



Agricultural  
Marketing  
Service

Specialty  
Crops  
Programs

Specialty  
Crops  
Inspection  
Division

# Super-Lot Inspection Program

## Policy and Instructions



# Super-Lot Inspection Program

The Specialty Crops Inspection (SCI) Division works in cooperation with State Departments of Agriculture, industry associations and institutions of higher learning to provide inspection services at locations throughout the country. The Super-Lot Inspection Program is being offered at the request of the table grape importers in Nogales, Arizona to help alleviate backlogs during the busy Table Grape import season. Participation in an “alternative” program is a privilege. Accordingly, non-compliance with program requirements will result in loss of the privilege.

The super-lot program is focused on packed product that is offered for inspection at the port of entry. The applicant provides staff to sample packed product for the Federal-State/Federal Inspection Service personnel.

Technical oversight for the super-lot program is provided under the authority of the Specialty Crops Inspection Division. The reviewing agents are SCI’s Federal Program Managers. Under a cooperative agreement, the states’ delivery of receiving market inspection services (including the super-lot program) is monitored and adjustments are made through systematic reviews of documentation and other program indicators provided by the cooperative agency.

These instructions are intended to be used by Federal and Federal-State inspection personnel and the industry members who choose to apply to participate in the super-lot program. The purpose of these instructions is to explain the general policy and procedures of the super-lot program.

**February 2020**

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## Statement of Policy and Intent of Program

The Super-Lot Program has been developed to meet specific needs of the Nogales Table Grape industry. This program is offered by the United States Department of Agriculture (USDA) and its state cooperator allowing the combination of lots consisting of the same Brand, Variety and Pack of up to three custom entry numbers to comprise a “super-lot”.

In this program, the Federal-State Inspection Service (FSIS) serves as a local oversight agency. SCI provides technical oversight of FSIS on a nation-wide basis. FSIS provides technical expertise in the inspection of all specialty crops and ensures applicants, suppliers and customers that the product meets grade or specification requirements through Federal-State supervision and certification.

This program requires an applicant to adhere to approved product sampling, staging and specific warehouse requirements.

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## General

The USDA specialty crops inspection program is authorized under the Agricultural Marketing Act of 1946, as amended. This is the only program offered by USDA and its state cooperators allowing for the commingling of lots defined in 7 CFR Part 51.2; the term carlot.

The intent of the super-lot program is to provide the industry with an efficient way to combine shipments of up to three Custom Entry Numbers with the same Brand, Variety and Pack, while maintaining SCI’s responsibility to maintain control over product until it has been released into commerce.

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## Definitions

The following terms shall be used throughout this handbook and have the meanings as specified below regarding the super-lot program:

Applicants	Specialty Crops importers, shippers, growers, and/or their designated representatives and other industry entities with a financial interest in the product that would request inspection from USDA or its authorized cooperators.
Applicant staff	Those individuals employed by the applicant specifically designated to perform work for the applicant under the super-lot program.
(FSIS) Federal-State Inspection Service	USDA and its state cooperators.

Lot	Any number of containers which contain a product of the same kind located in the same conveyance, warehouse, packinghouse, or on the same dock or platform and which are available for inspection at the same time: provided that: (1) products which are different from each other as to grade, variety, size, condition, identification marks, or other factors may be deemed to be separate lots; (2) if the applicant requests more than one inspection certificate covering different portions of the same lot, the quantity of the lot covered by each certificate shall be deemed to be a separate lot; (3) if product is packed in more than one size or type of container, each such size shall be deemed to be a separate lot; and (4) all imported commodities subject to AMS Section 8e regulation must be presented for inspection to AMS or its Federal-State partners as separate lots that correspond to each individual Customs Entry Number.
Official Mark	Inspection marks: "Sample stamp" used to identify samples selected by a USDA inspector or USDA licensed inspector. Positive Lot Identification (PLI) which ties a certificate back to the inspected lot.
Representative Sampling	Choosing samples of product which represent all portions of the total lot being inspected (all layers of pallets). In addition, portions of the lot are sampled proportionately to their size in relation to the total lot size.
Stationary Lot	A lot of product that is offered for inspection from the same conveyance/Custom Entry Number.
Super-Lot	A combination of up to three lots consisting of the same Brand, Variety and Pack representing up to three custom entry numbers to comprise a "super lot". A super lot <b>MUST</b> be located adjacent to each other on the warehouse floor to form one lot.
U. S. Customs	The Government Service which is responsible for the administration of Customs law and the collection of duties and taxes and which also has the responsibility for the application of other laws and regulations relating to the importation, exportation, movement or storage of goods.
USDA	The United States Department of Agriculture, Agricultural Marketing Service (AMS), Specialty Crops Program (SCP), Specialty Crops Inspection (SCI) Division or any of its authorized cooperators.

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## Federal-State Requirements

Federal-State inspectors provide inspection to the application of the grade standards.

The inspector will perform physical verifications of samples to ensure that the integrity of the program is maintained.

When assigning inspectors, FSIS will consider: the grading complexity of the process at the warehouse where the product is being inspected, the volume of table grapes being imported, and the availability of the product at the time of the request. FSIS has sole responsibility for determining the appropriate level of personnel assigned

to each applicant based upon their ability to maintain the super-lot program requirements.

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## The Role of FSIS

FSIS will train, recommend authorization and provide technical oversight to its licensees. FSIS will maintain training programs and training records and provide refresher training each season (or more frequently, as necessary). FSIS must sufficiently review the inspection methods and results of all licensee's regarding the need for additional training.

FSIS' role is to ensure that the warehouse has been approved, using the ADA warehouse checklist prior to inspecting any lot of table grapes. FSIS will stamp all samples and ensure that they are handled in a manner that does not affect the integrity of the sample. Improper handling of official samples by warehouse personnel will be cause for removal from the program. FSIS will accomplish these duties through verification of the sample removal performed by the warehouse staff and verifying that the samples brought to the inspection table are the ones that had been stamped by the inspection service.

After the product is brought to the inspection table FSIS will inspect the product based on USDA inspection standards, marketing order requirements using USDA policies and procedures.

In no case, shall applicant staff be USDA-licensed or authorized to conduct supervision on behalf of USDA.

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## Duties of Warehouse Staff Used for Assisting in the Sampling Process

- Making product readily available, all product offered as a super-lot must be adjacent to each other. Product cannot be separated by a pathway used for transporting pallets of product;
- Retrieving samples that have been identified;
- Placing product on inspection tables in a timely manner (no later than 30 minutes after the lot had been sample stamped);
- Provide a secure area for the inspectors to work (restrict access to the inspection area during the inspection process);
- Leave stage lots undisturbed until they are released by the inspection service;
- Recoup product in a timely manner and replace with a new lot; and
- Keep the inspection area clean.

FSIS is not responsible for duties assigned to warehouse staff. Issues with warehouse staff will be reported promptly to warehouse management by a FSIS lead inspector or supervisor. These issues may be grounds for removal from the program.

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## Requesting the Inspection

Marketing Order 925 requires mandatory inspections during the period of April 10 through July 10 of each year. Compliance to the Marketing Order must be made prior to U.S. Customs' final release. It is the responsibility of the importer of record or their agent, after conditional release by the U. S. Customs, to arrange for an Agricultural Marketing Service (AMS) inspection of the product(s). Requests for inspections should be made to the inspection office prior to arrival of the shipment at the port of entry. If the importer/agent has a contracted inspector assigned to the warehouse, request can be made directly to the inspector. All requests for inspection should be on the SC-237, noting all Custom Entry Numbers in the "Remarks/Special Instruction" field and U.S. Custom Border Protection form (SC-357, 3461, 7533, etc.). The inspection request must indicate if the request is for a single or "super lot", custom entry number(s) must be readily identifiable on the forms. Inspections outside the dates indicated in the Marketing Order are performed on a voluntary basis and do not qualify for the super-lot program.

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## Presenting a super-lot for inspection

All lots must be made accessible to the inspector for an unrestricted inspection. Inspections for compliance to the Marketing Order cannot be restricted.

Super-lots must be staged in a dedicated area (free from other product) identified by a map. All product representing a super-lot must be adjacent to each other and be easily identified by their individual custom entry number. It is the importers responsibility to maintain control over the product until an inspection certificate has been issued. Failure to maintain control will be cause of removal from the program.

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## Taking the Official Sample

§51.2 4(t) Sampling. "Sampling" means the act of selecting samples of a commodity for the purpose of inspection under PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS).

Only USDA licensed inspectors will officially stamp samples according to SCI sampling rates. The licensed inspector will use their sample stamp to select samples before the containers are removed from the pallets.

Representative sampling is important. Representative sampling requires samples to be drawn in proportionate numbers throughout the lot, including containers in middle layers of the pallet, lower layers of the pallet as well as the readily accessible upper layers of the pallet. Selected representative samples must be evenly distributed throughout all layers of the pallets in the lot.

After samples are stamped on the pallets, warehouse personnel can remove the containers from the lot and place them on the inspection table for inspection.



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# Inspection Space Requirements

Participants will need adequate space to allow all samples selected for maturity testing and inspection to be displayed vertically<sup>1</sup> adjacent to each other so that the inspector can properly select sample containers in accordance to the regulation. As an example, 3 loads of 2380 cartons would need to have a minimum of 96 representative inspection samples with 78 of the 96 samples displayed vertically<sup>1</sup> on tables adjacent to each other for maturity testing as required by the California Code of Regulations. 2 loads of 2380 cartons would need to have a minimum of 80 representative inspection samples with 68 of the 80 samples displayed vertically<sup>1</sup> on tables adjacent to each other for maturity testing as required by the California Code of Regulations. See appendix 1. The minimum space for samples is required to allow failed product to be appealed. Due to safety concerns, it is not an acceptable practice to place cartons horizontally<sup>2</sup> on the inspection table.

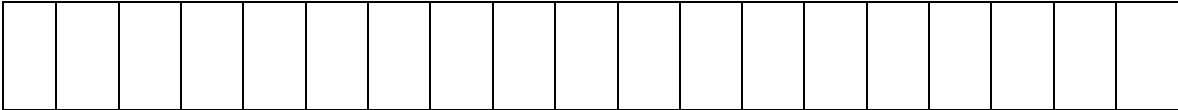


Figure 1 – Required placement of cartons

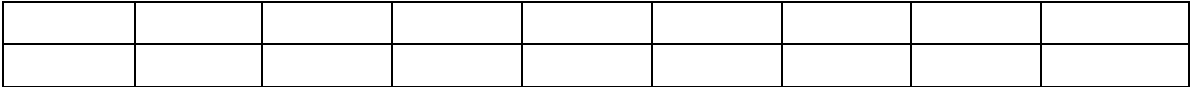


Figure 2 – Not allowed

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# Sampling Verification

Prior to beginning the maturity testing and examination of fruit, it is the inspector’s responsibility to check the sample/carton placed on the inspection table to verify that their sample stamp is on all cartons presented for inspection on the table.

If an inspector is not satisfied with the samples placed on the inspection table by the warehouse personnel, the inspector may select and draw their own sample at an additional fee.

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# Reporting Lots to the Marketing Order and Agreement Division (MOAD)

All lots or “super lots” will be reconciled by entries made on the spreadsheet created by the Marketing Order and Agreement Division (MOAD) for use by Federal-State offices so that each individual entry/Customs Entry Number can “message back” to Custom Border Protection (CBP) indicating the product is either “on hold” or “may proceed”. Spreadsheets should be transmitted to MOAD no later than two business days following the completion of the inspection.

## Identifying Lots that Fail Import Requirements

All failed lots will be stamped with a Federal-State Positive Lot Identification Stamp so that the product can be traced back to the original certificate. “Super-lots” that fail cannot be granted entry into the United States and the importer must take one or more of the following steps:

**Options for failed lots:** if the “super lot” fails to meet import requirements, the importer/agent may:

- a. Appeal the “super lot” or;

(Note: if an appeal is requested the inspector must ensure the lot presented for appeal is properly identified and recorded on the appeal sheet in order for SCI Inspection Operations to rule on the appeal. Also, the applicant must have enough space in the warehouse for the samples to be displayed. Appeals require double the normal sampled rate. Example: for a lot of 1000 of cartons, 20 representative samples must be drawn instead of the normal sample rate of 10 samples.)

- b. Separate each load by their appropriate customs entry number and present them individually by customs entry number as new lots.

- c. Recondition and reinspect.

- d. Lot(s) which meet import requirements after reconditioning and re-inspection must have a certificate(s) for all units meeting 8e import requirements and reported to MOAD using the spreadsheet as described above. It is the responsibility of the importer/agent to account for the carton/weight equaling the original volume of the imported shipment which initially failed 8e import requirements. This can be accomplished by including any amount which is dumped and witnessed by the inspector on an inspection certificate. If the weights do not reconcile the importer will be contacted by MOAD Compliance requesting the submitting of all documentation.

- e. If none of the above options are not taken the importer must:

1. Re-export,
2. Send shipment to exempt use provided for in the specific commodity’s import regulations, or
3. Destroy, dump, or dispose of the product.

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## **Memorandum of Understanding**

A responsible party at each participating company is required to sign a Memorandum of Understanding (MOU) in order to participate in the Super-Lot program. The MOU outlines the responsibilities of the participant and FSIS. See Appendix IV for a copy of the MOU.

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## **Compliance, Levels of Non-conformities, and Criteria for Revocation of Privilege to Participate**

Compliance with the requirements of the super-lot program is essential for continued participation. Non-compliance will result in the assessment of non-conformities when they are found during sampling activities (control of lot, maintaining the inspection site, utilizing only approved inspection site(s), obtaining samples, etc.) may jeopardize the privilege to participate in the super-lot program.

All observations and non-conformities will be documented by FSIS, including corrective measures taken. All non-conformities must be corrected immediately under FSIS supervision. Non-conformities may result in the loss of the privilege to participate, termination of the MOU, and the return to one Custom Entry Number, one certificate for the remainder of the table grape importation season.

Minor deviations from program requirements observed by FSIS (observations) will be brought to the attention of applicant staff. Corrective actions may be necessary (by applicant). Observations are not “non-conformities;” however, they are potentially hazardous occurrences that may become non-conformities if not corrected.

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### **Levels of Non-conformities**

The following definitions will be used regarding levels of non-conformities.

#### **Major Non-conformity**

A major non-conformity is a major deviation from program requirements, which, if allowed to continue, may result in product being improperly certified

#### **Critical Non-conformity**

A critical non-conformity is one which has resulted in product not being identifiable or has caused the condition of the product from a lot to change.

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## Assessing Non-conformities

Non-conformities are assessed according to the severity of the deviation from program requirements. A single non-conformity will be assessed for each type of deviation found. However, more than one non-conformity may be assessed per day for different types of deviations. If you have questions, contact one of your Federal Program\_Managers to determine the severity of the non-conformity.

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## Examples of Non-conformities

The following narrative provides an explanation for compliance in the various categories that non-conformities may be assessed. The chart on the following pages provides some examples of non-conformities in these categories and the assigned severity. This is **not** a complete listing. For those issues that may arise but are not listed, contact either the Federal Program Manager/Supervisor or licensed State Program Manager.

### **Product Control**

#### **Prior to samples being removed**

Product removed from conveyance needs to be placed in a designated area so that it can be easily identified and accessible to the inspector. Product representing more than one custom entry number **MUST** be staged in a dedicated area adjacent with the product from each custom entry number easily identified.

#### **After samples have been removed**

Product being placed in racks or commingled with other product prior to being released by the inspector. This makes it difficult to verify that product was inspected and met import requirements. Product must remain on the floor and in control of the inspection service until the inspector has verified its compliance with regulations and has released it from Customs hold. If this occurs the inspector should notify their supervisor immediately. The supervisor should have the inspector note under "Remarks" on the certificate "the lot in which the samples were taken had been removed and cannot be identified". The supervisor should email the certificate along with any other pertinent information to MOAD at [8eImports@ams.usda.gov](mailto:8eImports@ams.usda.gov).

### **Sampling Procedures**

The sampling procedures must be followed. Not following a specific inspection procedure can affect the certification of the product and will jeopardize the applicant's participation in the program.

## **Container Markings – Sample Stamp**

Sample stamps identify the product that needs to be removed from a specific pallet and placed on the inspection table. Product placed on the table **MUST** have a sample stamp located on one of the four sides of the carton. An approved alternative is acceptable on reusable plastic containers (RPC's). Non-compliance with container markings makes it difficult to demonstrate identity of the product thus invalidating any container without a sample stamp.

## **Equipment**

Various equipment is used in the inspection process. All equipment must be used in the intended manner. Some equipment must be calibrated or certified prior to use.



## Guidance in Assigning Non-Conformities

Type of Non-conformity	Major Non-conformities (Examples)	Critical Non-conformities (Examples)
<p><b>Container Marking falsified.</b> Any marking on a carton which has been changed by any means to reflect it was stamped is falsification. Intent to falsify on the part of applicant staff must be demonstrated. In the absence of clear intent, this will be brought to the applicant's attention.</p> <p><b>NOTE:</b> non-conformities in this category will result in the immediate removal from the program or to the denial of all inspection services.</p>	N/A	<ul style="list-style-type: none"> <li>▪ Changing carton to indicate it was stamped by the inspection service.</li> </ul>
<p><b>Misrepresenting the Customs Entry Numbers.</b> As an Agent for the importer of record it is your responsibility for the proper disposition and documentation of all products subject to 8e import requirements. It is vital that the proper custom entry number be identified for lots presented for inspection.</p>	N/A	<ul style="list-style-type: none"> <li>▪ Presented product that misrepresents the identity of the product.</li> </ul>
<p><b>Documented Corrective actions.</b> Failure to make corrective actions taken on a documented non-conformity</p>	N/A	<ul style="list-style-type: none"> <li>▪ Disregards for previously issued non-conformity</li> </ul>
<p><b>Removal of product from the staging area before being released by the inspector and commingling with previously inspected product.</b> This could result in the product losing its identity</p>	N/A	<ul style="list-style-type: none"> <li>▪ If the inspector cannot <b>Positively</b> identify the product in question its identity would be lost.</li> <li>▪ This violation would require the incident to be reported to MOAD office of enforcement and compliance.</li> </ul>
<p><b>Incorrect number of samples placed on the inspection table.</b> It is verified that all samples were not pulled from the lot, a corrective action must be taken.</p>	<ul style="list-style-type: none"> <li>▪ Corrective action taken, but not complete or not effective in controlling the problem.</li> </ul>	<ul style="list-style-type: none"> <li>▪ A repeat of the same corrective action without modification and without correcting the root cause.</li> </ul>
<p><b>Warehouse personnel have not begun the sampling process.</b> Since the implementation of the program is to expedite the inspection process. Stamped samples must be placed on the table no later than 30 minutes after the last sample was stamped.</p>	<ul style="list-style-type: none"> <li>▪ Corrective action taken, but not complete or not effective in controlling the problem.</li> <li>▪ No more than three issues are allowed in a week (7 day period)</li> </ul>	<ul style="list-style-type: none"> <li>▪ More than 3 violations in a week. A repeat of the same corrective action without modification and without correcting the root cause.</li> </ul>

Type of Non-conformity	Major Non-conformities (Examples)	Critical Non-conformities (Examples)
<p><b>Handling product in a manner that may alter its condition.</b> Rough handling of product (dropping cartons on the ground, using the fork of a fork lift to penetrate the carton above or below the selected sample to retrieve the selected carton.</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>▪ This could result in the inaccurate certification since the samples would no longer represent the lot. Fork penetrating cartons could pose a food safety risk as well as allowing inferior product entry into the supply chain.</li> </ul>



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## Criteria for Potential and Actual Revocation of Privilege to Participate

- More than one (1) major non-conformity at any inspection site per day; more than two (2) consecutive days with major non-conformities in the same area; or more than three (3) major non-conformities per week will result in expulsion from the program.
- One (1) critical non-conformity at any inspection site will result in expulsion from the program for the remainder of the season and may result in disqualification from any inspection services.
- FSIS program management (or designee) will periodically review the super-lot program to identify areas of concern or non-conformities, which are repeated over a period of time. This review may identify problems that may not be evident during normal FSIS inspection visits.

# Appendix I – Warehouse Approval Checklist



## ARIZONA DEPARTMENT OF AGRICULTURE INSPECTION SITE REQUIREMENTS FOR NOGALES, ARIZONA WAREHOUSES

COMPANY NAME \_\_\_\_\_

REPRESENTATIVE \_\_\_\_\_ PHONE NUMBER \_\_\_\_\_

- YES  NO  N/A 1. AZDA Supervisors and Inspectors should have ready access to the inspection site and must follow all food safety and security protocols for entry into the facilities.
- YES  NO  N/A 2. Reasonable access to parking for inspectors.
- YES  NO  N/A 3. Designated "SIGNED" inspection area.
- YES  NO  N/A 4. Inspection area should be clearly identified. Safe working ZONE free from forklift traffic.

### 5. WAREHOUSE CONTACT PERSON (Foreman or Supervisor)

Name: \_\_\_\_\_

Alternate Name: \_\_\_\_\_

Date: \_\_\_\_\_, to coordinate with Inspectors/Supervisors as issues need to be addressed.

- YES  NO  N/A 6. Provide labor for sampling and repackaging.

### DESIGNATED INSPECTION AREA

- YES  NO  N/A 1. Area should be clean and safe.
- YES  NO  N/A 1. Inspection area shall not be located under or in direct air flow from cooling units.
- YES  NO  N/A 3. Adequate overhead lighting to see and perform inspection work. USDA requires 70 lumens with a light meter at table level.
- YES  NO  N/A 4. DEEP SINK: with a good flow of running water. USDA required for washing equipment regularly.
- YES  NO  N/A 5. Adequate TRASH RECEPTACLES for waste.
- YES  NO  N/A 6. GRAPE CRUSHERS: Adequately functioning grape crushers (minimum of two, electric or hand crank) Warehouses handling larger volumes will need to have more.

[www.azda.gov](http://www.azda.gov)

# Appendix I – Warehouse Approval Checklist

## TABLE GRAPES INSPECTION TABLES

- YES  NO  N/A 1. Inspection tables must be adequate to hold samples/containers for both small and large number of samples. Tables must be 36 inches high and minimum of 24 inches deep. Each full load of table grape samples will need 27 feet of table length. (A full load of Table Grapes require 20 samples. For multiple inspections performed at the same time, each load will require 27 feet of table space Warehouses must plan accordingly to handle multiple inspections at one time.)
- YES  NO  N/A 2. Super lots (Table Grapes Only) consisting of 3 Custom Entry Numbers. Tables must be 36 inches high and minimum of 24 inches deep. Should be able to accommodate a minimum of 96 samples.
- YES  NO  N/A 3. Super lots (Table Grapes Only) consisting of 2 Custom Entry Numbers. Tables must be 36 inches high and minimum of 24 inches deep. Should be able to accommodate a minimum of 80 samples.

## ALL OTHER COMMODITIES

- YES  NO  N/A 1. Inspection tables must be adequate to hold samples/containers for both small and large number of samples. Tables must be 36 inches high and minimum of 24 inches deep. Each full load will require 18 feet of table length for samples. (A full load of Tomatoes will require 20 samples. For multiple inspections performed at the same time, each load will 18 feet.

## DESIGNATED OFFICE AREA

- YES  NO  N/A 1. Area should be clean, safe, and secure and include:
- YES  NO  N/A A) Drinking water.
- YES  NO  N/A B) Access to clean and equipped bathrooms.
- YES  NO  N/A C) Desk and chairs.
- YES  NO  N/A D) Trash receptacles.

All equipment (Inspection Tables, Grape Crushers) once inspected and approved will bear a USDA sticker (FV-648) signed and dated by Federal-State Supervisor.

WAREHOUSE SITE APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_



# Appendix II – SC-237 Example



OMB No. 0581-0125  
Exp. 9/31/2019

## SPECIALTY CROPS INSPECTION DIVISION REQUEST FOR INSPECTION

REQUEST FOR:  INSPECTION  REINSPECTION  APPEAL INSPECTION

(This is the only acceptable form for fax or electronic submission to USDA for requesting inspection services)

**NOTE: Fill in all appropriate blocks; blocks with "\*" must be completed. Inspection may be delayed because of incomplete information. Type of Inspection must be selected above.**

*Applicant's (Company) Name:			*Date:	
*Street Address:			*Time:	
*City, State & Zip:			<b>Type of Carrier:</b>	
*Contact Person:			Type:	Car Number or License Number:
*Phone Number:			<input type="checkbox"/> Car:	
*E-Mail Address:			<input type="checkbox"/> Trailer:	
*Shipper's Name:			<input type="checkbox"/> Lot Inspection	
Enter when different from Applicant:	City and State:		<b>Applicant's P.O. Number:</b>	
	Receiver's Name:			
	City and State:			
*Location of Product(s):				

<b>Lots Separated by (Optional):</b>		<b>*Inspection Requested For (Must select at least one):</b>	
<input type="checkbox"/> PLI Numbers		<input type="checkbox"/> Quality and Condition (including size when applicable)	
<input type="checkbox"/> Grower Numbers		<input type="checkbox"/> Condition Only	
<input type="checkbox"/> Size		<input type="checkbox"/> Size	
<input type="checkbox"/> Other, Specify:		<input type="checkbox"/> Net Weight	
Digital Images Requested: <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Other, Specify:	

Products To Be Inspected					
*Products	Brands/Marks	*Quantity	Type Container	*Size	Type/Variety

Remarks/Special Instructions:

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 is 0581-0125. The time required to complete this information collection is estimated to average 2 minutes per response, including the time for reviewing the instruction, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information.

**Non-Discrimination Policy:** 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 [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) 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; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.

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## Appendix III –Minimum Number of Samples Required

Size of Lot	Required sample under the California Ag Code	Minimum Required Sample for USDA Inspection	Size of Lot	Required sample under the California Ag Code	Minimum Required Sample for USDA Inspection
100 cartons or less	3	3	4001 to 4100	24	28
101 to 300	5	3	4101 to 4200	25	28
301 to 400	6	4	4201 to 4300	25	29
401 to 500	6	5	4301 to 4400	26	30
501 to 600	7	6	4401 to 4500	26	30
601 to 700	7	7	4501 to 4600	27	31
701 to 800	8	8	4601 to 4700	27	32
801 to 900	8	9	4700 to 4800	28	32
901 to 1000	9	10	4801 to 4900	28	33
1001 to 1100	9	11	4901 to 5000	29	33
1101 to 1200	10	12	5001 to 5100	29	34
1201 to 1300	10	13	5101 to 5200	30	35
1301 to 1400	11	14	5201 to 5300	30	35
1401 to 1500	11	15	5301 to 5400	31	36
1501 to 1600	12	16	5401 to 5500	31	37
1601 to 1700	12	16	5501 to 5600	32	37
1701 to 1800	13	18	5601 to 5700	32	38
1801 to 1900	13	19	5701 to 5800	33	39
1901 to 2000	14	20	5801 to 5900	33	39
2001 to 2100	14	14	5901 to 6000	34	40
2101 to 2200	15	15	6001 to 6100	34	41
2201 to 2300	15	16	6101 to 6200	35	41
2301 to 2400	16	16	6201 to 6300	35	42
2401 to 2500	16	17	6301 to 6400	36	43
2501 to 2600	17	18	6401 to 6500	36	43
2601 to 2700	17	18	6501 to 6600	37	44
2701 to 2800	18	19	6601 to 6700	37	45
2801 to 2900	18	20	6701 to 6800	38	45
2901 to 3000	19	20	6801 to 6900	38	46
3001 to 3100	19	21	6901 to 7000	39	47
3101 to 3200	20	22			
3201 to 3300	20	22			
3301 to 3400	21	23			
3400 to 3500	21	24			
3501 to 3600	22	24			
3601 to 3700	22	25			
3701 to 3800	23	26			
3801 to 3900	23	26			
3901 to 4000	24	27			

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# Appendix IV – Memorandum of Understanding

**UNITED STATES DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 SPECIALTY CROPS INSPECTION PROGRAM  
 SPECIALTY CROPS INSPECTION DIVISION  
 FEDERAL-STATE INSPECTION SERVICE**

## Contract of Agreement for Super-Lot Inspection Program

I (We), \_\_\_\_\_, located at \_\_\_\_\_,  
(insert name of applicant) (insert main office or headquarters)  
 hereinafter referred to as the applicant, hereby make this application for the Super Lot Program commencing on \_\_\_\_\_ or as soon thereafter as appears practicable to the  
(insert date)  
 Federal-State Inspection Service (FSIS) in \_\_\_\_\_, for the \_\_\_\_\_ season.  
(insert state) (insert year)

Location of Facility:	
Approval for up to 2 lots: <input type="checkbox"/> 3 lots <input type="checkbox"/>	

- I. The warehouse agrees to:
  - A. Comply with all applicable regulations governing the services to be conducted under: the Agricultural Marketing Agreement Act of 1937 (AMAA), as amended; the Agricultural Marketing Act of 1946, as amended; and any State Agricultural or Administrative Codes which are applicable to the products intended for inspection;
  - B. Comply with the policies, procedures and specifications set out in this agreement, the Super-Lot instruction manual;
  - C. Provide FSIS personnel with timely product for the purposes of inspection;
  - D. Pay fees according to the current fee schedule and or ADA contract;
  - E. Provide adequate staff to support the program, including individuals specifically trained for assisting in the inspection sampling process;
  - F. Provide adequate inspection space and meet the minimum requirements specified in the warehouse checklist;
  - G. Keep the inspection site clean and free from non-USDA inspection personnel during the inspection process; and
  - H. Accept non-conformities as assessed, including taking corrective actions and the potential loss of the privilege to continue participation.
  
- II. FSIS agrees to:
  - A. Review with the applicant responsibilities and duties under the Super-Lot Program;
  - B. Immediately notify warehouse management staff regarding issues;
  - C. Notify the warehouse immediately if non-complying sampling procedures or warehouse personnel issues arise;

- D. Advise the applicant orally and in writing when the Super-Lot Program services are terminated due to non-compliance; and,
  - E. Bill the warehouse in accordance with applicable fee schedules.
- III. It is mutually agreed that with respect to:
- A. Inspection Personnel:
    - 1. FSIS may, in order to carry out the service properly, add FSIS inspectors to the facility at the applicant's cost;
    - 2. FSIS shall not be responsible for damages occurring through any act of commission or omission on the part of its inspectors when engaged in rendering service hereunder;
  - B. Criteria for potential or actual revocation of privilege to participate due to applicant non-compliance – non-conformities shall be assessed and procedures for potential or actual revocation of privilege to participate shall be instituted whenever an FSIS inspection and/or verification discloses non-compliance. Refer to the “Compliance, Level of Non-conformities and Criteria for Revocation of Privilege to Participate” section of Super-Lot Program instruction manual for further details. Flagrant non-compliance or fraud will result in immediate termination of the Super-Lot Program services and may result in debarment from any USDA certification activities;
  - C. Review of non-compliance issues – the USDA, AMS, Specialty Crops Programs’ Marketing Order Administration Branch (MOAB) and Perishable Agricultural Commodity Act (PACA) Branch may review import records to determine whether an applicant’s non-compliance in the program may be deemed a violation of the AMAA or PACA;
  - D. Termination of Contract – the Super-Lot Program service shall continue at designated facilities until such services are suspended, withdrawn or terminated by:
    - 1. Mutual consent;
    - 2. Either party giving the other party 30 days written notice specifying the date of termination;
    - 3. In the case of non-conformities discovered by FSIS during an inspection and/or verification, termination is effective upon completion of section II, G of this contract;
    - 4. FSIS at any time due to the bankruptcy of the applicant, closing of the business of the applicant or change in controlling ownership of the facility; or
    - 5. FSIS at any time, acting pursuant to any applicable laws, rules, or regulations which debar the applicant from receiving benefits of the service.
  - F. Appeal Rights – appeal requests must be made in writing within 24 hours of non-conformities being assessed and filed with the local FSIS office.
- IV. No member of congress, or resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit to arise therefrom, unless it is made with a corporation for its general benefit.
- V. This application, when approved, shall constitute a contract between the undersigned applicant, FSIS in (insert state) and SCI Division in accordance with the terms and conditions provided therein and shall supercede any previously executed contract(s) for use of the Super-Lot Program for the applicant at the designated facility.



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**APPROVED FOR THE APPLICANT**

\_\_\_\_\_  
BY (*Signature*)

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

**APPROVED FOR (Insert State) FSIS**

\_\_\_\_\_  
BY (*Signature*)

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

**APPROVED FOR AMS, SCI:**

\_\_\_\_\_  
BY (*Signature*)

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

## Appendix V – Non-Conformity Report

<b>Super-Lot NON-CONFORMITY REPORT</b>	Report #: _____ in 20____
<b>Company Name:</b>	<b>Date:</b>
<b>Warehouse Representative:</b>	
<b>Supervisor:</b>	<b>Rating:</b> MAJOR or CRITICAL
<b>Description of Non-Conformity:</b>	
Notified company staff at time of finding non-conformity: YES or NO	
<input type="checkbox"/> Non-Conformity is reoccurring <input type="checkbox"/> Non-Conformity is the result of an in effective corrective action <input type="checkbox"/> Non-Conformity will result in immediate removal from the program	
<b>Company Representative Signature:</b>	
DATE: _____ SIGNATURE AFFIRMS FACTS CONCERNING NON-CONFORMITY ARE CORRECT	
<b>Corrective Action Proposed and Time-Frame for Implementation:</b>	
<b>Supervisors Signature</b> for Acceptance of Proposed Corrective Action and Timetable for Implementation:	
DATE: _____	

Top portion for Inspection USE ONLY; bottom portion for Company and Inspector use.