

Agricultural Marketing Service, USDA

§ 201.39

square inches of surface at 100 °F. with a relative humidity on one side of 90 percent and on the other side of 0 percent. Water vapor penetration or WVP is measured by the standards of the U.S. Bureau of Standards as:

gm.H₂O / 24 hr. / 100 sq. in. / 100 °F. / 90% RH V.0% RH;

(c) The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed below:

Agricultural seeds	Percent
Beet, field	7.5
Beet, sugar	7.5
Bluegrass, Kentucky	6.0
Clover, crimson	8.0
Fescue, red	8.0
Mustard, India	5.0
Ryegrass, annual	8.0
Ryegrass, perennial	8.0
All others	6.0

Vegetable seeds	Percent
Bean, garden	7.0
Bean, lima	7.0
Beet	7.5
Broccoli	5.0
Brussels sprouts	5.0
Cabbage	5.0
Cabbage, Chinese	5.0
Carrot	7.0
Cauliflower	5.0
Celery	7.0
Celery	7.0
Chard, Swiss	7.5
Chives	6.5
Collards	5.0
Corn, sweet	8.0
Cucumber	6.0
Eggplant	6.0
Kale	5.0
Kohlrabi	5.0
Leek	6.5
Lettuce	5.5
Melon	6.0
Mustard, India	5.0
Onion	6.5
Onion, Welsh	6.5
Parsley	6.5
Parsnip	6.0
Pea	7.0
Pepper	4.5
Pumpkin	6.0
Radish	5.0
Rutabaga	5.0
Spinach	8.0
Squash	6.0
Tomato	5.5
Turnip	5.0
Watermelon	6.5
All others	6.0

(d) The container is conspicuously labeled in not less than 8 point type to indicate (1) that the container is hermetically sealed, (2) that the seed has been preconditioned as to moisture

content, and (3) the calendar month and year in which the germination test was completed.

(e) The percentage of germination of vegetable seed at the time of packaging was equal to or above the standards in §201.31.

[32 FR 12780, Sept. 6, 1967, as amended at 59 FR 64491, Dec. 14, 1994]

INSPECTION

§201.37 Authorization.

When authorized by the Administrator of the Agriculture Marketing Service, or by such other person as may be designated for the purpose, Federal employees and qualified State officials, for the purposes of the act, may draw samples of, secure information and inspect records pertaining to, and otherwise inspect seeds and screenings subject to the act.

[15 FR 2394, Apr. 28, 1950, as amended at 59 FR 64492, Dec. 14, 1994]

§201.38 Importations.

Prior to release into the commerce of the United States, imported seed and screenings shall be inspected as provided in §§361.4 of this title.

[5 FR 32, Jan. 4, 1940, as amended at 62 FR 48459, Sept. 16, 1997]

SAMPLING IN THE ADMINISTRATION OF THE ACT

§201.39 General procedure.

(a) In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed or screenings to be sampled. Access shall be had to all parts of that quantity. When more than one trierful of seed is drawn from a bag, different paths shall be followed. When more than one handful is taken from a bag, the handfuls shall be taken from well-separated points.

(b) For free-flowing seed in bags or bulk, a probe or trier shall be used. For small free-flowing seed in bags a probe or trier long enough to sample all portions of the bag should be used.

(c) Non-free-flowing seed, such as certain grass seed, uncleaned seed, or screenings, difficult to sample with a probe or trier, shall be sampled by

thrusting the hand into the bulk and withdrawing representative portions. The hand is inserted in an open position and the fingers are held closely together while the hand is being inserted and the portion withdrawn.

(d) As the seed or screenings are sampled, each portion shall be examined. If there appears to be a lack of uniformity, the portions shall not be combined into a composite sample but shall be retained as separate samples or combined to form individual-container samples to determine such lack of uniformity as may exist.

(e) When the portions appear to be uniform, they shall be combined to form a composite sample.

[5 FR 32, Jan. 4, 1940, as amended at 10 FR 9950, Aug. 11, 1945; 25 FR 8769, Sept. 13, 1960; 26 FR 10035, Oct. 26, 1961]

§ 201.40 Bulk.

Bulk seeds or screenings shall be sampled by inserting a long probe or thrusting the hand into the bulk as circumstances require in at least seven uniformly distributed parts of the quantity being sampled. At least as many trierfuls or handfuls shall be taken as the minimum which would be required for the same quantity of seed or screenings in bags of a size customarily used for such seed or screenings.

[5 FR 32, Jan. 4, 1940, as amended at 26 FR 10035, Oct. 26, 1961]

§ 201.41 Bags.

(a) For lots of six bags or less, each bag shall be sampled. A total of at least five trierfuls shall be taken.

(b) For lots of more than six bags, five bags plus at least 10 percent of the number of bags in the lot shall be sampled. (Round off numbers with decimals to the nearest whole number, raising 0.5 to the next whole number.) Regardless of the lot size it is not necessary that more than 30 bags be sampled.

(c) Samples shall be drawn from unopened bags except under circumstances where the identity of the seed has been preserved.

[5 FR 32, Jan. 4, 1940, as amended at 26 FR 10035, Oct. 26, 1961]

§ 201.42 Small containers.

In sampling seed in small containers that it is not practical to sample as required in § 201.41, a portion of one unopened container or one or more entire unopened containers may be taken to supply a minimum size sample, as required in § 201.43.

[30 FR 7888, June 18, 1965]

§ 201.43 Size of sample.

The following are minimum sizes of samples of agricultural seed, vegetable seed and screenings to be submitted for analysis, test, or examination:

(a) Two ounces (57 grams) of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these.

(b) Five ounces (142 grams) of red or crimson clover, alfalfa, lespedeza, ryegrass, brome grass, millet, flax, rape, or seeds of similar size.

(c) One pound (454 grams) of sudangrass, proso millet, hemp, or seeds of similar size.

(d) Two pounds (907 grams) of cereals, sorghum, vetch, or seeds of similar or larger size.

(e) Two quarts (2.2 liters) of screenings.

(f) Vegetable seed samples shall consist of at least 400 seeds.

(g) Coated seed for a purity analysis shall consist of at least 7,500 seed units. Coated seed for noxious-weed seed examination shall consist of at least 30,000 seed units. Coated seed for germination test only shall consist of at least 1,000 seed units.

[10 FR 9950, Aug. 11, 1945, as amended at 15 FR 2394, Apr. 28, 1950; 59 FR 64492, Dec. 14, 1994]

§ 201.44 Forwarding samples.

Before being forwarded for analysis, test, or examination, the containers of samples shall be properly sealed and identified in such manner as may be prescribed by AMS. Samples of coated seed shall be forwarded in firmly packed crush-proof and moisture-proof containers.

[59 FR 64492, Dec. 14, 1994]