



Applying for Designation Under the United States Grain Standards Act (New Applicants) August 25, 2022



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Any person, State, or local government may apply for designation as an official agency to perform official inspection and/or weighing services. Section 79(f)(1)(A) of the USGSA lists the conditions and criteria for designation, and Section 79(f)(1)(B) says that an applicant must be better able to provide service than any other applicant for designation.

The following instructions and information provided outlines the Federal Grain Inspection Service (FGIS) online designation application process, designation criteria and requirements, and is primarily written for new applicants (not currently designated) who may be seeking designation in unassigned or assigned geographic areas within the United States.

The information and instructions provided in the following tutorial will give you the necessary tools and understanding to successfully submit an online designation application and gain an understanding of the high standards and level of customer service, commitment, and conformity expected of an official service provider.

Establish a USDA eAuthentication User Account

- Create an eAuthentication user account at: <https://www.eauth.usda.gov/>
- You must use an e-mail address assigned to you. A shared e-mail account cannot be used.
- Use the recommended self-service Online Identity Verification Application. The process involves entering your Social Security Number (SSN) and answering 5 questions provided by a nationally known third party identity proofing service. USDA does not handle your SSN in any way.
- Verify your eAuthentication account online:
 - Under the manage account menu, select 'Update Account'
 - Select 'Verify My Identity' to begin the process
- If you are unable to successfully complete the online identity verification process, you must make an appointment at a local USDA Service Center, for in-person identity verification. The in-person process involves taking your government issued photo ID (e.g., State issued Driver's License) to the Local Registration Authority (LRA) who verifies your identity and activates your account.
- These instructions can also be obtained by accessing the following link.

Create a MyFGIS Account and MyFGIS# Using FGISonline

- As a new entity applying for designation, the next thing you will need to do is create a MyFGIS account and register with FGIS using our FGISonline internet-based system.
- The link below will direct you to a power point instructing you how to log into MyFGIS and how to request a new MyFGIS# for your organization. Your MyFGIS# will be linked to all of your organizational activities conducted through FGISonline.
- Once your organization is set up and your MyFGIS# is assigned, you will be able to request access the Delegations, Designations, and Export Registrations system where our online designation application process is administered.

[MyFGIS_Customer_Manager_Guide_2020_10_16.pptx \(live.com\)](#)

Request Access to Delegations, Designations, and Export Registrations (DDR)

- Next you will need to request access to the DDR system through FGISonline.
- The DDR system can be accessed at the following link: [Federal Grain Inspection Service System \(usda.gov\)](https://www.usda.gov/federal-grain-inspection-service-system)
- Upon initial request, you will be prompted to complete and submit an online form to request access to the FGISonline resource. It may take up to 24 hours for your access request to be reviewed and granted.
- Once access is granted, you will have the ability to complete an online application for designation, but only when an Opportunity for Designation notice has been published in the Federal Register for the area you would like to apply and when FGIS has opened the area for application within the online system.

Monitor the Federal Register for Opportunity for Designation Notices

- All Opportunities for Designation are published in the *Federal Register* and viewable by the general public, whenever a geographic area is open for applications.
- In many cases, the application acceptance period will open the same day the opportunity is published and will close following the date specified in the notice (usually 30 days). Some application periods will open on a later date specified in the notice, usually when multiple opportunities under different designation periods are consolidated into one single publication.
- The *Federal Register* may be accessed at the following link: <https://www.federalregister.gov/>
- The easiest way to ensure you are notified when an opportunity is published is to sign up for a subscription using your e-mail account through the *Federal Register* and enter the keyword '**FGIS**' in your subscription preferences. This will ensure you are sent an e-mail notification whenever FGIS publishes a notice.

Apply Online Using DDR

- Once the Opportunity for Designation you have been waiting for has published, and the announced application period has started, you must log into DDR and complete an online application.
- The instructions for completing the online Application for Designation are as follows:
- Begin A New Application
 - To begin a new application for designation or application for export registration, highlight your choice in the drop list at the top of the My Information page and click Go. You will be redirected to the first page of the form.
 - Each of the pages within the application is numbered. When you start or resume an application, a progress bar will appear at the top of each page. To navigate to different pages within the form, click the appropriate circled number, or click Finish to review all information. The circles also indicate the status of the information you are entering:
 - Grey circles indicate a page where you have not entered any data.
 - Grey with black border indicates the current page.
 - Green circles indicate a page where you have entered data that was saved into the form.
 - Red circles indicate partially completed pages or invalid data. You may only submit an application if you provide the minimum required data.
 - For additional navigation within the form, use the buttons at the bottom of the page:
 - **Cancel**, to stop the application process and return to the My Information page without saving your data. This option is only available on the first page of the form. **Previous**, to navigate back to a previously viewed page of the form.
 - **Save and Exit**, to save a partially completed application and return to finish it at another time. You will return to the My Information page, where your new application will be listed under Saved Applications.
 - **Save and Continue**, to save the current page's data and continue to the next page.
 - Do not use the back button on your browser to navigate through the form. Use the circled numbers, the control buttons, or the left-hand [Browse by Subject](#) menu panel.

Apply Online Using DDR - continued

- New Application For Designation

- Select **Designation** in the drop list at the top of the My Information page and click Go, or open a saved application for designation.
- **Step One** (Fig. 25). Enter the exact name of the private firm, individual, or state organization applying for designation. Include your web site address, if any.

The screenshot shows a web form titled "Application for Designation" with the subtitle "To Perform Official Functions Under the U.S. Grain Standards Act as Amended". At the top, there is a progress indicator with ten numbered steps (1-10) and a "Finish" button. Step 1 is highlighted with a red circle. Below the progress indicator, the form asks for the "Name of the Applicant (individual or firm):" and provides a text input field with a scroll bar. Below that, it asks for the "Web Site:" and provides another text input field. At the bottom of the form, there are three buttons: "Cancel", "Save and Exit", and "Save and Continue >>".

Figure 25 – Application For Designation, Step One: Applicant Name

- **Step Two** (Fig. 26 – next slide). Use the drop list to select the designation for which you are applying. You can only select a designation which is currently unassigned and accepting applications. Once you select a designation, the following information will appear on the screen:
 - *Geographic Area*. The FGIS definition of the geographic area, in read-only format.
 - *Amended Geographic Area*. The text of the definition, in edit-ready format. You can choose to apply for the designation as currently defined, or you can request that the designation be amended to include or exclude counties, areas, service points or other facilities, or services (such as inspections or weighings). ***If you are NOT changing the geographic area of the designation, do NOT enter any changes to the text. Simply select your designation from the drop list, and then save and continue (or save and exit).***

Apply Online Using DDR - continued

- New Application For Designation (continued)
 - **Step Three** (Fig. 27). Indicate your scope of services by clicking the checkboxes for inspection, weighing, or both.
 - **Step Four** (Fig. 28). Enter the business address. Once you enter the zip code, the application will automatically fill in the city and state (note: do NOT hit the Enter key. Use the tab key or mouse to advance to a new field after entering the zip code). Use the radio button to indicate if this address is also your mailing address. If Yes, continue to the next page. If No, enter your mailing address on the next screen.

Figure 26 – Application For Designation, Step Two: Select Designation

Figure 27 – Application For Designation, Step Three: Scope of Services

Figure 28 – Application For Designation, Step Four: Business Address

Apply Online Using DDR - continued

- New Application For Designation (continued)
 - **Step Five** (Fig. 29). Enter the business title, name, phone number, and email address of the person who can be contacted regarding your application.

Application for Designation
To Perform Official Functions Under the U.S. Grain Standards Act as Amended

1 2 3 4 5 6 7 8 9 10 Finish

Person to contact regarding this application:

Title: First: Middle: Last:

Phone Number: Email:

<< Previous Save and Exit Save and Continue >>

Figure 29 – Application For Designation, Step Five: Point of Contact

- **Steps Six, Seven, Eight, and Nine.** Each of these pages will ask you to provide various information such as names and addresses. You have three options for providing the data:
 - Click the **Add New** button and enter each record manually.
 - Upload a Microsoft Word, Adobe PDF, or Microsoft Excel file containing the required information. To upload a file, click **Browse**, select the correct file from your computer hard drive or local network, and click **Upload File**.
 - Continue without entering or uploading any data, and email, or e-mail the information manually after finishing the online application. Note: if you choose this option, the page number will turn red to indicate missing data. You can ignore this warning.
 - You can use any combination of these methods: for example, you could manually enter your officer's names and upload an organizational chart, or upload a list of officers and fax a diagram of your organization's structure (required for state organizations only).

Apply Online Using DDR - continued

- New Application For Designation (continued)
 - **Step Six** (Fig. 30). Select your organization type from the drop list. DDR will require different information for different organizations.

The screenshot shows a web form titled "Application for Designation" with the subtitle "To Perform Official Functions Under the U.S. Grain Standards Act as Amended". At the top, there is a progress bar with 10 numbered steps. Steps 1 through 5 are highlighted in green, and step 6 is currently selected. Below the progress bar, the question "a. Identify the type of organization:" is followed by a dropdown menu. The dropdown menu is open, showing the following options: "Select One", "State Organization", "Corporation", "Partnership", "Sole Proprietorship", and "Other". At the bottom of the form, there are three buttons: "<< Previous", "Save and Exit", and "Save and Continue >>".

Figure 30 – Application For Designation, Step Six: Type of Organization

- **State Organization** (Fig. 31 – next slide): Enter the names and titles of all agency officials (i.e., Commissioner, Director, Bureau Chief, Official Agency Manager), and provide a chart of your organizational structure. For this page you can manually enter the records, upload a file, or email the information.
- **Sole Proprietorship** (Fig. 34 – next slide): type in the owner's name.
- **Corporation** (Fig. 32 – next slide): Use the Add New button to manually enter the names of all stockholders, officers, and directors. Also indicate each stockholder's percent of ownership.
- **Partnership** (Fig. 33 – next slide): Use the Add New button to manually enter each partner's name and percent of ownership.

Apply Online Using DDR - continued

- New Application For Designation (continued)

Application for Designation
To Perform Official Functions Under the U.S. Grain Standards Act as Amended

1 2 3 4 5 6 7 8 9 10 Finish

List names and titles of all officials (i.e., Commissioner, Director, Division or Bureau Chief, Official Agency Manager) for Test Company. An organizational chart of the state bureau or department conducting inspection/weighing program should also be submitted. Add New

Action	Title	Name
No Officials records found.		

In lieu of providing the information requested above, you may upload a single file (Microsoft Word, Microsoft Excel, or Adobe PDF formats only).

File: Browse... Upload File

You may also choose to furnish this information via email, fax, or mail upon completion of this application.

<< Previous
Save and Exit
Save and Continue >>

Figure 31 – Application For Designation, Step Six: State Organization

Application for Designation
To Perform Official Functions Under the U.S. Grain Standards Act as Amended

1 2 3 4 5 6 7 8 9 10 Finish

List names of stockholders and percent of ownership of each. List names of officers and directors for Test Company. Add New

Action	Name	% Ownership
Edit Delete	Plantation Grains Inc.	50
Add Cancel	First: <input type="text"/> MI: <input type="text"/> Last Name or Company Name: <input type="text"/>	

<< Previous
Save and Exit
Save and Continue >>

Figure 32 – Application For Designation, Step Six: Corporation

Application for Designation
To Perform Official Functions Under the U.S. Grain Standards Act as Amended

1 2 3 4 5 6 7 8 9 10 Finish

List names of partners and percent of ownership of each partner for Test Company. Add New

Action	Name	% Ownership
No partnership records found.		

Cancel
Save and Exit
Save and Continue >>

Figure 33 – Application For Designation, Step Six: Partnership

Apply Online Using DDR -continued

- New Application For Designation (continued)
 - **Other** (Figs. 35 and 36): enter a text description of the organization (such as Cooperative). On the next page, manually enter the full name of all ownerships and trustees.

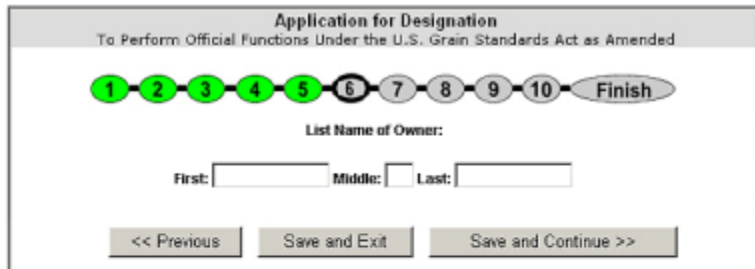


Figure 34 – Application For Designation, Step Six: Sole Proprietorship

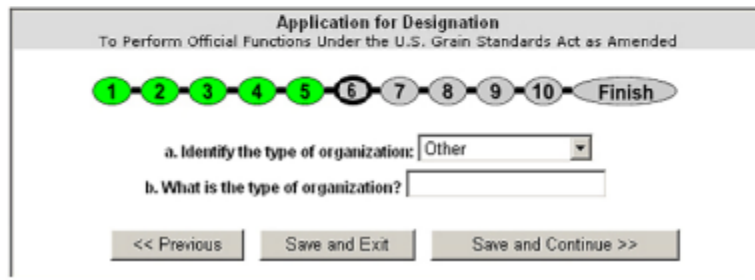
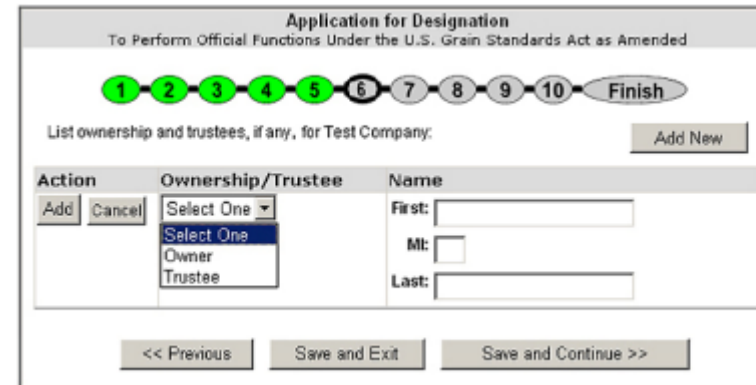


Figure 35 – Application For Designation, Step Six: Other Organization Type

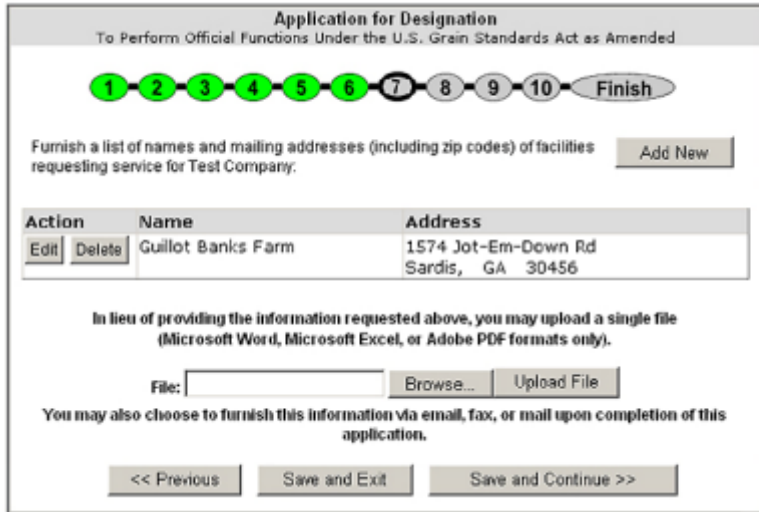


Action	Ownership/Trustee	Name
Add	Select One	First: <input type="text"/>
Cancel	Select One	Mt: <input type="text"/>
	Owner	Last: <input type="text"/>
	Trustee	

Figure 36 – Application For Designation, Step Six: Ownership of Other Organization Type

Apply Online Using DDR - continued

- New Application For Designation (continued)
 - **Step Seven** (Fig. 37). Provide the names and mailing addresses of the facilities requesting service for your organization.



Application for Designation
To Perform Official Functions Under the U.S. Grain Standards Act as Amended

1 2 3 4 5 6 7 8 9 10 Finish

Furnish a list of names and mailing addresses (including zip codes) of facilities requesting service for Test Company.

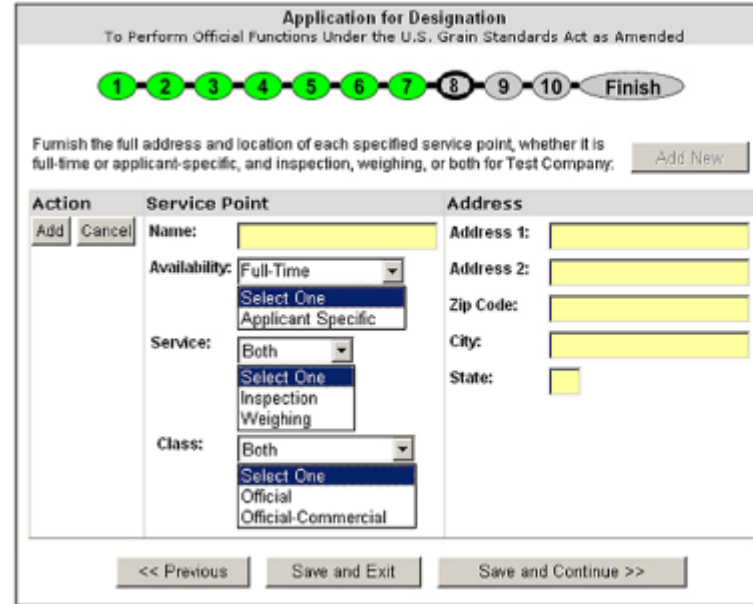
Action	Name	Address
<input type="button" value="Edit"/> <input type="button" value="Delete"/>	Guillot Banks Farm	1574 Jot-Em-Down Rd Sardis, GA 30456

In lieu of providing the information requested above, you may upload a single file (Microsoft Word, Microsoft Excel, or Adobe PDF formats only).

File:

You may also choose to furnish this information via email, fax, or mail upon completion of this application.

Figure 37 – Application For Designation, Step Seven: Facilities



Application for Designation
To Perform Official Functions Under the U.S. Grain Standards Act as Amended

1 2 3 4 5 6 7 8 9 10 Finish

Furnish the full address and location of each specified service point, whether it is full-time or applicant-specific, and inspection, weighing, or both for Test Company.

Action	Service Point	Address
<input type="button" value="Add"/> <input type="button" value="Cancel"/>	Name: <input type="text"/> Availability: <input type="text" value="Full-Time"/> <input type="text" value="Select One"/> <input type="text" value="Applicant Specific"/> Service: <input type="text" value="Both"/> <input type="text" value="Select One"/> <input type="text" value="Inspection"/> <input type="text" value="Weighing"/> Class: <input type="text" value="Both"/> <input type="text" value="Select One"/> <input type="text" value="Official"/> <input type="text" value="Official-Commercial"/>	Address 1: <input type="text"/> Address 2: <input type="text"/> Zip Code: <input type="text"/> City: <input type="text"/> State: <input type="text"/>

Figure 38 – Application For Designation, Step Eight: Services and Locations

- **Step Eight** (Fig. 38). Provide the full address and location of each specified service point, and also describe the service point's availability (full-time or applicant-specific), the services being provided (inspections, weighing, or both), and the class of services (official, official-commercial, or both). If you are entering your records manually with the **Add New** button, use the drop lists to indicate the availability, scope of services, and class of services. If you are providing your records by upload or e-mail, include this information in text format (Microsoft Word, Microsoft Excel, and Adobe PDF formats only).

Apply Online Using DDR - continued

- New Application For Designation (continued)
 - **Step Nine** (Fig. 39 – next slide). Provide the name and business title of all non-licensed personnel who work for your organization. You must also submit a completed Conflict-of-Interest Questionnaire (Form FGIS-100) for each non-licensed person listed on this page.
 - **Step Ten** (Fig. 40 – next slide). Enter the name and title of the manager of your organization's grain program. Indicate if this person is also the official who oversees your grain program; if not, enter the responsible official's name on the next screen.
 - **Finish** (Fig. 41 – next slide). Review the information you submitted for each part of the application. If you need to edit any section, click the corresponding page number at the top of the form, or use the **Previous** and **Continue** buttons to scroll through the application.

At the bottom of the page is the following statement followed by a checkbox:

- *Certification:* I certify that the answers given on this application for registration are true and correct to the best of my knowledge and belief. Click the checkbox to certify your application. At this point you will have three options:
 - Click **Submit Application** to submit your electronic application to FGIS. When you return to the My Information page, your application will be listed under Submitted Applications.
 - Click **Save and Exit** to save and return to the My Information page without submitting the application. Your application will still be listed under Saved Applications.
 - Click **Previous** or the circled page numbers to navigate back through the form.

Apply Online Using DDR -continued

- New Application For Designation (continued)

Application for Designation
To Perform Official Functions Under the U.S. Grain Standards Act as Amended

1 2 3 4 5 6 7 8 9 10 Finish

Furnish a list of all non-licensed personnel, including the title of each person for Test Company. A completed Conflict-of-Interest Questionnaire (Form FGIS-100) must be submitted for each non-licensed person listed:

Action	Title	Name
No Personnel records found.		

In lieu of providing the information requested above, you may upload a single file (Microsoft Word, Microsoft Excel, or Adobe PDF formats only).

Action	File	Date and Time
View	Nonlicensed Personnel.doc	4/13/2006 3:54:33 PM

File:

You may also choose to furnish this information via email, fax, or mail upon completion of this application.

Figure 39 – Application For Designation, Step Nine: Non-licensed Personnel

Application for Designation
To Perform Official Functions Under the U.S. Grain Standards Act as Amended

1 2 3 4 5 6 7 8 9 10 Finish

Name and title of manager of the grain program:

Title: Director First: James Middle: Last: Pierce

Phone Number: 505/123-4567 Email: james@testcompany.com

Is this person also the responsible official? Yes No

Figure 40 – Application For Designation, Step Ten: Grain Program Manager

Application for Designation
To Perform Official Functions Under the U.S. Grain Standards Act as Amended

1 2 3 4 5 6 7 8 9 10 Finish

1 Name of Applicant: Test Company
Web Site: www.testcompany.com

2 **Designation**
Name: Alabama
Geographic Area: The entire State of Alabama, except those export port locations within the State.

3 **Scope of Service**
Official Inspection: Yes Official Weighing: Yes

4 **Address**
Business Address: 1000 E Ellijay Orchard Sardis GA 30456
Mailing Address: 1000 E Ellijay Orchard Sardis GA 30456

5 **Point of Contact**
First Name: David
Middle Initial: A
Last Name: Van Norden
Phone: 202-123-4567
Email: david@testcompany.com

6 **Stockholders, Officers and Directors**

Last	First	M.I.	% Ownership
Plantation Grains Inc.			50
Gullot	Preston		25

7 **Facilities Requesting Service**

Name	Street Address	City	State	Zip
Gullot Banks Farm	1574 Jot-Em-Down Rd	Sardis	GA	30456

8 **Service Points**

Name	Availability	Scope of Service	Class	Street Address	City	State	Zip
1 file(s) uploaded.							

9 **Non-licensed Personnel**

Title	First	M.I.	Last Name
1 file(s) uploaded.			

10 **Grain Manager**

Title:	Agency Director
First Name:	James
Middle Initial:	
Last Name:	Pierce
Phone:	505/123-4567
Email:	james@testcompany.com

10 **Responsible Manager**

Title:	Agency Director
First Name:	James
Middle Initial:	
Last Name:	Pierce
Phone:	505/123-4567
Email:	james@testcompany.com

Certification: I certify that the answers given on this application for designation are true and correct to the best of my knowledge and belief.

Figure 41 – Review and Submit Application For Designation

Submit a Detailed Business Plan

- Please address the specific requests below in your business plan. FGIS wants to know how you are going to handle the area, if you have or how you will obtain the capital to fund your business, how you're going to obtain any new or required equipment, who is going to do the work, and how will you train and supervise those people.
- At minimum, please include the following:
 - State where you will set up office and inspection laboratories and your arrangements for obtaining such spaces.
 - State how you will obtain the necessary grain inspection equipment to perform official services.
 - State how you will obtain the required computer hardware, software, and internet access.
 - Explain your plans to get the persons licensed to perform inspection functions, as necessary, in order to provide service to the customer base.
 - Describe your proposed management and supervision structure. Include how you plan to conduct supervision of employee official duties.
 - Include a completed Conflict of Interest Questionnaire, Form FGIS 100, for each non-licensed owner, stockholder, manager, and/or employee or prospective employee. Any Trustees or Board of Directors members must also complete the FGIS-100. [FGIS 100 \(usda.gov\)](#). Attach the completed forms to section 9 of your online application.
 - Ensure that your drug-free statement (AD-1049) is up to date and communicated to all management and employees. Attach a signed AD-1049 to section 7, 8, or 9, of your online application. [Certification Regarding Drug-Free Workplace Requirements \(Grants\) Alternative I – For Grantees Other Than Individuals \(usda.gov\)](#)

Submit a Detailed Business Plan (continued)

- Submit a copy of your organizations Articles of Incorporation and any by-laws.
- Submit proof of financial solvency and necessary capitol required to effectively conduct business as an official service provider.
- Submit a Quality Management Plan identifying or describing how you intend to ensure official activities are conducted in accordance with the United States Grain Standards Act, regulations, and instructions, and how you plan to ensure no official services are conducted in an unofficial manner.
- Submit a list of official services you intend to provide and a proposed fee structure for those official services in accordance with FGIS Directive 9100.7 Fees for Official Service Provider Services. [DIRECTIVE 9100.7 \(usda.gov\)](https://www.usda.gov/directive-9100.7)
- If considered a ‘conflict’ organization, or owned by an unofficial inspection organization, describe how you plan maintain separation from the ‘conflict’ or ‘unofficial’ organization. Identify any persons serving as Trustees or Board of Directors members between the ‘conflict’ or ‘unofficial’ organization and the proposed ‘official’ entity.
- Provide any additional details or information to assist FGIS in determining your organizations fitness for designation.

Promoting and Maintaining a Drug Free Workplace

- Official personnel and warehouse samplers must maintain high standards of honesty, integrity, and impartiality to assure proper performance of their duties and responsibilities and to maintain public confidence in the services provided by them.
- USDA requires all grantees (other than individuals) to certify that it will or will continue to provide a drug free workplace using form AD-1049.
- FGIS requires all applicants for designation to complete and submit a new or updated form AD-1049 with every new application.

[Certification Regarding Drug-Free Workplace Requirements \(Grants\) Alternative I – For Grantees Other Than Individuals \(usda.gov\)](https://www.usda.gov/office-of-civil-rights/2015-05-14/certification-regarding-drug-free-workplace-requirements-grants-alternative-i-for-grantees-other-than-individuals-usda.gov)

This form is available electronically.

OMB Control No. 0505-0027
Expiration Date: 04/30/2022



**Certification Regarding Drug-Free Workplace Requirements (Grants)
Alternative I – For Grantees Other Than Individuals**

AD-1049

The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. § 552a, as amended). This certification is required by the regulations implementing §§ 5151-5160 of the Drug-Free Workplace Act of 1998 (Pub. L. 100-690, Title V, Subtitle D: 41 U.S.C. § 8101 et seq.), and 2 C.F.R. Parts 182 and 421. The regulations were amended and published on June 15, 2009, in 74 Fed. Reg. 28150-28154 and on December 8, 2011, in 76 Fed. Reg. 76610-76611. Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the grant.

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 displays a valid OMB control number. The valid OMB control number for this information collection is 0505-0027. The time required to complete this information collection is estimated to average 15 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. The provisions of appropriate criminal, civil, fraud, privacy, and other statutes may be applicable to the information provided.

(Read instructions on page three before completing certification.)

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug-abuse violations occurring in the workplace.
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph A.1.
4. Notifying the employee in the statement required by paragraph A.1 that, as a condition of employment under the grant, the employee will –
 - a. Abide by the terms of the statement; and
 - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph A.4.b from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph A.4.b, with respect to any employee who is so convicted –
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or, local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs A.1 through A.6.

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

PLACE OF PERFORMANCE (Street Address, City, County, State, Zip Code)

Check if there are workplaces on file that are not identified here.

ORGANIZATION NAME	PR/AWARD NUMBER OR PROJECT NAME
NAME(S) AND TITLE(S) OF AUTHORIZED REPRESENTATIVE(S)	
SIGNATURE(S)	DATE

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint \(https://www.usda.gov/filing-program-discrimination-complaint-usda-customers\)](https://www.usda.gov/filing-program-discrimination-complaint-usda-customers) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442.

§87. Conflicts of Interest

- The USDA, AMS, and FGIS take matters involving Conflicts of Interest very seriously. Section 87. of the USGSA strictly prohibits any person licensed or authorized by the Secretary to perform official functions from being financially interested (directly or otherwise) in any business entity owning or operating any grain elevator or warehouse or engaged in the merchandising of grain, or be in the employment of, or accept gratuities from, any such entity, or be engaged in any other kind of activity specified by regulation of the Secretary as involving a conflict of interest.
- Section 87. also prohibits an official agency or State agency from engaging in any activity specified within this section or by regulation.
- Please review the Conflicts of Interest provisions under the USGSA (§87. Conflicts of Interest) at the following link: [7 USC Ch. 3: GRAIN STANDARDS \(house.gov\)](#)
- Please review the Conflicts of Interest provisions under the USGSA regulations (§ 800.187 Conflicts of interest) at the following link: [eCFR :: 7 CFR 800.187 -- Conflicts of interest](#)
- Please review the additional Conflicts of Interest provisions and policy in FGIS Directive 9070.3 Conflicts of Interest at the following link: [Directive 9070.3 \(usda.gov\)](#)
- All licensed, nonlicensed and authorized personnel are responsible for reporting and eliminating conflict-of-interest situations or the appearance thereof. In addition, all licensed and nonlicensed individuals must complete the conflict-of-interest information that appears on the following forms (FGIS 944 or FGIS-100), as applicable. All licensed personnel must also submit a conflict of interest declaration through the FGIS Official Service Provider Licensing (FOL) program when initially applying for a license, during a license renewal, and anytime there is a new change in conflict of interest or circumstances status.

Special Requirements for Entities Owned by Grain Trade Organizations or Unofficial Inspection Agencies

- Conflict of Interest Agencies
 - Conflict agencies are owned by the trade and are required to have a board of directors or trustees that act as a buffer between the owners and the agency. The owners of a conflict agency have a financial interest in the grain and the final outcome of inspections.
 - Owners of conflict agency cannot participate in the management decisions and provide only public relation type support (information on grain grading awareness, etc.) They should be careful as not give the perception of being involved with the inspection/weighing of the grain.
 - The trustees over see management of the business and are paid for their work and reimbursed for expenses. They approve major expenses; assist with certain management decisions; decide on office additions/deletions, etc.
- Official Agencies owned by an Unofficial Agency
 - The main difference between a conflict of interest agency and an unofficially owned agency is that the unofficial agency does not own the grain or have any interest in the final outcome of the inspection as does the owner of a conflict agency. Unofficially owned agencies are also required to have a buffer (Directors or Trustees) between the agency and owners.
- In both cases, a separate entity owned by the conflict or unofficial organization that applies for designation under the USGSA, must have its own management, employees, facilities, and equipment. Further, if such entity is designated under the USGSA, the entity cannot represent itself to customers and the general public as being part of the conflict or unofficial agency. This includes, but is not limited to, items such as job announcements, advertisements, apparel, websites, billing invoices, and any other correspondence or dealings with customers and the general public. Such entity may only promote use of the “official system” and may not advertise or promote use of the unofficial agency. However, the unofficial agency may offer its assistance with certain human resource, procurement, and administrative functions that will not jeopardize the integrity of or public confidence in the designation.

Review, Recommendation, and Designation Award Process

- After your online application and all requested documentation have been submitted and the application period has ended, your application will be reviewed by the FGIS Quality Assurance and Compliance Division (QACD). If only one application is received, QACD will review all aspects of the application to determine if the applicant meets the designation criteria and qualifies for designation as defined in the USGSA. If more than one application is received, QACD must review all aspects of all applications and perform a comprehensive comparison to help determine which applicant is better able than any other applicant to provide official inspection service, for the geographic area. In scenarios involving new applicants and/or multiple applicants QACD usually publishes a second *Federal Register* notice requesting public comments about the applicants for designation.
- Following an extensive review of all applicants and *Federal Register* public comments, a recommendation report is drafted and submitted to AMS upper management. The recommendation report includes details about the applicant(s) including application information provided, business plan information, results of any comprehensive comparisons conducted, and provides all viable options and the most recommended option for AMS upper management to use in making a final decision.
- Once AMS upper management has made a final decision, QACD will contact each applicant to notify them of the outcome of the decision. If an applicant is to be awarded the designation, QACD will notify the applicant to confirm the terms for which the designation will be awarded and to verify the selected applicant's agreement to accept the terms.
- When all applicants have been notified of the outcome. QACD will begin the process to publish a final *Federal Register* notice announcing the designation award. This announcement may be consolidated with other designation award notices.

Designation Criteria Under the USGSA and Regulations §79.(f)(1)(A)

§79. (f) Official inspections at other than export port locations; designation of agencies or persons to conduct official inspections

(1) With respect to official inspections other than at export port locations, the Secretary is authorized, upon application by any State or local governmental agency, or any person, to designate such agency or person as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection) at locations where the Secretary determines official inspection is needed, if—

(A) the agency or person shows to the satisfaction of the Secretary that such agency or person—

(i) has adequate facilities and qualified personnel for the performance of such official inspection functions;

(ii) will provide for the periodic rotation of official inspection personnel among the grain elevators, warehouses, or other storage or handling facilities at which the State or person provides official inspection, as is necessary to preserve the integrity of the official inspection service;

(iii) will meet training requirements and personnel standards established by the Secretary under section 84(g) of this title;

(iv) will otherwise conduct such training and provide such supervision of its personnel as are necessary to assure that they will provide official inspection in accordance with this chapter and the regulations and instructions thereunder;

(v) will not charge official inspection fees that are discriminatory or unreasonable;

(vi) if a State or local governmental agency, will not use any moneys collected pursuant to the charging of fees for any purpose other than the maintenance of the official inspection operation of the State or local governmental agency;

(vii) and any related entities do not have a conflict of interest prohibited by section 87 of this title;

(viii) will maintain complete and accurate records of its organization, staffing, official activities, and fiscal operations, and such other records as the Secretary may require by regulation;

(ix) if a State or local governmental agency, will employ personnel on the basis of job qualifications rather than political affiliations;

(x) will comply with all provisions of this chapter and the regulations and instructions thereunder; and

(xi) meets other criteria established in regulations issued under this chapter relating to official functions under this chapter;

Designation Criteria Under the USGSA and Regulations §800.196

§ 800.196 Designations. [eCFR :: 7 CFR 800.196 -- Designations.](#)

(a) **General.** Eligible persons or governmental agencies may be designated to perform official services (excluding appeal inspection) within a specified area (other than export port locations).

(b) **Restrictions** -

(1) **General.** If official inspection services are performed in an area by a designated agency, Class X and Class Y weighing services in that area may be performed only by the designated agency if the agency applies for designation to provide weighing services and is found qualified by the Service. If the agency designated to provide official inspection services is found not qualified or does not apply, the Class X and Class Y weighing services may be performed by another available agency that is found qualified and is designated by the Service, or the official services may be performed by the Service.

(2) **Interim authority.**

(i) **By agency.** A designated agency may perform official services outside its assigned area on an interim basis when authorized by the Service.

(ii) **By Service.** Official inspection services and/or Class X and Class Y weighing services may be performed by the Service in an area (other than export port locations) on an interim basis in accordance with sections 7(h) and 7A(c) of the Act.

(c) **Who can apply.** Any State or local governmental agency or any person may apply, subject to sections 7 and 7A of the Act, to the Service for designation as an official agency to perform official inspection services (excluding appeal inspection) and/or Class X and Class Y weighing services in a given area (other than export port locations) in the United States.

(d) **When and how to apply.** An application for designation should be filed with the Service, according to the provisions of the Federal Register notice which requests applicants for designation to perform official services in existing or new geographic areas. The application for designation:

- (1) Shall be submitted on a form furnished by the Service;
- (2) Shall be typewritten or legibly written in English;
- (3) Shall show or be accompanied by documents which show all information requested on the form, or otherwise required by the Service; and
- (4) Shall be signed by the applicant or its chief operating officer.

Designation Criteria Under the USGSA and Regulations §800.196 (continued)

§ 800.196 Designations. [eCFR :: 7 CFR 800.196 -- Designations.](#)

(e) *Review of conditions and criteria for designation* -

(1) **Application.** Each application for a designation shall be reviewed to determine whether it complies with paragraph (d) of this section. If an application is not in compliance, the applicant shall be provided an opportunity to submit the needed information. If the needed information is not submitted within a reasonable time, as determined by the Service, the application may be dismissed. When an application is dismissed, the Service shall notify the applicant, in writing, of the reason(s) for the dismissal.

(2) **Applicant.** Each applicant for authority to operate as designated agency shall be reviewed to determine whether the applicant meets the conditions and criteria contained in sections 7(f)(1)(A) and (B) of the Act, § 800.199 of the regulations, and paragraph (g) of this section. The requested designation may be granted if the Service determines that: [eCFR :: 7 CFR 800.199 -- Conflict-of-interest provisions.](#)

(i) The requested action is consistent with the need for official services;

(ii) The applicant meets the conditions and criteria specified in the Act and regulations;

(iii) The applicant is better able than any other applicant to provide official services; and

(iv) The applicant addresses concerns identified during consultations that the Service conducts with applicants for service to the satisfaction of the Service.

(f) *Area of responsibility* -

(1) **General.** Each agency shall be assigned an area of responsibility by the Service. Each area shall be identified by geographical boundaries and, in the case of a State or local government, shall not exceed the jurisdictional boundaries of the State or the local government, unless otherwise approved by the Service. The area of responsibility may not include any export elevators at export port locations or any portion of an area of responsibility assigned to another agency that is performing the same functions, except as otherwise provided in § 800.117. A designated agency may perform official services at locations outside its assigned area of responsibility only after obtaining approval from the Service, or in accordance with provisions set forth in § 800.117. [eCFR :: 7 CFR 800.117 -- Who shall perform original services.](#)

Designation Criteria Under the USGSA and Regulations §800.196 (continued)

§ 800.196 Designations. [eCFR :: 7 CFR 800.196 -- Designations.](#)

(2) **Amending.** A request for an amendment to an assigned area of responsibility shall

(i) be submitted to the Service in writing;

(ii) specify the change desired;

(iii) be signed by the applicant or its chief operating officer; and

(iv) be accompanied by the fee prescribed by the Service. The assigned area may be amended if the Service determines that the amendment is consistent with the provisions and objectives of the Act, regulations, and instructions. Upon a finding of need, the Service may initiate action to change an assigned area of responsibility.

(3) **Specified service points.** An agency may change its specified service points by notifying the Service in advance. Interested persons may obtain a list of specified service points within an agency's area of responsibility by contacting the agency. The list shall include all specified service points and shall identify each specified service point which operates on an intermittent or seasonal basis.

(g) **Responsibilities -**

(1) **Providing official services.** Insofar as practicable, each agency shall be responsible for providing at all locations in its assigned area each service authorized by the designation. An agency may, subject to Service approval, make arrangements with a neighboring agency to provide official services requested infrequently. The agency shall perform all official services according to the Act, regulations, and instructions in effect at the time of designation or which may be promulgated subsequently.

(2) **Fees.** The agency shall charge fees according to § 800.70. [eCFR :: 7 CFR 800.70 -- Fees for official services performed by agencies.](#)

(3) **Staffing, licensing, and training -**

(i) **General.** The agency shall employ sufficient personnel to provide the official services normally requested in an accurate and timely manner. Each agency shall only use personnel licensed by the Service for the performance of official services and shall train and assist its personnel in acquiring and maintaining the necessary skills. Each agency shall keep the Service informed of the employment status of each of its licensees and any substantial change in a licensee's duties.

(ii) **State agencies.** State agencies shall employ official personnel on the basis of job qualifications rather than political affiliations.

Designation Criteria Under the USGSA and Regulations §800.196 (continued)

§ 800.196 Designations. [eCFR :: 7 CFR 800.196 -- Designations.](#)

- (4) **Rotation of personnel.** Where feasible, each agency shall rotate licensees among elevators and other facilities as is necessary to preserve the integrity of the official inspection and weighing systems.
- (5) **Supervision.** The agency and its officials shall be responsible for the actions of the official personnel employed by the agency, for direct supervision of the daily activities of such personnel, and for the conduct of official services and related activities at the agency. The agency shall supervise official activities, in accordance with the Act, regulations, and instructions, and shall take action necessary to ensure that its employees are not performing prohibited functions and are not involved in any action prohibited by the Act, regulations, or instructions. Each agency shall report to the responsible field office information which shows or may show a violation of any provision of the Act, regulations, or instructions and information on any instructions which have been issued to agency personnel by Service personnel or by any other person which are inconsistent with the Act, regulations, or instructions.
- (6) **Conflict of interest** -
- (i) **General.** Each agency and any officer, director, stockholder, employee, or other related entity shall not have a conflict of interest, as defined in Section 11 of the Act and § 800.199 of the regulations. A conflict of interest may be waived pursuant to § 800.199(d). The agency shall advise the Service immediately of any proposed change in name, ownership, officers or directors, or control of the agency and, if a trust, any change affecting the trust agreement. [eCFR :: 7 CFR 800.199 -- Conflict-of-interest provisions.](#)
 - (ii) **Unofficial activities.** Except as provided in § 800.76(a), the agency or personnel employed by the agency shall not perform any unofficial service that is the same as the official services covered by the designation. [eCFR :: 7 CFR 800.76 -- Prohibited services; restricted services.](#)
- (7) **Facilities and equipment** -
- (i) **General.** The laboratory and office facilities of each agency shall be: Located; equipped; and large enough so that requested services are provided in an orderly and timely manner.
 - (ii) **Equipment testing.** Each agency shall test the equipment it uses for official services according to the instructions.
- (8) **Security.** Each agency shall provide sufficient security to ensure that official samples, records, equipment, and forms are reasonably secure from theft, alteration, or misuse.

Designation Criteria Under the USGSA and Regulations §800.196 (continued)

§ 800.196 Designations. [eCFR :: 7 CFR 800.196 -- Designations.](#)

(9) **Certificate control system.** Each agency shall establish a certificate control system for all official certificates it receives, issues, voids, or otherwise renders useless. The system shall provide for

- (i) recording the numbers of the official certificates printed or received;
- (ii) protecting unused certificates from fraudulent or unauthorized use; and
- (iii) maintaining a file copy of each certificate issued, voided, or otherwise rendered useless in a manner that would permit retrieval.

(10) **Records.** Each agency shall maintain the records specified in §§ 800.145 through 800.159. [eCFR :: 7 CFR Part 800 - Official Records and Forms \(General\)](#)

(h) **Termination and renewal -**

(1) **Triennial -**

(i) **Termination.** A designation shall terminate at a time specified by the Administrator, but not later than 5 years after the effective date of the designation. A notice of termination shall be issued by the Service to a designated agency at least 120 calendar days in advance of the termination date. The notice shall provide instructions for requesting renewal of the designation. Failure to receive a notice from the Service shall not exempt a designated agency from the responsibility of having its designation renewed on or before the specified termination date.

(ii) **Renewal.** Designations may be renewed, upon application, in accordance with criteria and procedures for designation prescribed in section 7(f) of the Act and this section of the regulations. The Administrator may decline to renew a designation if:

- (A) The requesting agency fails to meet or comply with any of the criteria for designation set forth in the Act, regulations, and instructions, of
- (B) The Administrator determines that another qualified applicant is better able to provide official services in the assigned area.

(2) **Automatic termination.** Failure to pay the user fees prescribed by the Service for supervisory costs related to official inspection and weighing services within 30 days after due shall result in the automatic termination of the designation. The designation shall be reinstated if fees currently due, plus interest and any further expenses incurred by the Service because of the termination, are paid within 60 days after the termination.

Designation Criteria Under the USGSA and Regulations §800.196 (continued)

§ 800.196 Designations. [eCFR :: 7 CFR 800.196 -- Designations.](#)

(3) **Voluntary cancellation.** An agency may request that its designation be canceled by giving 90 days written notice to the Service. (4) Suspension or revocation of designation.

(4) **Suspension or revocation of designation.**

(i) **General.** A designation is subject to suspension or revocation, under section 7(g)(3) of the Act, by the Service, whenever the Administrator determines that:

(A) The agency has failed to meet one or more of the criteria specified in section 7(f) of the Act or the regulations for the performance of official functions, or otherwise has not complied with any provision of the Act, regulations, or instructions, or

(B) Has been convicted of any violation of other Federal law involving the handling or official inspection of grain.

(ii) **Summary suspension.** The Service may, without first affording the agency (hereafter referred to in this paragraph as the “respondent”) an opportunity for a hearing, suspend a designation or refuse to reinstate a designation when the suspension period has expired, pending final determination of the proceeding whenever the Service has reason to believe there is cause for revocation of the designation and considers such action to be in the best interest of the official inspection and weighing system. A suspension or refusal to reinstate a suspended designation shall be effective upon the respondent's receipt of a notice from the Service. Within 30 calendar days following the issuance of a notice of such action, the Service shall afford the respondent an opportunity for a hearing under paragraph (h)(4)(iii) of this section. The Service may terminate the action if it finds that alternative managerial, staffing, financial, or operational arrangements satisfactory to the Service can be and are made by the respondent.

(iii) **Other than summary suspension.** Except as provided in paragraph (h)(4)(ii) of the section, before the Service revokes or suspends a designation, the respondent shall be: (A) Notified by the Service of the proposed action and the reason(s) therefor, and (B) afforded an opportunity for a hearing in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 CFR part 1, subpart H). Before initiating formal adjudicatory proceedings, the Service may, at its discretion, afford the respondent an opportunity to present its views on the proposed action and the reason(s) therefor in an informal conference. If, as a result of the informal conference, a consent agreement is reached, no formal adjudicatory proceedings shall be initiated.

(i) **Provision of services following suspension or termination.** If the designation of an agency is suspended, terminated, or the renewal of a designation is not granted, the Service shall attempt, upon a finding of need, to arrange for a replacement agency. If a qualified replacement agency cannot be designated on a timely basis, a qualified agency, if available, shall be designated on an interim basis. If a qualified agency is not available on an interim basis, the Service shall provide needed services on an interim basis.

Designation Criteria Under the USGSA and Regulations §800.196 (continued)

§ 800.196 Designations. [eCFR :: 7 CFR 800.196 -- Designations.](#)

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Duties of Official Personnel §800.185

§ 800.185 Duties of official personnel and warehouse samplers.

- (a) **General.** Official personnel and warehouse samplers shall, when performing official services or duties under the Act, comply with the Act, the regulations, and the instructions.
- (b) **Inspection and weighing services.** Official personnel shall perform requested official inspection and Class X and Class Y weighing services
- (1) without discrimination,
 - (2) as soon as practicable, and
 - (3) in accordance with methods and procedures prescribed in the instructions.
- (c) **Sealing carriers or containers.** Upon request, or in accordance with the instructions, official personnel shall
- (1) when feasible, affix security seals to doors, hatch covers, and similar openings on carriers or containers that contain grain that has been officially inspected or Class X or Class Y weighed under the Act and
 - (2) show seal records on certificates and other official forms in accordance with the provisions of § 800.161.
- (d) **Scope of operations.** Official personnel and warehouse samplers shall operate only within the scope of their license or authorization and except as otherwise provided in § 800.117, operate only within the area of responsibility assigned to the official agency, field office, or contractor which employs them. Official personnel and warehouse samplers may perform official inspection or weighing services in a different area of responsibility with the specific consent of the Service.
- (e) **Working materials.** Official personnel and warehouse samplers shall be responsible for maintaining a working knowledge of the applicable provisions of the Act, the regulations, the Official U.S. Standards for Grain, the instructions, and all amendments and revisions thereto.
- (f) **Observation of services.** Official personnel and warehouse samplers shall permit any person (or the person's agent) who has a financial interest in grain that is being inspected or weighed under the Act, or in equipment that is being tested under the Act, to observe the performance of any or all official inspection, or Class X or Class Y weighing. Appropriate areas in the elevator may be specified by the Service in conjunction with the elevator management for observing each service. The areas shall be safe, shall afford a clear and unobstructed view of the performance of the services, but shall not permit a close over-the-shoulder type of observation by the interested person or the person's agent.
- (g) **Reporting violations.** Official personnel and warehouse samplers shall in accordance with the instructions promptly report (1) information which shows or tends to show a violation of any provision of the Act, the regulations, or the instructions, and (2) information on any instructions which have been issued to them by any official personnel or other persons which are contrary to the Act, the regulations, or the instructions.

Duties of Official Personnel §800.185 (continued)

§ 800.185 Duties of official personnel and warehouse samplers.

- (h) **Related duties.** Official personnel and warehouse samplers shall, when practicable, assist in training other employees who desire to become licensed.
- (i) **Instructions by Service.** Official personnel and warehouse samplers shall carry out all written instructions or oral directives issued to them by the Service and, upon request, inform the Service regarding inspection, weighing, or equipment testing services performed by them. Oral directives from the Service not found in written instructions shall be confirmed in writing, upon request.



Standards of Conduct for Official Personnel §800.186

§ 800.186 Standards of conduct.

- (a) General. Official personnel and warehouse samplers must maintain high standards of honesty, integrity, and impartiality to assure proper performance of their duties and responsibilities and to maintain public confidence in the services provided by them.
- (b) Prohibited conduct; official personnel and warehouse samplers. No official personnel or warehouse sampler shall:
- (1) Perform any official inspection, Class X or Class Y weighing, or equipment testing service unless licensed or authorized to do so;
 - (2) Engage in criminal, dishonest, or notoriously disgraceful conduct, or other conduct prejudicial to the Department or the Service;
 - (3) Report for duty in an intoxicated or drugged condition, or consume intoxicating beverages or incapacitating drugs while on duty;
 - (4) Smoke in prohibited areas in elevators or perform official services in an unsafe manner that could endanger official personnel working on or about the premises;
 - (5) Make unwarranted criticisms or accusations against other official personnel, warehouse samplers, or employees of the Department; and
 - (6) Refuse to testify or respond to questions in connection with official inquiries or investigations.
 - (7) Coerce or attempt to coerce any person into providing any special or undue benefit to official personnel, approved weighers, or warehouse samplers.
- (c) Prohibited conduct; official personnel. In addition to the conduct prohibited by paragraph (b) of this section, no official personnel shall:
- (1) Solicit contributions from other official personnel or warehouse samplers for an employee of the Service, or make such a contribution. Nothing in this paragraph shall preclude the occasional voluntary giving or acceptance of gifts of a nominal value on special occasions;
 - (2) Take any action that might
 - (i) create the appearance of a loss of impartiality or
 - (ii) adversely affect the confidence of the public in the integrity of the inspection, weighing, or equipment testing services performed under the Act;

Standards of Conduct for Official Personnel §800.186 (continued)

§ 800.186 Standards of conduct.

- (3) Except as provided in § 800.76(a), engage in any outside (unofficial) work or activity that: [eCFR :: 7 CFR 800.76 -- Prohibited services; restricted services.](#)
- (i) May impair their efficiency in performing official functions; or
 - (ii) Consists in whole or in part of unofficial acts of sampling, stowage examination, inspection testing, equipment testing, inspection, or weighing services similar to the official services for which the employing agency is designated; or
 - (iii) May result in the acquisition of property interests that could create a conflict of interest as defined in section 11 of the Act; or
 - (iv) May tend to bring criticism on or otherwise embarrass the Department or the Service;
- (4) Issue to other official personnel, warehouse samplers, or approved weighers any instructions or directives inconsistent with the Act, the regulations, the Official U.S. Standards for Grain, or the instructions;
- (5) Organize or help establish a general or specialized farm organization, or act as an officer or business agency in, recruit members for, or accept office space or contributions from such an organization;
- (6) Advocate that any general or specialized farm organization better represents the interest of farmers than any other organization or individual, or recommend that the responsibilities of any government agency be carried out through a general or specialized farm organization. Nothing in paragraph (c)(5) of this section shall prevent official personnel from holding membership in a general or specialized farm organization or prohibit official personnel from participating in the operation of local groups or organizations that conduct government-authorized programs.

Prohibited Acts Under the USGSA §87b.

§87b. Prohibited acts

(a) No person shall—

- (1) knowingly falsely make, issue, alter, forge, or counterfeit any official certificate or other official form or official mark;
- (2) knowingly utter, publish, or use as true any falsely made, issued, altered, forged, or counterfeited official certificate or other official form or official mark, or knowingly possess, without promptly notifying the Secretary or the representative of the Secretary, or fail to surrender to such a representative upon demand, any falsely made, issued, altered, forged, or counterfeited official certificate or other official form, or any device for making any official mark or simulation thereof, or knowingly possess any grain in a container bearing any falsely made, issued, altered, forged, or counterfeited official mark without promptly giving such notice;
- (3) knowingly cause or attempt (whether successfully or not) to cause the issuance of a false or incorrect official certificate or other official form by any means, including but not limited to deceptive loading, handling, weighing, or sampling of grain, or submitting grain for official inspection or official weighing or supervision of weighing knowing that it has been deceptively loaded, handled, weighed, or sampled, without disclosing such knowledge to the official inspection personnel before official sampling or official weighing or supervision of weighing;
- (4) alter any official sample of grain in any manner or, knowing that an official sample has been altered, thereafter represent it as an official sample;
- (5) knowingly use any official grade designation or official mark on any container of grain by means of a tag, label, or otherwise, unless the grain in such container was officially inspected on the basis of an official sample taken while the grain was being loaded into or was in such container or officially weighed, respectively, and the grain was found to qualify for such designation or mark;
- (6) knowingly make any false representation that any grain has been officially inspected, or officially inspected and found to be of a particular kind, class, quality, or condition, or that particular facts have been established with respect to grain by official inspection under this chapter, or that any weighing service under this chapter has been performed with respect to grain;
- (7) improperly influence, or attempt to improperly influence, any official inspection personnel or personnel of agencies delegated authority or of agencies or other persons designated under this chapter or any officer or employee of the Department of Agriculture with respect to the performance of the duties of the officer, employee, or other person under this chapter;
- (8) forcibly assault, resist, oppose, impede, intimidate, or interfere with any official inspection personnel or personnel of agencies delegated authority or of agencies or other persons designated under this chapter or any officer or employee of the Department of Agriculture in, or on account of, the performance of the duties of the officer, employee, or other person under this chapter;

Prohibited Acts Under the USGSA §87b. (continued)

§87b. Prohibited acts

(9) falsely represent that the person is licensed or authorized to perform an official inspection or official weighing or supervision of weighing function under this chapter;

(10) use any false or misleading means in connection with the making or filing of an application for official inspection or official weighing or supervision of weighing;

(11) violate section 77, 78, 79, 79a, 79b, 84, 87, 87a, 87e, or 87f-1 of this title; [7 USC Ch. 3: GRAIN STANDARDS \(house.gov\)](https://www.house.gov/legislation/7usc/ch03/)

(12) knowingly engage in falsely stating or falsifying the weight of any grain shipped in interstate or foreign commerce by any means, including, but not limited to, the use of inaccurate, faulty, or defective weighing equipment; or

(13) knowingly prevent or impede any buyer or seller of grain or other person having a financial interest in grain, or the authorized agent of any such person, from observing the loading of the grain inspected under this chapter and the weighing, sampling, and inspection of such grain under conditions prescribed by the Secretary.

(b) No person licensed or authorized to perform any function under this chapter shall—

(1) commit any offense prohibited by subsection (a);

(2) knowingly perform improperly any official sampling or other official inspection or weighing function under this chapter;

(3) knowingly execute or issue any false or incorrect official certificate or other official form; or

(4) accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty.

(c) An offense shall be deemed to have been committed knowingly under this chapter if it resulted from gross negligence or was committed with knowledge of the pertinent facts.

Prohibited Acts Under the USGSA §87b. (continued)

§87b. Prohibited acts

- (d) (1) Subject to paragraphs (2) and (3), to ensure the quality of grain marketed in or exported from the United States—
 - (A) no dockage or foreign material, as defined by the Secretary, once removed from grain shall be recombined with any grain; and
 - (B) no dockage or foreign material of any origin may be added to any grain.
- (2) Nothing in paragraph (1) shall be construed to prohibit—
 - (A) the treatment of grain to suppress, destroy, or prevent insects and fungi injurious to stored grain;
 - (B) the marketing, domestically or for export, of dockage or foreign material removed from grain if such dockage or foreign material is marketed—
 - (i) separately and uncombined with any such whole grain;
 - (ii) in pelletized form; or
 - (iii) as a part of a processed ration for livestock, poultry, or fish;
 - (C) the blending of grain with similar grain of a different quality to adjust the quality of the resulting mixture;
 - (D) the recombination of broken corn or broken kernels, as defined by the Secretary, with grain of the type from which the broken corn or broken kernels were derived;
 - (E) effective for the period ending December 31, 1987, the recombination of dockage or foreign material, except dust, removed at an export loading facility from grain destined for shipment as a cargo under one export official certificate of inspection if—
 - (i) the recombination occurs during the loading of the cargo;
 - (ii) the purpose is to ensure uniformity of dockage or foreign material throughout that specific cargo; and
 - (iii) the separation and recombination are conducted in accordance with regulations issued by the Secretary; or
 - (F) the addition to grain of a dust suppressant, or the addition of confetti or any other similar material that serves the same purpose in a quantity necessary to facilitate identification of ownership or origin of a particular lot of grain.

Prohibited Acts Under the USGSA §87b. (continued)

§87b. Prohibited acts

- (3)
 - (A) The Secretary may, by regulation, exempt from paragraph (1) the last handling of grain in the final sale and shipment of such grain to a domestic user or processor if such exemption is determined by the Secretary to be in the best economic interest of producers, grain merchants, the industry involved, and the public.
 - (B) Grain sold under an exemption authorized by this paragraph shall be consumed or processed into one or more products by the purchaser, but may not be resold into commercial channels for such grain or blended with other grain for resale. Neither products nor byproducts derived therefrom (except vegetable oils as defined by the Secretary and used as a dust suppressant) shall be blended with or added to grain in commercial channels.
- (e)
 - (1) The Secretary may prohibit the contamination of sound and pure grain, or prohibit disguising the quality of grain, as a result of the introduction of—
 - (A) nongrain substances;
 - (B) grain unfit for ordinary commercial purposes; or
 - (C) grain that exceeds action limits established by the Food and Drug Administration or grain having residues that exceed the tolerance levels established by the Environmental Protection Agency.