

May 19, 2025

Reference # 293

**TO:** FGIS POLICY BULLETIN BOARD

**FROM:** Jacob Thein, Branch Chief  
Policies, Procedures, and Market Analysis Branch

**SUBJECT:** 88-hour Rule Waiver Requests for Shiplots, Unit Trains, and Containers

**ORIGINATING OFFICE:** Policies, Procedures, and Market Analysis Branch (PPMAB)

**1. PURPOSE**

This policy reference provides additional clarification of the 88-hour rule as it pertains to sampling, inspection, and weighing of shiplots, unit trains, and containers under the United States Grain Standards Act (USGSA) and ensures consistency in granting waivers of the regulations.

**2. BACKGROUND**

There are multiple references to “reasonably continuous operation” in the regulations as it pertains to official inspection and weighing of shiplots, unit trains, and containers.

7 CFR 800.0 defines “reasonably continuous operation” as, “*A loading or unloading operation in one specific location which does not include inactive intervals in excess of 88 consecutive hours.*”

7 CFR 800.86(c)(1) states, “*Shiplot, unit train, and lash barge grain officially inspected as a single lot shall be sampled in a reasonably continuous operation.*”

7 CFR 800.84(b)(1)(i), which covers inspection of grain in land carriers, containers, and barges states, “*Grain loaded in multiple carriers offered for inspection may be combined into a single sample for grade analysis and certified as a single lot, provided that the grain in each individual carrier is inspected and found uniform in respect to odor, condition, and insect infestation, and sampling is performed at the individual loading location in a reasonably continuous operation.*”

Section (ii) under the same regulation states, “*Grain loaded in multiple carriers offered for inspection may be graded individually, then averaged for certification as a single lot, provided that: the grain in each individual carrier is inspected and graded as an individual unit; the grain is found to be uniform in respect to odor, condition, and insect infestation; and sampling is performed at the individual loading location in a reasonably continuous operation.*”

7 CFR 800.97(b)(1) states, “*If grain in a carrier is offered for inspection or weighing service as one lot, the grain must be weighed at the individual weighing location in a reasonably continuous operation and certified as one lot.*”

Loading a vessel, unit train, or container booking within the 88-hour rule ensures the official certificate accurately represents grain that was loaded in a reasonably continuous operation. This promotes consistency in the grain export marketplace and maintains confidence in the quality of U.S. grain exports.

### **3. POLICY**

PPMAB is providing clarification and guidance to ensure consistent and uniform interpretations of the 88-hour rule and the handling of waiver requests for shiplots, unit trains, and containers.

Applicant requests to waive the 88-hour rule may only be approved on a case-by-case basis by the FGIS Field Office Manager (FOM) due to the occurrence of a *significant event*, provided that granting this waiver will not result in the issuance of an erroneous inspection or weight certificate.

Significant events are defined as:

a. Natural disasters and other weather-related events.

A natural disaster is a catastrophic event caused by natural forces that can cause localized or widespread damage and loss of life.

Natural disasters and other weather-related events may include but are not limited to: hurricanes, tropical storms, earthquakes, tornadoes, floods, winter storms, electrical storms, high winds, wildfires, dust storms, and prolonged periods of rain.

b. Other catastrophic events.

A catastrophic event is a sudden, severe occurrence that causes significant disruption, destruction, and often loss of life or property.

Unlike natural disasters, some catastrophic events are considered man-made.

Other catastrophic events may include but are not limited to: unplanned electrical outages, fires, explosions, terrorist attacks, building or infrastructure collapses, hazardous chemical leaks, oil spills, and nuclear accidents.

c. Supply chain disruptions.

Supply chain disruptions, often stemming from natural disasters, geopolitical events, cyberattacks, labor issues (e.g., strikes), or technological failures, can halt production, disrupt inventory management, and impede the flow of information, impacting businesses and consumers alike.

**For these purposes, delays in receiving inbound grain or product due to conscious logistical decisions or actions made by shippers, suppliers, or transportation companies are not considered supply chain disruptions and will not be granted a waiver.**

**4. RECORDS**

FOMs must maintain written records for all 88-hour rule waiver requests with the other work records concerning the lot(s). At minimum, records should include: 1) the name, position, and company name of the requestor; 2) the date of the request; 3) the identity of the lot(s) pertaining to the request; 4) the reason and circumstances surrounding the request; and 5) the final decision to approve or deny the request.

In cases where the inspection and/or weighing records for the lot(s) are maintained by an official agency (OA), FOMs will provide the waiver request information to the OA, in writing, for retention with the other work records concerning the lot(s).

**5. ADDITIONAL INFORMATION**

For additional information on the 88-hour rule for containers, please reference FGIS Policy Bulletin #258, [88 Hour Rule for Containers](#).

**6. FILING INSTRUCTIONS**

File a copy of this policy bulletin with FGIS Directive 9020.1 *Exemptions and Waivers of Official Inspection and Class X Weighing Requirements* until the directive is updated to include the information. FOMs must ensure a copy of this policy bulletin is made available to official service providers operating within their circuit, as applicable.

**7. QUESTIONS**

Direct any questions regarding this policy bulletin to PPMAB by email at [AMS - FGIS Polices Procedures and Market Analysis Branch](#).