

EXHIBIT 10

**TO DECLARATION OF MARIE MARTIN
IN SUPPORT OF DEFENDANTS' OPPOSITION
TO PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER**

Procedures

General Inspection Procedures for Clearing Seeds

Table 2-8 Take Appropriate Regulatory Action Based on Contamination of Plants or Plant Parts

If the plant contaminant is:	And:	And:	And seeds were harvested in:	Then:
Corn, millets, or a corn relative specifically: <i>Chionachne</i> spp. <i>Coix</i> spp. <i>Echinochloa</i> spp. <i>Eleusine</i> spp. <i>Euchlaena</i> spp. <i>Miscanthus</i> spp. <i>Panicum</i> spp. <i>Pennisetum</i> spp. <i>Polytoca</i> spp. <i>Sclerachne</i> spp. <i>Setaria</i> spp. <i>Sorghum</i> spp. <i>Trilobachne</i> spp. <i>Tripsacum</i> spp.	Is not likely the seed will be released into the environment (such as seeds that will be used as spice, for manufacturing, or further processed)	28 or fewer seeds of contaminant per quart of seed	—————→	RELEASE
		29 or more seeds of contaminant per quart of seed	Australia	GO to Table 2-11
			New Zealand	GO to Table 2-12
			Other than Australia or New Zealand	GO to Table 2-10
		Is likely that the seed will be released into the environment (such as bird seed or seed to feed to animals)	—————→	Australia
	—————→		New Zealand	GO to Table 2-12
	—————→		Other than Australia or New Zealand	GO to Table 2-10
	—————→			
	—————→			
	Hibiscus spp.)	—————→		
Okra (<i>Abelmoschus</i> spp.)	—————→			INSPECT and RELEASE
Wheat	You calculate the percent of wheat seed in commodity imported (see Table 2-9)	5 percent or more wheat seed contaminant in sample	—————→	TREAT the wheat as a component, not as a contaminant GO to Table 3-52 and regulate the shipment wheat
		Less than 5 percent wheat seed contaminant in sample	—————→	REGULATE the commodity seed not for planting; do not regulate the wheat
Plant contaminant that is not identifiable	—————→			GO to Table 2-10
Other than listed above	—————→			GO to Table 2-10

Procedures

General Inspection Procedures for Clearing Seeds

Table 2-10 Take Regulatory Action Based on Plant Contaminants Including Federal Noxious Weeds and Plants Regulated by 7 CFR 319, 7 CFR 330, or 7 CFR 360

If the contaminants are:	And the seeds:	And:	And:	Then:
Federal noxious weeds 7 CFR 360	Can be freed from contaminants by cleaning, devitalizing (heat treatment), or grinding to mitigate pest risk of noxious weed contamination (SEE Treatment Manual) and Special Procedures for Authorizing the Grinding of Commodities Contaminated with Federal Noxious Weed Seeds to determine appropriate method)	→	Seeds will be cleaned, devitalized, or grinding is an appropriate option to mitigate risk of noxious weed contaminants for nonpropagative commodities contaminated with Federal noxious weed seeds	AUTHORIZE movement of the shipment to a facility that will grind the seeds, remove the contaminant ¹ , or devitalize (heat treatment) If the seeds are freed from the contaminants or the seeds are ground or devitalized, then RELEASE
			Cleaning, heat treatment, and grinding are not appropriate options	PROHIBIT ENTRY
	Cannot be freed from the contaminants, cannot be devitalized or ground to mitigate the risk of noxious weed contamination, or the importer disagrees	→	Is accompanied by a 588 Controlled Import Permit or Departmental Permit	RELEASE
			Lacks a 588 Permit	PROHIBIT ENTRY
Plant structures prohibited by 7 CFR 319 or 7 CFR 330 ²	Is not likely to be released into the environment (e.g., used as a spice, for manufacturing, or for processing)		→	INSPECT and RELEASE
	Is likely to be released into the environment and is not processed (e.g., animal feed or bird seed)	Can be cleaned or treated (heat or irradiation)	→	HOLD the shipment NOTIFY local PPQ that the shipment must be cleaned or treated to meet entry requirements
		Cannot be cleaned or treated	Is accompanied by a 588 Controlled Import Permit or Departmental Permit	RELEASE
	Lacks a 588 Permit	PROHIBIT ENTRY		
Other than listed in the cells above			→	RELEASE

- 1 Before the entire shipment is cleaned, encourage the importer to have a sufficiently large sample run through the operation to verify that the contaminants can be removed.
- 2 Examples of prohibited seeds include those from bamboo, parasitic plants, and rice.