TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

| Control 80 Department of Agriculture and Industries | |
|---|---|
| Rule No. <u>80-11-106</u> | |
| Rule Title: Noxious Weed Seed Prohibitions and Restricti | ons |
| New;x Amend;Repeal;Adopt by Refer | rence |
| Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? | <u>No</u> |
| Is there a reasonable relationship between the State's police power and the protection of the public health, safety or welfare? | Yes |
| Is there another less restrictive method of regulation available that could adequately protect the public? | No |
| Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? | No |
| Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? | No |
| Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? | Yes |
| **************** | ***** |
| Does the proposed rule have any economic impact? | No |
| If the proposed rule has an economic impact, the propose be accompanied by a fiscal note prepared in accordance w Section $41-22-23$, Code of Alabama 1975 . | d rule is required to ith subsection (f) or |
| ************************************** | ***** |
| I certify that the attached proposed rule has been propocompliance with the requirements of Chapter 22, Title 41 $\underline{1975}$, and that it conforms to all applicable filing requal Administrative Procedure Division of the Legislative Ref | , <u>Code of Alabama</u> irements of the |
| Signature of certifying officer John McWelle | Production (All Production of Assessment) |
| Date: 3-19-2012 | |

(DATE FILED) (STAMP)

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES ANIMAL INDUSTRY

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-11-1-.06 Noxious Weed Seed Prohibitions and Restrictions

Intended Action: To amend rule.

<u>Substance of Proposed Action:</u> To change the status of Sunn Hemp (Crotalaria Juncea) from prohibited to restricted.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, May 8, 2012 at 10:00 a.m., in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: May 8, 2012.

Contact Person at Agency: Patrick B. Moody, Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107, Telephone No. (334)240-7117.

3-19-2012

Date

John McMillan

Commissioner of Agriculture

and Industries

apa-2.frm

80-11-1-.06 Noxious Weed Seed Prohibitions And Restrictions.

- (1) No agricultural, vegetable, flower, herb, tree or shrub seed for planting purposes shall be sold, offered for sale, or distributed within the State if the noxious weed seed per pound of seed tested is in excess of the following limitations:
- (a) Field bindweed (Convolvulus arvensis) prohibited none allowed.
- (b) Hedge bindweed (Convolvulus sepium) prohibited none allowed.
- (c) Nutgrass (Cyperus rotundus) Prohibited none allowed.
- (d) Crotalaria spp. prohibited none allowed except Sunn Hemp (Crotalaria juncea) restricted 5 seed per pound.
- (e) Balloon Vine (Cardiospermum halicacabum) -prohibited none allowed.
- (f) Cocklebur (Xanthium sp.) in seed which are certified by an officially recognized seed certifying agency, as defined in Code of Ala. 1975, §2-26-1(18), prohibited none allowed.
- (g) Cocklebur (Xanthium sp.), in uncertified seed restricted 2 seed per pound.
- (h) Blessed Thistle (Cnicus benedictus) restricted 9 seed per pound.
- (i) Moonflower or giant morninglory (Calonyction muricatum) restricted 9 seed per pound.
- (j) Wild Onion and/or Wild Garlic (Allium spp.)- restricted 27 seed per pound.
- (k) Wild Mustard and/or Turnip (Brassica spp.)- restricted 27 seed per pound.
- (1) Radish (Raphanus spp.) restricted 27 seed per pound.
- (m) Johnson Grass (Sorghum halepense) and/or Sorghum Almum and perennial rhizomatous derivatives of these restricted 100 seed per pound.

- (n) Dodder (Cuscuta spp.) restricted 100 seed per pound.
- (o) Canada Thistle (Cirsium arvense) restricted 100 seed per pound.
- (p) Quack Grass (Agropyron repens) restricted 100 seed per pound.
- (q) Docks (Rumex spp. except hastatulus) restricted- 100 seed per pound.
- (r) Giant Foxtail (Setaria faberi) restricted 100 seed per pound.
- (s) Darnel (Lolium temulentum) restricted 200 seed per pound.
- (t) Corncockle (Argrostemma githago) restricted 200 seed per pound.
- (u) Horsenettle (Solanum carolinense) restricted 200 seed per pound.
- (v) Silverleaf Nightshade (Solanum elaeagnifolium) prohibited 200 seed per pound.
- (w) Buckhorn (Plantago lanceolata) restricted 200 seed per pound.
- (x) Bracted Plantain (Plantago artistata) restricted 200 seed per pound.
- (y) Sheep Sorrel (Rumex acetosella) restricted 200 seed per pound.
- (z) Bermuda Grass (Cynodon spp.) restricted 300 seed per pound.
- (aa) Cheat or Chess (Bromus secalinus, B. commutatus) restricted 300 seed per pound.
- (bb) Serrated Tussock (Nassella trichotoma) prohibited none allowed.
- (cc) Goatgrass (Aegilops spp.) restricted 9 seed per pound.

- (dd) Sickle Pod (Senna tora) restricted 27 seed per pound.
- (ee) Tropical Soda-Apple (Solanum viarum) prohibited none allowed.
- (2) When more than one species or variety of noxious weed seed are discovered in pure seed, in addition to the restrictions set out above, the following restrictions shall also apply:
- (a) For seeds identified in Subrule 80-11-1-.06(1)(g) through (y), any combination of weed seed shall, also, collectively, not exceed 200 total weed seed per pound of pure seed.
- (b) For seeds identified in Subrule 80-11-1-.06(1) (z) through (aa), any combination of these weed seed shall also, collectively, not exceed 300 total weed seed per pound of pure seed.
- (c) The added restrictions in Subrule 80-11-1-.06(2)(a) and
- (b) are, in addition to, and are not to be interpreted as amending or changing the restrictions for individual species of weed seed set out in Subrule 80-11-1-.06(1)above.

Author: Charles H. Barnes, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. Emergency amendment: Effective

March 3, 1989. Permanent Amendment: Filed May 19, 1989.

Amended: Filed May 17, 2007; effective June 21, 2007. Amended: