



Frozen Load: Claim Protocols and Review Checklist

*Secure a timely unrestricted USDA inspection to confirm if the product is fully frozen, or is shown as isolated freeze damage, i.e.: top and side layers affected. A buyer employee QA inspection without specificity of pulp temperature or extent of the freeze damage will not be sufficient to support the potential claim with the carrier. The best prima- facie evidence is a USDA inspection to support your claim.

* If a delivered sale, and the customer requires you to accept the rejection, you need to put the carrier “on notice” that you will be filing claim on the damaged product. This notice should be documented by email or other written method of communication.

* Consider never allowing the buyer/seller to reject the load to the carrier. Even in instances where there is disagreement as to who is responsible, it is never a good practice to allow a carrier to assume control of the load and the resulting proceeds generated from the resale. There are ways to mitigate the loss without relinquishing your underlying contract rights. The most common way is to not accept the rejection and have the product moved and sold for the account of whom it may concern. This must be documented by you.

*If product is to be rejected, make sure to move the product to a wholesaler who can salvage the load and have the product sold as quickly as possible. It is imperative to segregate the frozen product from non-damaged product to establish losses on the frozen portion for purposes of your claim.

*Obtain all temperature recording devices that were placed on the truck for the transit from origin to destination. It is important that you have an internal policy where you always place the temperature recorder at time of shipment to avoid speculation on where the recorder was placed inside the trailer.

*Request the temperature download from carrier’s refrigeration unit (smart unit). If you do not know how to interpret the download printout, learn how to, or call Western Growers. Understanding nuances such as the TRU being set at continuous versus start/stop is important. Also, determining how the fan setting position is set is important.

*Make sure download dates match your shipping date.

*Caution: pulp temperatures or recorded in transit temperatures alone are insufficient evidence of product freezing. There must be a direct correlation between low temperatures and any resulting damage caused. The USDA inspection must have a written narrative to indicate freezing or freeze injury in order to substantiate your claim

*Require a detailed account of sales reflecting all sales and expenses with the required segregation of damaged versus non-damaged product.

*If you shipped a mixed load and only one commodity was found to be frozen or with freeze damage, seek payment in full for the other commodities.

Quick Checklist:

- check location of frozen commodity in trailer
- although damage may be restricted to a single commodity, whenever feasible, secure a USDA inspection
- check for any damage to chute
- check your loading pattern of entire shipment
- review your pre-trip check list of trailer
- check all pre-cooling records and your cold room records prior to shipment
- check that the pulp temperatures on your bill of lading or other loading documents had the driver initials when product was loaded at shipping point
- Thoroughly review the USDA inspection at destination reporting the freeze damage to determine if the inspector made any written statement on where freeze injury occurred