Animal and Plant Health Inspection Service, USDA

§ 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:

Acacia nilotica (Linnaeus) Wildenow ex Delile
Aeginetia spp.
Ageratina adenophora (Sprengel) King & Robinson
Ageratina riparia (Regel) R.M. King and H. Robinson

(d) In most cases, samples will be drawn and examined by an APHIS inspector at the port of first arrival. The APHIS inspector may release a shipment if no contaminants are found and the labeling is sufficient. If contaminants are found or the labeling of the seed is insufficient, the APHIS inspector may forward the sample to the USDA Seed Examination Facility (SEF), Beltsville, MD, for analysis, testing, or examination. APHIS will notify the owner or consignee of the seed that samples have been drawn and forwarded to the SEF and that the shipment must be held intact pending a decision by APHIS as to whether the seed is within the noxious weed seed tolerances of §361.6 and is accurately labeled. If the decision pending is with regard to the noxious weed seed content of the seed and the seed has been determined to be accurately labeled, the seed may be released for delivery to the owner or consignee under the following conditions:

(1) The owner or consignee executes with Customs either a Customs single-entry bond or a Customs term bond, as appropriate, in such amount as is prescribed by applicable Customs regulations;

(2) The bond must contain a condition for the redelivery of the seed or any part thereof upon demand of the Port Director of Customs at any time;

(3) Until the seed is approved for entry upon completion of APHIS' examination, the seed must be kept intact and not tampered with in any way, or removed from the containers except under the monitoring of an APHIS inspector; and

(4) The owner or consignee must keep APHIS informed as to the location of the seed until it is finally entered into the commerce of the United States.

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§ 361.6

(2) Seeds with tolerances applicable to their introduction:

Acrotipilon repens (L.) DC. (=Centaurea repens L.) (=Centaurea picris)
Cardaria draba (L.) Desv.
Cardaria pubescens (C. A. Mey.) Jarmol.
Convolvulus arvensis L.
Crursum 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 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;

Moraea pallida (Baker) Goldblatt
Nassella trichotoma (Nees) Hackel ex Arechavaleta
Onopordum aculeolus Linnaeus
Onopordum illyricum Linnaeus
Opuntia aurantiaca Lindley
Orobanche spp.
Orga longistaminata A. Chevalier & Roehrich
Orga punctata Kotschy ex Steudel
Orga 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 alapataco R. A. Philippi
Prosopis argentina Burkart
Prosopis articulata S. Watson
Prosopis burkartii Manoz
Prosopis caldenia Burkart
Prosopis calingastana Burkart
Prosopis campestris Grisebach
Prosopis castellanosii Burkart
Prosopis denudans Bentham
Prosopis elata (Burkart) Burkart
Prosopis farcta (Bankis & Solander) J.P. Macbride
Prosopis ferox Grisebach
Prosopis fiebrigii Harms
Prosopis frontalis Cavanilles
Prosopis humilis Gillies ex Hooker & Arnott
Prosopis kunesi Harms
Prosopis pallida (Humboldt & Bonpland ex Wildenow) Kunth
Prosopis palmeri S. Watson
Prosopis reptans Bentham var. reptans
Prosopis rojasiana Burkaart
Prosopis rubescens Burkart
Prosopis ruscifolia Grisebach
Prosopis sericantha Gillies ex Hooker & Arnott
Prosopis strombulifera (Lamarck) Bentham
Prosopis torquata (Cavanilles ex Lagasca y Segura) de Candolle
Rothbehelia cochinschinesis (Lour.) W. Clayon
Rubus fruticosus L. (complex)
Rubus moluccanus L.
Saccharum spontaneum L.
Sagittaria sagittifolia L.
Salvia vermiculata L.
Salvia auriculata Aublet
Salvia biloba Raddi
Salvia hercogii de la Sota
Salvia modesta D.S. Mitchell
Senecio inaequidens DC.
Senecio madagascariensis Poir.
Setaria pumila (Poir.) Roem. & Schult. subsp. pellide/usca (Schumach.) B.K. Simon
Solanum tampicense Dunal (wetland nightshade)
Solanum toremum Swartz
Solanum viarum Dunal
Sparganium erectum L.
Spermacoce alata Aublet
Striga spp.

Tridax procumbens L.
Urochloa panicoides Beauvios
§ 361.8 Cleaning of imported seed and processing of certain Canadian-origin screenings.

(a) Imported seed that is found to contain noxious weed seeds at a level higher than the tolerances set forth in §361.6(b) may be cleaned under the monitoring of an APHIS inspector. The cleaning will be at the expense of the owner or consignee.

(1) At the location where the seed is being cleaned, the identity of the seed must be maintained at all times to the satisfaction of the Administrator. The refuse from the cleaning must be placed in containers and securely sealed and identified. Upon completion of the cleaning, a representative sample of the seed will be analyzed by a registered seed technologist, an official seed laboratory, or by APHIS; if the seed is found to be within the noxious weed tolerances set forth in §361.6(b), the seed may be allowed entry into the United States.

(2) The refuse from the cleaning must be destroyed under the monitoring of an APHIS inspector at the expense of the owner or consignee of the seed.

(3) Any person engaged in the business of cleaning imported seed may...