

Protocol for Importation of Obscured Seed into the United States

Summary

This protocol applies to the importation of commercial shipments of obscured seed intended for planting. Obscured seed includes seed that is coated¹, pelleted² or embedded in tape, mats or any other substrate that obscures visibility. Obscured seed that does not conform to this protocol would not be admissible because the seed cannot be properly inspected. Under this protocol, authorized officials in the exporting country must draw official seed samples from lots of seed before the seed is processed in the country of export. The samples of bare seed must accompany the shipment of obscured seed and must be presented for inspection by Customs and Border Protection-Agriculture Inspection (CBP-AI)³ at the port of entry. If CBP-Agriculture Specialists find any quarantine pests for the United States, the shipment will be refused entry into the U.S

Eligibility

- Seed must be generally admissible into the United States under 7 CFR 319 Subpart H- Plants for Planting, with no treatment or special restrictions required.
- Seed must be of herbaceous or suffrutescent plants.
- Seeds must be accompanied by a USDA permit, PPQ 587, Permit to Import Plants and Plant Products issued for Obscured Seed.
- Seeds must be accompanied by a phytosanitary certificate and/or a seed analysis certificate, depending on seed origin and the country of export.
- Seeds must be accompanied by an officially drawn and sealed sample of seed drawn from the lot before the seed was coated, embedded, or pelleted (bare seed sample) and be identified as “Official Seed Sample”.

¹Coated seed is any seed unit covered with any substance that changes the size, shape, or weight of the original seed. Seeds coated with ingredients such as but not limited to dyes, pesticides, and rhizobia are excluded.

² Pelleted seed is any seed unit covered with a substance that changes the size, shape, or weight of the original seed in order to improve the plantability or singulation of the seed.

³ If the port of entry doesn't have CBP-AI, then forward to the nearest [USDA Plant Inspection Station](#).

Responsibilities of the Importer

- Importers must obtain a USDA Permit to Import Plants and Plant Products by submitting a permit application (PPQ Form 587). In the application, importers should specify “Obscured seed” and list the species to be imported.
- Importer must comply with all conditions of the **Obscured Seeds Permit**.
- Importers must contact the NPPO of the country of exportation to confirm that the official sample is drawn before the bare seed is incorporated into the product.

Responsibilities of the Exporter

- For obscured seed from any country of export EXCEPT Canada, exporters must obtain a phytosanitary certificate issued by the NPPO of the exporting country.
- For obscured seed exported from Canada, exporters must obtain a phytosanitary certificate from CFIA and/or a seed analysis certificate from CFIA or a private laboratory accredited by CFIA.
 - If country of export is Canada and the seed is Canadian origin: a phytosanitary certificate issued by CFIA is required OR must be accompanied by one of the following:
 - Plant Protection and Quarantine (PPQ) Form 925: Seed Analysis Certificate issued by the CFIA or a private seed laboratory accredited by the CFIA (as per 7 CFR 361.7), or
 - Canadian Food Inspection Agency (CFIA) Form 5289: Seed Analysis Certificate issued by the CFIA or a private seed laboratory accredited by the CFIA.
 - If country of export is Canada AND the seed is of a foreign origin other than Canada: a phytosanitary certificate issued by CFIA is required and may additionally be accompanied by a CFIA 5289 seed analysis certificate.
- Exporters must provide access to the official authorized by the NPPO to sample each lot of seed before the seed is processed using sampling methods that comply with the International Seed Testing Association (ISTA) requirements, which satisfy Federal Seed Act (7 CFR 361) procedures. The sample must be sealed⁴ or verified as sealed by the sampler and identified with the marks of the lot(s) sampled.
- The sealed sample(s) must accompany the seed shipment in a package clearly marked “Official Seed Sample” for CPB/PPQ inspection and should be placed in a conspicuous location, such as just inside the doors of the shipping container. The seal number or other distinguishing marks of the sample must be on the documentation.

⁴ Bare seed that is packaged and identified with the marks of the lot sampled and then closed in such a way that the package cannot be opened to gain access to the seed and closed again without either destroying the seal or leaving evidence of tampering. The package is clearly marked “Official Seed Sample”.

Responsibilities of CBP-Agriculture Specialists or PPQ Specialists

- CBP-Agriculture Specialists or PPQ specialists will break the seal and inspect the official sample of bare seed at the port of entry. Meeting the sampling requirements from the Federal Seed Act (7 CFR 361) the CBP-Agriculture Specialists or PPQ specialists will examine the sample of bare seed for soil and contaminants and will send any interceptions found to USDA identifiers.
- CBP-Agriculture Specialists or PPQ specialists will take a small sample of obscured seed, remove the covering (coating, pelleting, tape, etc.), and confirm that the seeds appear to be the same as the seeds provided in the official sample of bare seed.
- Inspectors will release the shipment to the importer if the official sample of bare seed matches the obscured seed within the manufactured commodity, and if the sample is free of plant pests, soil, quarantine-significant species and federal noxious weeds or other unauthorized plant taxa.
- Inspectors will refuse entry to the shipment if the seed contains actionable contaminants, or if inspectors detect obvious differences between the official sample and the obscured seed within the manufactured commodity.

Related Information

- How to apply for a USDA-APHIS Permit to Import Plants and Plant Products: [Visit APHIS eFile](#)
- List of IPPC NPPO Contacts: <https://www.ippc.int/en/countries/all/contactpoints/>
- 7CFR Part 319 (Foreign Quarantine Notices): <http://www.ecfr.gov/cgi-bin/text-idx?SID=40e2dd6d8adf4c80625237b509abdca5&mc=true&node=pt7.5.319&rgn=div5>
- Guidance to Applicants for Permits to Import Plants for Planting: http://www.aphis.usda.gov/plant_health/permits/downloads/q37-1circular.pdf
- Regulations under the import provisions of the Federal Seed Act (USA): <https://www.ecfr.gov/cgi-bin/text-idx?SID=6e3e03442e2d507bc00e68a222fd8882&mc=true&node=pt7.5.361&rgn=div5>