

## 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 coated<sup>1</sup>, pelleted<sup>2</sup> 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)<sup>3</sup> at the port of entry. Each shipment must be accompanied by a phytosanitary certificate issued by an authorized official of the National Plant Protection Organization (NPPO) of the country of exportation. If the samples are free of quarantine pests and all other phytosanitary requirements are met, CBP-AI will release the shipment. If CBP-AI inspectors find any quarantine pests for the United States, they will refuse entry to the shipment.

### Eligibility

- Seed must be generally admissible into the United States under the subparts of 7 CFR 319, with no treatment or special restrictions required.
- Seed must be of herbaceous or suffrutescent plants. (Under 7 CFR 319 Subpart-Plants for Planting, seeds of woody plants require a written permit and inspection at a USDA Plant Inspection Station).
- Seed from Canada must be accompanied by either one of the following:
  - Plant Protection and Quarantine (PPQ) Form 925: Seed Analysis Certificate
  - Canadian Food Inspection Agency (CFIA) Form 5289: Seed Analysis Certificate, issued by the CFIA or a private seed laboratory accredited by the CFIA (as per 7 CFR 361.7)
  - Each lot of seed must be accompanied by an official sample drawn before the seed was coated, pelleted or embedded in a substrate that obscures visibility (as per 7 CFR 361.2(d)).

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<sup>1</sup> *Coated Seed.* 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, rhizobia, dyes, and pesticides are excluded.

<sup>2</sup> *Pelleted seed.* 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.

<sup>3</sup> If the port of entry doesn't have CBP-AI, then forward to the closest USDA Plant Inspection Station.

### **Responsibilities of the Importer**

- 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.
- 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 of the conditions of the **Obscured Seeds Permit**.

### **Responsibilities of the Exporter**

- Exporters must obtain a phytosanitary certificate from the NPPO of the country of exportation.
- 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 sealed<sup>4</sup> 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.

### **Responsibilities of CBP-AI or PPQ specialists**

- CBP-AI inspectors 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-AI inspectors or PPQ specialists will examine the sample of bare seed for soil and suspicious contaminants and will send any interceptions found to USDA identifiers.
- CBP-AI inspectors or PPQ specialists will take a small random sample of obscured seed, remove the covering (coating, pelleting, tape, etc.), and compare the seed to the official sample of bare seed. The official sample must match the seed in the shipment in type, size and general appearance.
- 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 admission 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.

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<sup>4</sup> *Sealed seed sample*. 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.

## Related Information

- How to apply for a USDA-APHIS Permit to Import Plants and Plant Products:

<http://www.aphis.usda.gov/planthealth/permits>

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>
- Suggestions to Applicants for Permits to Import Plants for Planting: [http://www.aphis.usda.gov/plant\\_health/permits/downloads/q37-1circular.pdf](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>
- Entry Status of Seeds for Planting: [http://www.aphis.usda.gov/plant\\_health/permits/downloads/seedweb.pdf](http://www.aphis.usda.gov/plant_health/permits/downloads/seedweb.pdf)