

# Program Notice

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## **WAIVING THE TIME LIMIT FOR REINSPECTION/APEAL SERVICES**

### **1. PURPOSE**

This notice clarifies the policy regarding waivers of the time limit for requesting reinspection and appeal inspection services for domestic grain shipments.

### **2. BACKGROUND**

Sections 800.126 and 800.136 of the regulations establish the request requirements for reinspection and appeal inspection services. These sections provide for the following:

Requests for review inspections shall be received:

- (1) before the grain has left the specified service point where the grain was located when the original inspection was performed;
- (2) no later than the close of business on the second business day following the date of the last inspection; and
- (3) before the identity of the grain has been lost.

If a representative file sample is available, official personnel may waive these requirements based on the following conditions:

Item (1) may be waived only upon written consent of the applicant and all interested persons.

Items (2) and (3) may be waived at the request of the applicant or other interested persons.

Item (2) may also be waived upon satisfactory showing by an interested person of evidence of fraud or that because of distance or other good cause the time allowed for filing was not sufficient.

The Federal Grain Inspection Service (FGIS) has been very flexible in waiving item (2) regarding the time restriction. This flexibility enabled the industry to request review inspections when there was a true need for the review.

However, recent activities in the grain industry indicate the flexibility regarding the time restriction has extended beyond what we would normally expect. For instance, several official agencies are receiving requests for original inspection services for barges that are not being shipped but used as temporary storage. On the same day as the request for the original inspection service, the official agency is also receiving a request to complete a review inspection, based on the file sample. However, the request is to complete and certify the review inspection 30 days after the original service.

FGIS has determined this situation compromises the integrity of the inspection certificate because the shipper is the only interested party at the time of the request and the file sample may not reflect the true condition of the grain in the carrier at the time of the review inspection.

To address this situation, FGIS is implementing the following review inspection policy when carriers have not been shipped.

### **3. REVIEW INSPECTION POLICY**

Review inspections are provided within 3 days of the original inspection (or previous inspection) when the carrier has not been shipped. FGIS will dismiss requests for review inspections after 3 days when the carrier is not shipped; however, FGIS will provide a new original inspection based on a new sample after 5 business days from the last official inspection in accordance with the provisions of section 800.87 of the regulations.

If carriers are shipped, FGIS will provide a review inspection based on a file sample without a time restriction if a written request [consent for inspection] from all interested parties is received and a representative file sample is available.

### **4. QUESTIONS**

Direct any questions regarding this policy to the Policies and Procedures Branch at (202)- 720-0252.

/S/ David Orr

David Orr, Director  
Field Management Division