

**Plant Industry Division - Plant Protection Section**  
**Noxious Weed Regulations**

Rules, Regulations, Definitions and Standards of the  
NORTH CAROLINA DEPARTMENT OF AGRICULTURE  
RALEIGH, N.C.

Britt Cobb, Commissioner

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CHAPTER 48  
PLANT INDUSTRY

**SUBCHAPTER 48A - PLANT PROTECTION**

SECTION .1700 - STATE NOXIOUS WEEDS

**.1701 DEFINITIONS**

The following definitions shall apply to this Section:

- (1) Administrator. The Plant Pest Administrator of the North Carolina Department of Agriculture, Plant Industry Division;
- (2) Board. The North Carolina Board of Agriculture;
- (3) Certificate. A document issued by a specialist to allow the movement of noncontaminated regulated articles to any destination;
- (4) Class A. Any noxious weed on the Federal Noxious Weed List or any noxious weed that is not native to the State, not currently known to occur in the State, and poses a serious threat to the State;
- (5) Class B. Any noxious weed that is not native to the State, is of limited distribution statewide, and poses a serious threat to the State;
- (6) Class C. Any other designated noxious weed;
- (7) Commissioner. The Commissioner of the North Carolina Department of Agriculture or his authorized representative;
- (8) Compliance Agreement. A written agreement between a person engaged in growing, handling, or moving regulated articles, and the North Carolina Department of Agriculture, Plant Industry Division, wherein the former agrees to comply with the requirements of the compliance agreement;
- (9) Infestation. The presence of a noxious weed in any stage of development;
- (10) Noxious Weed. Any plant in any stage of development, including parasitic plants whose presence whether direct or indirect, is detrimental to crops or other desirable plants, livestock, land, or other property, or is injurious to the public health;
- (11) Limited Permit. A document issued by a specialist to allow the movement of noncertified regulated articles to a specified destination for special handling, utilization, or processing, or for treatment;
- (12) Regulated Article. Any noxious weed or any article described in these Rules which is capable of carrying a noxious weed;
- (13) Regulated Area. Any state or territory or any portion thereof of the United States described in these Rules which is infested with a noxious weed;
- (14) Scientific Permit. A document issued by the Administrator to authorize the movement of regulated articles to a specified destination for scientific purposes;
- (15) Specialist. Any authorized employee of the North Carolina Department of Agriculture, Plant Industry Division, or any other person authorized by the Commissioner of Agriculture to enforce the provisions of this Section.

History Note: Statutory Authority G.S. 106-420; Eff. December 1, 1991.

### **.1702 NOXIOUS WEEDS**

(a) Class A Noxious Weeds. The North Carolina Board of Agriculture hereby establishes the following list of Class A Noxious Weeds:

- (1) All weeds listed in 7 C.F.R. 360.200 which is hereby incorporated by reference including subsequent amendments and editions. Copies of the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, at a cost of twelve dollars (\$12.00);
- (2) Elodea, African -- *Lagarosiphon* spp. (all species);
- (3) Fern, Water -- *Salvinia* spp. (all except *S. minima*);
- (4) Mile-a-Minute -- *Polygonum perfoliatum*;
- (5) Stonecrop, Swamp -- *Crassula helmsii*;
- (6) Water-chestnut -- *Trapa* spp.

(b) Class B Noxious Weeds. The North Carolina Board of Agriculture hereby establishes the following list of Class B Noxious Weeds:

- (1) Betony, Florida--*Stachys floridana* Shuttlew.;
- (2) Fieldcress, Yellow--*Rorippa sylvestris* (L.) Bess.;
- (3) Lythrum -- Any *Lythrum* species not native to North Carolina;
- (4) Puncturevine--*Tribulus terrestris* L.;
- (5) Thistle, Canada--*Cirsium arvense* (L.) Scop.;
- (6) Thistle, Musk--*Carduus nutans* L.;
- (7) Thistle, Plumeless--*Carduus acanthoides* L.;
- (8) Watermilfoil, Eurasian -- *Myriophyllum spicatum* L.;
- (9) Waterprimrose, Uruguay -- *Ludwigia hexapetala* (Hook & Arn.) Zardini, Gu & Raven.

(c) Class C Noxious Weeds. The North Carolina Board of Agriculture hereby establishes the following list of Class C Noxious Weeds: Bittersweet, Oriental - *Celastrus orbiculatus* Thunb.

History Note: Statutory Authority G.S. 106-420; Eff. December 1, 1991; Amended Eff. April 1, 2003; February 1, 1996; June 1, 1994; June 1, 1993.

### **.1703 REGULATED AREAS**

(a) Except as permitted in 2 NCAC 48A .1705 and .1706, the following is prohibited:

- (1) The movement of Canada Thistle [*Cirsium arvense* (L.) Scop.] or any regulated article infested with Canada Thistle from the following counties is prohibited: Ashe, Avery, Haywood, Mitchell, Northampton, Yancey;
- (2) The movement of Class A, B or C noxious weeds or any regulated article infested with Class A, B or C noxious weeds into North Carolina is prohibited;
- (3) The movement of a Class A noxious weed or any regulated article infested with any Class A noxious weed is prohibited throughout the State;
- (4) The movement of Eurasian Watermilfoil (*Myriophyllum spicatum* L.) or any regulated article infested with Eurasian Watermilfoil from the following counties is prohibited: Halifax, Northampton, Perquimans, Tyrrell, Warren;
- (5) The movement of Florida Betony (*Stachys floridana* Shuttlew.) or any regulated article infested with Florida Betony from the following counties is prohibited: Bladen, Brunswick, Cumberland, Forsyth, Hoke, New Hanover, Onslow, Wake;
- (6) The movement of Musk Thistle (*Carduus nutans* L.) or any regulated article infested with Musk Thistle from the following counties is prohibited: Buncombe, Cleveland, Chatham, Gaston, Henderson, Lincoln, Madison, Randolph, Rowan, Rutherford;
- (7) The movement of Plumeless Thistle (*Carduus acanthoides* L.) or any regulated article infested with Plumeless Thistle from the following counties is prohibited: Haywood, Jackson, Madison, Watauga;
- (8) The movement of Puncturevine (*Tribulus terrestris* L.) or any regulated article infested with Puncturevine from the following counties is prohibited: Durham, New Hanover;
- (9) The movement of any *Lythrum* species not native to North Carolina or any regulated article infested with any non-native *Lythrum* species from the following counties is

prohibited: Forsyth, Watauga;

(10) The movement of Uruguay Waterprimrose [*Ludwigia hexapetala* (Hook & Arn.) Zardini, Gu & Raven] or any regulated article infested with Uruguay Waterprimrose from the following counties is prohibited: Bladen, Brunswick, Columbus, Durham, Granville, Hyde, New Hanover, Orange, Rowan, Wake, Warren;

(11) The movement of Yellow Fieldcress [*Rorippa sylvestris* (L.) Bess.] or any regulated article infested with Yellow Fieldcress from the following county is prohibited: Orange.

(12) The sale or distribution of any Class A, B, or C noxious weed.

(b) Other regulated areas. The Commissioner may take appropriate action as authorized under G.S. 106-421 to designate as a regulated area any state or portion of a state in which he has reasonable cause to believe that a noxious weed exists, and there is an immediate need to prevent its introduction, spread or dissemination in North Carolina.

*History Note: Statutory Authority G.S. 106-420; 106-421; Eff. December 1, 1991; Amended Eff. April 1, 2003; June 1, 1994; June 1, 1993.*

#### **.1704 REGULATED ARTICLES**

The following articles are regulated under the provisions of this Section:

(1) Soil, compost, peat, humus, muck, decomposed manure, sand, and gravel, either separately or mixed with other articles; except that potting soil commercially prepared and free of noxious weed seed, packaged and shipped in original containers is not a regulated article;

(2) Nursery stock including growing media (houseplants grown in a home and not for sale are excluded);

(3) Grass sod;

(4) Used mechanized soil-moving equipment, cultivating equipment and harvesting machinery, except when decontaminated and cleaned free of soil;

(5) Hay, straw, or other material of a similar nature;

(6) Any means of conveyance of any noxious weed when such conveyance is determined by the Administrator to present a hazard of spread of noxious weeds and the person in possession of such conveyance has been so notified.

*History Note: Statutory Authority G.S. 106-420; Eff. December 1, 1991.*

#### **.1705 CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES**

(a) A certificate or permit must accompany the movement of regulated articles from regulated areas into North Carolina.

(b) A certificate or permit must accompany the movement of regulated articles from a regulated area in North Carolina to a non-regulated area in North Carolina.

*History Note: Statutory Authority G.S. 106-420; Eff. December 1, 1991.*

#### **.1706 ISSUANCE OF CERTIFICATES AND LIMITED PERMITS**

(a) Certificates may be issued by a specialist for the movement of regulated articles under the following conditions:

(1) In the judgment of the specialist, they have not been exposed to infestations;

(2) They have been examined and found to be free of noxious weeds;

(3) They have been treated under the direction of the specialist with approved control measures known to be effective under the conditions applied;

(4) They have been grown, produced, stored, or handled in such manner that, in the judgment of the specialist, designated noxious weeds would not be transmitted by movement of the article.

(b) Limited permits may be issued by a specialist for the movement of noncertified regulated articles to specified destinations for limited handling, utilization, processing or treatment when the specialist determines no hazard of spread of noxious weeds exists.

(c) Scientific permits may be issued by the Administrator to allow the movement of noxious weeds in any living stage and any regulated articles for scientific purposes under such conditions as may

be prescribed in each specific case by the Plant Pest Administrator. Scientific permits will be issued pursuant to 2 NCAC 48A .1300.

(d) As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles, as may be required by the specialist.

*History Note: Statutory Authority G.S. 106-420; Eff. December 1, 1991.*

#### **.1707 CANCELLATION OF CERTIFICATES AND LIMITED PERMITS**

Any certificate, limited permit, scientific permit, or compliance agreement which has been issued or authorized may be canceled by the specialist if he determines that the holder has not complied with conditions for its use.

*History Note: Statutory Authority G.S. 106-420; Eff. December 1, 1991.*

#### **.1708 INSPECTION AND DISPOSAL**

Any specialist is authorized to stop and inspect, any person or means of conveyance moving within or from the State of North Carolina upon probable cause to believe that such means of conveyance or articles are infested with a noxious weed; and, such specialist is authorized to seize, treat, destroy, or otherwise dispose of articles found to be moving in violation of these Rules.

*History Note: Statutory Authority G.S. 106-420; Eff. December 1, 1991.*