



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, pelleted or embedded in tape, mats or any other substrate that obscures visibility. Obscured seed that does not conform to this protocol is not 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 origin. 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) 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 origin. If the samples are free of quarantine significant species¹, plant pests, federal noxious weeds and soil, CBP-AI will release the shipment. If CBP-AI inspectors find quarantine significant species, plant pests, soil, or Federal noxious weeds in the sample, they will refuse entry to the shipment.

Eligibility

- The kinds of seed must be generally admissible into the United States under the subparts of 7CFR 319, with no treatment required.
- The seeds must be of herbaceous plants. (Under 7 CFR 319.37, seeds of woody plants require a written permit and inspection at a USDA Plant Inspection Station.)
- This protocol does not apply to Canadian-grown obscured seed, which is admissible when accompanied by either
- Plant Protection and Quarantine (PPQ) form 925 or Canadian Food Inspection Agency (CFIA) Form 5289.

Responsibilities of the Importer

¹ a quarantine significant species is one regulated because it is a pathway for a plant pest that is difficult to detect. For example, corn and corn relative seeds are prohibited from certain countries because they may be associated with certain injurious insects and diseases.

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- Importers interested in participating in this program must contact the NPPO of the country of origin to confirm the NPPO's willingness to participate in the protocol.
- The importer then must obtain a USDA Permit to Import Plants and Plant Products by submitting a permit application (PPQ form 587). A cover letter must provide a contact name within the exporting country's NPPO and the name of the authorized individual who will sample the bare seed before it is incorporated into the product. In the application, the prospective importer should specify "Obscured seed" and list the species to be imported. Applicants may use the e-permits system, or may submit the form 587 and cover letter to USDA, APHIS, PPQ, Permit Unit, 4700 River Road Unit 133, Riverdale, Maryland 20737.
- The importer must read and comply with all of the conditions of permit.

Responsibilities of the Exporter

- The exporter must obtain a phytosanitary certificate from the NPPO of the country of origin.
- The exporter 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 (FSA) procedures. The sample must be sealed or verified as sealed by the sampler and identified with the marks of the lot(s) sampled. "Sealed" means the is closed in such a way that it cannot be opened to gain access to the seed and closed again without either destroying the seal or leaving evidence of tampering.
- The sealed sample(s) must accompany the seed shipment in a package clearly marked "Official Seed Sample" for CPB-AI inspection and should be placed in a conspicuous location, such as just inside the doors of the shipping container.
- The shipment must be accompanied by an export document (such as an ISTA certificate or the phytosanitary certificate) declaring the sample was taken by a government authorized official and

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the method of sampling complies with ISTA requirements. The seal number or other distinguishing marks of the sample must be on the documentation.

Responsibilities of USDA/CBP-AI

- CBP-AI inspectors will break the seal and inspect the official sample of bare seed at the port of entry using the same inspection procedures, less sampling, currently used for imported seed shipments. CBP-AI inspectors will examine the sample of bare seed for soil and suspicious contaminants and will send any interceptions found to USDA identifiers.
- CBP-AI inspectors will take a small random sample of processed seed, remove the covering (coating, pelleting, tape, etc.), and compare the seed to the uncoated official sample. 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 matches the seed within the manufactured commodity, and if the sample is free of plant pests, soil, quarantine-significant species and federal noxious weeds.
- 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 seed within the manufactured commodity.

Related Information

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

<http://www.aphis.usda.gov/ppq/permits/plantproducts/nursery.html>

List of IPPC NPPO Contacts: <https://www.ippc.int/servlet/CDSServlet?status=ND1ucHBvJjY9ZW4mMzM9KiYzNz1rb3M~>

7 CFR Part 319 (Foreign Quarantine Notices): <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=5c1119031e4473b0c06ee340fc186531;rgn=div5;view=text;node=7%3A5.1.1.1.6;idno=7;cc=ecfr>

What is a phytosanitary certificate? http://www.aphis.usda.gov/lpa/pubs/fsheet_faq_notice/faq_phphoto.html

Regulations under the import provisions of the Federal Seed Act (USA):

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=d4a86515f43e3efc24c88fee2547bbdd&rgn=div5&view=text&node=7:5.1.1.1.18&idno=7>