

the seed until it is finally entered into the commerce of the United States.

**§ 361.6 Noxious weed seeds.**

(a) Seeds of the plants listed in paragraphs (a)(1) and (a)(2) of this section shall be considered noxious weed seeds.

(1) Seeds with no tolerances applicable to their introduction:

*Aeginetia* spp.  
*Ageratina adenophora* (Sprengel) King & Robinson  
*Alectra* spp.  
*Alternanthera sessilis* (L.) R. Brown ex de Candolle  
*Asphodelus fistulosus* L.  
*Avena sterilis* L. (including *Avena ludoviciana* Durieu)  
*Azolla pinnata* R. Brown  
*Borreria alata* (Aublet) de Candolle  
*Carthamus oxyacantha* M. Bieberstein  
*Chrysopogon aciculatus* (Retzius) Trinius  
*Commelina benghalensis* L.  
*Crupina vulgaris* Cassini  
*Cuscuta* spp.  
*Digitaria abyssinica* (= *D. scalarum*)  
*Digitaria velutina* (Forsskal) Palisot de Beauvois  
*Drymaria arenarioides* Humboldt & Bonpland ex Roemer & Schultes  
*Eichhornia azurea* (Swartz) Kunth  
*Emex australis* Steinheil  
*Emex spinosa* (L.) Campdera  
*Galega officinalis* L.  
*Heracleum mantegazzianum* Sommier & Levier  
*Hydrilla verticillata* (Linnaeus f.) Royle  
*Hygrophila polysperma* T. Anderson  
*Imperata brasiliensis* Trinius  
*Imperata cylindrica* (L.) Raeuschel  
*Ipomoea aquatica* Forsskal  
*Ipomoea triloba* L.  
*Ischaemum rugosum* Salisbury  
*Lagarosiphon major* (Ridley) Moss  
*Leptochloa chinensis* (L.) Nees  
*Limnophila sessiliflora* (Vahl) Blume  
*Lycium ferocissimum* Miers  
*Melaleuca quinquenervia* (Cav.) Blake  
*Melastoma malabathricum* L.  
*Mikania cordata* (Burman f.) B. L. Robinson  
*Mikania micrantha* Humboldt, Bonpland, & Kunth  
*Mimosa invisa* Martius  
*Mimosa pigra* L. var. *pigra*  
*Monochoria hastata* (L.) Solms-Laubach  
*Monochoria vaginalis* (Burman f.) C. Presl  
*Nassella trichotoma* (Nees) Hackel ex Arechavaleta  
*Opuntia aurantiaca* Lindley  
*Orobancha* spp.  
*Oryza longistaminata* A. Chevalier & Roehrich  
*Oryza punctata* Kotschy ex Steudel  
*Oryza rufipogon* Griffith  
*Ottelia alismoides* (L.) Pers.  
*Paspalum scrobiculatum* L.

*Pennisetum clandestinum* Hochstetter ex Chiovenda  
*Pennisetum macrourum* Trinius  
*Pennisetum pedicellatum* Trinius  
*Pennisetum polystachion* (L.) Schultes  
*Prosopis alata* R. A. Philippi  
*Prosopis argentina* Burkart  
*Prosopis articulata* S. Watson  
*Prosopis burkartii* Munoz  
*Prosopis caldenia* Burkart  
*Prosopis calingastana* Burkart  
*Prosopis campestris* Grisebach  
*Prosopis castellanosi* Burkart  
*Prosopis denudans* Benth  
*Prosopis elata* (Burkart) Burkart  
*Prosopis farcta* (Solander ex Russell) Macbride  
*Prosopis ferox* Grisebach  
*Prosopis fiebrigii* Harms  
*Prosopis hassleri* Harms  
*Prosopis humilis* Gillies ex Hooker & Arnott  
*Prosopis kuntzei* Harms  
*Prosopis pallida* (Humboldt & Bonpland ex Willdenow) Humboldt, Bonpland, & Kunth  
*Prosopis palmeri* S. Watson  
*Prosopis reptans* Benth var. *reptans*  
*Prosopis rojasiana* Burkart  
*Prosopis ruizlealii* Burkart  
*Prosopis ruscifolia* Grisebach  
*Prosopis sericantha* Gillies ex Hooker & Arnott  
*Prosopis strombulifera* (Lamarck) Benth  
*Prosopis torquata* (Cavanilles ex Lagasca y Segura) de Candolle  
*Rottboellia cochinchinensis* (Lour.) Clayton (= *R. exaltata* (L.) L. f.)  
*Rubus fruticosus* L. (complex)  
*Rubus moluccanus* L.  
*Saccharum spontaneum* L.  
*Sagittaria sagittifolia* L.  
*Salsola vermiculata* L.  
*Salvinia auriculata* Aublet  
*Salvinia biloba* Raddi  
*Salvinia herzogii* de la Sota  
*Salvinia molesta* D.S. Mitchell  
*Setaria pallide-fusca* (Schumacher) Stapf & Hubbard  
*Solanum torvum* Swartz  
*Solanum viarum* Dunal  
*Sparganium erectum* L.  
*Striga* spp.  
*Tridax procumbens* L.  
*Urochloa panicoides* Beauvois

(2) Seeds with tolerances applicable to their introduction:

*Acroptilon repens* (L.) DC. (= *Centaurea repens* L.) (= *Centaurea picris*)  
*Cardaria draba* (L.) Desv.  
*Cardaria pubescens* (C. A. Mey.) Jarmol.  
*Convolvulus arvensis* L.  
*Cirsium arvense* (L.) Scop.  
*Elytrigia repens* (L.) Desv. (= *Agropyron repens* (L.) Beauv.)  
*Euphorbia esula* L.  
*Sonchus arvensis* L.

*Sorghum halepense* (L.) Pers.

(b) The tolerance applicable to the prohibition of the noxious weed seeds listed in paragraph (a)(2) of this section shall be two seeds in the minimum amount required to be examined as shown in column 1 of table 1 of §361.5. If fewer than two seeds are found in an initial examination, the shipment from which the sample was drawn may be entered. If two seeds are found in an initial examination, a second sample must be examined. If two or fewer seeds are found in the second examination, the shipment from which the samples were drawn may be entered. If three or more seeds are found in the second examination, the shipment from which the samples were drawn may not be entered. If three or more seeds are found in an initial examination, the shipment from which the sample was drawn may not be entered.

(c) Any seed of any noxious weed that can be determined by visual inspection (including the use of transmitted light or dissection) to be within one of the following categories shall be considered inert matter and not counted as a weed seed:

(1) Damaged seed (other than grasses) with over one half of the embryo missing;

(2) Grass florets and caryopses classed as inert:

(i) Glumes and empty florets of weedy grasses;

(ii) Damaged caryopses, including free caryopses, with over one-half the root-shoot axis missing (the scutellum excluded);

(iii) Immature free caryopses devoid of embryo or endosperm;

(iv) Free caryopses of quackgrass (*Elytrigia repens*) that are 2 mm or less in length; or

(v) Immature florets of quackgrass (*Elytrigia repens*) in which the caryopses are less than one-third the length of the palea. The caryopsis is measured from the base of the rachilla.

(3) Seeds of legumes (*Fabaceae*) with the seed coats entirely removed.

(4) Immature seed units, devoid of both embryo and endosperm, such as occur in (but not limited to) the following plant families: buckwheat (*Polygonaceae*), morning glory (*Convolvulaceae*), nightshade

(*Solanaceae*), and sunflower (*Asteraceae*).

(5) Dodder (*Cuscuta* spp.) seeds devoid of embryos and seeds that are ashy gray to creamy white in color are inert matter. Dodder seeds should be sectioned when necessary to determine if an embryo is present, as when the seeds have a normal color but are slightly swollen, dimpled, or have minute holes.

#### §361.7 Special provisions for Canadian-origin seed and screenings.

(a) In addition to meeting the declaration and labeling requirements of §361.2 and all other applicable provisions of this part, all Canadian-origin agricultural seed and Canadian-origin vegetable seed imported into the United States from Canada for seeding (planting) purposes or cleaning must be accompanied by a certificate of analysis issued by the Canadian Food Inspection Agency or by a private seed laboratory accredited by the Canadian Food Inspection Agency. Samples of seed shall be drawn using sampling methods comparable to those detailed in §361.5 of this part. The seed analyst who examines the seed at the laboratory must be accredited to analyze the kind of seed covered by the certificate.

(1) If the seed is being imported for seeding (planting) purposes, the certificate of analysis must verify that the seed meets the noxious weed seed tolerances of §361.6. Such seed will not be subject to the sampling requirements of §361.3(b).

(2) If the seed is being imported for cleaning, the certificate of analysis must name the kinds of noxious weed seeds that are to be removed from the lot of seed. Seed being imported for cleaning must be consigned to a facility operated in accordance with §361.8(a).

(b) Coated or pelleted agricultural seed and coated or pelleted vegetable seed of Canadian origin may be imported into the United States if the seed was analyzed prior to being coated or pelleted and is accompanied by a certificate of analysis issued in accordance with paragraph (a) of this section.

(c) Screenings otherwise prohibited under this part may be imported from Canada if the screenings are imported