

do not exceed the regulations or orders issued by the Secretary; or

(2) If the State or political subdivision of a State demonstrates to the Secretary and the Secretary finds that there is a special need for additional prohibitions or restrictions based on sound scientific data or a thorough risk assessment.

(b) Therefore, in accordance with section 436 of the Plant Protection Act, the regulations in this part preempt all State and local laws and regulations that are inconsistent with or exceed the regulations in this part unless a special need request has been granted in accordance with the regulations in §§301.1 through 301.13 of this chapter.

[74 FR 53400, Oct. 19, 2009]

## PART 361—IMPORTATION OF SEED AND SCREENINGS UNDER THE FEDERAL SEED ACT

Sec.

361.1 Definitions.

361.2 Preemption of State and local laws; general restrictions on the importation of seed and screenings.

361.3 Declarations and labeling.

361.4 Inspection at the port of first arrival.

361.5 Sampling of seeds.

361.6 Noxious weed seeds.

361.7 Special provisions for Canadian-origin seed and screenings.

361.8 Cleaning of imported seed and processing of certain Canadian-origin screenings.

361.9 Recordkeeping.

361.10 Costs and charges.

AUTHORITY: 7 U.S.C. 1581–1610; 7 CFR 2.22, 2.80, and 371.3.

SOURCE: 62 FR 48460, Sept. 16, 1997, unless otherwise noted.

### §361.1 Definitions.

Terms used in the singular form in this part shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used in this part, shall be construed, respectively, to mean:

*Administrator.* The Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other individual to whom the Administrator delegates authority to act in his or her stead.

*Agricultural seed.* The following kinds and varieties of grass, forage, and field

crop seed that are used for seeding purposes in the United States:

Agrotricum—x *Agrotriticum* Ciferri and Giacom.

Alfalfa—*Medicago sativa* L.

Alfilaria—*Erodium cicutarium* (L.) L'Her.

Alyceclover—*Alysicarpus vaginalis* (L.) DC.

Bahiagrass—*Paspalum notatum* Fluegge

Barley—*Hordeum vulgare* L.

Barrelclover—*Medicago truncatula* Gaertn.

Bean, adzuki—*Vigna angularis* (Willd.) Ohwi and Ohashi

Bean, field—*Phaseolus vulgaris* L.

Bean, mung—*Vigna radiata* (L.) Wilczek

Beet, field—*Beta vulgaris* L. subsp. *vulgaris*

Beet, sugar—*Beta vulgaris* L. subsp. *vulgaris*

Beggarweed, Florida—*Desmodium tortuosum* (Sw.) DC.

Bentgrass, colonial—*Agrostis capillaris* L.

Bentgrass, creeping—*Agrostis stolonifera* L. var. *palustris* (Huds.) Farw.

Bentgrass, velvet—*Agrostis canina* L.

Bermudagrass—*Cynodon dactylon* (L.) Pers. var. *dactylon*

Bermudagrass, giant—*Cynodon dactylon* (L.)

Pers. var. *aridus* Harlan and de Wet

Bluegrass, annual—*Poa annua* L.

Bluegrass, bulbous—*Poa bulbosa* L.

Bluegrass, Canada—*Poa compressa* L.

Bluegrass, glaucantha—*Poa glauca* Vahl

Bluegrass, Kentucky—*Poa pratensis* L.

Bluegrass, Nevada—*Poa secunda* J.S. Presl

Bluegrass, rough—*Poa trivialis* L.

Bluegrass, Texas—*Poa arachnifera* Torr.

Bluegrass, wood—*Poa nemoralis* L.

Bluejoint—*Calamagrostis canadensis* (Michx.) P. Beauv.

Bluestem, big—*Andropogon gerardii* Vitm. var. *gerardii*

Bluestem, little—*Schizachyrium scoparium* (Michx.) Nash

Bluestem, sand—*Andropogon hallii* Hack.

Bluestem, yellow—*Bothriochloa ischaemum* (L.) Keng

Bottlebrush-squirreltail—*Elymus elymoides* (Raf.) Swezey

Brome, field—*Bromus arvensis* L.

Brome, meadow—*Bromus biebersteinii* Roem. and Schult.

Brome, mountain—*Bromus marginatus* Steud.

Brome, smooth—*Bromus inermis* Leyss.

Broomcorn—*Sorghum bicolor* (L.) Moench

Buckwheat—*Fagopyrum esculentum* Moench

Buffalograss—*Buchloe dactyloides* (Nutt.) Engelm.

Buffelgrass—*Cenchrus ciliaris* L.

Burclover, California—*Medicago polymorpha* L.

Burclover, spotted—*Medicago arabica* (L.) Huds.

Burnet, little—*Sanguisorba minor* Scop.

Buttonclover—*Medicago orbicularis* (L.) Barta.

Canarygrass—*Phalaris canariensis* L.

Canarygrass, reed—*Phalaris arundinacea* L.