

## § 201.49

following procedures apply to determine pure seed in the grass families listed below:

(1) Intact burs of buffalograss (*Buchloe dactyloides*) shall be considered pure seed whether or not a caryopsis is present. Refer to §201.51(a)(6) for burs which are visibly empty.

(2) The Uniform Blowing Procedure described in §201.51a(a) shall be used to determine classification of florets into pure seed or inert matter for Kentucky bluegrass, Canada bluegrass, rough bluegrass, Pensacola variety of bahiagrass, side-oats grama, blue grama, and orchardgrass.

(3) Special purity procedures for smooth brome, chewings fescue, red fescue, orchardgrass, fairway crested wheatgrass, standard crested wheatgrass, intermediate wheatgrass, pubescent wheatgrass, tall wheatgrass, and western wheatgrass are listed in §201.51a(b).

(4) For methods of determining pure seed percentages of annual and perennial ryegrass, refer to §§201.58(b)(10) and 201.58a(a).

(h) Seed units with nematode galls, fungal bodies (i.e. ergot, other sclerotia, and smut) and spongy or corky caryopses that are entirely enclosed within the seed unit. Refer to §201.51(c)(1) for inert matter classification.

(i) Seed units of beet and other Chenopodiaceae, and New Zealand spinach. Refer to §201.47a(g) and §201.51(a)(6) for definitions of seed units and inert matter, respectively.

(j) Seed units of forage kochia that are retained on a 1 mm opening square-hole sieve, when shaken for 30 seconds. For inert matter, refer to §201.51(a)(7).

[46 FR 53636, Oct. 29, 1981, as amended at 59 FR 64497, Dec. 14, 1994]

### § 201.49 Other crop seed.

(a) Seeds of plants grown as crops (other than the kind(s) and variety(ies) included in the pure seed) shall be considered other crop seeds, unless recognized as weed seeds by applicable laws, or regulations, or by general usage. All interpretations and definitions for "pure seed" in §201.48 shall also apply in determining whether seeds are "other crop seed" or "inert matter" with the following two exceptions

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which may be applied as acceptable alternatives:

(1) Uniform Blowing Procedure in §201.51a(a) for kinds listed in §201.47(e) may be disregarded. If disregarded, all seed units (as defined in §201.47a) for these kinds found in the working sample shall be manually separated into pure seed and inert matter. Only units containing at least one caryopsis with some degree of endosperm development which can be detected either by slight pressure or by examination over light are considered other crop seed.

(2) Multiple Unit Procedure in §201.51a(b) for kinds listed in §201.48(g)(3) may be disregarded. If disregarded, all multiple units and single units (as defined in §201.51a(b)) for these kinds found in the working sample shall be manually separated into single florets. Each floret containing a caryopsis with some degree of endosperm development, which can be detected either by slight pressure or examination over light, is considered other crop seed. Empty florets and glumes, if present, are considered inert matter. Refer to §201.51(a)(4).

(b) [Reserved]

[59 FR 64498, Dec. 14, 1994; 60 FR 2493, Jan. 10, 1995]

### § 201.50 Weed seed.

Seeds (including bulblets or tubers) of plants shall be considered weed seeds when recognized as weed seeds by the law or rules and regulations of the State into which the seed is offered for transportation or transported; or by the law or rules and regulations of Puerto Rico, Guam, or District of Columbia into which transported, or District of Columbia in which sold; or found by the Secretary of Agriculture to be detrimental to the agricultural interests of the United States, or any part thereof. Damaged weed seeds and immature seedlike structures, as described in §201.51(b), shall be considered inert matter. Weed seeds, as defined above in this section, requiring further separation into weed seed and inert matter components are as follows:

(a) The individual seeds are to be removed from fruiting structures such as pods and heads. The seeds are classified as weed seed and the remaining

fruiting structures classified as inert matter.

(b) Wild onion and wild garlic (*Allium* spp.) bulblets that have any part of the husk remaining and are not damaged at the basal end are considered weed seeds regardless of size. Bulblets that are completely devoid of husk, and are not damaged at the basal end, and are retained by a 1/16-inch (1.9 mm) round-hole sieve are considered weed seeds. For wild onion and wild garlic (*Allium* spp.) bulblets classed as inert matter, refer to §201.51(b)(5).

[46 FR 53636, Oct. 29, 1981, as amended at 59 FR 64498, Dec. 14, 1994; 65 FR 1707, Jan. 11, 2000]

#### § 201.51 Inert matter.

Inert matter shall include seeds and seed-like structures from both crop and weed plants and other material not seeds as follows:

(a) Seeds and seed-like structures from crop plants:

(1) Seeds of legumes (Leguminosae) and crucifers (Cruciferae) with the seed coats entirely removed. Refer to §210.48(a) for pure seed classification.

(2) Pieces of broken and damaged seed units, including those that are insect damaged, which are one-half the original size or less. If greater than one-half, refer to §201.48(b) and (c) for pure seed classification. Also included as inert matter are separated cotyledons of legumes, irrespective of whether or not the radicle-plumule axis and/or more than one-half of the seed coat may be attached.

(3) Chalcid-damaged seeds (puffy, soft, or dry and crumbly) of alfalfa, red clover, crimson clover, and similar kinds of small seeded legumes. Refer to §201.48(c) for pure seed classification.

(4) Glumes and empty florets except as stated under pure seed. Refer to §201.48 (g) and (h) for pure seed classification.

(5) Seed units with nematode galls or fungal bodies (smut, ergot, and other sclerotia) that are not entirely enclosed within the seed unit. Refer to §201.48(h) for pure seed classification.

(6) Broken seed units of Chenopodiaceae and fruit portions or fragments of monogerm beets, New Zealand spinach, buffalograss, and families in which the seed unit is a dry

indehiscent one-seeded fruit that visibly do not contain a seed. Refer to §201.48 (f), (g)(1), (i), and (j) for pure seed classification.

(7) Seed units of forage kochia that pass through a 1 mm opening, square-hole sieve, when shaken for 30 seconds.

(8) The thin pericarp (fruit wall), if present on seeds of northern sweetvetch.

(b) Seeds and seed-like structures from weed plants, which by visual examination (including the use of light or dissection), can be determined to be within the following categories:

(1) Damaged seed (other than grasses) with over one-half of the embryo missing.

(2) Grass florets and caryopses classed as inert:

(i) Glumes and empty florets of weedy grasses;

(ii) Damaged grass caryopses, including free caryopses, with over one-half the root-shoot axis missing (the scutellum excluded);

(iii) Immature free caryopses devoid of embryo and/or endosperm;

(iv) Immature florets of quackgrass (*Agropyron repens*) in which the caryopses are less than one-third the length of the palea. The caryopsis is measured from the base of the rachilla;

(v) Free caryopses of quackgrass (*A. repens*) that are 2 mm or less in length.

(3) Seeds of legumes and species of Brassica with the seed coats entirely removed.

(4) Immature seed units, devoid of both embryo and endosperm, such as occur in but not limited to the following plant families: Sedge (Cyperaceae), buckwheat (Polygonaceae), morning glory (Convolvulaceae), nightshade (Solanaceae), puncturevine (Zygophyllaceae) and sunflower (Compositae). Cocklebur (*Xanthium* spp.) burs are to be dissected to determine whether or not seeds are present.

(5) Wild onion and wild garlic (*Allium* spp.) bulblets:

(i) Bulblets which are completely devoid of the husk and pass through a 1/16th-inch, round-hole sieve.

(ii) Bulblets which show evident damage to the basal end, whether husk is present or absent. Refer to §201.50(c)