

MINNESOTA NOXIOUS WEED RULES  
CHAPTER 1505 OF THE RULES FOR THE STATE OF MINNESOTA

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**1505.0730 PROHIBITED NOXIOUS WEEDS.**

Subpart 1. **State prohibited noxious weed list.** The plants listed in this part are prohibited noxious weeds because they are injurious to public health, the environment~ public roads, crops, livestock, and other property. Prohibited noxious weeds must be controlled or eradicated as required in Minnesota statutes, section 18.78.

<u>Common Name</u>	<u>Botanical Name</u>
Field bindweed	Convolvulus arvensis (L.)
Hemp	Cannabis sativa (L.)
Loosestrife, purple	Lythrum salicaria, virgatum (L.), or any combination
Mustard, Garlic	Alliaria petiolata (Bieb.) (formerly Alliaria officinalis)
*Poison ivy	Toxicodendron radicans (Ktze.) (formerly rhus radicans)
Spurge, leafy	Euphorbia esula (L.)
Sowthistle, perennial	Sonchus arvensis (L.)
Thistle, bull	Cirsium vulgare (Savi) Tenore
Thistle, Canada	Cirsium arvense (L.) Scop.
Thistle, musk	Carduus nutans (L.)
Thistle, plumeless	Carduus acanthoides (L.)

\*Native species to Minnesota

Subpart 2. **Federal noxious weed list.** For the purpose of this part, the parasitic and the terrestrial plants listed in the Code of Federal Regulations, title 7, section 360.200 are also prohibited noxious weeds.

**1505.0732 RESTRICTED NOXIOUS WEEDS.**

The plants listed in this part are restricted noxious weeds whose only feasible means of control is to prohibit the importation, sale, and transportation of them or their propagating parts in the state except as provided by Minnesota Statutes, section 18.82.

Common Name

Buckthorn, common or European  
Buckthorn, glossy, including all cultivars

Botanical Name

Rhamnus cathartica (L.)  
\*Rhamnus frangula (L.), (columnaris,  
tallcole, asplenifolia and all other cultivars)

\*Rhamnus frangula is a restricted noxious weed effective December 31, 2000.

**1505.0734 NOXIOUS WEED POTENTIAL EVALUATION COMMITTEE.**

The commissioner shall appoint a committee composed of ten members and ten alternate members to evaluate species for invasiveness, difficulty of control, cost of control, benefits, and amount of injury caused by them. For each species evaluated, the committee shall recommend to the commissioner on which noxious weed list or lists, if any, the species should be placed. Species currently designated as prohibited or restricted noxious weeds must be re-evaluated every five years for a recommendation on whether or not they need to remain on the noxious weed lists. Members and alternates must be appointed upon the recommendation of each of the following:

- A. two members and alternates representing horticultural science, agronomy, and forestry at the University of Minnesota;
- B. one member and an alternate representing the Minnesota Nursery and Landscape Association;
- C. one member and an alternate representing the seed industry in Minnesota;
- D. one member and an alternate from the Department of Agriculture;
- E. one member and an alternate from the Department of Natural Resources;
- F. one member and an alternate from a conservation organization;
- G. one member and an alternate from an environmental organization;
- H. one member and an alternate from a farm organization; and
- I. one member and an alternate from the Minnesota Association of County Agricultural Inspectors.

An alternate member may serve only in the absence of the member for whom the person is an alternate.

The committee shall select a chair and a secretary from its membership. The chair shall conduct meetings and deliberations of the committee. The secretary shall keep accurate records of all meetings and deliberations and perform other duties for the committee as the chair may direct. The purpose of the committee is to conduct evaluations of terrestrial plant species to recommend if they need to be designated as noxious weeds in the state. The committee may be called into session by or at the direction of the commissioner or upon direction of its chair to evaluate terrestrial plants to consider recommending additions or deletions to the noxious weed

list(s) contained in parts 1505.0730 to 1505.0740.

### 1505.0740 SECONDARY NOXIOUS WEEDS.

The weeds on this list may be added to a county prohibited or restricted list by following the process in part 1505.0750. The common and botanical names for secondary noxious weeds are those listed in the following table.

<u>Common Name</u>	<u>Botanical Name</u>
Alyssum, hoary	Berteroa incana (L.) DC.
*Artichoke Jerusalem	Helianthus tuberosus (L.)
Buckwheat, wild	Polygonum convolvulus (L.)
*Buffalobur	Solanum rostratum (Dunal)
Burdock	Arctium minus (Hill) Bernh.
Buttercup, tall	Ranunculus acris (L.)
*Bracken	Pteridium aquilinum (L.) Kuhn
Carrot, wild	Daucus carota (L.)
Catchfly, nightflowering	Silene noctiflora (L.)
Cockle, white	Lychnis alba (Mill.)
*Cocklebur common	Xanthium pennsylvanicum (Wallr.)
Daisy, oxeye	Chrysanthemum leucanthemum (L.)
Dock, curly	Rumex crispus (L.)
Flixweed	Descurainia Sophia (L.) Webb
Foxtail, giant	Setaria faberii (Herm.)
*Gumweed curlycup	Grindelia squarrosa (Pursh) Dunal
Hawksbeard, narrowleaf	Crepis tectorum (L.)
Hawksbeard, smooth	Crepis capillaries (L.) Wallr.
Hawkweed, orange	Hieracium aurantiacum (L.)
Jimsonweed	Datura stramonium (L.)
Knapweed, Russian	Centaurea repens (L.)
Knapweed, spotted	Centaurea maculosa (Lam.)
Kochia	Kochia scoparia (L.) Roth
Lambsquarters, common	Chenopodium album (L.)
Mallow, venice	Hibiscus trionum (L.)
*Marshelder	Iva xanthifolia (Nutt.)
*Milkweed common	Asclepias syriaca (L.)
*Muhly wirestem	Muhlenbergia frondosa (Poir.) Fern.
Mustard, wild	Brassica kaber (DC.) L. C.
Nightshade, black	Solanum nigrum (L.)
Nutsedge, yellow (nutgrass)	Cyperus esculentus (L.)
Oat, wild	Avena fatua (L.)
Panicum, fall	Panicum dichotomiflorum (Michx.)
Panicum, wild proso millet	Panicum miliaceum (L.)
Pigweed, redroot	Amaranthus retroflexus (L.)
Pigweed, prostrate	Amaranthus blitoides (S.Wats.)
Quackgrass	Agropyron repens (L.) Beauv.
Radish, wild	Raphanus raphanistrum (L.)
*Ragweed common	Ambrosia artemisiifolia (L.)
*Ragweed, giant	Ambrosia trifida (L.)
*Sandbur long spined	Cenchrus longispinus (Heck.) Fern.

*Smartweed Pennsylvania	Polygonum pennsylvanicum (L.)
Smartweed, (ladysthurnb)	Polygonum persicaria (L.)
Sorghum-almum	Sorghum almum (Parodi)
*Sunflower common (except cultivars)	Helianthus annuus (L.)
Tansy	Tanacetum vulgare (L.)
Thistle, Russian	Salsola kali (L.)
Velvetleaf	Abutilon theophrasti (Medic.)
Yellow rocket	Barbarea vulgaris R. Br.
Woolly cupgrass	Eriochloa villosa (Thunb.) Kunth
*Wormwood absinthe	Artemisia absinthium (L.)

\*Native species to Minnesota

### **1505.0750 ADDING TO NOXIOUS WEED LIST; COUNTY NOXIOUS WEED PETITION.**

The Minnesota commissioner of agriculture may without further hearing, take a weed or weeds from the secondary noxious weed list in part 1505.0740 and add it to the prohibited or restricted noxious weed list in parts 1505.0730 and 1505.0732 on a county basis if:

- A. a majority of the town boards and city mayors in a county petition the commissioner of agriculture, on forms provided by the department, to add a weed or weeds to the county prohibited or restricted noxious weed list on the grounds that the weed or weeds are injurious to public health, the environment, public roads, crops, livestock or other property;
- B. the petition is approved by that county's board of county commissioners; and
- C. the commissioner of agriculture deems the weed or weeds to be injurious to public health, the environment, public roads, crops, livestock, or other property.

### **1505.0751 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part apply to parts 1505.0752 to 1505.0758.

Subpart 2. **Commissioner.** "Commissioner" means the commissioner of agriculture or an authorized agent and may include a county agricultural inspector.

Subpart 3. **Control Program.** "Control program" means the administration and enforcement of laws and rules pertaining to seeds, noxious weeds, screenings, pesticides, fertilizers, feed, or insect pests.

Subpart 4. **County Agricultural Inspectors.** "County agricultural inspector" means an individual appointed by the county board of commissioners under Minnesota statutes, section 18.80, subdivision 1.

Subpart 5. **Enforcement action.** "Enforcement action" means an administrative or legal proceeding used by the commissioner, a county agricultural inspector, or a local weed inspector to carry out duties under Minnesota Statutes, section 18.79, subdivision 1, and 18.81, subdivisions 1 and 2.

Subpart 6. **Local weed inspector.** "Local weed inspector" means the supervisor of a township

board or the mayor of a city when they assume the duties of their office or their appointed assistant under Minnesota Statutes, section 18.80, subdivisions 2 and 3.

Subpart 7. **Municipality.** "Municipality" means a home rule charter or a statutory city or a township.

Subpart 8. **Noxious weed.** "Noxious weed" means an annual, biennial, or perennial plant that the commissioner designates to be injurious to public health, the environment, public roads, crops, livestock, or other property.

### **1505.0752 PROCEDURE FOR ENFORCEMENT OF NONPERFORMANCE.**

Subpart 1. **Local weed inspectors.** The procedure in this subpart applies if a city mayor, township supervisor, or their appointed assistant fails to carry out a duty assigned in Minnesota Statutes, section 18.81, subdivision 2.

A. If a county agricultural inspector observes that a local weed inspector has failed to carry out a duty assigned in Minnesota Statutes, section 18.81, the county agricultural inspector shall instruct the local weed inspector having jurisdiction to initiate enforcement action including the date by which it must be initiated, If no enforcement action is initiated by the date given, the county agricultural inspector shall notify the local weed inspector of the nonperformance in writing. The notice of nonperformance must include the following:

- (1) the name and address of the owner and occupant of the land in violation or of the person selling or transporting noxious weed propagating parts;
- (2) the legal description of the land in violation, if applicable;
- (3) the names of the noxious weeds growing on the land or being unlawfully sold or transported;
- (4) the steps to be followed by the local weed inspector in carrying out the inspector's duty;
- (5) the date by which enforcement action must be initiated; and
- (6) the county agricultural inspector's signature, address, and telephone number.

B. If a local weed inspector fails to initiate an enforcement action by the date specified in a notice of nonperformance, the county agricultural inspector serving the notice may perform the duty.

C. After an enforcement action resulting from a notice of nonperformance has been completed, the county agricultural inspector involved may file an itemized statement of costs with the clerk in the municipality where the action was carried out if the county cannot be reimbursed in another manner. The municipality shall issue the proper warrants to the county for the services rendered.

D. If a municipality fails to reimburse the county, the county auditor may include the amount listed in the itemized statement as a part of the next annual levy in the municipality and withhold

that amount from the municipality in making its next apportionment.

Subpart 2. **County agricultural inspectors.** The procedure established in this subpart applies if a county agricultural inspector fails to carry out a duty assigned in Minnesota Statutes, section 18.81, subdivision 1, clauses (1) to (3).

A. If the commissioner observes that a county agricultural inspector has failed to carry out a duty assigned in Minnesota Statutes, section 18.81, the commissioner shall instruct the county agricultural inspector to initiate enforcement action, including the date by which the enforcement action must be initiated. If no enforcement action is initiated by the date given, the commissioner shall notify the county agricultural inspector of the nonperformance in writing. The notice must contain the following:

(1) the name and address of the person or persons who own, occupy, or manage the land or firm;

(2) the legal description of the land in violation if applicable;

(3) the names of the noxious weeds growing on the land in violation or a specific description of the nonperformance;

(4) the steps for the county agricultural inspector to follow in order to carry out the inspector's duty;

(5) the date by which the enforcement action must be taken by the county agricultural inspector; and

(6) the signature, address, and telephone number of the commissioner.

B. If a county agricultural inspector fails to initiate an enforcement action by the date specified in the notice of nonperformance, the commissioner may carry out the duty for the county. The commissioner shall inform the board of county commissioners of the nonperformance by the agricultural inspector.

C. The commissioner may request the board of county commissioners to provide information concerning any corrective measures taken to prevent future nonperformance actions.

#### **1505.0754 WORK PLANS AND PERFORMANCE EVALUATIONS FOR COUNTY AGRICULTURAL INSPECTORS.**

Subpart 1. **Work plans.** A detailed plan of work to be accomplished by each county agricultural inspector must be jointly developed each year by the commissioner and the county agricultural inspector. A separate work plan must be developed for each of the control programs involving seed, noxious weed, and screenings. If participation in the control programs for feed, fertilizer, pesticide, and insect pests is requested by the commissioner, a separate work plan must also be developed for each program. The plan must list the individual tasks, the amount of time sufficient to complete them, the amount of training required, and the budget necessary. The plan must be submitted to the board of county commissioners each year for its approval of the amount of time and the budget needed.

If the commissioner requests participation in the feed, fertilizer, pesticide, and insect pest control programs, the written request to do so must accompany the work plan.

**Subpart 2. Performance evaluation.** The performance of a county agricultural inspector must be evaluated annually by the board of commissioners in the county where the inspector is employed. The evaluation must be based on the following criteria:

- A. whether or not all tasks assigned to the inspector by the work plan were performed;
- B. whether or not enforcement actions were initiated in response to all notices of non-performance received during the calendar year for which the evaluation is being made; and
- C. whether or not the hours of training required by part 1505.0756 were completed.

### **1505.0756 TRAINING REQUIREMENTS AND AUTHORIZED AGENT STATUS FOR COUNTY AGRICULTURAL INSPECTORS**

**Subpart 1. Training requirements.**

A. To meet qualifications as a county agricultural inspector in the control programs for noxious weed, seed, and screenings as required by Minnesota Statutes, section 18.80, subdivision 1, each county agricultural inspector must complete at least 40 hours of approved training in the first year of employment, and 20 hours in each succeeding year as follows:

- (1) 16 hours in seed law enforcement training in the first year and eight in each succeeding year;
- (2) 20 hours in noxious weed law enforcement training in the first year and ten in each succeeding year; and
- (3) four hours in screenings law enforcement in the first year and two in each succeeding year.

B. To meet qualifications as a county agricultural inspector in the control programs for feed, fertilizers, pesticides, and insect pests, the participating county agricultural inspector must meet the criteria in part 1505.0754, subpart 2, for all assigned tasks in the noxious weed, seed, and screenings control programs and must complete the number of hours of training required by the county work plan for each program specified in part 1505.0754, subpart 1.

**Subpart 2. Authorized agent status.**

A. Minnesota Statutes, section 18.79, subdivision 2, gives the commissioner the power to authorize county agricultural inspectors to act as agents in the administration and enforcement of Minnesota Statutes, section 18.76 to 18.88. As an agent, the county agricultural inspector has the same authority, within the agent's jurisdiction, as the commissioner to administer and enforce assigned laws.

B. A county agricultural inspector shall submit a request in writing to the commissioner to become or to discontinue being an authorized agent for each control program assigned to the inspector in Minnesota Statutes, section 18.81, subdivision 1.

C. A county agricultural inspector is eligible to become an authorized agent of the commissioner for the noxious weed, seed, and screenings control programs one year after completing the initial training needed to meet the qualification requirement if the inspector's latest annual performance evaluation indicates that the inspector has met the criteria specified in part 1505.0754, subpart 2.

D. When it is required to be an authorized agent to do the assigned tasks, the commissioner may authorize a county agricultural inspector to be an authorized agent for the feed, fertilizer, pesticide, and insect pest control programs if the inspector is already an authorized agent in the noxious weed, seed, and screenings control programs and if the inspector has met the qualification requirement in item C.

E. The commissioner shall provide a letter of authorization along with an endorsement for authorized agent status in each control program on an identification card supplied to each authorized inspector.

F. The commissioner may revoke the authorized agent status for each or all control programs if an inspector fails to meet the criteria specified in part 1505.0754, subpart 2, as determined in the annual performance evaluation.

#### **1505.0758 MEETINGS AND REPORTS REQUIRED OF INSPECTORS.**

##### **Subpart 1. Meetings.**

A. The commissioner shall provide written notice to county agricultural inspectors of meetings they are required to attend. County agricultural inspectors shall attend the following meetings according to Minnesota Statutes, section 18.79, subdivision 7, to receive the training considered necessary by Minnesota Statutes, section 18.79, subdivision 6:

- (1) an annual short course for all county agricultural inspectors at one location;
- (2) an annual meeting for the county agricultural inspectors in a designated region at several locations throughout the state; and
- (3) other regional meetings called by the commissioner to address a special problem or training need that may arise involving one or more duties assigned to the position in Minnesota Statutes, section 18.81, subdivision 1.

B. The commissioner shall provide written notice to local weed inspectors for all meetings they are required to attend. Local weed inspectors are required to attend the following meetings according to Minnesota Statutes, section 18.79, subdivision 7, to receive the training considered necessary by Minnesota Statutes, section 18.79, subdivision 6:

- (1) an annual noxious weed law enforcement training meeting or time allotted on the program of an annual meeting of a county township officers association;
- (2) for those unable to attend a meeting as provided in sub item (1), a correspondence refresher course or other training approved by the commissioner; and

(3) other meetings called by the commissioner to address a special problem or training need that may arise involving a duty assigned to the position in Minnesota Statutes, section 18.81, subdivision 2.

#### **Subpart 2. Reports.**

A. The following reports are required from county agricultural inspectors according to Minnesota Statutes, section 18.79, subdivision 7, as a record of their activities in performing the duties assigned to them in Minnesota Statutes, section 18.81, subdivision 1:

- (1) a monthly report to be kept on file in each county and available for review;
- (2) an annual report submitted to the commissioner summarizing their activities in the duties assigned to them and the activities of the local weed inspectors reported to them; and
- (3) special reports, to be requested as needed and submitted to the commissioner, involving one or more of the duties assigned to them.

B. An annual report must be compiled by the local weed inspector and submitted from each municipality to the county agricultural inspector in the county where the municipality is located. This report is required of local weed inspectors according to Minnesota Statutes, section 18.79, subdivision 7, and it serves as a record of their activities in performing the duties assigned to them in Minnesota Statutes, section 18.81, subdivision 2.

#### **1505.0760 QUALIFICATION GUIDELINES.**

As of March 26, 1971, the following qualifications have been established to serve as guidelines for County Commissioners to consider for applicants for the position of County Agricultural Inspector:

- (a) Must be physically able to perform the duties connected with the position. May be asked to have a physical examination at county expense.
- (b) Must submit legible required reports pertaining to the position.
- (c) Must have a valid drivers license and a car at his disposal or be able to obtain one.
- (d) Must devote necessary time to the position as determined by the Minnesota Department of Agriculture.
- (e) Must not engage in activities which may be construed by the Minnesota Department of Agriculture as being a conflict of interest with the duties of the position.