

# Directive

FGIS 9180.35 3/16/2015

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## PHYTOSANITARY INSPECTION

### 1. PURPOSE

This directive establishes procedures for inspecting grain under the United States Grain Standards Act (USGSA) and certain graded commodities and processed grain products under the Agricultural Marketing Act, of 1946 (AMA), as amended, for the purpose of phytosanitary certification by the Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ).

### 2. REPLACEMENT HIGHLIGHTS

a. This directive supersedes the following instructions:

- (1) FGIS Directive 9180-35, Phytosanitary Inspection, dated 6/11/12;
- (2) Policy Bulletin Board Memorandum # 254, Submitted vs. "Type" Sample.

b. This Directive is revised to:

- (1) Attach the updated Memorandum of Understanding (MOU) between the Grain Inspection, Packers and Stockyards Administration (GIPSA) and APHIS, PPQ dated January 2013.
- (2) Update the hyperlink to the USDA, Agriculture Research Service, Stored-Grain Insects, Agriculture Handbook Number 500.

### 3. BACKGROUND

Since 1916, when official standards for grain were established, official inspection personnel have been required to identify the various species of weevils and other insects injurious to stored grain. APHIS' PPQ program has a similar responsibility and inspects domestic plants and plant products intended for export and certify that those plants and plant products are free from regulated plant pests in accordance with the phytosanitary requirements of the importing country.

In 1981, because of the similarities in phytosanitary inspection responsibilities, GIPSA/FGIS and APHIS/PPQ established a Memorandum of Understanding (MOU) (attachment). Under this MOU, FGIS assisted interested parties in obtaining phytosanitary inspection services on grain at export port locations in the United States and Canada by performing phytosanitary inspections for APHIS/PPQ on samples drawn by FGIS inspection personnel. APHIS/PPQ issues a phytosanitary certificate based on FGIS inspection results as recorded on Form FGIS 921-2, "Inspection Report - Insects in Grain."

In 2005, APHIS and GIPSA agreed to expand the scope of this MOU to include export grain shipped by land carriers (e.g., containers, trucks, railcars) from interior locations.

In July 2007, GIPSA and APHIS revised the MOU to further expand GIPSA's authority to include inspection of processed grain products, administratively assigned to GIPSA under the authority of the AMA, for the purpose of phytosanitary certification by APHIS/PPQ. The revised MOU allows APHIS to use GIPSA's skilled workforce, when needed, to help expedite its phytosanitary certification program.

On September 1, 2007, APHIS eliminated use of its processed product certificate and began requiring exporters to obtain phytosanitary inspection certificates on processed grain products on the basis of official sampling and inspection by either GIPSA or APHIS personnel. GIPSA, in turn, established cooperative agreements with its Official Service Providers (i.e., designated agencies) to provide timely, local official sampling and inspection of processed grain products under the authority of the AMA, for phytosanitary certification at the many facilities that load processed grain products.

#### 4. POLICY

**Phytosanitary inspection service is not available for Official Commercial Inspection Service (i.e., applicant modified sampling and inspection procedures) or on the basis of a submitted sample service (i.e., sample given by the applicant to official personnel for inspection). However, service is acceptable on the basis of 'Type' sample (see Section 6, Definitions).**

a. When Inspection Service is available.

Phytosanitary inspection is only available upon request of an applicant, and is:

- (1) Based on lots sampled by GIPSA or Official Service Providers (OSP). However, OSPs must receive authorization from GIPSA to provide this service for commodities through an AMA Cooperative Agreement.
- (2) Provided as an independent service or as part of a request for official sampling or official grading services or chemical analysis of processed commodity for quality.

- (3) Based on a representative sample obtained using approved procedures and an approved sampling device.

b. Probe Sampling Restriction.

- (1) Dense processed products such as soybean meal and distiller's dried grain (DDG) cannot be adequately sampled using a probe. Therefore, those types of products are unsuitable for probe-sampling by hand and can only be sampled using an online sampling device (e.g., ladle, pelican, Diverter-type mechanical sampler (D/T), Ellis Cup, etc.).
- (2) Do not probe-sample a carrier (e.g., barge, container, or railcar) unless the probe can reach the bottom of the carrier. "Bottom not sampled" (BNS) or any other partial inspection is unacceptable; the entire lot must be accessible for sampling, this includes the commodity at the bottom of the carrier.

c. Carrier Stowage Examination Requirement.

Carrier stowage examinations are not required for phytosanitary-only inspection services. However, stowage examinations are required when phytosanitary inspection service is performed in conjunction with official inspection and weighing services. When this situation occurs and a stowage examination was not performed, the certificate must clearly note that the stowage area was not examined. This policy applies to both grain certificates and commodity inspection certificates.

d. File Sample Retention.

File samples of the commodity are not required for phytosanitary-only inspection service. However, official personnel must keep unidentified insects, for APHIS/PPQ to identify.

## 5. RESPONSIBILITIES

a. Applicant for Service must:

- (1) Request the phytosanitary inspection service.
- (2) Provide official inspection personnel with adequate onsite work space. Space is adequate if it meets the location and safety requirements specified by official personnel.
- (3) Make each lot for inspection fully accessible and safe for obtaining a representative sample.

- (4) Provide official inspection personnel with any additional phytosanitary inspection requirements (e.g., analysis for a specific prohibited weed seed) before the performance of the inspection service.
- (5) Request the appropriate certificate (i.e., grain or commodity certificate) certifying the phytosanitary-only inspection service. Otherwise official personnel will not issue a certificate.

b. APHIS/PPQ.

Refer to Article V of the attached MOU for APHIS/PPQ responsibility.

c. Official Inspection Personnel.

- (1) Official Personnel must work with applicants to evaluate the shipping systems to determine the best sampling sites and method to safely obtain a representative sample of approximately 2,500-3,000 grams (depending on the density of the product).
- (2) Sample and examine grain and commodities for live insects, larvae, and other pests prohibited by the country of destination.
- (3) Complete form FGIS-921-2, "Inspection Report-Insects in Grain," and forward it to the shipper or to the APHIS/PPQ certification office designated by the shipper.

Refer to Article VI of the attached MOU for additional responsibilities of official inspection personnel.

## 6. **DEFINITIONS**

a. Processed Commodity.

Products derived from grain whereby the natural physical characteristics of the whole grain has been changed mechanically, chemically, or both.

Examples of processed commodities are:

- (1) soybean meal
- (2) distillers dried grain
- (3) corn gluten feed pellets

b. Graded Commodity.

Products for which GIPSA has established U.S. Standards under the AMA and commodities without standards that are tested at field locations for specific physical factors using approved equipment and an inspector's interpretation of visual conditions.

- (1) Examples of products with established standards include beans, peas, lentils, and rice.
- (2) Examples of products that do not have standards but are considered as graded commodities include rapeseed, buckwheat, millet, popcorn, mustard seed, and safflower seed.

c. Representative Sample.

A representative sample is a sample obtained using GIPSA approved sampling procedures. GIPSA instructions describe systematic procedures for taking samples from stationary lots and from lots during loading.

d. Online and Stationary-Lot Sampling.

- (1) Online sampling is the process of sampling a lot as the lot is being produced or as it is being loaded into a carrier.
- (2) Stationary-lot sampling is the process of sampling a finished lot when the entire lot is in a stationary place (e.g., railcar, warehouse floor, etc.) or already loaded into a carrier.

e. Type Sample.

"Type" samples are samples of a raw or processed product (not officially sampled) obtained by a shipper and sent to prospective buyers to demonstrate product quality or analyze for conformance to a prospective buyer's standards. The quantity is identified as the entire lot and the 921-2 is issued accordingly.

Example: a 5 pound bag of dried distiller grains represents itself, a 5 pounds of dried distiller grains.

## 7. LOT ACCESSIBILITY REQUIREMENTS

The applicant must make the lot accessible by placing it in such a manner as to permit safe and proper sampling. If the entire lot is not accessible or the applicant does not provide a safe area to sample, official personnel must not perform the requested inspection, unless the situation is corrected.

- a. If bulk or sacked commodity is offered for inspection at rest in a carrier and is loaded in such a manner that it is only possible to obtain a door-probe, shallow-probe, door-sack-probe, or surface-sack-probe sample(s) of the lot, then the carrier is considered inaccessible for inspection.
- b. If inspection personnel cannot obtain a probe-sample from the bottom of the carrier (e.g., barge, container, or railcar) then the lot is considered inaccessible for sampling.
- c. If hazardous conditions exist that could endanger the health of official personnel, then consider the lot inaccessible for sampling.

Procedures for using the various sampling devices are outlined in the sampling chapter of the appropriate handbook (e.g., Grain Inspection Handbook, Processed Commodity Handbook, Rice, Bean, Pea, or Lentil Handbook), and Mechanical Sampling Systems Handbook.

## 8. SAMPLING DEVICES

- a. The D/T mechanical sampler is the preferred sampling device, but any GIPSA approved sampling device may be used to obtain a representative sample. Refer to GIPSA's Equipment Handbook for a list of approved sampling devices.
- b. Sampling devices such as mechanical truck probes and D/T mechanical sampler may be used for phytosanitary-only inspection without having been "officially approved" for official service, provided they are:
  - (1) Of the GIPSA approved model and type.
  - (2) Operated according to GIPSA sampling procedures (e.g., GIPSA specified probe sample pattern, D/T timer settings, minimum sample size, etc.) and manufacturer's specifications.
- c. Examples of sampling devices that may be used:
  - (1) D/T Mechanical Samplers.  
 For sampling lots while the grain or commodity is moving on a conveyor belt. The diverter takes a periodic cut from the grain or commodity stream. The composite of the diverter cuts is the representative sample for the lot.
  - (2) Compartmented Probe (Trier).  
 Used for sampling bulk stationary lots (e.g., truck-lots, railcar lots, and barge-lots) of grain, rice, and certain commodities. It is available in various lengths for sampling the various types of carriers.

(3) Tapered Bag Trier.

Used for sampling closed bags of commodities.

(4) Polyethylene or Stainless Steel 4-oz Ladle or Similar Type Utensil.

Used for obtaining sample portions from a commodity stream moving on a conveyor belt; a falling stream, or an open bag.

(5) Ellis Cup Sampler.

Used for obtaining a sample from a grain or commodity stream moving on a conveyor belt.

(6) Pelican Sampler.

Used for obtaining sample portion from a grain or commodity stream falling from a loading spout.

**9. LOT SIZE**a. Processed Commodity.

(1) The maximum size for a processed commodity lot is 500,000 lbs.

(2) If a lot exceeds the maximum lot size, then divide the lot into smaller lots, not to exceed the maximum lot size. For example consider the entire shipment of a ship-lot or barge-lot as a lot; however, subdivide the lot into sublots not to exceed 500,000 lbs per subplot.

b. Graded Commodities.

Refer to the sampling chapter of the appropriate handbook.

c. Whole Grains.

Refer to the Grain Inspection Handbook.

**10. PROCESSED COMMODITY SAMPLING RATES**

The following table shows the number of processed grain product samples or the time intervals to use for obtaining sample portions to composite with other portions to represent the lot.

Examine each sample portion for phytosanitary conditions. For example, a lot of 45,000 pounds or less draw and examine no less than 12 sample portions.

<b>SAMPLE RATES</b>	
<b>LOT OR SUBLOT SIZE IN POUNDS</b>	<b>NUMBER OF SAMPLES PORTIONS OR TIME INTERVALS PER LOT OR SUBLOT</b>
45,000 or less	12
45,001 - 180,000	20
180,001 - 500,000	35

**11. WHOLE GRAIN AND GRADED COMMODITY SAMPLING RATE**

Refer to the sampling chapter of the appropriate handbook, for whole grain and graded commodity sample portions and procedures.

**12. SAMPLING PROCEDURE**

Refer to the sampling chapter of the appropriate handbook for approved grain and commodity specific sampling procedures (e.g., Grain Inspection Handbook, Processed Commodity Handbook, Rice Inspection Handbook or the Bean, Pea, and Lentil Handbooks).

a. Online Sampling Bulk Commodity.

- (1) Determine the time periods (in minutes) to use for obtaining sample portions as follows:
  - (a) Determine the lot size and sample rate (see table above).
  - (b) Obtain the estimated loading time in minutes.

- (c) Divide the estimated loading time by the number of time intervals. This gives the duration of each period in minutes. Take a sample portion during each time period and examine for phytosanitary conditions. For example:

Weight of commodity to be loaded in hopper car = 100,000 lbs

Estimated loading time = 240 minutes

Number of time intervals = 20 (see table above)

$240 \div 20 = 12$ -minute periods

Cut the running commodity stream at least once, at random, during each of the 20, 12 consecutive minute periods, using the appropriate sampling device to provide 20 sample portions.

### 13. EXAMINING SAMPLE PORTIONS FOR PHYTOSANITARY CONDITIONS

a. Railcars and Containers.

Examine the entire representative sample of approximately 2,500-3,000 grams for live insects and any other requested phytosanitary condition (e.g., prohibited weed seeds). When an approved divider is available it may be used to cut the sample down to a smaller portion (e.g., minimum 1,000 grams) for inspection.

b. Ship and Barges.

Examine for live insects a representative portion at a minimum rate of 500 grams per 2,000 bushels of product loaded. Also examine the sample portion for any other requested phytosanitary condition (e.g., prohibited weed seeds).

### 14. SUGGESTED WAYS TO EXAMINE PROCESSED COMMODITY SAMPLES

- a. Sieve the sample if possible. If unable to sieve the sample, pour a small portion (e.g., 100 -200 grams) at a time on a flat surface such as a table, a sieve bottom pan or similar pan, and spread the product around in the pan while examining it (in a well-lighted and if possible a warm environment to detect live insects) for phytosanitary conditions. Repeat this process until the entire sample is examined.
- b. A U.S. #20 and U.S. #30 size sieve can be used to examine flour and similar commodities. Place the commodity on the screen and sift into the catch pan. Size U.S. #30 is sufficient to catch most common type storage insects.

- c. The grain dockage sieve is useful in the examination of some commodities. Place a portion of the sample on the screen and sieve the finer particles out. Insects and small seeds, such as weed seeds, will pass into the catch pan.
- d. Methods other than those suggested above may be used provided the method allows for the examination of the entire sample for phytosanitary conditions.

## 15. WHEN PHYTOSANITARY CONDITIONS ARE FOUND

Count, identify, and report live insects and any other phytosanitary conditions (e.g., prohibited weed seeds) found in the sample. Determine infestation using the following guideline:

- a. Whole Grains and Graded Commodities.

Use the infested criteria as found in the appropriate U.S. Standards for whole grains and graded commodities (i.e., beans, peas, lentils, and rice).

- b. Processed Grain Products.

Use the same infested criteria as found in U.S. Standards for the grain from which the processed grain product is made. For example:

- (1) For soybean meal use the “infested” criteria found in the U.S. Standards for Soybeans; and
- (2) For corn products such as corn gluten meal use the “infested” criteria as found in the U.S. Standards for Corn.

Some processed grain products are made from a mixture of several grains or it may be difficult to determine the grain that the product is made from. When either situation exists use the infested criteria of the grain that has the most strenuous infested criteria.

- (3) Alert the shipper when insects are found. The applicant for service or official personnel may need to consult with the local APHIS/PPQ office to determine which insects are prohibited by the destination country or to acquire assistance with insect identification. Official personnel must keep unidentified insects in case APHIS/PPQ must make the final determination.
- (4) For assistance with identifying insects, use the following link to view the USDA, Agriculture Research Service, Stored-Grain Insects, Agriculture Handbook Number 500:

<http://www.ars.usda.gov/SP2UserFiles/person/2863/pdfdocuments/StoredGrainInsects.pdf>

- (5) If unable to positively identify, when requested, prohibited weed seeds, contact the local APHIS/PPQ office for assistance.

## 16. FUMIGATION OF INFESTED GRAIN OR COMMODITIES

Refer to Article VI of the attached MOU for APHIS/PPQ fumigation requirements and to the GIPSA's Fumigation Handbook for applicable fumigation procedures.

## 17. DOCUMENTATION

### a. Completing Form FGIS-921-2.

- (1) Document the results of the inspection service on form FGIS 921-2, "Inspection Report- Insects in Grain." Examples of completed forms are attached to this directive.
  - (a) Identify live insects found by specific common name (i.e., red flour beetle, lesser grain borer, granary weevil, drugstore beetle etc.). **Do not use terms such as "other live insects (OLI)," bran bugs, or grain beetles.**
  - (b) Report any live or dead Kapra Beetle (*trogodema granarium*).
  - (c) Report only insects listed in the USDA, Agriculture Research Service, Stored-Grain Insects, Agriculture Handbook Number 500:  
<http://www.ars.usda.gov/SP2UserFiles/person/2863/pdfdocuments/StoredGrainInsects.pdf>
  - (d) Report insects as live even though lot is documented as being fumigated. Fumigation of the lot does not eliminate the fact that live insects were originally found.
- (2) Report inspection results for additional phytosanitary conditions (e.g., prohibited weed seeds, cottonseeds) requested by the applicant in the "Remarks" section.
- (3) Include the corresponding inspection certificate number and any other pertinent information in the "Remarks" section which will help identify the lot and the service provided.
- (4) Complete the "Fumigation Information" section according to the following guidelines for vessels, lash barges, land carriers, and river barges.

- (a) In-Transit Fumigation – if the fumigation is performed according to official procedures the fumigation information will be placed on the FGIS 921-2.
- (b) Stationary Fumigation – if official personnel are present to witness the fumigation, the fumigation information will be placed on the FGIS 921-2.
- (c) If official personnel are present to witness the fumigation, even if not done according to official procedures, the fumigation information will be placed on the FGIS 921-2.
- (d) If official personnel are not present to witness the fumigation, the fumigation information should only be put on the FGIS 921-2 if official fumigation procedures are followed, i.e. the fumigator provides the required documentation.

**Note: The “Treatment” box should always be left blank per FGIS 921-2 instructions.**

- (5) Completing 921-2 for Type Sample.
  - (a) Sublot Number/Carrier ID – enter the Sample ID.
  - (b) Quantity – enter total weight (grams/pounds) of type sample.

Upon request, the applicant may receive from official personnel a completed form FGIS-921-2 before a booking is completed. Containers in a booking are sometimes shipped before all the containers of a particular booking are completed and the applicant must have a phytosanitary certificate to accompany the shipment.

b. Correcting Information on the Form FGIS 921-2.

- (1) Once the form FGIS 921-2 is released to APHIS/PPQ or the shipper, as designated by the applicant for service, official personnel must not make any destination changes. If the shipper decides to change the destination after the form is released, then it is their responsibility to contact the APHIS/PPQ certification office and inform them of the change.
- (2) If a handwritten or hand-typed form FGIS 921-2 contains incorrect information and official personnel are certain that they are responsible for the incorrect information then they may correct the information by drawing a single line through the incorrect information, initialing it, and then entering the correct information. Place in the remarks “Corrected as to (e.g., ID of Container).”

- (3) Make corrections to computer generated form FGIS- 921-2 by re-issuing the form with the correct information. Place in the remarks “Corrected as to (e.g., ID of Container).”

c. Issuing Certificates.

Upon request of the applicant for service, issue a grain or commodity certificate for phytosanitary-only inspection service and place in the remarks section of the certificate “Phytosanitary-only Inspection.”

Include in the “Identification” or “Remarks” section of the certificate, as applicable, the identification of carriers making up the lot.

**Note: If a certificate is requested for a processed or graded commodity Type sample, issue an AMA submitted sample certificate and identify the sample as a “Type” sample in the Remarks section. For grains, issue a USGSA submitted sample certificate and identify the sample as a “Type” sample in the Remarks section.**

d. Shipper’s Responsibility for Documentation.

Shippers have the option of:

- (1) Providing instructions to OSPs for forwarding (fax, email, or mail) documentation (e.g., form FGIS 921-2) to the office issuing the phytosanitary inspection certificate, or
- (2) Sending a copy of the original form FGIS 921-2 directly to the certifying office in lieu of having the OSP send the documents.

## 18. QUESTIONS

Contact the Policies, Procedures, and Market Analysis Branch at 202-720-0228, if you have any questions regarding the eligibility of a processed grain product for phytosanitary certification or any question related to inspecting product for phytosanitary certification.

*/s/Robert Lijewski*

Robert S. Lijewski, Director  
Field Management Division

MEMORANDUM OF UNDERSTANDING (MOU)  
BETWEEN THE  
GRAIN INSPECTION PACKERS AND STOCKYARDS ADMINISTRATION  
(GIPSA)  
AND THE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)  
PLANT PROTECTION AND QUARANTINE (PPQ)

ARTICLE I – PURPOSE

GIPSA and APHIS have certain related objectives in the discharge of their responsibilities associated with export shipments of U.S. grain and related products from U.S. and Canadian ports. This document updates the MOU signed August 1, 2007, which in turn revised an Agreement dated November 5, 1981, between the Federal Grain Inspection Service (FGIS), which is now part of GIPSA, and APHIS-PPQ. The original agreement was intended to improve GIPSA/APHIS collaboration, and in turn, the efficiency of phytosanitary certification of U.S. grain exports. This document updates the original agreement by providing updated procedures and responsibilities for the phytosanitary inspection and certification of export grain and related products.

ARTICLE II - BACKGROUND

The United States is a signatory to the International Plant Protection Convention (IPPC) of the Food and Agriculture Organization (FAO). The IPPC develops and adopts International Standards for Phytosanitary Measures (ISPMs) by which an importing country may require a phytosanitary certificate (PC) for certain agricultural products. Under the IPPC, the National Plant Protection Organization (NPPO) of the exporting country is responsible for establishing and maintaining a national export certification system to produce valid and credible PCs.

APHIS/PPQ is delegated the responsibility under Section 108 of the U.S. Department of Agriculture's Plant Protection Act (PPA) of 2000 to inspect plants and plant products offered for export and to certify to the NPPO of the importing country that such products are free of plant pests in accordance with its phytosanitary requirements.

GIPSA provides quality inspections of grains, rice, pulses, legumes and related products, and processed by-products under the U.S. Grain Standards Act (USGSA) and Agricultural Marketing Act (AMA), and in doing so, provides APHIS with the pest

status of consignments. APHIS uses this information to issue a PC for these commodities.

(The term grain shall mean all products for which GIPSA is responsible for under the USGSA and AMA.) GIPSA carries out its inspection responsibilities through Federal and licensed non-Federal personnel. For the purposes of this document, the term GIPSA will be used to refer to GIPSA or its official inspection personnel.

### ARTICLE III - AUTHORITIES

- Title 7, Section 79 of the USGSA and Sections 1622 and 1624 of the AMA, for official inspection personnel employed by the Secretary, or other persons under contract with the Secretary, to officially inspect, certify, and identify the class, quality, quantity, and condition of grain and agricultural products when shipped or received in interstate commerce.
- Section 418 (Certification for Exports), Public Law 106-224, of the PPA to inspect plants and plant products offered for export and to certify to the NPPO of the importing country that such products are free of plant pests in accordance with the phytosanitary requirements of foreign countries; and
- Section 431(a) (Cooperation), Public Law 106-224, of the PPA to cooperate with other Federal agencies, the government of foreign countries, international organizations or associations, States and their political subdivisions, farmer's associations and similar organizations, and other persons to detect, eradicate, suppress, control, and prevent or retard the spread of plant pests and diseases.

### ARTICLE IV- MUTUAL RESPONSIBILITIES & UNDERSTANDING

It is mutually understood and agreed to/that:

- A. APHIS/PPQ and GIPSA will maintain a working relationship with each other ensuring mutual cooperation and understanding in executing this MOU.
- B. GIPSA will charge a fee to the applicant for services related to phytosanitary inspection as warranted.

ARTICLE V - APHIS RESPONSIBILITIES

- A. APHIS/PPQ will specify the specific grains GIPSA can inspect for phytosanitary purposes.
- B. PPQ will:
1. Provide technical pest identification training for at least two supervisors from each GIPSA location responsible for activities under this MOU;
  2. Periodically monitor the accuracy of pest identification performed by GIPSA;
  3. Identify all live insects, larvae, and other pests which cannot be identified by GIPSA; and
  4. Provide vials, envelopes, etc., required for the submission of specimens.
- C. PPQ will be the primary contact point for applicants requesting phytosanitary certification and will provide all necessary information to enable applicants to obtain phytosanitary certification.
- D. PPQ will not, except under special circumstances (e.g., analysis for plant pathogens, etc.):
1. Inspect grain at elevators or on waterborne carriers where GIPSA is present; or
  2. Request official subplot or composite samples of grain.
- E. PPQ may ask GIPSA to furnish official samples, copies of inspection logs, official grain inspection certificates, or other inspection information (Inspection Report - Insects in Grain, Form FGIS 921-2) for review and will:
1. Issue a PC; or
  2. Inform the exporter or their agent of circumstances that prevent the issuance of a PC.

PPQ will maintain the integrity of any official samples obtained from GIPSA and return such samples as soon as possible.

## ARTICLE VI - GIPSA Responsibilities

## A. General:

1. GIPSA shall accept applications from exporters for phytosanitary inspections and perform the requested service. Exporters must provide GIPSA with the importing country's phytosanitary requirements.
2. GIPSA shall, in accordance with prescribed GIPSA procedures, examine officially drawn samples for live insects, larvae, and other pests prohibited by the country of destination.
3. GIPSA will record on Form FGIS 921-2, "Inspection Report -Insects in Grain," pertinent information about any detection of adult insects, larvae, or other pests.
4. GIPSA will notify APHIS-PPQ of live insects or other pests that cannot be accurately identified. Once APHIS-PPQ has been notified, the applicant shall arrange for transportation of the pests to APHIS-PPQ for identification.
5. GIPSA shall preserve the identity of these pests until such time as they are turned over to APHIS-PPQ. When submitting pests to APHIS-PPQ for identification, the specimens shall be identified by:
  - a. Name of applicant;
  - b. Mode of transportation and identification of carrier;
  - c. Kind of grain;
  - d. Date found;
  - e. Sublot number, if applicable;
  - f. Quantity of grain represented by the sample, subsample, component sample, or sublot sample;
  - g. Hold number (s), if applicable; and
  - h. Country of destination.

6. Upon request of APHIS-PPQ, GIPSA may re-inspect grain for infestation after fumigation, in accordance with the established GIPSA procedures.
7. Upon request of APHIS-PPQ, GIPSA shall witness the fumigation of grain infested with insects prohibited by the country of destination. The fumigation procedures shall be identical to the procedures outlined in the GIPSA Fumigation Handbook. For purposes of phytosanitary certification, the fumigation procedure shall be witnessed even if the grain is not considered "Infested" under the United States Grain Standards Act, or designated as "Sample Grade" due to insect infestation for products inspected under the Agricultural Marketing Act.
8. When grain is infested with prohibited insects and the affected shiphold(s) cannot be fumigated because:
  - a. The ship does not meet the requirements for on-board fumigation as outlined in the GIPSA Fumigation Handbook, or
  - b. The receiving country will not accept grain which has been fumigated.

GIPSA shall, upon request of APHIS-PPQ, witness the complete removal of the infested grain.

9. GIPSA will issue FGIS 921-2 Form to reflect the phytosanitary condition of any lot infested with insects when the affected containerized shipment cannot be fumigated.
10. GIPSA will report to APHIS-PPQ any incidence of live or dead *Trogoderma granarium* (khapra beetle).
11. Additional file samples for phytosanitary inspections are not required. Official file samples may be forwarded to APHIS-PPQ if needed. GIPSA shall maintain a record of all official file samples furnished to APHIS-PPQ.
12. Upon completion of inspection, GIPSA shall promptly provide the completed Form FGIS 921-2, "Inspection Report-Insects in Grain" for the shipment directly to the applicant for service, or mail, fax, or electronically submit a completed copy of the Form FGIS 921-2, "Inspection Report- Insects in Grain" to the APHIS-PPQ office that will issue the PC. Upon request, a completed copy of Form FGIS 909 and/or

Form FGIS 909-2, "Official Export Grain Inspection Certificate," or Form FGIS 917, "Official Grain Inspection and Weighing Certificate," or other approved official certificate shall also be submitted. To expedite the issuance of a PC by APHIS-PPQ, GIPSA may electronically transmit their findings to the APHIS-PPQ office that will issue the phytosanitary inspection certificate.

B. Reporting procedures for U.S. grain in Canadian ports:

When a phytosanitary inspection is completed, regardless of whether it is performed in conjunction with an inspection for official grade, a completed copy of Form FGIS 921-2, "Inspection Report- Insects in Grain," shall be promptly mailed, faxed, or electronically transmitted to the Duluth, Minnesota office of APHIS/PPQ:

USDA-APHIS-PPQ  
515 West 1st Street, Rm. 226  
Duluth, MN 55802  
Phone: 218-720-5282  
Fax: 218-720-5281

#### ARTICLE VII -APPLICATION PROCEDURES

A. U.S. Grain in Canadian Ports: This section applies only to phytosanitary inspection services on U.S. grain shipped through Canadian ports.

Applicants requesting phytosanitary inspection services should check the "other closely related services" block on Form GIPSA 907, "Application for Inspection and Weighing Services" and write "phytosanitary." Exporters must provide GIPSA with the importing countries phytosanitary requirements.

Exporters or their agents must apply for phytosanitary inspection services with the APHIS-PPQ field office at the following address:

USDA-APHIS-PPQ  
515 West 1st Street, Rm. 226  
Duluth, MN 55802  
Phone: 218-720-5282  
Fax: 218-720-5281

B. Export Grain at U.S. locations: Applicants requesting phytosanitary inspection services for grain shipped from export ports and other domestic locations in the United States shall apply with the appropriate APHIS-PPQ office or GIPSA.

ARTICLE VIII - STATEMENT OF NO FINANCIAL OBLIGATION

Signature of this MOU does not constitute a financial obligation on the part of APHIS or GIPSA. Each signatory party is to use and manage its own funds in carrying out the purpose of this MOU. Transfers of funds or items of value are not authorized under this MOU.

ARTICLE IX - LIMITATIONS OF COMMITMENT

This MOU and any continuation thereof shall be contingent upon the availability of funds appropriated by the Congress of the United States. It is understood and agreed that any monies allocated for purposes covered by this MOU shall be expended in accordance with its terms and the manner prescribed by the fiscal regulations and/or administrative policies of the party making the funds available. If fiscal resources are to transfer, a separate agreement must be developed by the parties.

ARTICLE X - CONGRESSIONAL RESTRICTION

Under §41 USC 22, no member of or delegate to Congress shall be admitted to any share or part of the MOU or to any benefit to arise there from.

ARTICLE XI - AMENDMENTS

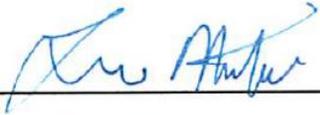
This MOU may be amended at any time by mutual agreement of the parties in writing.

ARTICLE XII - TERMINATION

This MOU may be terminated by either party with sixty (60) days written notice to the other party.

ARTICLE XIII- EFFECTIVE DATE AND DURATION

This MOU will be in effect upon date of final signature and will continue for 5 years.



03 JAN 13

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Larry Mitchell, Administrator

Date

U. S. DEPARTMENT OF AGRICULTURE/  
GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION



1/18/2013

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Osama El-Lissy, <sup>Assoc.</sup> Assistant Deputy Administrator

Date

U. S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
PLANT PROTECTION AND QUARANTINE  
POLICY MANAGEMENT

U.S. Department of Agriculture Grain Inspection, Packers and Stockyards Administration Animal and Plant Health Inspection Service  <b>INSPECTION REPORT – INSECTS IN GRAIN</b>  Page 1 of 1				1. Name and Address of Shipper The Container Loading Company, Inc. Baltimore, Maryland		
5. Grain Inspection Certificate Number. US-BX-9998		6. Status of Report Original		2. Location of Elevator Baltimore, Maryland	3. Grain/Commodity Yellow Soybeans	4. Quantity 22 Containers
7. Country of Destination China				8. Name of Carrier/Vessel N/A		9. Loading Date Start/Date Finished 2/27/12 - 3/1/12
10. Sublot Number/ Carrier Identification	11. Date Inspected	12. Stowage (Hold Nos.)	13. Quantity	14. No. of Live Insects	15. Lot Infested	16. Name of Insect
MMOU220406-8	2/29/12		Container		<input type="checkbox"/>	
MMOU220606-0	3/1/12		Container		<input type="checkbox"/>	
MMOU222404-2	2/27/12		Container		<input type="checkbox"/>	
MMOU221406-8	3/1/12		Container		<input type="checkbox"/>	
MMOU120405-3	2/27/12		Container		<input type="checkbox"/>	
MMOU222266-8	2/28/12		Container		<input type="checkbox"/>	
MMOU110406-8	2/28/12		Container		<input type="checkbox"/>	
BAIU 245179-3	2/29/12		Container		<input type="checkbox"/>	
BAIU279485-3	2/29/12		Container		<input type="checkbox"/>	
BAIU377199-6	2/28/12		Container		<input type="checkbox"/>	
BAIU994432-5	2/29/12		Container		<input type="checkbox"/>	
CAUX223399-0	2/28/12		Container		<input type="checkbox"/>	
CLUU992345-9	2/28/12		Container		<input type="checkbox"/>	
FCIU445644-0	3/1/12		Container		<input type="checkbox"/>	
FCIU124356-7	3/1/12		Container		<input type="checkbox"/>	
FSCU043114-4	3/1/12		Container		<input type="checkbox"/>	
FESU323400-6	3/1/12		Container		<input type="checkbox"/>	
TCKU112237-9	3/1/12		Container		<input type="checkbox"/>	
TCKU987126-4	2/27/12		Container		<input type="checkbox"/>	
TCKU234215-3	2/27/12		Container		<input type="checkbox"/>	
SSUC197988-8	2/27/12		Container		<input type="checkbox"/>	
TSCU988753-3	2/27/12		Container		<input type="checkbox"/>	
17. Remarks (Use reverse for additional space) Booking No. YHCU247568				18. Name of Inspector and name of official service provider P. Haddock, Kewanee Grain Inspection, Inc		

Fumigation Information

19. Date of Fumigation	20. Treatment	21. Hold Nos.
22. Type of Chemical	23. Concentration Level	
24. Duration of Exposure	25. Temperature at Time of Fumigation	
26. Quantity (metric tons)	27. Name of Inspector	

Form FGIS-921-2 (07-10) Edition 05-08 may be used. Expires January 2015

**FORM APPROVED OMB NO. 0580-0013:** According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it display a valid OMB control number. The valid OMB control for this information collection is 0580-0013. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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Example: \*\* Containers with Processed Products \*\*

OMB No. 0580-0013

U.S. Department of Agriculture Grain Inspection, Packers and Stockyards Administration Animal and Plant Health Inspection Service  <b>INSPECTION REPORT – INSECTS IN GRAIN</b>  Page 1 of 1				1. Name and Address of Shipper The Container Loading Company, Inc. Baltimore, Maryland					
5. Grain Inspection Certificate Number. US-XX-9998		6. Status of Report Original		2. Location of Elevator Baltimore, Maryland		3. Grain/Commodity Distillers Dried Grain		4. Quantity 15 Containers	
7. Country of Destination Vietnam				8. Name of Carrier/Vessel N/A		9. Loading Date Start/Date Finished 2/27/12 - 3/1/12			
10. Sublot Number/ Carrier Identification		11. Date Inspected	12. Stowage (Hold Nos.)	13. Quantity	14. No. of Live Insects	15. Lot Infested	16. Name of Insect		
MMOU220406-8		2/29/12		Container		<input type="checkbox"/>			
MMOU220606-0		3/1/12		Container		<input type="checkbox"/>			
MMOU222404-2		2/27/12		Container		<input type="checkbox"/>			
MMOU221406-8		3/1/12		Container	1	<input type="checkbox"/>	Confused Flour Beetle		
MMOU120405-3		2/27/12		Container		<input type="checkbox"/>			
MMOU222266-8		2/28/12		Container		<input type="checkbox"/>			
MMOU110406-8		2/28/12		Container		<input type="checkbox"/>			
BAIU 245179-3		2/29/12		Container		<input type="checkbox"/>			
BAIU279485-3		2/29/12		Container		<input type="checkbox"/>			
BAIU377199-6		2/28/12		Container		<input type="checkbox"/>			
BAIU994432-5		2/29/12		Container	4	<input checked="" type="checkbox"/>	Rice Weevils		
CAUX223399-0		2/28/12		Container		<input type="checkbox"/>			
CLUU992345-9		2/28/12		Container		<input type="checkbox"/>			
FCIU445644-0		3/1/12		Container		<input type="checkbox"/>			
FCIU124356-7		3/1/12		Container		<input type="checkbox"/>			
						<input type="checkbox"/>			
						<input type="checkbox"/>			
						<input type="checkbox"/>			
						<input type="checkbox"/>			
						<input type="checkbox"/>			
						<input type="checkbox"/>			
						<input type="checkbox"/>			
						<input type="checkbox"/>			
						<input type="checkbox"/>			
17. Remarks (Use reverse for additional space) Booking No. YHCU227568				18. Name of Inspector and name of official service provider P. Haddock, Kewanee Grain Inspection, Inc.					

Fumigation Information		
19. Date of Fumigation 3/1/2012	20. Treatment	21. Hold Nos. BAIU994432-5
22. Type of Chemical Aluminum Phosphide		23. Concentration Level 46 grams per 1000 cu. ft.
24. Duration of Exposure 72 hours		25. Temperature at Time of Fumigation 76 degrees F
26. Quantity (metric tons) 26.46 MT		27. Name of Inspector P Haddock

Form FGIS-921-2 (07-10) Edition 05-08 may be used. Expires January 2015

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