ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES ADMINISTRATIVE CODE

CHAPTER 80-10-14 NOXIOUS WEED RULES

TABLE OF CONTENTS

80-10-14-.01	Determination Of Problem And Establishment Of Quarantine
80-10-14-.02	Definitions
80-10-14-.03	Quarantine Imposed
80-10-14-.04	Noxious Weeds
80-10-14-.05	Regulated Areas
80-10-14-.06	Regulated Articles
80-10-14-.07	Conditions Governing The Movement Of Regulated Articles
80-10-14-.08	Issuance Of Certificates And Limited Permits
80-10-14-.09	Cancellation Of Certificates And Limited Permits
80-10-14-.10	Inspection And Disposal
80-10-14-.11	Development Of Specific Control On Eradication Programs
80-10-14-.12	Violations
80-10-14-.13	Federal Rules Adopted

80-10-14-.01 Determination Of Problem And Establishment Of Quarantine.

(1) It has been found and determined that certain noxious weeds defined as plant pests under provisions of Section 2-25-1 (2) Code of Ala. 1975 exist in limited areas of Alabama and other states, or have the potential to enter Alabama from other states and foreign countries. It has also been found and determined that noxious weeds would be extremely injurious to Alabama's horticultural, agricultural, aquatic, forestry, wildlife, tourism and recreational industries should they be introduced or further disperse within the state and that a quarantine against said noxious weeds would be in the best interests of the state of Alabama.

(2) Due to the above findings and determination, a quarantine against noxious weeds defined herein is hereby established.

Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §2-25-4.
History: New Rule: Filed August 11, 2000; effective September 15, 2000.

80-10-14-.02 Definitions.

For the purposes of this quarantine, the following definitions shall apply:

(1) Administrator - The Plant Pest Administrator of the Alabama Department of Agriculture and Industries, Plant Protection Section.

(2) Board - The State of Alabama, Board of Agriculture and Industries.

(3) Certificate - A document issued by an Inspector to allow the movement of non contaminated regulated articles to any destination.

(4) Class A - Any noxious weed on the Federal Noxious Weed List, or any noxious weed that is not native to the State, not currently known to occur in the State, and poses a serious threat to the State.

(5) Class B - Any noxious weed that is not native to the State, is of limited distribution statewide, and poses a serious threat to the State.

(6) Class C - Any other designated noxious weed which poses harm to Alabama's various industries.

(7) Commissioner - The Commissioner of the State of Alabama, Department of Agriculture and Industries or his authorized representative.

(8) Compliance Agreement - A written agreement between a person engaged in growing, handling, or moving regulated articles and the State of Alabama, Department of Agriculture and Industries, Plant Protection Section, wherein the former agrees to comply with the requirements of the compliance agreement.

(9) Infestation - The presence of a noxious weed in any stage of development, including but not limited to seed and rhizomes the presence of which shall be considered evidence of a noxious weed.

(10) Inspector - Any authorized employee of the State of Alabama, Department of Agriculture and Industries, Plant Protection Section, or any other person authorized by the Commissioner to enforce the provisions of this chapter.

(11) Limited Permit - A document issued by an Inspector to allow the movement of noncertified regulated articles to a specified destination for special handling, utilization, or processing, or for treatment.

(12) Noxious Weed - Any living stage, including, but not limited to, seeds and productive parts of a parasitic or other plant of a kind, or subdivision of a kind, which may be a serious agricultural threat in Alabama. Evidence of noxious weed shall be considered a public nuisance.

(13) Regulated Article - Any noxious weed or any article listed herein which is capable of carrying a noxious weed.

(14) Regulated Area - Any state or territory or any portion thereof of the United States described herein which is infested with a noxious weed.

(15) Scientific Permit - A document issued by the Administrator to authorize the movement of regulated articles to a specified destination for scientific purposes.

Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §2-25-4.
History: New Rule: Filed August 11, 2000; effective September 15, 2000.

80-10-14-.03 Quarantine Imposed.

Upon the findings and determinations set out in Rule No. 80-10-14-.01, it is Hereby Declared under the provisions of Section 2-25-4, Code of Ala. 1975, that a quarantine be imposed upon the noxious weeds set out in this quarantine, subject to the conditions imposed by this quarantine.

Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §2-25-4.
History: New Rule: Filed August 11, 2000; effective September 15, 2000.

80-10-14-.04 Noxious Weeds.

For the purposes of this quarantine, the following articles are hereby deemed to be regulated:

(1) Class A Noxious Weeds.

(a) All weeds listed in 7 C.F.R. 360.200 Federal Noxious Weed List, the same of which is hereby incorporated by reference herein including its subsequent amendments and editions.

(b) Garlic mustard (Alliaria petiolata)

(c) Air-potato (Dioscorea bulbifera

(d) Old world climbing fern (Lygodium microphyllum)

(e) Mile-a-minute (Polygonum perfoliatum)

(f) Coltsfoot (Tussilago farfara)

(2) Class B Noxious Weeds.

(a) Japanese climbing fern (Lygodium japonicum)

(b) Purple loosestrife (Lythrum salicaria)

(c) Skunk vine (Paederia foetida)

(3) Class C Noxious Weeds.

(a) Alligatorweed (Althernanthera philoxeroides)

(b) Balloon vine (Cardiospermum halicacabum)

(c) Brazilian elodea (Egeria densa)

(d) Curlyleaf pondweed (Potamgeton crispus)

(e) Floating waterhyacinth (Eichornia crassipes)

(f) Hairy crabgrass, mulberry weed (Fatoua villosa)

(g) Mary's grass, Japanese grass (Microstegium vimineum)

(h) Parrotfeather, watermilfoil (Myriophyllum aquaticum)

(i) Eurasian watermilfoil (Myriophyllum spicatum)

(j) Star of Bethlehem (Ornithogalum umbellatum)

(k) Torpedo grass (Panicum repens)

(l) Phragmites, common reed (Phragmites australis)

(m) Longstalked phyllanthus (Phyllanthus tenellus)

(n) Chamberbitter, niuri (Phyllanthus urinaria)

(o) Japanese knotweed, Japanese bamboo (Polygonum cuspidatum)

(p) Multiflora rose (Rosa multiflora)

(q) Spinyleaf naiad (Najas minor)

(r) Water-aloe (Stratlotes aloides)

(s) Water-1ettuce (Pistia stratiotes)

(t) Water Chestnut (Trapa natans)

Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §2-25-4.
History: **New Rule:** Filed August 11, 2000; effective September 15, 2000.

80-10-14-.05 Regulated Areas.

(1) Except as permitted in 80-10-14-.07 and 80-10-14-.08 below, the following is prohibited:

(a) The movement of Class A, B, or C noxious weeds or any regulated article infested with Class A, B, or C noxious weeds into or within Alabama is prohibited.

(2) Other regulated areas.

(a) The Commissioner may take action as authorized under 2-25-4 and 2-25-5, Code of Ala. 1975 to designate as a regulated area any state or portion of a state in which there is reasonable cause to believe that a noxious weed exists, and there is an immediate need to prevent its introduction, spread or dissemination in Alabama.

(b) The Commissioner may take action as authorized under 2-25-4 and 2-25-5 Code of Ala. 1995 to designate as a regulated area any county or portion thereof of the state of Alabama in which there is reasonable cause to believe that a noxious weed exists, and there is an immediate need to prevent its dissemination within Alabama.

Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §2-25-4.
History: **New Rule:** Filed August 11, 2000; effective September 15, 2000.

80-10-14-.06 Regulated Articles.

The following articles are regulated under the provisions of this Section:

(1) Soil, compost, peat, humus, muck, decomposed manure, sand, and gravel, either separately or mixed with other articles; except that potting soil commercially prepared and free of

noxious weed seed, packaged and shipped in original containers is not a regulated article;

(2) Nursery stock including growing media (houseplants grown in a home and not for sale are excluded);

(3) Grass sod;

(4) Used mechanized soil-moving equipment, cultivating equipment and harvesting machinery, except when decontaminated and cleaned free of soil;

(5) Hay, straw, or other material of a similar nature;

(6) Any means of conveyance of any noxious weed when such conveyance is determined by the Administrator to present a hazard of spread of noxious weeds and the person in possession of such conveyance has been so notified.

Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §2-25-4.
History: New Rule: Filed August 11, 2000; effective September 15, 2000.

80-10-14-.07 Conditions Governing The Movement Of Regulated Articles.

(1) A certificate or permit must accompany the movement of regulated articles from regulated areas into Alabama.

(2) A certificate or permit must accompany the movement of regulated articles from a regulated area in Alabama to a non-regulated area in Alabama.

Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §2-25-4.
History: New Rule: Filed August 11, 2000; effective September 15, 2000.

80-10-14-.08 Issuance Of Certificates And Limited Permits.

(1) Certificates may be issued by an inspector for the movement of regulated articles under the following conditions:

(a) In the judgment of the inspector, they have not been exposed to infestation.

(b) They have been examined and found to be free of noxious weeds.

(c) They have been treated under the direction of the inspector with approved control measures known to be effective under the conditions applied.

(d) They have been grown, produced, stored, or handled in such a manner that, in the judgment of the inspector, designated noxious weeds would not be transmitted by movement of the article.

(2) Limited permits may be issued by an inspector for the movement of noncertified regulated articles to specified destinations for limited handling utilization, processing or treatment when the inspector determines no hazard of spread of noxious weeds exists.

(3) Scientific permits may be issued by the Administrator to allow the movement of noxious weeds in any living stage and any regulated articles for scientific purposes under such conditions as may be prescribed in each specific case by the Administrator.

(4) Fumigation certificates, which insure the pest-free premises of nurseries growing seedlings for aforestation and reforestation purposes, shall be issued by an inspector for intrastate and interstate shipments of conifer and hardwood seedlings. To insure pest-free plant material, the preferred method of treatment is fumigation using methyl bromide in seedling plant beds prior to seedling. Each shipment originating from another state shall be accompanied by a fumigation certificate issued by the state of origin to verify treatments.

(5) As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the Administrator.
Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §2-25-4.
History: **New Rule:** Filed August 11, 2000; effective September 15, 2000. **Amended:** Filed February 21, 2006; effective March 28, 2006.

80-10-14-.09 Cancellation Of Certificates And Limited Permits.

Any certificate, limited permit, scientific permit or compliance agreement which has been issued or authorized may be canceled by

the Administrator or the inspector if he determines that the holder has not complied with conditions for its use.
Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §2-25-4.
History: New Rule: Filed August 11, 2000; effective September 15, 2000.

80-10-14-.10 Inspection And Disposal.

Any inspector is authorized to stop and inspect, any person or means of conveyance moving within or from the State of Alabama upon probable cause to believe that such means of conveyance or articles are infested with a noxious weed; and, such inspector is authorized to seize, treat, or otherwise dispose of articles found to be moving in violation of these rules.
Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §2-25-4.
History: New Rule: Filed August 11, 2000; effective September 15, 2000.

80-10-14-.11 Development Of Specific Control On Eradication Programs.

Due to the great variation and diversity of noxious weeds and habitats in which noxious weeds might be detected, the Administrator is authorized to develop and implement control and/or eradication strategies as necessary to protect the State's agricultural, horticultural, aquacultural wildlife, tourism, forestry and recreational industries.
Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §2-25-4.
History: New Rule: Filed August 11, 2000; effective September 15, 2000.

80-10-14-.12 Violations.

Any person violating the provisions herein shall be subject to the penalties imposed under Section 2-25-22, Code of Ala. 1975.
Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §2-25-4.
History: New Rule: Filed August 11, 2000; effective September 15, 2000.

80-10-14-.13 Federal Rules Adopted.

The Noxious Weed Regulations of the Code of Federal Regulations (7 CFR 360.200), revised as of January 1, 1999, as they are now written or as the same may hereafter be revised or amended, are hereby expressly adopted by reference thereto as a part of these regulations. Copies of this reference may be obtained from the Administrator.
Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §2-25-4.
History: New Rule: Filed August 11, 2000; effective September 15, 2000.