

## **PART 360—NOXIOUS WEED REGULATIONS**

Sec.

- 360.100 Definitions.
- 360.200 Designation of noxious weeds.
- 360.300 General prohibitions and restrictions on the movement of noxious weeds; permits.

AUTHORITY: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

### **§ 360.100 Definitions.**

(a) As used in this part, words in the singular form shall be deemed to import the plural and vice versa, as the case may require.

(b) As used in this part, the terms as defined in section 3 of the Act (7 U.S.C. 2802) shall apply with equal force and effect. In addition and except as may be provided otherwise in this part the following words shall be construed, respectively, to mean:

*Department.* The U.S. Department of Agriculture.

*Deputy Administrator.* The Deputy Administrator of the Plant Protection and Quarantine Programs of the Animal and Plant Health Inspection Service of the Department, or any other officer or employee of the Plant Protection and Quarantine Programs to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

*Plant Protection and Quarantine Programs.* The Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service of the Department.

[41 FR 49988, Nov. 12, 1976]

### **§ 360.200 Designation of noxious weeds.**

As authorized under section 412 of the Plant Protection Act (7 U.S.C. 7712), the Secretary of Agriculture has determined that the following plants<sup>1</sup>

or plant products fall within the definition of "noxious weed" as defined in section 403 of the Act (7 U.S.C. 7702(10)). Accordingly, the dissemination in the United States of the following plants or plant products may reasonably be expected to have the effects specified in section 403 of the Act:

(a) *Aquatic and wetland weeds:*

- Azolla pinnata* R. Brown (mosquito fern, water velvet)
- Caulerpa taxifolia* (Mediterranean clone)
- Eichornia azurea* (Swartz) Kunth (anchored waterhyacinth, rooted waterhyacinth)
- Hydrilla verticillata* (Linnaeus f.) Royle (hydrilla)
- Hygrophila polysperma* T. Anderson (Miramar weed)
- Ipomoea aquatica* Forsskal (water-spinach, swamp morning-glory)
- Lagarosiphon major* (Ridley) Moss
- Limnophila sessiliflora* (Vahl) Blume (ambulia)
- Melaleuca quenquinervia* (Cav.) Blake (broadleaf paper bark tree).
- Monochoria hastata* (Linnaeus) Solms-Laubach
- Monochoria vaginalis* (Burman f.) C. Presl
- Ottelia alismoides* (L.) Pers.
- Sagittaria sagittifolia* Linnaeus (arrowhead)
- Salvinia auriculata* Aublet (giant salvinia)
- Salvinia biloba* Radti (giant salvinia)
- Salvinia herzogii* de la Sota (giant salvinia)
- Salvinia molesta* D.S. Mitchell (giant salvinia)
- Solanum tampicense* Dunal (wetland nightshade)
- Sparganium erectum* Linnaeus (exotic bur-reed)

(b) *Parasitic weeds:*

- Aeginetia* spp.
- Alectra* spp.
- Cuscuta* spp. (dodders), other than following species:
  - Cuscuta americana* Linnaeus
  - Cuscuta applanata* Engelmann
  - Cuscuta approximata* Babington
  - Cuscuta attenuata* Waterfall
  - Cuscuta boldinghii* Urban
  - Cuscuta brachycalyx* (Yuncker) Yuncker
  - Cuscuta californica* Hooker & Arnott
  - Cuscuta campestris* Yuncker
  - Cuscuta cassyoides* Nees ex Engelmann
  - Cuscuta ceanothii* Behr
  - Cuscuta cephalanthii* Engelmann
  - Cuscuta compacta* Jussieu
  - Cuscuta coryli* Engelmann
  - Cuscuta cuspidata* Engelmann
  - Cuscuta decipiens* Yuncker
  - Cuscuta dentatasquamata* Yuncker
  - Cuscuta denticulata* Engelmann
  - Cuscuta epithymum* Weihe
  - Cuscuta epithymum* (Linnaeus) Linnaeus
  - Cuscuta erosa* Yuncker
  - Cuscuta europaea* Linnaeus

<sup>1</sup>One or more of the common names of weeds are given in parentheses after most scientific names to help identify the weeds represented by such scientific names; however, a scientific name is intended to include all weeds within the genus or species represented by the scientific name, regardless of whether the common name or names are as comprehensive in scope as the scientific name.

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*Cuscuta exalta* Engelmann  
*Cuscuta fasciculata* Yuncker  
*Cuscuta glabrior* (Engelmann) Yuncker  
*Cuscuta globulosa* Bentham  
*Cuscuta glomerata* Choisy  
*Cuscuta gronovii* Willdenow  
*Cuscuta harperi* Small  
*Cuscuta howelliana* Rubtzoff  
*Cuscuta indecora* Choisy  
*Cuscuta jepsonii* Yuncker  
*Cuscuta leptantha* Engelmann  
*Cuscuta mitriformis* Engelmann  
*Cuscuta nevadensis* I. M. Johnston  
*Cuscuta obtusiflora* Humboldt, Bonpland, & Kunth  
*Cuscuta occidentalis* Millspaugh ex Mill & Nuttall  
*Cuscuta odontolepis* Engelmann  
*Cuscuta pentagona* Engelmann  
*Cuscuta planiflora* Tenore  
*Cuscuta platensis* A. Nelson  
*Cuscuta polygonorum* Engelmann  
*Cuscuta rostrata* Shuttleworth ex Engelmann  
*Cuscuta runyonii* Yuncker  
*Cuscuta salina* Engelmann  
*Cuscuta sandwichiana* Choisy  
*Cuscuta squamata* Engelmann  
*Cuscuta suaveolens* Seringe  
*Cuscuta suksdorffii* Yuncker  
*Cuscuta tuberculata* Brandegee  
*Cuscuta umbellata* Humboldt, Bonpland, & Kunth  
*Cuscuta umbrosa* Beyrich ex Hooker  
*Cuscuta vetchii* Brandegee  
*Cuscuta warneri* Yuncker  
Orobanche spp. (broomrapes), other than the following species:  
*Orobanche bulbosa* (Gray) G. Beck  
*Orobanche californica* Schlechtendal & Chamisso  
*Orobanche cooperi* (Gray) Heller  
*Orobanche corymbosa* (Rydberg) Ferris  
*Orobanche dugesii* (S. Watson) Munz  
*Orobanche fasciculata* Nuttall  
*Orobanche ludoviciana* Nuttall  
*Orobanche multicaulis* Brandegee  
*Orobanche parishii* (Jepson) Heckard  
*Orobanche pinorum* Geyer ex Hooker  
*Orobanche uniflora* Linnaeus  
*Orobanche valida* Jepson  
*Orobanche vallicola* (Jepson) Heckard  
*Striga* spp. (witchweeds)

## (c) Terrestrial weeds:

*Ageratina adenophora* (Sprengel) King & Robinson (crofton weed)  
*Alternanthera sessilis* (Linnaeus) R. Brown ex de Candolle (sessile joyweed)  
*Asphodelus fistulosus* Linnaeus (onionweed)  
*Avena sterilis* Linnaeus (including *Avena ludoviciana* Durieu) (animated oat, wild oat)  
*Carthamus oxyacantha* M. Bieberstein (wild safflower)  
*Chrysopogon aciculatus* (Retzius) Triniius (pilipiliula)

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*Commelinia benghalensis* Linnaeus (Benghal dayflower)  
*Crupina vulgaris* Cassini (common crupina)  
*Digitaria scalarum* (Schweinfurth) Chiovenda (African couchgrass, fingergrass)  
*Digitaria velutina* (Forsskål) Palisot de Beauvois (velvet fingergrass, annual conchgrass)  
*Drymaria arenariooides* Humboldt & Bonpland ex Roemer & Schultes (lightning weed)  
*Emex australis* Steinheil (three-cornered jack)  
*Emex spinosa* (Linnaeus) Campdera (devil's thorn)  
*Galega officinalis* Linnaeus (goatsrue)  
*Heracleum mantegazzianum* Sommier & Levier (giant hogweed)  
*Homeria* spp.  
*Imperata brasiliensis* Triniius (Brazilian satintail)  
*Imperata cylindrica* (Linnaeus) Raeuschel (cogongrass)  
*Ischaemum rugosum* Salisbury (murainograss)  
*Leptochloa chinensis* (Linnaeus) Nees (Asian sprangletop)  
*Lycium ferocissimum* Miers (African boxthorn)  
*Melastoma malabathricum* Linnaeus  
*Mikania cordata* (Burman f.) B. L. Robinson (mile-a-minute)  
*Mikania micrantha* Humboldt, Bonpland, & Kunth  
*Mimosa invisa* Martius (giant sensitive plant)  
*Mimosa pigra* Linneaus var. *pigra* (catclaw mimosa)  
*Nassella trichotoma* (Nees) Hackel ex Arechavaleta (serrated tussock)  
*Opuntia aurantiaca* Lindley (jointed prickly pear)  
*Oryza longistaminata* A. Chevalier & Roehrich (red rice)  
*Oryza punctata* Kotschy ex Steudel (red rice)  
*Oryza rufipogon* Griffith (red rice)  
*Paspalum scrobiculatum* Linnaeus (Kodo-millet)  
*Pennisetum clandestinum* Hochstetter ex Chiovenda (kikuyugrass)  
*Pennisetum macrorhynchum* Triniius (African feathergrass)  
*Pennisetum pedicellatum* Triniius (kyasumagrass)  
*Pennisetum polystachyon* (Linnaeus) Schultes (missiongrass, thin napiergrass)  
*Prosopis alpataco* R. A. Philippi  
*Prosopis argentina* Burkart  
*Prosopis articulata* S. Watson  
*Prosopis burkartii* Munoz  
*Prosopis caldenia* Burkart  
*Prosopis caliginosa* Burkart  
*Prosopis campestris* Grisebach  
*Prosopis castellanossii* Burkart  
*Prosopis denudans* Bentham  
*Prosopis elata* (Burkart) Burkart  
*Prosopis farcta* (Solander ex Russell) Macbride  
*Prosopis ferox* Grisebach  
*Prosopis fiebrigii* Harms  
*Prosopis hassleri* Harms  
*Prosopis humilis* Gillies ex Hooker & Arnott

*Prosopis kuntzei* Harms  
*Prosopis pallida* (Humboldt & Bonpland ex Willdenow) Humboldt, Bonpland, & Kunth  
*Prosopis palmeri* S. Watson  
*Prosopis reptans* Bentham var. *reptans*  
*Prosopis rojasiana* Burkart  
*Prosopis ruizlealii* Burkart  
*Prosopis ruscifolia* Grisebach  
*Prosopis sericantha* Gillies ex Hooker & Arnott  
*Prosopis strombulifera* (Lamarck) Bentham  
*Prosopis torquata* (Cavanilles ex Lagasca y Segura) de Candolle  
*Rottboellia cochinchinensis* (Lour.) W. Clayton  
*Rubus fruticosus* Linnaeus (complex) (wild blackberry)  
*Rubus moluccanus* Linnaeus (wild raspberry)  
*Saccharum spontaneum* Linnaeus (wild sugar-cane)  
*Salsola vermiculata* Linnaeus (wormleaf salsola)  
*Senecio inaequidens* DC. (South African ragwort)  
*Senecio madagascariensis* Poir. (Madagascar ragwort)  
*Setaria pallide-fusca* (Schumacher) Stapf & Hubbard (cattail grass)  
*Solanum torvum* Swartz (turkeyberry)  
*Solanum viarum* Dunal (tropical soda apple)  
*Spermacoce alata* (Aublet) de Candolle  
*Tridax procumbens* Linnaeus (coat buttons)  
*Urochloa panicoides* Beauvois (liverseed grass)

[48 FR 20039, May 4, 1983, as amended at 49 FR 25223, June 20, 1984; 57 FR 8838, Mar. 13, 1992; 60 FR 35832, July 12, 1995; 64 FR 12883, Mar. 16, 1999; 65 FR 33743, May 25, 2000; 66 FR 21060, Apr. 27, 2001; 71 FR 35381, June 20, 2006]

#### **§ 360.300 General prohibitions and restrictions on the movement of noxious weeds; permits.**

(a) No person may move a Federal noxious weed into or through the United States, or interstate, unless:

- (1) He or she obtains a permit for such movement in accordance with paragraphs (b) through (e) of this section; and
- (2) The movement is consistent with the specific conditions contained in the permit.

(b) The Deputy Administrator will issue a written permit for the movement of a noxious weed into or through the United States, or interstate, if application is made for such movement and if the Deputy Administrator determines that such movement, under conditions specified in the permit, would not involve a danger of dissemination of the noxious weed in the United

States, or interstate; otherwise such a permit will not be issued.

(c) All such permits issued shall contain in written form in the permit any conditions (other than those conditions specified in this part) under which the permit is to be granted, e.g. conditions with respect to shipment, storage, and destruction.

(d) If the permit is denied, the applicant shall be furnished the reasons therefor.

(e) The Deputy Administrator may revoke any outstanding permit issued under this section, and may deny future permit applications, if the Deputy Administrator determines that the issuee has failed to comply with any provision of the Act or this section, including conditions of any permit issued. Upon request, any permit holder will be afforded an opportunity for a hearing with respect to the merits or validity of any such revocation involving his or her permit.

(Approved by the Office of Management and Budget under control number 0579-0054)

[41 FR 49988, Nov. 12, 1976, as amended at 48 FR 57466, Dec. 30, 1983; 59 FR 67611, Dec. 30, 1994; 64 FR 41009, July 29, 1999]

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

Sec.

- 361.1 Definitions.
- 361.2 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.