

Procedures for Handling Canned Commodities Frozen in Transit

A. Authority. Southeast Region Office (SERO) letter SESN of November 26, 1996, subject: FDP 97-2: Canned Shipments Arriving Frozen.

B. Requirements for Insulated Trailers and Rail Cars

The Kansas City Commodity Office (KCCO) requires that carriers use insulated trailers or railcars for all canned commodities during certain times of the year (see the map on page 4 for specific states). Some products such as egg mix, NFD milk, dehydrated potatoes, dried fruit, bagged beans, peas and lentils are exceptions to this requirement. The times of the year when insulated trailers or railcars must be used are as follows:

Rail/Pool Car October 15 - April 15

Truck/Piggyback November 1 - March 31

Under certain circumstances, such as peak shipping periods that usually occur during November and December, a carrier may request that a waiver for the insulation requirement be granted by KCCO. If a waiver is granted, KCCO requires a letter from the carrier accepting full responsibility for any damage that may result from freezing. During excessively long periods of extremely cold weather, even insulated trailers or railcars may not protect commodities from freezing if they remain on the vehicle for a long time.

C. Handling Procedures

1. Obviously Frozen Shipment. If a shipment arrives and there are obvious signs of a frozen commodity (e.g., exploded cans or exposed product), the warehouse must notify the Bureau immediately **before unloading**.
2. Suspected Frozen Shipment. If a shipment arrives and the warehouse suspects that the load may be frozen, the Bureau must be notified immediately. This applies even if the shipment is partially unloaded.

D. Accepting a Frozen Shipment. The Bureau may decide to accept the shipment, especially if the commodity is in short supply, and cannot be replaced. If not already done, the Bureau will instruct the warehouse to take temperatures of the trailer/railcar and/or commodity as outlined below. The Bureau will notify the Southeast Region Office (SERO) and provide the temperature readings to them. SERO will consult with KCCO and decide if the shipment should be accepted. **PLEASE NOTE:** The Bureau has the authority to refuse the shipment (delay unloading the shipment) and report the same to SERO for instructions, but only KCCO has the authority to reject the shipment (do not unload the shipment and instruct

carrier to return to the vendor). If the Bureau accepts a shipment, this does not automatically release a carrier from all liability. If the quality of the commodity is questioned later, a claim may still be filed against the carrier. However, a claim must be filed within a reasonable time from the date of acceptance. Therefore, the Bureau, working with the warehouse, must properly document the acceptance of the commodity. Proper documentation should include: (1) trailer/railcar temperature, (2) commodity temperature, (3) the date and time of unloading, (4) and names of people involved. A short write-up about the condition of the shipment is also helpful. Without proper documentation, pursuing a claim can be very difficult.

E. Sampling Suspected Frozen Commodities

General. The Agricultural Marketing Service's (AMS) definition of freezing ranges from the presence of ice crystals in the commodity to the entire contents being frozen solid. AMS emphasizes that the quality of canned commodities is not generally affected by freezing. To find out the extent of freezing in commodities, the Bureau may request that the warehouse do the following sampling procedures developed by AMS. These procedures require that samples be taken from the entire shipment; therefore, if carriers are found liable, detention/demurrage/storage fees may not be assessed. If the carrier needs to store the commodity, the carrier should make arrangements with the warehouse. Any costs incurred by the carrier from the warehouse are to be billed to the carrier.

F. Sampling Procedures

1. Three primary (inner) containers (cans) are to be taken from the shipment: one can each from the front, center and rear of the trailer/railcar.
2. All three cans are to be opened and examined for evidence of freezing.
3. A thermometer should be inserted as far as possible into the commodity in each can and the temperature recorded on all receiving documents, such as the bill of lading and/or delivery receipt. The warehouse is to note the location of the can with the corresponding temperature. (i.e., Front: 34 degrees, Center: 32 degrees, Rear: 30 degrees)
4. If all three cans are found frozen the warehouse must notify the Bureau immediately. The Bureau will then notify SERO.
5. If only one or two of the cans are frozen, 10 additional cans are to be randomly selected from the front, center, and rear of the trailer/railcar. The cans are to be equally selected (i.e., four from the front, three from the center and three from the rear). It may be necessary to unload part of the trailer to obtain these cans.
6. These additional 10 cans are to be opened and examined for signs of freezing, and the temperature of each can recorded. Again, when the temperature is recorded, the warehouse is to note the location from where the can was selected (i.e., front, center or rear).

7. The final decision by AMS to accept or reject the shipment will be based on the inspection results of the 13 cans. AMS recommends that if no more than two cans are frozen, the shipment should be accepted. All parties will be notified of their decision.

G. Expenses and Guidelines

1. Expenses. As explained earlier in the basic policy, any expenses above the usual unloading costs are reimbursable by USDA. This includes any extra cost for taking temperatures, or time spent unloading.
2. Guidelines. The procedures outlined above are **GUIDELINES** for the Bureau and the warehouse to follow. Shipments such as these must often be handled on a case-by-case basis, and the key to handling these types of shipments is IMMEDIATE notification of the Bureau by the warehouse, accurate documentation, and, if possible, photographs of any frozen commodity. Notations regarding any problems must be made on all receiving paperwork at the time of unloading. This is necessary if problems arise later and a claim needs to be filed. If a commodity is found out-of-condition after the load has been received, please refer to P&P 250.13-8, Out of Condition Commodities and Food Alerts.