

**7 CFR Part 340 - Proposed rule published October 9, 2008**

Excerpted from § 340.0 Scope and general restrictions.

(b) Genetically engineered organisms whose importation, interstate movement, or release into the environment is subject to the regulations in this part are:

(1) Genetically engineered **plants** if:

(i) the unmodified parent plant from which the GE plant was derived is a plant pest or noxious weed, or

(ii) the trait introduced by genetic engineering could increase the potential for the GE plant to be a plant pest or noxious weed, or

(iii) the risk that the GE plant poses as a plant pest or noxious weed is unknown, or

(iv) the Administrator determines that the GE plant poses a plant pest or noxious weed risk.

(2) Genetically engineered **non-plant, non-vertebrate organisms** if:

(i) the recipient organism can directly or indirectly injure, cause damage to, or cause disease in plants or plant products; or

(ii) the GE organism has been engineered in such a way that it may increase the potential for it to be a plant pest: or

(iii) the risk that the GE organism poses as a plant pest is unknown, or

(iv) the Administrator determines that the GE organism poses a plant pest risk.