agriculture, forestry & fisheries Department: Agriculture, Forestry and Fisheries REPUBLIC OF SOUTH AFRICA	**STANDARD OPERATING PROCEDURE FOR SETTLING DISPUTES OVER ANALYTICAL TEST RESULTS**	**Drafted by:** A.Smith **Approved by:** B. Makhafola **Rev.** 0 **Date:** 30/08/2016

1. OBJECTIVE

The objective of this standard operating procedure is to operationalize the appeal procedure, as outlined in the **"Standard Operating Procedure on sampling and analysis of agricultural products of plant origin to determine agrochemical residue levels and risk management as part of export inspection and certification in terms of the Agricultural Product Standards Act",** relating to analytical test results. It aims to provide guidance to the National Reference Laboratory (NRL's), the Perishable Products Export Control Board (PPECB), officially recognized laboratories (ORL's) as well as producers / exporters on the steps that shall be followed in order to resolve any dispute which may arise about the compliance status of a particular consignment of agricultural products of plant origin.

2. SCOPE

The procedure does not address disputes related to methods of analysis, laboratory performance, the interpretation of test results or disputes relating to sampling. It therefore examines only the validity of the results that were issued by the officially recognized laboratories.

3. DEFINITIONS

3.1 "**Critical difference**" means the standard measurement uncertainty of the difference between two completely independent uncorrelated measurement results

3.2 "**Expanded measurement uncertainty**" means the quantity defining an interval about the result of a measurement that may be expected to encompass a large fraction of the distribution of values that could reasonably be attributed to the quantity intended to be measured.

3.3 "**Qualitative evaluation**" means an evaluation relating to disputes over the type of active that was reported by a particular laboratory"

3.4 "**Quantitative evaluation**" means an evaluation relating to disputes over the level / concentration of a particular active that was reported by a particular laboratory

3.5 "**Retention sample**" means a homogenized portion of the primary sample that is suitably stored until required for a repeat analysis.

4. REFERENCE TO REGULATORY REQUIREMENTS AND OTHER INTERNATIONAL DOCUMENTS

4.1 Standard Operating Procedure on sampling and analysis of agricultural products of plant origin to determine agro-chemical residue levels and risk management as part of export inspection and certification in terms of the Agricultural Product Standards Act

4.2 Codex Alimentarius Guideline for settling disputes over analytical test results (CAC/GL 70-2009)

5. PREREQUISITES / ASSUMPTIONS

The procedure shall be operable and effective only when the conditions listed below are met. These conditions are:

- Laboratories are accredited in accordance with the SANAS IEC/ISO17025 Accreditation Standard for the relevant method/s
- At least one representative sample from the consignment / batch that was presented for export has been taken by the PPECB and has been processed and homogenized after which it was split in two identical parts (by the officially recognized laboratory). The one part was used for the purpose of primary analysis whilst the other part (of at least 200g) was kept in a satisfactory condition (for at least 10 working days after the release of the results / CoA to PPECB and the client) for the purpose of a repeat analysis should the need arises.
- Laboratories report quantitative analytical results that include the expanded measurement uncertainty.
- Laboratories used methods that have been fully validated
- The laboratories used methods that are able to meet the various export destination requirements in terms of detection limits.

6. DISPUTE HANDLING PROCEDURE

(a) Should an exporter / producer not be satisfied with the analytical test results that was issued by an ORL then such producer / exporter may raise a dispute (in writing), within two (2) working days after receipt of the test results, and refer such dispute to the PPECB for the attention of Ms. Natasha Wentzel (NatashaW@ppecb.com) and Mr. Shubesco Heilbron (ShubescoH@ppecb.com).

(b) The information that must accompany such a dispute is as follows:

- A copy of the test report (issued by the ORL)
- Detailed motivation, supported by evidence, outlining the reasons for the dispute

(c) Should the PPECB be of the opinion, following their own investigation, that the dispute resolution requires a laboratory investigation then it shall refer the dispute, including all relevant information, to Mr. Willy Madiba (MadibaW@daff.gov.za) and representatives of the National Reference

Laboratory (NRL) at Residuessouth@daff.gov.za for the attention of Albert Smith, Xoliswa Tlali and Jannie Goosen who shall evaluate the dispute within one (1) working day after receipt in order to determine the best cause of action in order to resolve the dispute.

(d) The National Reference Laboratory (NRL) shall immediately liaise with the ORL that has issued the test results in order to request an internal investigation.

(e) The investigation must be completed within one (1) working day from the receipt of the complaint and a brief report sent to the NRL for the attention of Albert Smith (AlbertS@daff.gov.za), Xoliswa Tlali (XoliswaT@daff.gov.za) and Jannie Goosen (JannieG@daff.gov.za).

(f) The outcome of the internal investigation (of the ORL) shall be communicated to the PPECB who shall communicate with the relevant producer / exporter within one (1) working day following receipt of information from DAFF.

(g) If the producer / exporter are satisfied with the report from the ORL then it has to inform the PPECB in writing and the dispute will then be considered as resolved.

(h) If the producer / exporter are not satisfied with the outcome of the ORL internal investigation then it must inform the PPECB within one (1) working day.

(i) This information shall immediately be communicated to the NRL after which arrangements will be made for the analysis of the retention sample.

7. ANALYSIS OF THE RETENTION SAMPLE

7.1 Quantitative Evaluation

(a) The procedure for *quantitative evaluation* applies when an exporter / producer disputes the level / concentration of a particular active that was reported by the ORL. In this case the retention sample should be submitted to the office of the NRL within two (2) working days after the ORL has received the request.

(b) The NRL shall test the retention sample for the analyte/s in question. Where the NRL does not have the required capacity to test for the analyte/s in question it shall request one of the other ORL's (in the network of laboratories) that possesses the required capacity to perform such testing.

(c) The results of the re-testing must be submitted to the NRL within three (3) working days following the receipt of the sample.

(d) All courier costs as well as payment for the testing of the retention sample shall be for the account of the exporter / producer requesting the re-testing.

(e) Should the results of the original test and the results of the retention sample differ by less than the critical difference (Δ) that would be expected from the measurement uncertainty of the results then the original test results shall stand and the dispute is resolved.

The critical difference is calculated as follows:

$$\Delta = \sqrt{U_1^2 + U_2^2}$$

Where U_1 and U_2 are the expanded measurement uncertainties of the two results.

The important factor about determining the critical difference is to ensure that any variation of test results is still within the acceptable ranges as per the validations. The expanded uncertainty provides a range in which test results may be accepted. This range is determined through validation process. This approach is based on an internationally accepted practice.

(f) Should the results of the testing of the retention sample indicate a difference greater than the critical difference then a third ORL shall be requested to perform an analysis of the retention sample.

(g) Test results of at least two laboratories must be in line with each other in order for the results to be accepted. If concurrence of results cannot be achieved then the results of the original testing laboratory shall be accepted subject to confirmation by the NRL following an evaluation of testing data.

7.2 Qualitative Evaluation

(a) The procedure for *qualitative evaluation* applies when an exporter / customer disputes the type of active that was detected by the ORL.

(b) In this case the retention sample should be submitted to the NRL within two (2) working days of receiving such request.

(c) The sample will be divided between the NRL and one other ORL or between two ORL's depending on the capacity of the identified laboratory.

(d) The results of the re-testing must be submitted to the NRL within three (3) working days following the receipt of the sample.

(e) All courier costs as well as payment for the testing of the retention sample shall be for the account of the exporter / person requesting the re-testing.

(f) Test results of at least two laboratories must be in line with each other in order for the results to be accepted.

(g) If concurrence of test results cannot be achieved then the results of the original testing laboratory shall be accepted subject to confirmation by the NRL following an evaluation of testing data.

8. APPROVAL:

EO: APS ACT

30/09/16

DATE