

APA-2

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.

Substance of Proposed Action: 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
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Commissioner of Agriculture
and Industries

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 morningglory (*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.

(l) Radish (*Raphanus* spp.) - restricted - 27 seed per pound.

(m) Johnson Grass (*Sorghum halepense*) and/or Sorghum Alum 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:**