all export lots of grain and all official sample-lot inspection services performed on outbound domestic lots of grain which are sampled and inspected at the time of loading. Also, approval of the stowage space is required for any weighing services performed on all outbound land carriers.”*

### **Question #8**

Which container identification number should be placed on the Stowage Exam Worksheet and/or Certificate if there is more than one?

### **Answer**

*If the container identification number is in question, check with the applicant or representative to determine the true identification number of the container (usually found on the bill of lading). If there is no true identification number determined, use the one displayed on the rear door of the container.*

### **Question #9**

Is it acceptable to caulk the seam where the wood floor meets the metal interior wall?

### **Answer**

*Yes, caulk may be used as preventive maintenance where the wall meets the floor inside the container. It may not be used to cover up rotted areas of floor boards, or conceal any other inferior condition. As long as the container is clean, dry, and free of insect infestation, caulk may be used where the floor meets the wall.*

### **Question #10**

Is it acceptable to use an epoxy product (e.g. JB Weld) to repair cracks or holes in the metal doors, side panels, and roof of container?

### **Answer**

*Yes, however the crack or hole must be ¼” or smaller. Defects larger than this must be repaired with like material.*

### **Question #11**

If a container is turned down due to oil spots or stains on the plywood floor, is it acceptable for the applicant to put down a new floor on top of the old floor?

### **Answer**

*Yes, it is acceptable for the applicant to install new permanent floorboards over the stained floor.*

## SECTION 7 -WEIGHTS

### Question #1 (combining weights)

Do we have to issue individual weight certificates for each container or can we combine the weights for a booking on one certificate?

#### Answer

*Weights from a booking may be combined and certified on one certificate.*

### Question #2 (removing some grain weight)

This is related to the question about removing grain from a container. If you allow the shipper to remove a small amount of grain from a container how would you adjust the official weight?

#### Answer

*Weigh the container before and after the grain was removed and subtract the discharged weight amount from the net weight of the container. Include supplemental documentation (e.g., weight ticket) and information concerning the events with the weight certificate.*

### Question #3 (bulkhead tare weight)

At the rear doors of containers cooping materials (e.g., wood, cardboard), commonly referred to as bulkheads, are set in place to prevent the grain from spilling from the back when the doors are opened. Not all containers have the same configuration of bulkhead materials set in place. How do we establish tare weights on containers with bulkhead materials?

#### Answer

*Official personnel are responsible for insuring the weight of the container bulkhead is included in the tare weight of the container. The bulkhead material can be weighed with each empty container, or official personnel can calculate a standard weight for the bulkhead and add that amount to the weight of the empty container.*

*When bulkheads are weighed separately, official personnel must calculate a weight for each bulkhead configuration (by facility) each time materials are replenished and when official personnel believe weight may have changed. The process involves weighing one empty container with and without one bulkhead on the FGIS approved on-site vehicle scale. The weight, configuration, and date must be documented each time bulkhead weight is calculated. Documentation can be kept in the local scale record log book or other documentation. Official personnel must show the addition of the bulkhead weight to the empty container (tare) weight on each scale ticket weight record.*

### Question # 4 (scale testing responsibility)

Who is responsible for testing scales at container loading facilities?

#### Answer

*Scale testing is performed by the local FGIS or FGIS approved scale specialist.*

#### **Question #5 (tare weight by truck)**

A shipper uses multiple trucks and drivers to jockey around containers from the scale to loading facility and back to the scale. Can the shipper establish a preset tare weight for their trucks and drivers so that they don't have to unhook the container when it is weighed empty and then full?

#### **Answer**

*No. If different trucks are used then the containers must be detached from the trucks when they are weighed empty then full. If the same truck is used for transporting the container for the tare and gross weights then the inspection agency should also establish a procedure to weigh the load without the drivers.*

#### **Question #6 (gym weights)**

A container loader requiring Class X weights is requesting the weight of the bulkhead be replaced by gym weights inside each empty container instead of denoting a standard bulkhead tare on each scale ticket. The reason for this request is the container yard does not want any handwritten corrections on scale tickets because of potential for overweight containers being shipped. Can we compensate for the missing bulkhead weight on empty containers by placing gym or another type of identified weight inside empty containers before each is weighed?

#### **Answer**

*NO. Bulkhead material can be weighed with each empty container or official personnel can calculate a standard weight for the bulkhead and add that tare weight to the tare weight of each empty container. (refer to Q & A #3)*

#### **Question #7 (expired approval decals)**

How far past the approval decal expiration date may we continue to use a scale for class x weights?

#### **Answer**

*Official personnel shall not use any scale for class x weighing having an expired approval decal without approval from the FGIS Field Office Manager responsible for the area.*

#### **Question #8 (erroneous scale tickets vehicle scales)**

What should be done with scale tickets when the gross or tare weight is recorded out of cycle, or incorrectly weighed requiring placing the scale into manual mode to finish finding the net weight? E.G., the weigher takes two tare weights consecutively.

#### **Answer**

*The official weigher may correct and initial the scale ticket by lining through the incorrect information and adding the correct information. If the applicant requires a new unblemished printed record of the weighment and a new scale ticket is printed by manually entering the weight from the keyboard or weighing the container in manual mode, INITIAL EACH PHASE OF THE WEIGHING (gross and tare). (Scale design requirements require that the printed tape show "manual weight" or "manual wt" or similar designation when a scale operates out of normal automatic operation). File erroneous scale tickets with the agency's copy of the weight certificate along with the new scale ticket.*

**Question #9 (computer software generated bulkhead material weight)**

Can a computer software program be used to add the weight of the bulkhead material to the tare weight of the container?

**Answer**

*No, unless the feature to provide the weight has been evaluated through the type approval process by a National Type Evaluation Program (NTEP) laboratory. Then this feature would have to be listed on the NTEP Certificate of Conformance for the software. The amount of weight for the material that is added to the tare must appear on the scale ticket or tape.*

## SECTION 8 - PHYTOSANITARY INSPECTION

### Question #1 (stowage exams)

Is a stowage exam required when we are only performing phytosanitary inspection?

#### Answer

*No. APHIS does not require a stowage exam for phyto inspection service. If the applicant does not obtain a stowage exam service in conjunction with sampling service then the sample may not be used for any official grade inspection determination.*

### Question #2 (use common insect names)

When we report insects on the 921-2 can we use generic terms such as “OLI” and “Bran Bugs”?

#### Answer

*No. Common insect names, such as rice weevil, confused flour beetle, etc. must be used.*

### Question #3 (difficult identification)

If we find an insect that we can not identify what should we do?

#### Answer

*Contact the local APHIS office. In instances where official personnel can not make a positive identification official personnel will send the insect to the APHIS office for identification.*

### Question #4 (where to send report)

Where do we send the completed FGIS 921-2, Insects-in-Grain report?

#### Answer

*Send the completed 921-2 to the applicant for service or the APHIS office designated by the applicant for service.*

### Question #5 (what to do when finding an insect)

What should we do if we find insects during a condition check?

#### Answer

*Identify the insect, if possible and record the information on the 921-2 form. Additionally, whenever an insect is found official personnel must immediately notify the shipper with information concerning the container identification, number and type of insect, and whether the carrier is “infested” or “sample grade” due to insects according to FGIS definitions.*

### **Question #6 (sampling date exceeds 30 days)**

What can a shipper do when the sampling date exceeds the APHIS time limit (30 days) for issuing a phyto certificate?

#### **Answer**

*The shipper can request a new inspection on the container for phyto purposes provided that the grain is accessible for sampling purposes. A new inspection for phyto purposes is recorded on 921-2 form.*

### **Question #7 (expired certificate)**

A shipper extended a booking for several weeks and as a result several containers did not make it onboard the ship until after the APHIS time limit of 30 days for the issuance of a phyto certificate. Can the applicant request a reinspection or appeal inspection on the basis of a file sample of the booking in order to get a new 921-2 and inspection certificate?

#### **Answer**

*No. A new 921-2 can not be issued on the basis of review inspection of a file sample, it can only be issued on the basis of a sample lot sampling service.*

### **Question #8 (DDG)**

While transloading Distillers Dried Grains (DDG) from a railcar to a container, we find larvae in the area underneath the railcar feeding on spilled DDG. However, we cannot identify the insects so they are sent to APHIS for identification. APHIS identifies the insects as larvae (Black Soldier Fly) of non-grain insects. What do we do?

#### **Answer**

*We treat the larvae the same as a stored grain insect. If the larvae are found in, on, or about the DDG when it is transloaded from railcar to container, the lot will be considered as "infested" and the container will require fumigation.*

### **Question #9 (DDG-2 parts)**

Which types of fumigation procedures (stationary & in-transit) are used for treating Distillers Dried Grains (DDG)? How are they officially reported on certificates, letterhead, and the 921-2 form?

#### **Answer**

*Land carriers can be fumigated with fumigants approved by the EPA for the specific type of carrier. Methyl bromide must be used as a stationary treatment. Metal phosphide, carbon dioxide, and sulfuryl fluoride can be used as a stationary or in-transit method for fumigation.*

*We cannot state that the lot was fumigated according to official procedures because DDG is not on the list of acceptable commodities, and to our knowledge there hasn't been any studies done on the efficacy of the treatment on DDG. However, we can witness the fumigation if requested by the applicant or APHIS, and use the use the following statement on the certificate, letterhead, or 921-2 form. "Container xyz was observed being fumigated with (quantity of fumigant) of (type of fumigant) after the lot was loaded into the carrier but the lot was not sampled and examined after fumigation."*

## SECTION 9 - UNLOADED CONTAINERS

### Question #1 (FGIS 938 – FGIS 922)

If an applicant decides to unload a container after a condition check, weighing, or grading service is performed do we report it on the FGIS 938?

### Answer

*Yes, all containers are now considered export shipments as of May 1, 2013 due to the changes made in the tonnage fees. Therefore whenever a shipper unloads a container after a condition check, weighing, or grading service is performed a domestic certificate must be issued. Also the inspection service must be reported on the FGIS 938. Show the country of destination as USA and leave the grade block empty (unless a grade was issue).*