

Noxious Weed Issues

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Reasons weeds are designated “noxious”

- Invasive
 - impact natural areas, wetlands, prairie
- Problem in crops
 - resistance, difficulty/expense in control, reduce crop yield
- Poisonous to livestock
- Human health issues
- Safety/drainage/aesthetic issues
 - railroads, roadsides, drainage ditches, parks
- Abandoned areas that are nuisance – e.g. vineyards
- Federal agency rules – e.g. exemptions to mow early
- Prone to escape from private gardens/landscapes

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Goals of noxious weed management

- Preventing establishment (from outside sources)
 - Weeds that are demonstrated problems in other states/regions
- Preventing spread within state
 - Timely control to prevent seed
- Prevention/removal when small
 - Prevent livestock poisoning, human health issues
- Frequent enough control to minimize issues
 - railroads, roadsides, drainage ditches, parks

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Ohio noxious weed list

- 31 species
 - 2018 – added 13 species, removed 3 species

Reason for being on list	
Invasive/degrade native landscapes	5*
Poisonous/human health issues	4
Problem in crop production/pasture	13
Escape from private gardens/landscapes	3
Prevention – known problem in other regions	9
Colonizers of roadsides, ditches, abandoned areas, fencerows	7

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Survey on noxious weeds

- OSU Extension county educators
- University extension weed scientists

- 60 responses total
- Unable to separate responses by group surveyed

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Situations where noxious weeds occur most often	
Along roadways, roadway ditches	39
Public/park lands	5
Row crops	3
Fencerows	5
Other	2

Other
Private 5 to 10-acre residences
Roadsides, parks, private property

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Key weed drivers

- Poison hemlock, johnsongrass, Canada thistle, wild grapevines, leafy spurge, absinth wormwood, purple loosestrife, kudzu
- Weeds that cause human health problems
- Invasives that degrade quality of native landscapes
- Weeds that spread easily – Palmer amaranth, waterhemp, horseweed
- Weeds easily seen in road ditches

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Roadsides, railroads, parks borders, other noncrop areas



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Colonizers of noncrop areas, borders, roadsides



Poison hemlock

Canada thistle





Horseweed (marestail)

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Colonizers of noncrop areas, borders, roadsides,




johnsongrass

Wild grape



Hedge bindweed

Japanese knotweed (Japanese bamboo)



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Palmer amaranth	Waterhemp
	
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Palmer amaranth – weapon of mass destruction and the reason WSSA finally accepted that the term “Superweed” wasn’t going to go away and came up with an official definition	
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2016 - Waterhemp – somewhere west of Upper Sandusky, OH
“We didn’t have this weed last year”

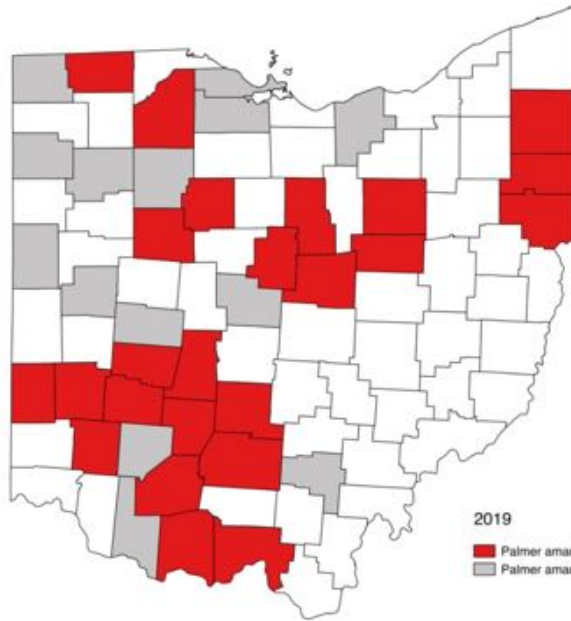


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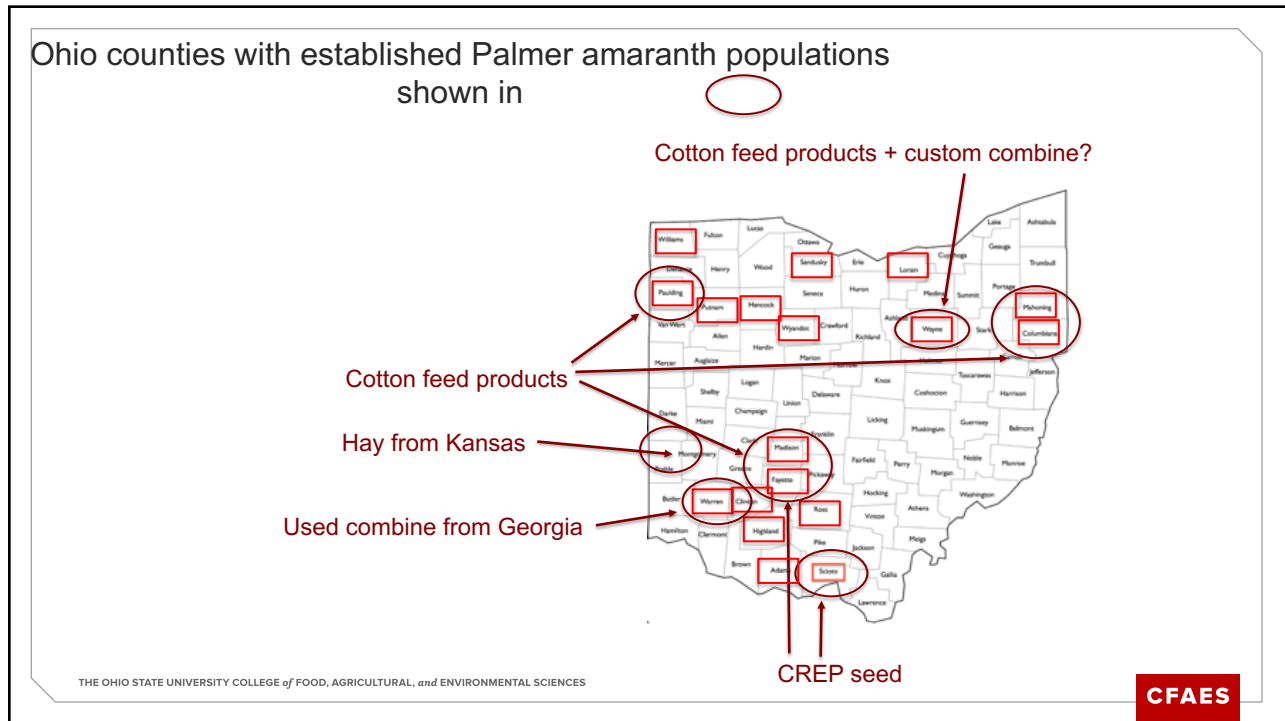
Palmer amaranth – Ohio – 2020



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Survey comment – North Dakota

- Noxious weed law was used primarily for non-crop situations until Palmer amaranth was introduced here.
- Raised new set of issues about destroying crop rather than just enforcing control in noncrop areas.
- Had to educate weed officers and set new protocols to manage Palmer amaranth in cropland

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State compilation of noxious weeds laws

The National Agricultural Law Center
The Nation's Leading Source of Agricultural and Food Law Research and Information

Check out: [The Ag & Food Law Update >](#)

NAVIGATION: ABOUT THE CENTER, RESEARCH BY TOPIC, CENTER PUBLICATIONS, STATE COMPILATIONS, AG & FOOD LAW CONSORTIUM, CENTER OUTREACH, CONGRESSIONAL RESEARCH REPORTS, FARM BILL RESOURCES, AG LAW BIBLIOGRAPHY, AG LAW GLOSSARY, AG LAW REPORTER, GENERAL RESOURCES

A National Ag Law Center Research Publication
"Noxious Weed" Laws
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Farmers and ranchers are familiar with noxious weeds—these invasive weeds that pose threats to the environment, people, and animals. Noxious weeds have always been a concern for agriculture due to their ability to affect crop yields and soil and livestock health. Nearly all states in the U.S. have enacted laws that list prohibited noxious weeds and assign responsibility for eradicating prohibited noxious weeds in certain circumstances. These laws attempt to reduce the potential of noxious weed incursions to neighboring lands. This compilation presents the statutes for each state that has a noxious weed law. Simply click on a state's image in the map below to locate the laws for the state.

This compilation is the result of a collaborative effort between the National Agricultural Law Center and The Ohio State University Agricultural & Resource Law Program. Further, it is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture.

USDA
United States Department of Agriculture
National Agricultural Library

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Observations on state noxious weed laws

- **The noxious weeds list**
 - Common approach: classification of weeds based on spread and threat
 - How many weeds should be on the list?
- **Comprehensive approaches:**
 - Monitoring, reporting, planning
 - Enforcing removal
 - Education
- **Who's on board?**
 - State vs. local control
 - Local enforcement vs. planning
- **Removal of weeds**
 - Complaints v. inspection and monitoring
- **Targeting problem areas**
 - Geographic identification
 - Plans
 - Quarantines
 - Local control
- **Different laws for different locations?**
 - Private vs public lands
 - Roadways, railroad beds, cemeteries
- **The role of education**
 - Awareness, identification, management practices

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1. Noxious weeds list

- Dept. of Agriculture establishes via rulemaking.
- Currently 31 weeds on the list.

2. Roadways

- Counties and townships must mow ditches in early June and August; same schedule applies to railroads and toll roads.

3. Duty to cut or destroy

- Landowner has duty to cut or destroy noxious weeds in fence row within 10 days when notified by neighbor.
- Person may report noxious weeds in writing to township, which must notify landowner to cut or destroy weeds or show cause for not cutting, within 5 days.
- Township may remove weeds of non-complying landowner and assess costs on property taxes.
- Park lands are subject to different process; must work with Extension Educator and committee to identify ways to deal with the problem but no enforcement mechanism.

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1. Legislative revisions to noxious weed law in 2018 authorized Dept. of Agriculture to:

- Add weeds to the list via rulemaking, rather than legislature declaring noxious weeds
- Appoint a state weed commissioner

2. Noxious weeds list

- Two categories, Class A primary for eradication and Class B secondary for control; also prohibited plants.
- Counties may also declare noxious weeds within their borders.

3. Counties and county weed commissioners

- Counties may prescribe control program and integrated roadside vegetation management plan.
- Commissioner supervises the control and destruction of all noxious weeds in the county.
- Can act on verbal weed complaints.
- Commissioner provides annual written report to county.

4. Duties to control or destroy weeds

- Counties have authority for weed destruction orders
- Landowners shall cut, burn or destroy noxious weeds as ordered by county, or county may fine owner \$10/day, remove the weeds and assess costs against property.
- Counties and state dept. of transportation shall eradicate weeds along roads.
- Weeds on railroads, public lands, within cities shall be treated to prevent seed production and prevent spread.

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North Carolina

1. Noxious weeds list

- Determined by Dept. of Agriculture via N.C. Plant Pest Law
- Class A (federally listed), Class B and Class C weeds

2. Noxious weed control

- Owner must take control measures as ordered by Dept. of Agriculture.
- If fails to do so within time indicated, Dept. May take measure and assess costs against property.
- Criminal misdemeanor charges for persons who refuse inspection, interfere, or violate the law.

3. Quarantine powers

- Dept. of Agriculture may quarantine areas to eradicate, repress and prevent the spread of noxious weeds and other plant pests.

4. Nursery stock and movement of plants

- Plants on the noxious weeds list may not enter state without a permit or be sold in state
- Dept. of Agriculture has authority to inspect, certify and control movement of nursery stock.

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Colorado

1. Noxious weeds list

- List A, B, and C based on eradication, containment, suppression.
- Local government may adopt more stringent local standards for control.

2. Management plans

- Dept of Ag develops county management plans for all List A and List B weeds.

3. State weed coordinator

- Management plan for state-owned lands.
- Guidance and coordination of county weed managers.

4. County weed programs

- Local advisory boards and county weed managers.
- Manage weeds on public spaces.
- Review plans every 3 years.
- Provide education and assistance to landowners.

5. Colorado Noxious Weed Advisory Committee

- Landowners, weed management professionals and scientists, local government, ag producers, environmental specialists, non-voting agencies.
- Recommendations to Dept of Agriculture on designation and classification of noxious weeds, state weed management plans, techniques for control, enhancing control efforts.

6. Noxious Weed Management Fund

- Annual appropriation to support local noxious weed management projects, most to local governing bodies.

7. Control of noxious weeds

- Local government authority to notify landowner and specify management to occur within 10 days.
- And to provide management if landowner fails to; assess costs against property.
- Local and state governments and agencies have duty to control noxious weeds on public roads, rights of way.

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1. State Noxious Weed Control Board

- At state level
- Elected and appointed members
- Adopts the noxious weed list
 - Class A, B, C weeds based on threat and need to control

2. County Noxious Weed Control Boards

- May modify noxious weeds list for the county
- Weed inspector to survey for weeds and enforce mandatory controls
- All lands are subject to inspection and control

3. Weed Districts

- Within counties and intercounty, geographic areas formed for purpose of preventing or exterminating noxious weeds

4. Quarantine list

- Prohibited importation and sales

5. Enforcement

Inspector may cause weeds to be cut or destroyed if order not followed, with expenses to be paid by landowner as tax on land, after opportunity for hearing.

6. Education

State board required to provide outreach on noxious weeds and biennial report to counties and districts with recommendations for funds and long-term needs for weed control.



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Survey comment – North Dakota

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	Yes	No
Are you aware of noxious weed law and how it works?	44	14
Do you provide education or resources?	40	18
Does education target specific weeds/situations?	30	11

	None	Low	Medium	High
Clientele awareness about the noxious weed law	5	45	7	2

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Education/resources – situations

- Palmer amaranth, waterhemp, horseweed, poison hemlock, cressleaf groundsel, wild parsnip, thistles, johnsongrass, Japanese knotweed
- General awareness of species that need to be controlled
- Building lots
- Complaints/disputes between landowners
- Reluctance of township trustees to be involved
- Provide info as needed on an individual basis
- Responsibility of various entities based on site

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	Yes	No
Have you been directly involved with use of the noxious weed law?	32	25
Have there been problems with implementation of the noxious weed law?	40	18

Type of weed situation where the law was used	
Waterhemp, Palmer amaranth, other ag-related problems	23
Poisonous plants in pastures	8
Organic production weed problems	1
Protection from invasive weeds	10
Other	14

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“Other” situations where law was used
Private residences – (giant hogweed)
Community members concerned about weeds near property border
Neighbors complaining about other neighbors not controlling
Township/county not controlling in right-of-ways
Ditch maintenance
Woodlands
Urban agriculture
Plants that can cause allergies/human health issues

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Problems with implementation

- Township trustees or other local authorities unaware of law
- Trustees unwilling or unable to enforce the law, or failing to act in timely manner
- Individuals/county/state not following law or using ineffective methods for control
- Law is not enforced/entity who would enforce is unknown
- Late season problems in ag fields – how to destroy in time to prevent seed
- Compensation to farmers who are required to destroy crops

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Problems with implementation

- State (MN) mandates that counties enforce law, but counties vary on priorities/efforts
- State (IL) provides no funds for enforcement and does not control weeds on state land
- County prosecutor ignores whole issue or drags feet, so weeds go to seed
- Problems getting county to reimburse townships for their eradication efforts
- Communication/education of landowners, townships, parks depts about their responsibility

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Other comments

- No one seems to know why some weeds are on the list
- Some noxious weeds are not on the seed law list – complicates enforcement
- Not enforced because almost every landowner or government entity has been in violation
- Many of our noxious weeds are widespread throughout the state and it's not feasible to manage them per the law

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Other comments

- How to get authorities to be aware of law and take action
- Trustees reluctant to enforce law because it is vague – e.g. how many weeds present before action is needed
- It's a law on the books, which is the extent of it's utility (IL)
- Of 11 southern IL counties, only 3 had active programs, which were run by individuals with many other responsibilities
- Only used as last resort – education and compliance are a key first factor (MN)

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Recommendations

Consider the noxious weeds list

- Review of how many/what type should be on the list
- Classification based on threat

Take a comprehensive approach

- Monitoring, reporting, planning
- Enforcing removal

All governmental levels on board

- State and local control
- Local planning
- Willing enforcers

Enforcement of removal

- Clear enforcement authority
- Monitoring and early identification

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Tools to target problem areas

- Geographic identification
- Plans and quarantines
- Local control

Same laws for all areas

- Duty to control wherever they are

Include education programs

- Awareness, identification, management practices

Provide funding

- Monitoring, planning, education

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OSU C.O.R.N. Newsletter

<http://corn.osu.edu/>

OSU Weed Science Website

<http://u.osu.edu/osuweeds>

Weed Control Guide for OH/IN

[OSU Extension Bulletin 789](#)

[OSU Extension estore](#)

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