

Noxious Weeds Law and Regulations Overview

David Gianino

Program Manager – Office of Plant Industry Services

Virginia Department of Agriculture and Consumer Services

Noxious Weeds Law (§3.2-800 *et seq.*)

- Provisions of the Noxious Weeds Law:
 - Prohibits the movement of any noxious weed, or part thereof, or any regulated article into or within the Commonwealth, without first obtaining a permit;
 - Establishes conditions of permit issuance;
 - Describes the charge of the noxious weed advisory committee; and
 - Authorizes the Board of Agriculture to adopt regulations to carry out provisions of the Noxious Weeds Law.

Noxious Weeds Law – (§3.2-800 Definitions)

- Noxious Weed: means any **living plant, or part thereof**, declared by the Board through regulations under this chapter to be detrimental to crops, surface waters, including lakes, or other desirable plants, livestock, land, or other property, or to be injurious to public health, the environment, or the economy, except when in-state production of such living plant, or part thereof, is commercially viable or such living plant is commercially propagated in Virginia.
- Regulated Article: means any article of any character as described in this chapter or in the quarantine carrying or capable of carrying a noxious weed against which this chapter or the quarantine is directed.
- Permit: means a document issued or authorized by the Commissioner to provide for **movement of regulated articles** to restricted destinations for limited handling, utilization, processing, or for scientific purposes.

Noxious Weeds Regulations – 2 VAC 5-317

- Provides regulatory framework to carry out provisions of the Noxious Weeds Law including:
 - Regulate movement of noxious weeds and regulated articles;
 - Outlines conditions required to issue permits;
 - Establishes the Noxious Weed Advisory Committee;
 - Describes how a noxious weed is to be added to the noxious weed list; and
 - Categorize listed noxious weeds.

Noxious Weed Advisory Committee

- Assists the department (VDACS) in the evaluation and risk assessment of plants that may be declared noxious weeds
- Comprised of members from agricultural, horticultural, and environmental industries, as well as representatives from Virginia's land grant universities and relevant executive branch agencies
- 16 listed in the regulation

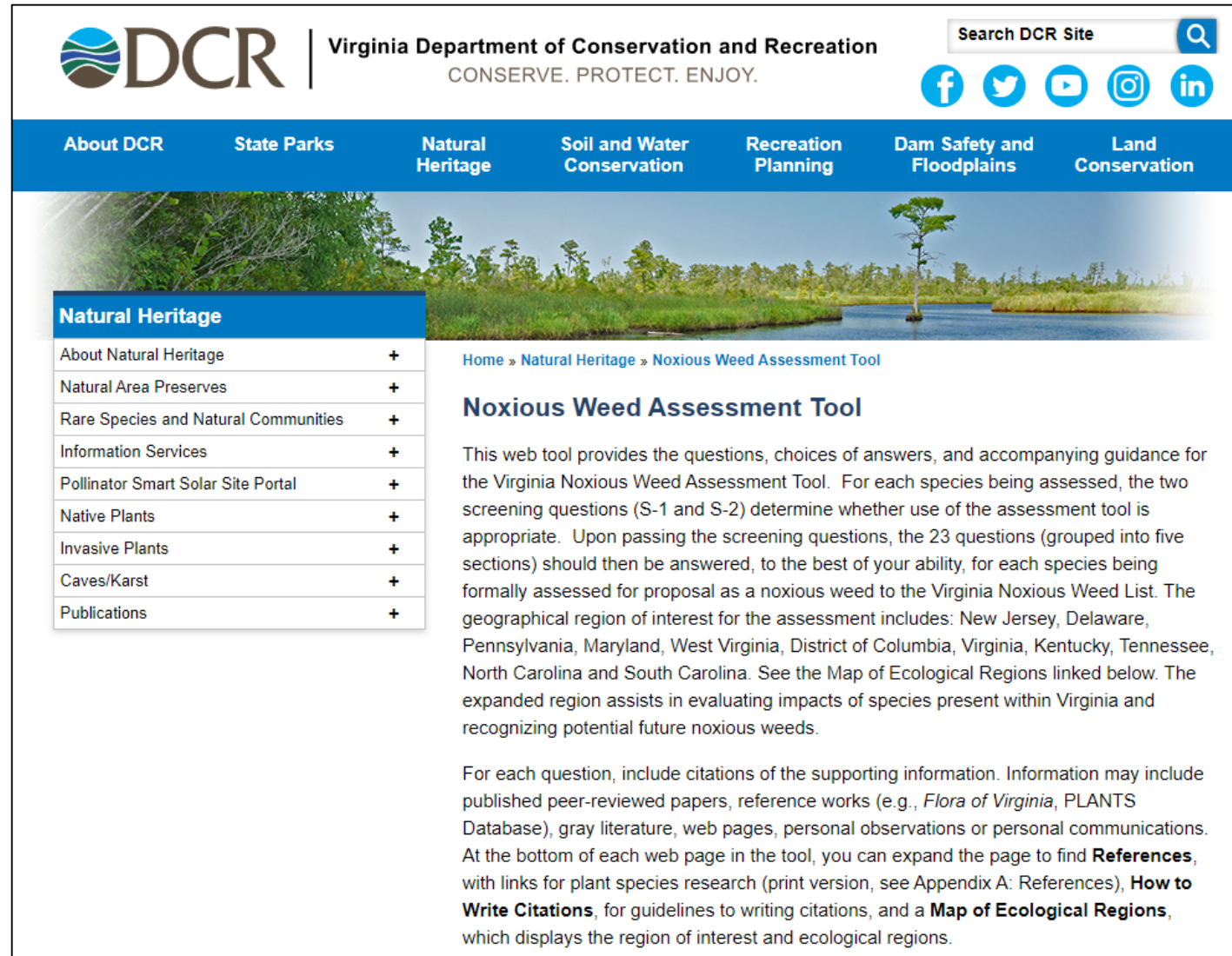
Noxious Weed Advisory Committee

1. A conservation representative or organization;
2. An agribusiness representative or organization;
3. A local government representative or organization;
4. Virginia Cooperative Extension;
5. Virginia Department of Conservation and Recreation;
6. Virginia Department of Forestry;
7. Virginia Department of Game and Inland Fisheries (DWR);
8. Virginia Department of Transportation;
9. A farming representative or organization;
10. A forage-based agriculture representative or organization;
11. A native plant conservation representative or organization;
12. A nursery and landscaping representative or organization;
13. Virginia Polytechnic Institute and State University;
14. Virginia State University;
15. A cooperative weed management area representative or organization; and
16. Virginia soil and water conservation districts.

Noxious Weed Assessment Tool

- Developed by the Noxious Weed Advisory Committee
- Scientifically-based risk assessment tool
 - Environmental, economic, invasiveness, ecological, biology of the plant, distribution, and reproduction potential
- Open to the public
 - Anyone can submit a nomination by going through the assessment tool

Noxious Weed Assessment Tool



The screenshot shows the Virginia Department of Conservation and Recreation (DCR) website. The header includes the DCR logo, the text "Virginia Department of Conservation and Recreation CONSERVE. PROTECT. ENJOY.", a search bar, and social media icons for Facebook, Twitter, YouTube, Instagram, and LinkedIn. A blue navigation bar contains links for "About DCR", "State Parks", "Natural Heritage", "Soil and Water Conservation", "Recreation Planning", "Dam Safety and Floodplains", and "Land Conservation". Below the navigation bar is a large landscape image of a wetland area with a body of water and trees. On the left side, there is a "Natural Heritage" sidebar menu with the following items: "About Natural Heritage", "Natural Area Preserves", "Rare Species and Natural Communities", "Information Services", "Pollinator Smart Solar Site Portal", "Native Plants", "Invasive Plants", "Caves/Karst", and "Publications". The main content area features a breadcrumb trail: "Home » Natural Heritage » Noxious Weed Assessment Tool". The title "Noxious Weed Assessment Tool" is displayed in a large, bold font. The text below the title explains that the web tool provides questions, choices of answers, and accompanying guidance for assessing noxious weeds. It details the screening process (S-1 and S-2) and the 23 assessment questions. The geographical region of interest is listed as New Jersey, Delaware, Pennsylvania, Maryland, West Virginia, District of Columbia, Virginia, Kentucky, Tennessee, North Carolina, and South Carolina. The text also mentions a "Map of Ecological Regions" and provides instructions on how to use the tool, including citing supporting information and finding references.

DCR | Virginia Department of Conservation and Recreation
CONSERVE. PROTECT. ENJOY.

Search DCR Site

About DCR State Parks Natural Heritage Soil and Water Conservation Recreation Planning Dam Safety and Floodplains Land Conservation

Natural Heritage

- About Natural Heritage +
- Natural Area Preserves +
- Rare Species and Natural Communities +
- Information Services +
- Pollinator Smart Solar Site Portal +
- Native Plants +
- Invasive Plants +
- Caves/Karst +
- Publications +

Home » Natural Heritage » Noxious Weed Assessment Tool

Noxious Weed Assessment Tool

This web tool provides the questions, choices of answers, and accompanying guidance for the Virginia Noxious Weed Assessment Tool. For each species being assessed, the two screening questions (S-1 and S-2) determine whether use of the assessment tool is appropriate. Upon passing the screening questions, the 23 questions (grouped into five sections) should then be answered, to the best of your ability, for each species being formally assessed for proposal as a noxious weed to the Virginia Noxious Weed List. The geographical region of interest for the assessment includes: New Jersey, Delaware, Pennsylvania, Maryland, West Virginia, District of Columbia, Virginia, Kentucky, Tennessee, North Carolina and South Carolina. See the Map of Ecological Regions linked below. The expanded region assists in evaluating impacts of species present within Virginia and recognizing potential future noxious weeds.

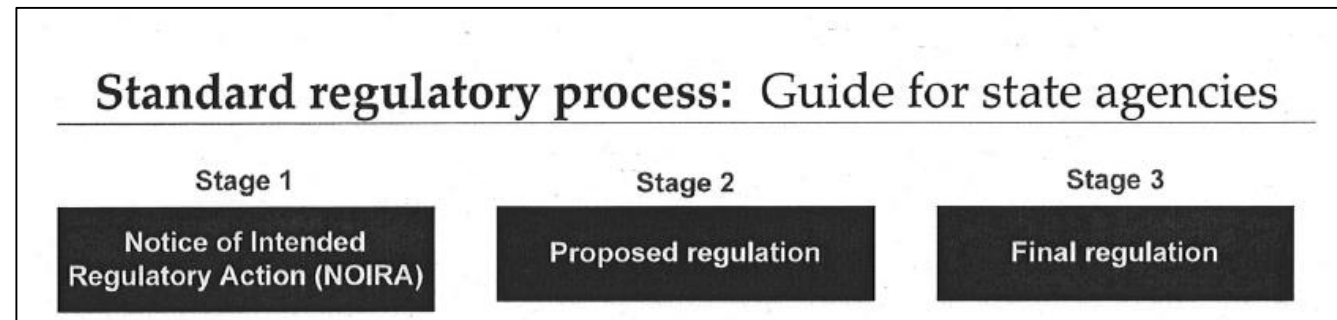
For each question, include citations of the supporting information. Information may include published peer-reviewed papers, reference works (e.g., *Flora of Virginia*, PLANTS Database), gray literature, web pages, personal observations or personal communications. At the bottom of each web page in the tool, you can expand the page to find **References**, with links for plant species research (print version, see Appendix A: References), **How to Write Citations**, for guidelines to writing citations, and a **Map of Ecological Regions**, which displays the region of interest and ecological regions.

Committee Meeting & Assessment Review

- Noxious Weed Advisory Committee meets at least once annually
- Review and discuss noxious weed assessment submissions
- Evaluates the plant species and makes recommendation
- VDACS proposes recommendations to the Board of Agriculture and Consumer Services

Regulatory Process – Adding species to the list

- Initiated the standard regulatory process March, 2018
- Added 1 plant species to Tier 2
- Added 5 plant species to Tier 3
- Became effective July, 2020
- **2 years, 3 months**



Categories of Noxious Weeds

- **Tier 1** - *any noxious weed that is not known to be present in the Commonwealth.*
- **Tier 2** - *any noxious weed that is present in the Commonwealth and for which successful eradication or suppression is feasible.*
- **Tier 3** - *any noxious weed (i) that is present in the Commonwealth, (ii) whose spread may be slowed by restrictions on its movement, and (iii) for which successful eradication or suppression is not feasible.*

Noxious Weeds – Listed Species

- Tier 1

- Giant salvinia
- Tropical soda apple
- Giant hogweed

- Tier 2

- Cogon grass
- Purple loosestrife
- Water spinach
- Beach vitex
- Wavyleaf basketgrass
- Incised fumewort

- Tier 3

- Tree of heaven
- Porcelain berry
- Oriental bittersweet
- Hydrilla
- Mile-a-minute weed