

Laws and Regulations Update

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Presentation Overview

- ✧ Definition of a Weed
- ✧ Definition of a Noxious Weed
- ✧ Regulations
- ✧ Weed Ratings

Invasive Species

- Invasive species of weeds, insects, diseases, insect pests, and vertebrate pests are cost the agricultural economy of California more than \$3 billion dollars annually.
- To combat these invasive species, CDFA and USDA implement quarantines and regulations of commodities to prevent the introduction of unwanted pests
 - from other states, other countries, and from one county to another within California
 - helps to also limit their spread after introduction has occurred

Mission Statement of the Riverside County Agricultural Commissioner

- **The Riverside County Agricultural Commissioner's Office is entrusted with the mission of promoting and protecting the agricultural industry of the County and its environment, ensuring the health and safety of the County's citizens, and fostering confidence and equity in the marketplace through education and the fair and uniform enforcement of laws, regulation, and ordinances enacted by the people of the State of California and the County of Riverside.**

Definition of a Weed

- A weed is defined as
 - “a plant that is growing out of place”
 - “a plant that is not valued where it is growing and is usually of vigorous growth; especially, one that tends to overgrow or choke out more desirable plants”
- ◆ The Weed Science Society of America defines a weed as a plant that causes economic losses or ecological damage, creates health problems for humans or animals, or is undesirable where it is growing.

Examples of Common Weeds

- Crabgrass
- Giant foxtail
- Common lambsquarters

Definition of Invasive Weed

- Invasive weeds are weeds that establish, persist and spread widely in natural ecosystems outside the plant's native range.
 - these invaders often lack natural enemies to curtail their growth – enabling them to overrun native plants and ecosystems
 - Could also be classified as a noxious weed

Examples of Invasive Weeds

- Tree of Heaven (*Ailanthus altissima*)
- Saltcedar/Tamarisk (*Tamarix ramosissima*)
- Downy Brome/Cheatgrass (*Bromus tectorum*)

Definition of Noxious Weed

- A legal term defined in the Plant Protection Act
- A noxious weed is any plant or plant product that can directly or indirectly injure or cause damage to crops, nursery stock, other plant products, livestock or poultry, or to other interests of agriculture, irrigation, navigation, natural resources, public health or the environment.

Examples of Noxious Weeds

- There are over 100 weeds on the Federal Noxious Weed List
 - Maintained by APHIS (Animal, Plant, Health Inspection Services)
- Purple loosestrife (*Lythrum salicaria*)
- Hydrilla (*Hydrilla verticillata*)
- Witchweed (*Striga* spp.)
- Over 680 weeds are on state noxious weed lists

Noxious Weeds Regulations

- ◆ Section 5004 of the California Food and Agricultural Code provides regulatory for the Secretary to designate species of plants as noxious when they are liable to be troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native species, and difficult to control or eradicate.
- ◆ Section 52332 (c) of the Food and Agricultural Code provides authority for the Secretary to adopt by regulation a list of noxious weed seeds that the Secretary finds are prohibited noxious weed seed.
- ◆ To protect our environment, noxious weeds are prohibited from sale at nurseries.

Noxious Weed Regulations

- ◆ In California, CDFA maintains a list of noxious plant species
 - California Code of Regulations Title 3, section 4500 (Noxious Weed Species)
 - Approximately 176 species
 - Examples include
 - Tree of Heaven
 - Arundo
 - Yellow starthistle
 - Hydrilla
 - Tamarix

■ Other lists of Noxious Weeds

- Encyloweedia (www.cdfa.ca.gov)
- USDA APHIS Noxious Weeds Home Page
(www.aphis.usda.gov>[planthealth](#)>[pests-and-diseases-SA_Weeds](#))

Pest Ratings

- The Plant Health & Pest Prevention Services Division within CDFA assigns a rating to each pest found in California
 - Purpose of the rating is
 - to characterize the statewide importance of the pest to harm agricultural and environmental interests or social adversities, such as interference with home/urban gardening, human health, worker safety, food safety, jobs or cultural practices in California
 - to determine what pest mitigation measures are appropriate if the pest is encountered in California

- California Pest Rating Proposal Form Any interested party/organization may complete the form to either propose a change or propose a new pest rating and submit it to the Department.
 - ◆ form and instructions for submitting the form are available at the following Website:
 - http://cdfa.ca.gov/plant/regs_pestrating.html
 - Posted on CDFA's website for 45 day public comment period
 - (http://cdfa.ca.gov/plant/regs_pestrating.html)
 - The Department shall respond to any posted comments within 30 working days and shall make the final determination of the pest rating for the organism under consideration.
- All Department pest ratings shall be posted at the following Website: http://cdfa.ca.gov/plant/regs_pestrating.html

Weed Ratings

- In California, biologists of CDFA recommend plants for listing, after consultation with outside experts and the Agricultural Commissioners of California's counties (CACs). If a plant is found to probably be "troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native species, and difficult to control or eradicate", the Department will designate the plant as a noxious weed.
- At the time that CDFA lists a species, it also receives a rating of A, B, C, D, or Q. These ratings reflect CDFA's view of the statewide importance of the pest, the likelihood that eradication or control efforts would be successful, and the present distribution of the pest within the state. The ratings are not laws, but are policy guidelines that indicate the most appropriate action to take against a pest under general circumstances. Local conditions may dictate more stringent actions at the discretion of the CAC, and the rating may change as circumstances change.

Weed Ratings Purpose

■ Action Oriented Rating System Purpose

- To advise commissioners as to the policy of CDFA regarding any pest action.
- Rating Designations
 - "A"
 - "B"
 - "C"
 - "D"
 - "Q"
 - "W"

Weed Ratings

- "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.
- A-rated pests are prohibited from entering the state because, by virtue of their rating, they have been placed on the of Plant Health and Pest Prevention Services Director's list of organisms "detrimental to agriculture" in accordance with the FAC Sections 5261 and 6461. The only exception is for organisms accompanied by an approved CDFA or USDA live organism permit for contained exhibit or research purposes.
- If found entering or established in the state, A-rated pests are subject to state (or commissioner when acting as a state agent) enforced action involving eradication, quarantine regulation, containment, rejection, or other holding action.

Weed Ratings

- "B": A pest of known economic or environmental detriment and, if present in California, it is of limited distribution.
- B-rated pests are eligible to enter the state if the receiving county has agreed to accept them.
- If found in the state, they are subject to state endorsed holding action and eradication only to provide for containment, as when found in a nursery.
- At the discretion of the individual county agricultural commissioner they are subject to eradication, containment, suppression, control, or other holding action.

Weed Ratings

- "C" : A pest of known economic or environmental detriment and, if present in California, it is usually widespread.
- C-rated organisms are eligible to enter the state as long as the commodities with which they are associated conform to pest cleanliness standards when found in nursery stock shipments.
- If found in the state, they are subject to regulations designed to retard spread or to suppress at the discretion of the individual county agricultural commissioner.
- There is no state enforced action other than providing for pest cleanliness.

Weed Ratings

- "Q": An organism or disorder suspected to be of economic or environmental detriment, but whose status is uncertain because of incomplete identification or inadequate information.

Weed Ratings

- "D": An organism known to be of little or no economic or environmental detriment, to have an extremely low likelihood of weediness, or is known to be a parasite or predator.
- There is no state enforced action.

Weed Ratings

- W'': This notation indicates that a plant is included in the CCR Section 4500 list of California State Noxious Weeds

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