

ALASKA NOXIOUS WEED STATUTES AND ADMISTRATIVE CODES

Regulation of plant pest is authorized under Title 3 of the Alaska State Statutes. The Alaska Department of Natural Resources, Division of Agriculture is authorized to prevent the iportantion and spread of pest that are injurious to the public interest and protection of the agriculture industry. The Alaska Administrative Code (AAC) provides the regulations. What follows is a list of Statutes and Codes pertaining to noxious weeds. Statutes and Codes are not listed in their entirety.

Title 03. AGRICULTURE AND ANIMALS

Statute text

Chapter 03.05. POWERS AND DUTIES OF COMMISSIONERS OF NATURAL RESOURCES AND ENVIRONMENTAL CONSERVATION

Sec. 03.05.010. Powers and duties of commissioner of natural resources.

- (a) the commissioner of natural resources shall
 - (5) regulate and control the entry into the state and the transportation, sale, or use inside the state of plants, seeds, vegetables, shell eggs, fruits and berries, nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and agricultural chemicals in order to prevent the spread of pests, diseases, or toxic substances injurious to the public interest, and to protect the agricultural industry against fraud, deception, and misrepresentation; in this connection the commissioner may require registration, inspection, and testing, and establish procedures and fees; and
- (b) To carry out the requirements of this title, the commissioner of natural resources may issue orders, regulations, quarantines, and embargoes relating to
 - (1) examination and inspection of premises containing products, articles, and commodities carrying pests;
 - (2) establishment of quarantines for eradication of pests;

Administrative Code

11 AAC 34.045. DUTIES AND AUTHORITY OF THE DIRECTOR

- (a) The duty of enforcing this chapter and of carrying out its provisions and requirements is vested in the director. The duties and authority of the director include the following:
 - (1) to sample, inspect, make analyses of, and test any agricultural or vegetable seed held, transported, sold, offered, or exposed for sale within the state for planting purposes, at the time, place, and to the extent the director finds necessary to determine whether the seed is in compliance with this chapter;
 - (2) to sample, inspect, make analyses of any tree, shrub, or flower seed held, transported, sold, offered, or exposed for sale within the state for planting purposes, at the time, place, and the extent as the director may find necessary to determine whether the seed is in compliance with this chapter;

- (3) to issue and enforce a written stop sale order or to issue a violation notice, whichever the director determines applicable, to the possessor or owner of any lot of agricultural, vegetable, tree, shrub, or flower seed which is found to be in violation of this chapter; and
 - (4) to prohibit the further sale, processing, or movement of seed, except on approval of the director, until evidence is obtained that shows that the requirements of this chapter have been complied with and a release from the stop sale order has been issued for the seed.
- (b) When seed is denied further sale, processing, or movement under (a)(3) and (a)(4) of this section, the owner or processor of the seed has the right to appeal to a court of competent jurisdiction in the locality in which the seeds were found in violation, asking for a judgment as to the justification of the order and for the discharge of the seed from the order prohibiting the sale, processing, or movement, in accordance with the finding of the court.
 - (c) The provisions of (a)(3) and (a)(4) of this section do not limit the right of the director to proceed as authorized by other sections of this chapter.
 - (d) For the purpose of carrying out the provisions of this chapter, the director or his authorized agents

11 AAC 34.075. PROHIBITED ACTS

- (a) No person may sell, offer for sale, expose for sale, or transport for use in planting in the state any agricultural or vegetable seed that
 - (3) contains any prohibited noxious weed seed, except as allowed in (g) of this section;
 - (4) contains any restricted noxious weed seed in excess of the permissible tolerance per pound established un 11 AAC 34.020(b), except as allowed in (g) of this section;
- (f) No person may plant in this state any agricultural, vegetable, tree, shrub, or flower seed containing any prohibited noxious weeds listed in 11 AAC 34.020(a) or any restricted noxious weeds in excess of the maximum allowable tolerances listed in 11 AAC 34.020(b), except as provided in 11 AAC 34.030, without express written approval of the director, or as provided in (g) of this section.
- (g) No person may use, sell, offer, expose for sale, give away, or transport for feeding, seeding, or mulching purposes any seed or grain screenings containing any prohibited noxious weed seed listed in 11 AAC 34.020(a) or any restricted noxious weeds in excess of the maximum allowable tolerances listed in 11 AAC 34.020(b), except as provided in 11 AAC 34.030, and except that the director may allow sale or transport of screenings

11 AAC 34.077. WEED SEEDS IN SHIPMENT

Whenever anything brought into a part of the state from another part of the state or from any other state or foreign country is found to be infested with the seed of any prohibited noxious weed, the director will notify the owner or bailee of the shipment to return it to the point of shipment within 48

hours, and the owner or bailee of the shipment shall return it. If the director determines that the seeds can be destroyed by treatment, the shipment may, at the option and expense of the owner or bailee, be treated under the supervision of the director, and may be released after treatment.

11 AAC 34.105. QUARANTINE OFFICERS

- (a) The director is an enforcing officer of all laws, rules and regulations relative to the prevention of the introduction into, or the spread within the state of pests.

11 ACC 34.125. INSPECTION STATIONS

To prevent the introduction into, or the spread within this state, of pests, the director may maintain at such places within this state as he deems necessary quarantine inspection stations for the purposes of inspecting all conveyances, which might carry plants or other things, which are or are liable to be infested or infected with pests.

11 ACC 34.140. NEW PESTS

Upon information received by the director of the existence of any pest not generally distributed within this state he shall thoroughly investigate the existence and probability of the spread thereof. He may also establish, maintain and enforce quarantine and such other regulations as are in his opinion necessary to circumscribe and exterminate or prevent the spread of such pest. The director may disinfect, or take such other action with reference to, any plants or things infested or infected with, or which in his opinion may have been discretion shall seem necessary.

11 ACC 34.170. DESTRUCTION OR TREATMENT OF PESTS

When any shipment of plants brought into this state is found infested or infected or there is reasonable cause to presume that it may be so infested or infected with any pest, the shipment shall be immediately destroyed by, or the such pest may be exterminated by treatment or processing prescribed by the director, and it is determined by the inspecting officer that the nature of the pest is such that no damage can be caused to agriculture in this state through such treatment or processing, or procedure incidental thereto. In such case, the shipment may be so treated or processed at the expense of the owner or bailee in the manner, and within the time specified by the inspecting officer, under his supervision, and if so treated or processed, upon determination by the enforcing officer that the pest has been exterminated, the shipment may be released.

11 ACC 34.180. TREATMENT OF APPLIANCES

- (a) To prevent the dissemination of pests through the agency of appliances, the director will, in his discretion, publish a list of pests that can be carried that way and designating the appropriate treatment for appliances.
- (b) No person may ship or move any used appliances until he furnishes to the director proof satisfactory to the director that the appliances have not been exposed to infestation or infection by any pests, or that the appliances have been treated immediately before shipment or

movement in the manner designated by the director.

11 AAC 34.020. PROHIBITED AND RESTRICTED NOXIOUS WEEDS

(a) The following are prohibited noxious weeds:

Bindweed, field (*Convolvulus arvensis*);
Fieldcress, Austrian (*Rorippa austriaca*);
Galensoga (*Galensoga parviflora*);
Hempnettle (*Galeopsis tetrahit*);
Horsenettle (*Solanum carolinense*);
Knapweed, Russian (*Centaurea repens*);
Lettuce, blue-flowering (*Lactuca puichella*);
Quackgrass (*Agropyron repens*);
Sowthistle, perennial (*Sonchus arvensis*);
Spurge, leafy (*Euphorbia esula*);
Thistle, Canada (*Cirsium arvense*);
Whitetops and its varieties (*Cardaria drabe*, *C. pubescens*, *Lepidium latifolium*).

(b) The following are restricted noxious weeds, with their maximum allowable tolerances:

Annual bluegrass (*Poa annua*), 90 seeds per pound;
Blue burr (*Lappula echinata*), 18 seeds per pound;
Mustard (*Brassica kaber, juncea*), 36 seeds per pound;
Oats, wild (*Avena fatua*), 7 seeds per pound;
Plantain, buckhorn (*Plantago sp.*), 90 seeds per pound;
Radish (*Raphanus raphanistrum*), 27 seeds per pound;
Toadflax, yellow (*Linaria vulgaris*), 1 seed per pound;
Vetch, tufted (*Vicia cracca*), 2 seeds per pound;
Wild Buckwheat (*Polygonum convolvulus*), 2 seeds per pound

11 AAC 34.030 WEED SEED AS AGRICULTURAL SEED

The following seeds, when occurring incidentally in agricultural and vegetable seeds, are classed as weed seeds, except when sold alone or as a specific constituent of a definite seed mixture:

Black Medic (*Medicago lupulina*);
Cardoon (*Cynara cardunculus*);
Dandelion (*Taraxacum species*);
Lupine (*Lupinus species*);
Pigweed (*Amaranthus species*);
Radish (*Raphanus sativus*);
Rape (*Brassica campestris and napus*);
Sunflower (*Helianthus annuus*);
Yarrow (*Achillea millefolium*);
Tufted Vetch (*Vicia cracca*)

Article 4 General Provisions

Sec. 400. Definitions.

11 AAC 34.400. DEFINITIONS

The terms used in this chapter are construed to conform insofar as possible with the terms used in the Federal Seed Act (1 U.S.C. 1551 et seq.) and the regulations issued under that Act. Unless the context indicates otherwise, in this chapter.

- (1) “advertisement” means representation other than on labels, disseminated in any manner or by any means relating to seed within the scope of these regulations;
- (2) “agricultural seeds” means the seeds of all domesticated grasses and cereals, and of all legumes and other plants grown as turf, cover crops, forage crops, fiber crops or field crops and mixtures of the seeds;
- (3) “appliance” means box, tray, container, ladder, tent, vehicle, implement, or any other article which is or may be used in connection with the planting, growing, harvesting, handling, or transportation of an agricultural commodity;
- (4) “bailee” means a person who, by warehouse receipt, bill of lading, or other document of title, acknowledges possession of goods and contracts to deliver them;
- (5) “certified”, as applied to bulblets, tubers, or horticultural plants or to agricultural, vegetable, tree, shrub, flower, or cereal grain seed, means inspected and labeled by and in accordance with the standards and rules and regulations of the official certification agency or in accordance with similar standards established by a similar authority in another state, country, or territory;
- (6) “certified seed potatoes” means potatoes used for planting a crop, that have been officially certified as “foundation seed” or “certified seed” by an authorized inspector, in a manner approved by the director, or, in the case of seed imported into the state, meets the certification standards of the Association of Official Seed Certifying Agencies;
- (8) “director” means the director of the division of agriculture, Department of Natural Resources, or the director’s authorized agent;
- (13) “noxious weed” means any species of plants, either annual, biennial, or perennial, reproduced by seed, root, underground stem, or bulblet, which when established is or may become destructive and difficult to control by ordinary means of cultivation or other farm practices; or seed of such weeds that is considered commercially inseparable from agricultural or vegetable seed;
- (18) “pest” means a form of animal life, plant life, or infectious, transmissible, or contagious disease of plants, that is or is liable to be dangerous or detrimental to the agricultural industry of the state;
- (21) “restricted noxious weed seed” means the seed of weeds which are very objectionable in fields, lawns, and gardens of this state, but which can be controlled by good cultural practices;
- (25) “weed seed” means a restricted noxious weed seed and any seed not included in the definition of agricultural seed when it occurs incidentally in agricultural or vegetable seeds.