RULE 41: REGULATION OF NOXIOUS WEEDS UNDER SECTIONS 69-25-1 THROUGH 69-25-47, CHAPTER 380, LAWS OF MISSISSIPPI 1974)

SECTION I: Declaration of noxious weeds. Effective January 1, 2004, the following weeds shall be considered noxious and subject to regulation as deemed necessary by the Bureau of Plant Industry (the Bureau) and approved by its Advisory Board.

MISSISSIPPI NOXIOUS WEED LIST

Benghal dayflower (*Commelina benghalensis*) *

Brazilian Satintail (*Imperata braziliensis*) *

Chinese Tallow Tree/Popcorn Tree (*Sapium sebiferum*)

Cogongrass (*Imperata cylindrica*) *

Giant Salvinia (*Salvinia molesta*) *

Hydrilla (*Hydrilla verticillata*) *

Itchgrass (*Rottboellia cochinchinensis*) *

Kudzu (*Pueraria montana var. lobata*) *

Tropical soda apple (*Solanum viarum*) *

* Also listed on the Federal Noxious Weed List.

SECTION II: Procedures for declaring additional weeds as noxious or for deregulation of weeds listed as noxious. The Bureau shall accept written petitions requesting that weeds not listed above be regulated as noxious or that a currently listed weed be deregulated. Such petition(s) shall provide justification for listing or de-listing to the Bureau.

The Advisory Board to the Bureau, shall decide for or against the petition(s) to list a weed as noxious based on factual information as required by the Bureau for each plant proposed to be added to the noxious weed list. The Advisory Board may hear testimonial evidence for or against said listing at Board meetings or hearings.

Justification for de-listing a weed may include, but not be limited to: (1) recent factual data not previously presented to the Bureau proving that said weed has not adversely affected agricultural/horticultural production or the environment as previously declared; (2) data proving said weed no longer can be regulated, is endemic and control/regulatory activities have not been successful; or (3) the regulatory program has proven to be cost prohibitive. The Bureau Director and/or State Entomologist shall first review and based on data presented determine whether a submitted petition to de-list a weed meets justification for Advisory Board consideration. The Advisory Board may hear testimonial evidence for or against said de-listing at Board meetings or hearings.

Other than as described in SECTION II, federal noxious weeds may only be listed in SECTION I after being found in Mississippi or after USDA, APHIS, PPQ or another federal regulatory agency having such authority requests the Bureau's assistance in regulating or surveying for such weeds and provides funding through a cooperative agreement to do so.

SECTION III: Adoption of regulatory requirements for listed noxious weeds. Should the need prevail, the Bureau and with the approval of its Advisory Board may establish separate rules, guidelines and policies for each weed so listed. Implementation of such rules shall be done in order to prevent the spread of noxious weeds into and within the state of Mississippi and to other states which adopt quarantine measures. Having such authority and with the approval of the Advisory Board, the Bureau may determine applicable pathways of spread, regulated areas, articles to be regulated and the disposition of such articles found to be in violation.

SECTION IV: Quarantine Imposed. It is hereby declared under the provisions of Sections 69-25-1 through 69-25-47 of the Mississippi Plant Act that with the approval of the Bureau's Advisory Board a quarantine may be imposed upon specific noxious weeds so listed in SECTION I when detected in the State of Mississippi. However, should a need arise dictating an emergency quarantine on a non-listed noxious weed the Bureau

may implement such effective for 90 days during which time the Advisory Board may officially declare the weed as noxious and approve a specific final quarantine rule. Unless otherwise determined and specified in such rules, regulated articles may only be moved out of a quarantined or regulated area under special permit or certificate, which has been issued by the Bureau. Also, unless otherwise specified by regulation, regulated articles moved into the state must enter under a special written permit issued by the Bureau or must be accompanied by a certificate from the state of origin. Such certificate shall be issued based upon an inspection of the article(s) by an authorized inspector in the state of origin declaring such article to be apparently free from seed, vegetative forms or any other living stage(s) of plant growth of any noxious weed listed in SECTION I.