

# **Laws and Regulations Pertaining to the Sale and Movement of Noxious Weeds in CA**

**CA Dept of Food and Agriculture  
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2009**

# Topics:

- Regulatory Definitions
- Federal and State Laws & Regulations
- Authority to Take Action
- Pest Ratings
- Examples of Interceptions
- CA Invasive Species Advisory Committee



## Divisions

Animal Health  
and Food  
Safety  
Services

Fairs and  
Expositions

Pierce's  
Disease  
Control  
Program  
(GWSS)

**Plant Health  
and Pest  
Prevention  
Services**

Marketing  
Services

Inspection  
Services

Measurement  
Standards

## Branches

Plant Pest  
Diagnostics

Integrated  
Pest Control

Light Brown  
Apple Moth

**Pest Exclusion**

Pest Detection /  
Emergency Projects

## Programs

Nursery, Seed, and  
Cotton Program

Exterior Exclusion  
(Border Stations)

Interior Exclusion

Weeds being sold as  
Nursery Stock

Shipments of or with Weeds

# PEST EXCLUSION



## GOAL:

To prevent the entry and establishment of exotic **pests** and limit the spread of newly discovered **pests**



# How Does CDFA Define “Pest”?

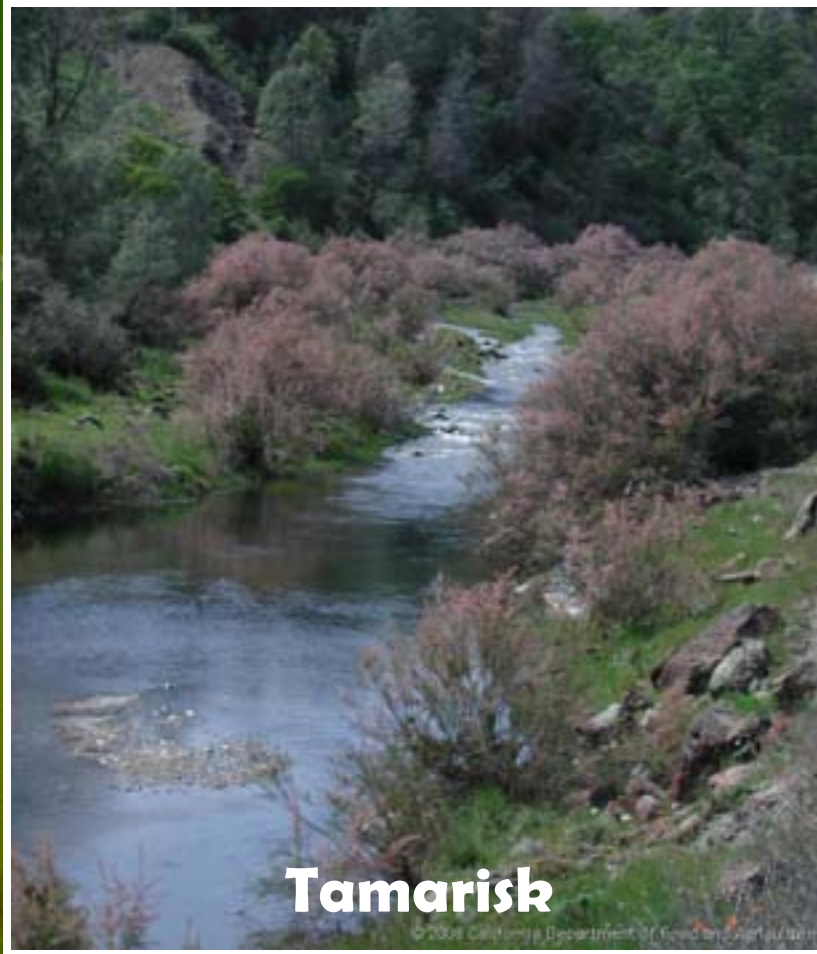
Food and Ag Code Sec 5006

**"Pest"** means any of the following things that is, or is liable to be, dangerous or detrimental to the agricultural industry of the state:

- (a) Any infectious, transmissible, or contagious **disease** of any plant, or any disorder of any plant which manifests symptoms or behavior which the director, after investigation and hearing, finds and determines is characteristic of an infectious, transmissible, or contagious disease.
- (b) Any form of **animal life**
- (c) Any form of **vegetable life**

# CDFA Defines Noxious Weed

Food and Ag Code Sec 5004



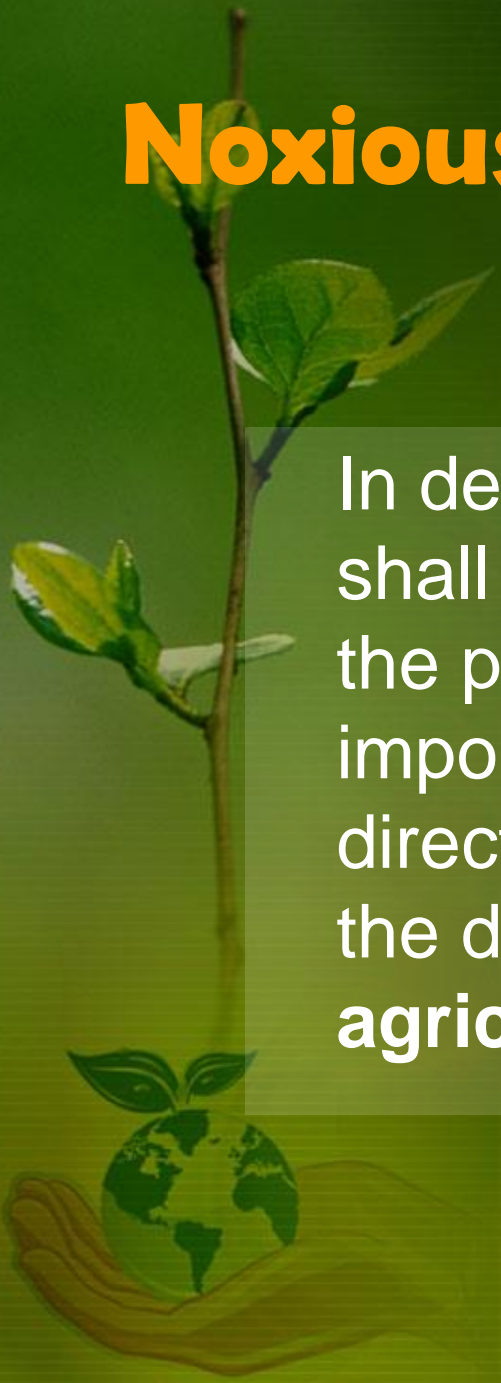
## "Noxious weed"

Any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native species, and difficult to control or eradicate, which the director, by regulation, designates to be a noxious weed.

# Noxious Weed Definition Cont...

Food and Ag Code Sec 5004

In determining whether or not a species shall be designated a noxious weed for the purposes of protecting silviculture or important native plant species, the director shall not make that designation if the designation will be detrimental to **agriculture.**





# Nursery Stock, Agriculture?

FAC 23. (a) Inasmuch as the planned production of trees, vines, rose bushes, ornamental plants, floricultural crops, and other horticultural crops is distinguishable from the production of other products of the soil only in relation to the time elapsing before maturity, **plants and floricultural crops that are being produced by nurseries, whether in open fields or in greenhouses, shall be considered to be "growing agricultural crops"** for the purpose of any laws that pertain to the agricultural industry of the state, and those laws shall apply equally to greenhouses and open field nursery operations.



# Laws vs. Regulations



## ■ Laws

- ✓ Enacted through legislation
- ✓ Food and Agricultural Codes (FAC)

[www.leginfo.ca.gov](http://www.leginfo.ca.gov)

## ■ Regulations

- ✓ Promulgated by a Dept. pursuant to legislative authority
- ✓ Intended to interpret and specify Legislation
- ✓ California Code of Regulations (CCR)
- ✓ Summarized in Plant Quarantine Manual

[www.cdffa.ca.gov/phppps/](http://www.cdffa.ca.gov/phppps/)

# Federal Laws & Regulations



**Witchweed**

- **Laws**

- ✓ Federal Plant Protection Act

- **Regulations**

- ✓ Federal Noxious Weeds (CFR 360)

[http://edocket.access.gpo.gov/cfr\\_2009/janqtr/pdf/7cfr360.200.pdf](http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr360.200.pdf)

- ✓ Witchweed Federal Domestic Quarantine (CFR 301.80)



# Noxious Weeds and the California Code of Regulations

- **Plant Pest List (CCR 4500)**

- ✓ Lists species of plants that have been determined “noxious weeds” and meet the definition outlined in FAC 5004
- ✓ Work in progress
- ✓ Additions have been submitted for review





# Noxious Weeds and the California Code of Regulations

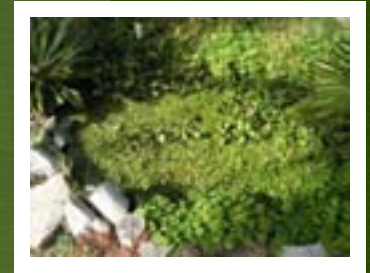
- **Hydrilla Exterior Quarantine (CCR 3281)**
  - ✓ Requires all interstate shipments of aquatic plants to be certified free of hydrilla
- **Hydrilla Interior Quarantine (CCR 3410)**
  - ✓ Restricts the movement of any appliance capable of transporting hydrilla from know infested areas

# Nursery Stock

## Two Scenarios

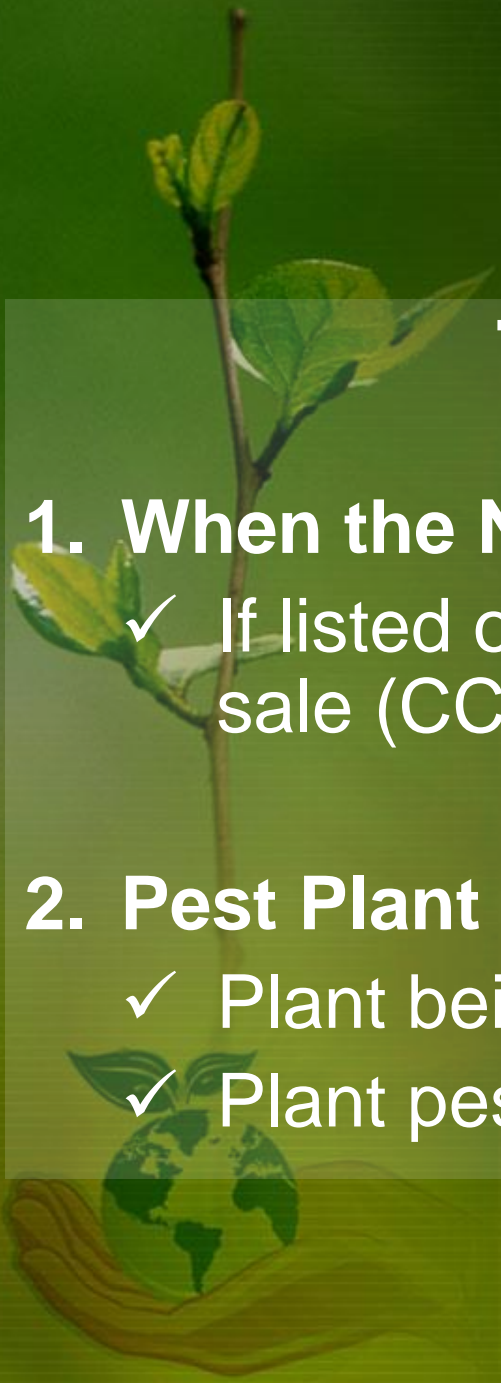
### 1. When the Nursery Stock is the Weed

- ✓ If listed on CCR 4500, prohibited from sale (CCR 3060.3)

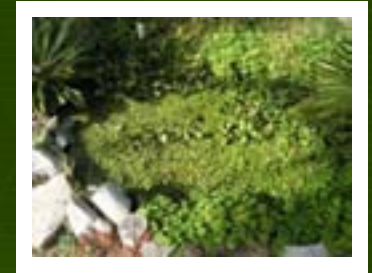


### 2. Pest Plant Found in Shipment

- ✓ Plant being sold
- ✓ Plant pest in pot of plant being sold



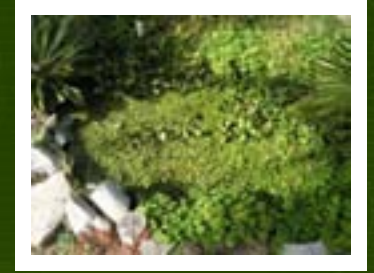
# When the Nursery Stock Is the Weed??



1. Regulatory official must submit sample to CDFA's lab
2. If lab determines the sample to be a pest plant then, assigned H-rating...
3. Regulatory official puts potential pest plant(s) on hold under FAC 5701
4. Within the next 30-days, Weed Triage Team meets and determines whether the species goes forward for inclusion in CCR 4500



# When the Nursery Stock Is the Weed Continued...



## If YES then:

The hold is moved to the authority of CCR 4500 and plants continue to be held (or can voluntarily be destroyed) until the rule making process is complete.

## If NO then:

The plant is removed from hold, no further action.

# Updating CCR 4500

The regular rule making process requires that all affected entities be notified of the potential regulation change and allows for input from potentially affected establishments regarding the detriment to agriculture. The Office of Administrative Law (OAL) makes the final determination to accept or reject inclusion.

<http://www.cdfa.ca.gov/phpps/Regulations.html>

# Incoming Nursery Stock Shipments



(interstate and intrastate)

- **Subject to inspection upon arrival and must be found free of pests (noxious weeds)**
- If sample is determined by CDFA lab to be a “pest” plant, authority for immediate rejection
  - ✓ FAC 6461.5 (interstate shipments)
  - ✓ FAC 6521 (intrastate shipments)





# Action-Oriented Rating System



Pest ratings are intended as aids to:

- Inform CAC and other interested persons as to a particular organism's environmental, agricultural and biological significance
- Represent the Department's policy governing what action is to be taken

# Ratings and Actions

## A-Rated (Q=Temporary A)

A pest of known economic or environmental detriment and is either not known to be established in California or it is present in a limited distribution that allows for the possibility of eradication or successful containment.

**Action=Reject**

## B-Rated

A pest of known economic or environmental detriment and, if present in California, it is of limited distribution.

**Action=Reject when found in nursery stock**

# Ratings and Actions



## **C-Rated (Z=Temporary C)**

A pest of known economic or environmental detriment and, if present in California, it is usually widespread.

**No Action**

## **H-Rated**

A plant species found in a nursery that the identifier has reason to believe exhibits weedy characteristics.

**Action= Hold**



# Action-Oriented List vs. CCR 4500

## A-RATED

Slender false-brome (*Brachypodium sylvaticum*)

Meadow knapweed (*Centaurea monktonii*)

Frogbit (*Hydrocharis morsus-ranaei*)

S Am spongeplant (*Limnobium laevigatum*)

Salvinia (*Salvinia auriculata*)

Giant salvinia (*Salvinia molesta*)

## C-RATED

Water-hyssop (*Bacopa monnieri*)

Pygmy brass buttons (*Cotula Mexicana*)

Brazilian waterweed (*Egeria densa*)

Water hyacinth (*Eichhornia crassipes*)

Eurasian watermilfoil (*Myriophyllum spicatum*)

Mexican feather grass (*Nassella tenuissima*)

Fragrant waterlily (*Nymphaea odorata*)

Kelp (*Polygonum amphibium var. emersum*)

Roundleaf rotala (*Rotala rotundifolia*)

Common Russianthistle (*Salsola tragus*)

## B-RATED

Bidi bidi (*Acaena magellanica*)

Fragrant false garlic (*Nothoscordum gracile*)

Water lettuce (*Pistia stratiotes*)

# Pathways for the Introduction of Noxious Weeds

- Foreign Plant Shipments
- Private Automobiles/Boats
- Commercial Truck Shipments
  - ✓ Nursery Stock
  - ✓ Hay
  - ✓ Bee colonies/equipment/pallets
  - ✓ Bulk Seed and Grain
- Parcel Carriers (UPS, FedEx, USPS, etc)
- Rail (bulk seed/feed/grain)



# Border Station Inspections

Torrey  
Nightshade  
intercepted  
at the  
Truckee  
Border  
Station





# Border Station Inspections

Creative vacationers



# Border Station Inspections

Creative vacationers





# Border Station Inspections

Creative vacationers





# Hay Inspections



# Hay Inspections



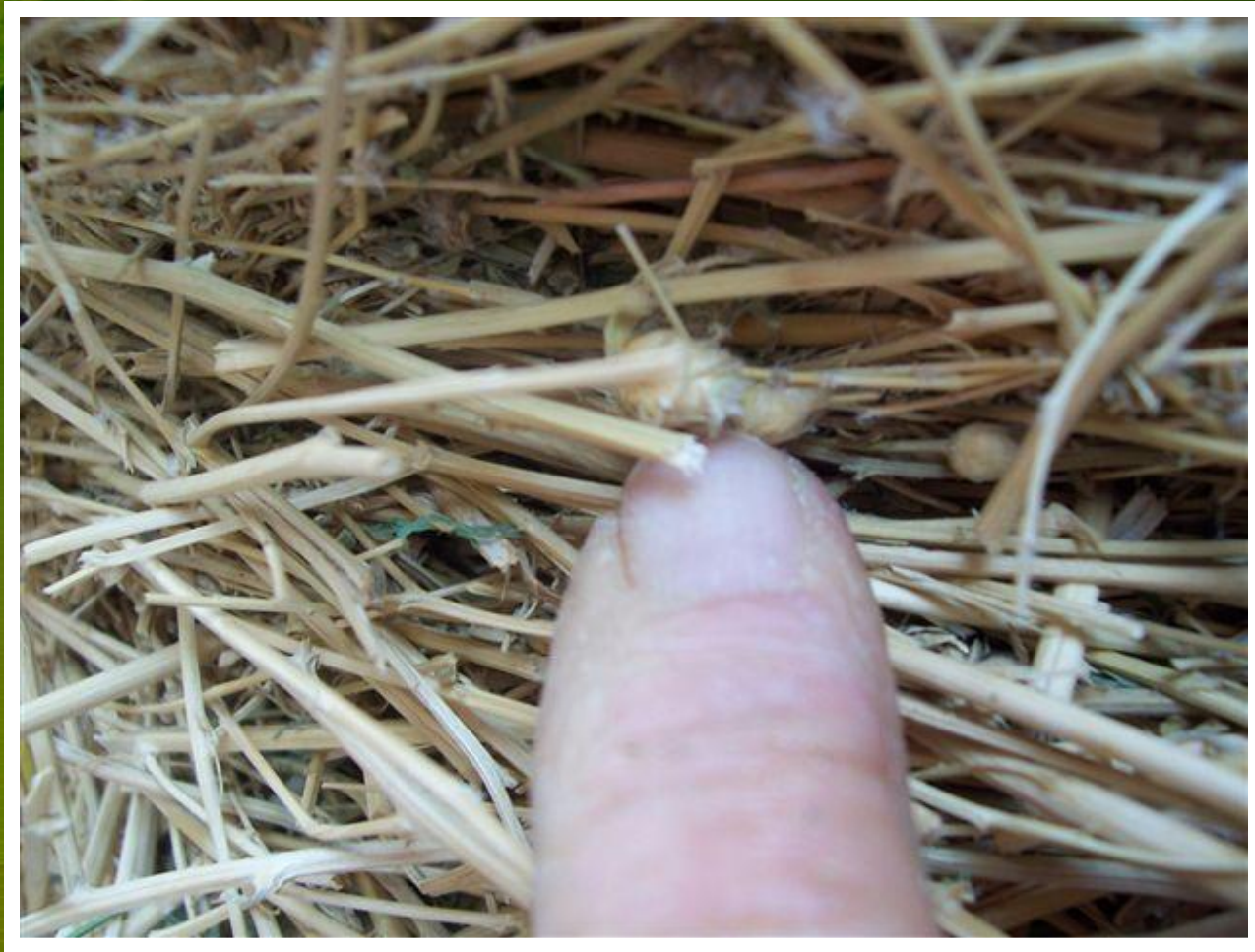


# Hay Inspections





# Hay Inspections



# Border Station Inspections



Grain Shipments



# Border Station Inspections



Rough Jointvetch



# Incoming Nursery Stock



**Alligator Weed in  
Florida nursery stock**



# Nursery Cleanliness Inspection



South American Spongeplant



# Parcel Inspections





# Parcel Inspections



Narrow Leaf Anacharis

Discovered during follow up to unmarked parcel interceptions

# California Invasive Species Advisory Committee (CISAC)

- Dedicated to the protecting California's environment (urban and wild) and agriculture from invasive species
- In the process of being developed
- Will develop a statewide, multi-taxa (weeds, vertebrates, insects, fish, mollusks, etc) list of invasive species for the state
- Cal-IPC is an integral part of the process



September 14, 2009

[What is the ISCC?](#)

[ISCC By-Laws](#)

[CISAC Charter](#)

[CISAC Members](#)

**REPORT A PEST**  
REPORT A PEST

[How You Can Help](#)

## INVASIVE SPECIES COUNCIL OF CALIFORNIA

### What is the Invasive Species Council of California (ISCC)?

The ISCC represents the highest level of leadership and authority in state government regarding invasive species. The ISCC is an inter-agency council that helps to coordinate and ensure complementary, cost-efficient, environmentally sound and effective state activities regarding invasive species. The ISCC was established February 10, 2009. The ISCC approved the ISCC By-Laws and California Invasive Species Advisory Committee Charter on April 8, 2009.

The Invasive Species Council of California is chaired by the Secretary of the California Department of Food and Agriculture and vice-chaired by the Secretary of the California Natural Resources Agency. Its members also include Secretaries from the following agencies:

- California Environmental Protection Agency;
- California Business, Transportation and Housing Agency;
- California Health and Human Services Agency; and
- California Emergency Management Agency.

The Secretaries of each department or agency are the official council members. However, each Secretary will designate a technical representative who carries out the day-to-day work of the council. The official council generally meets two times a year.



# Report a Pest

CA.GOV CALIFORNIA DEPARTMENT OF Food and Agriculture Your Connection to California Agriculture...

CDFA Home PIPPS Home Contacts Meetings Publications Regulations Services

LBAM Pest Exclusion Pest Detection/Emergency Projects Integrated Pest Control Diagnostics Center

HOW YOU CAN HELP

Click on arrow Resource Links

cdfa CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

REPORT A PEST

How You Can Help

HOME LOCAL COUNTY AGRICULTURE DEPTS REPORT A PEST FORM LAWS AND REGS

### Have You Seen a New or Unusual Plant or Pest in Your Area?

If so, you can play an important role in protecting California agriculture and your environment by reporting the sighting of a plant or pest that you suspect may be a new [invasive species](#) in your area.

### Taking a Photograph or Collecting a Specimen

If possible, take photographs of the plant or pest. Tips: including something of commonly known size in the photo for comparison is helpful; taking photos of the immediate environment where the sighting occurred and key landmarks for finding the site is also often helpful. Photos can be attached to the Report a Pest Sighting Form either electronically or in hard copies (see below for online and hard copies of this form).

If you wish to collect a specimen to assist with identification, it is important to keep the specimen secure to avoid the spread of the collected species, or any organism that may be attached to it. Please keep a record with the specimen of the location and date that it was collected.

- Invertebrates (for example: insects, snails) - Invertebrates should be collected into a closed vial or jar with enough rubbing alcohol included to keep the tissue moist.
- Plants - Plant specimens should include the stem with intact leaves and, if available, intact flowers and/or fruits. The plant

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**Thank you!**



**Questions??**