

distinguish one type of product from another.

[41 FR 23681, June 11, 1976. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 51 FR 17281, May 9, 1986; 63 FR 40630, July 30, 1998]

Subparts B–C [Reserved]

PART 75—REGULATIONS FOR INSPECTION AND CERTIFICATION OF QUALITY OF AGRICULTURAL AND VEGETABLE SEEDS

DEFINITIONS

Sec.

- 75.1 Meaning of words.
75.2 Terms defined.

ADMINISTRATION

- 75.3 Authority.
75.4 Federal and State cooperation.
75.5 Regulations not applicable for certain purposes.
75.6 Nondiscrimination.

INSPECTION

- 75.7 Inspection in accordance with methods prescribed or approved.
75.8 Basis of service.
75.9 Who may obtain service.
75.10 How to make application.
75.11 Content of application.
75.12 When application deemed filed.
75.13 When application may be rejected.
75.14 When application may be withdrawn.
75.15 Authority of agent.
75.16 Accessibility of seeds.
75.17 Testing.
75.18 Sampling.
75.19 Seed lot inspection.
75.20 Submitted sample inspection.
75.21 Grain sample inspection.
75.22 Form of inspection certificate.
75.23 Issuance of inspection certificate.
75.24 Disposition of inspection certificate.
75.25 Issuance of corrected certificate.

APPEAL INSPECTION

- 75.26 When appeal inspection may be requested.
75.27 How to file an appeal.
75.28 When a request for an appeal inspection may be withdrawn.
75.29 When an appeal may be refused.
75.30 Who shall perform appeal inspection.
75.31 Appeal inspection certificate.

LICENSING OF INSPECTORS

- 75.32 Who may become licensed inspector.
75.33 Suspension or revocation of license of inspector.

- 75.34 Surrender of license.

SAMPLING PROVISIONS AND REQUIREMENTS

- 75.35 Obtaining samples for lot inspections.
75.36 Representative sample.
75.37 Submitted samples.
75.38 Lot inspections.
75.39 Use of file samples.
75.40 Protecting samples.

FEES AND CHARGES

- 75.41 General.
75.42 Sampling and sealing.
75.43 Laboratory testing.
75.44 When application rejected or withdrawn.
75.45 Charge for appeals.
75.46 When appeal refused or withdrawn.
75.47 For certificates.

MISCELLANEOUS

- 75.48 Identification number.
75.49 OMB control numbers.

AUTHORITY: 7 U.S.C. 1622 and 1624.

SOURCE: 49 FR 18724, May 2, 1984, unless otherwise noted.

DEFINITIONS

§ 75.1 Meaning of words.

Words used in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

§ 75.2 Terms defined.

For the purpose of these regulations unless the context otherwise requires, the following terms shall be construed, respectively, as follows:

(a) *Act* means the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*).

(b) *Regulations* means the regulations in this part.

(c) *Department* means the United States Department of Agriculture (USDA).

(d) *Secretary* means the Secretary of the United States Department of Agriculture, or any officer or employee of the Department to whom authority has been delegated to act in the Secretary's stead.

(e) *Administrator* means the Administrator of the Agricultural Marketing Service (AMS) of the Department, or any other officer or employee of AMS to whom authority has been delegated to act in the Administrator's stead.

Agricultural Marketing Service, USDA

§ 75.8

(f) *Division* means the Warehouse and Seed Division (WSD), AMS.

(g) *Director* means the Director of the Division or any other officer or employee of the Division to whom authority has been delegated to act in the Director's stead.

(h) *Person* means any individual, partnership, association, business trust, corporation, entity, or any other organized group of persons, whether incorporated or not.

(i) *Seed* means any agricultural or vegetable seed.

(j) *Interested Party* means any person financially interested in a transaction involving seed.

(k) *Applicant* means an interested party who requests any inspection service with respect to seed.

(l) *Authorized agent* means an agent to whom authority to represent a person or government agency has been given by that person or government agency through delegation, contract or cooperative agreement, or other means.

(m) *Memorandum of Understanding* means a written plan between AMS and a State for carrying out their separate activities in a project of mutual interest to the parties involved.

(n) *Inspector* means a licensed employee of a State authorized pursuant to a Memorandum of Understanding or an employee of the Department authorized by the Director, to draw samples of seeds, seal containers, inspect records, test seeds for quality, issue certificates and reports, and bill for services.

(o) *Inspection* means sampling seeds, sealing containers, testing seeds for quality and reviewing records.

(p) *Appeal inspector* means an inspector or other person designated or authorized by the Division to perform appeal inspections under the Act and regulations in this subpart.

(q) *Certificate* means a certificate issued under the Act and the regulations in this subpart.

ADMINISTRATION

§ 75.3 Authority.

The Director is charged with the administration of the provisions of the regulations and the Act insofar as they

relate to the subject matter of the regulations, under the supervision of the Secretary and the Administrator.

§ 75.4 Federal and State cooperation.

Pursuant to the Act, the Administrator is authorized to cooperate with the appropriate State agencies in carrying out provisions of the Act and these regulations through Memoranda of Understanding. The Memorandum of Understanding shall specify the duties to be performed by the parties concerned with each party directing its own activities and utilizing its own resources.

§ 75.5 Regulations not applicable for certain purposes.

The regulations do not apply to the inspection of grain in the United States under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*), except to the extent that official grain samples received from the Federal Grain Inspection Service (FGIS) shall be examined for the presence of specified weed and crop seeds upon the request of FGIS.

§ 75.6 Nondiscrimination.

The conduct of all services under these regulations shall be accomplished without discrimination as to race, color, religion, sex, or national origin.

INSPECTION

§ 75.7 Inspection in accordance with methods prescribed or approved.

Inspection of seed shall be rendered pursuant to these regulations and under such conditions and in accordance with the methods of either the Association of Official Seed Analysts (AOSA) or the International Seed Testing Association (ISTA).

§ 75.8 Basis of service.

The regulations provide for inspection services pursuant to the Act. Seeds shall be inspected in accordance with the methods of either the Association of Official Seed Analysts (AOSA) or the International Seed Testing Association (ISTA); provided, that limitations in these rules respecting maximum lot size will not be observed and,