

# DLA TROOP SUPPORT SUBSISTENCE INSPECTION MANUAL 4155.6

## SUBSECTION 207.10

September 2011

### TESTING

#### Selection, Receipt and Testing of Samples for Evidence

**I. PURPOSE AND SCOPE.** These instructions are intended to serve as a general guide for sampling, receipt and testing of Subsistence supplies suspected of being contaminated, adulterated, deteriorated, or nonconforming, in order to establish and protect the integrity of evidence for use in litigation. This Subsection is applicable to all personnel (inspection or laboratory) assigned to inspect and/or test DLA Troop Support Subsistence items.

#### **II. RESPONSIBILITIES.**

A. The Commander of the applicable DLA Troop Support Subsistence Contracting Element or Installation, or a duly appointed designee, is responsible for appointing a qualified person (witness) who shall select the sample when required. Effectiveness in presenting evidence shall be a factor in selecting the witness. In addition, the Commander or appointed designee shall indicate whether reserve/standby samples are required, and if so, provide disposition instructions to the witness.

B. The Officer in Charge of the testing laboratory, after consultation with the Chief Trial Attorney, shall appoint a technically qualified person capable of serving as the Government witness when the occasion arises.

C. The witness who is appointed to select the sample shall be responsible for documenting all actions involved in the sampling operation and for the security of the sample selected.

D. The witness who is appointed to perform the test is responsible for coordinating and documenting all actions involved in the receipt, security, testing and reporting of the sample under discussion.

**NOTE:** A witness may testify only to those facts, which are within his/her personal knowledge.

#### **III. PROCEDURES.**

##### A. Sampling Instructions.

1. Unless different instructions are furnished by DLA Troop Support for a particular case, samples shall be selected in accordance with instructions in ANSI/ASQC Z1.4, utilizing single sample plans, Inspection Level S-2 and sample size code letter related to the size of the lot(s) to be sampled.

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This Subsection supersedes Subsection 207.10, Dated June 2010.

2. The witness shall exercise care in the sampling operation to adhere strictly to applicable directions and approved procedure so that the sample will have maximum value in litigation.

B. Maintaining Notes (Sampling). The witness who performs sampling shall make and maintain complete, accurate and legible notes in ink of observations regarding each step of the sampling procedure. These notes shall be transcribed into typewritten form as soon as possible, with the original notes affixed thereto. All copies (except one file copy to be retained by the witness) shall be forwarded to the legal representative. (These instructions also apply to notes recorded during forwarding and testing of the samples; see paragraphs III.D. and III.F.). Notes shall include, but not be limited to:

1. Pertinent data identifying the lot/shipment sampled as the lot/shipment from which samples were requested.

2. The condition of the cases from which the sample(s) were drawn (note if resealed, abused, damaged or otherwise tampered with) and the care they have received since arrival at the Installation.

3. The total number of units (packages, cases, bags, etc. in the lot/shipment to be sampled).

4. The precise method of selecting and drawing samples (i.e., sampling plan).

Selection must be random.

5. The condition of any supplementary container into which the sample was transferred (.e.g., the bottle was washed clean, box lined with clean waxed paper).

6. Sample Identification - Initials of the witness(es), date of sampling and his/her identification number in permanent markings being placed on:

a. Case(s) from which sample was drawn.

b. Containers in which sample selected ins placed.

7. Conditions under which sample is maintained, suitable for its preservation.

8. Method of security (e.g., in locked room). Witness should maintain custody of sample at all times.

9. Method of and identification of person wrapping the sample for shipment. Wrapper shall assure that sample being sent to laboratory is in fact the sample selected.

10. Method of forwarding the sample to the laboratory.

C. Forwarding Instructions. The sample shall be forwarded in accordance with the following:

1. Pack the sample so that it will be received in good condition (padding and bracing fragile foods, using dry ice, etc.).

2. Seal the openings of interior and exterior containers with strong, gummed tape in order to maintain the integrity of the sample. The witness shall initial and date both the interior and exterior seals with permanent marking across the opening so that any tampering is visible.

3. Send the package by registered mail, return receipt requested, or by other carrier, as appropriate. The method of shipment shall provide for a other carrier, as appropriate. The method of shipment shall provide for a recorded continuous chain of custody, so that each time the package changes hands, the person accepting custody signs for and has responsibility for the package until turning it over to the next custodian. The record of custody shall be returned to the witness.

4. Provide special instructions, as appropriate, to the carrier to assure the package receives the necessary degree of care as to temperature or other special requirements.

D. Maintaining Notes (Forwarding). The witness who forwards the sample shall maintain and process notes of the forwarding procedure in accordance with paragraph III.B. Notes shall include but not be limited to:

1. Specific details on the method of packing.
2. Complete forwarding address as it appears on the package.
3. Method of forwarding and any special instructions given to the carrier.
4. Time, date, place and person to whom the package was delivered (e.g., postal agent, carrier, laboratory personnel).
5. Record of custody returned from carrier showing delivery and identity of recipient and each intermediate custodian.

E. Testing Instructions.

1. Testing procedures shall be in strict accordance with the Government contractual documents or those selected as appropriate for the investigation(s).

2. It is desirable that all actions relative to testing be accomplished by one witness, but if this is impossible or impracticable, each witness assigned to test the sample shall take the necessary precautions to assure the integrity of the procedure.

F. Maintaining Notes (Testing). The witness(es) shall maintain and process notes of observations regarding receipt, maintenance, testing, and handling of the sample in accordance with paragraph III.B. Notes shall include but not be limited to:

1. Time of receipt, manner of delivery.
2. Identity of sample from correspondence, etc., accompanying sample.
3. Condition of sample on arrival (e.g., sample is intact, has been opened and resealed).
4. Total number of units (packages, cans, bags, etc.) in sample. Include weights.
5. The precise method of maintaining the sample unit until completion of testing.
6. Method of preserving identity when separated from original package.
7. Actual testing procedure with results.
8. Maintenance of test results or referee sample, if accomplished.

G. Maintaining Samples. The witness(es) shall assure the maintenance of all test residue and all reserve/standby samples.