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States' Noxious Weed Statutes and Regulations: *Arkansas*



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States' Noxious Weed Statutes: Arkansas

Code of Arkansas

Title 2 Agriculture

Subchapter 2 – Plant Act of 1917

2-16-206. State Plant Board

(a) There is created and established a State Plant Board, composed of nineteen (19) members, as follows:

- (1) Two (2) nonvoting members designated by the Vice President for Agriculture of the University of Arkansas or his or her designee;
- (2) A practical cotton grower, actively and principally engaged in the production of cotton, to be appointed by the Governor and confirmed by the Senate;
- (3) One (1) member to represent the fertilizer industry shall be appointed by the Governor and confirmed by the Senate from a list of at least two (2) names submitted by the Arkansas Plant Food Association;
- (4) A practical rice grower, actively and principally engaged in the production of rice, to be appointed by the Governor and confirmed by the Senate;
- (5) A practical horticulturist or nurseryman, actively and principally engaged in the business, to be appointed by the Governor and confirmed by the Senate from a list of at least two (2) names submitted by the Arkansas State Horticultural Society and the Arkansas Green Industry Association;
- (6) A practical corn, peanut, sorghum, turf, or wheat grower, actively and principally engaged in the production of corn, peanuts, sorghum, turf, or wheat, to be appointed by the Governor and confirmed by the Senate;
- (7) A practical soybean grower, actively and principally engaged in the production of soybeans, to be appointed by the Governor and confirmed by the Senate;
- (8) One (1) member representing pest control operators shall be appointed by the Governor and confirmed by the Senate from a list of at least two (2) names submitted by the Arkansas Pest Management Association, Inc.;
- (9) A seed dealer, actively and principally engaged in the business, to be appointed by the Governor and confirmed by the Senate from a list of at least two (2) names submitted by the Arkansas Seed Dealers' Association;

(10) A seed grower, actively and principally engaged in the business, to be appointed by the Governor and confirmed by the Senate from a list of at least two (2) names submitted by the Arkansas Seed Growers Association;

(11) One (1) member representing the retail or wholesale fuel industry shall be appointed by the Governor and confirmed by the Senate from a list of at least two (2) names submitted by the Arkansas Oil Marketers Association;

(12) One (1) member representing pesticide manufacturers shall be appointed by the Governor and confirmed by the Senate from a list of at least two (2) names submitted by the Arkansas Crop Protection Association, Inc.;

(13) One (1) member representing agricultural aviators to be appointed by the Governor and confirmed by the Senate from a list of at least two (2) names submitted by the Arkansas Agricultural Aviation Association;

(14) One (1) member representing the forest sector shall be appointed by the Governor and confirmed by the Senate from a list of at least two (2) names submitted by the Arkansas Forestry Association;

(15) Two (2) farmers actively and principally engaged in the production of corn, cotton, peanuts, rice, sorghum, soybeans, turf, or wheat in this state, appointed by the Governor and confirmed by the Senate;

(16) A practical livestock producer, actively and principally engaged in the production of livestock, to be appointed by the Governor and confirmed by the Senate; and

(17) A practical forage grower, actively and principally engaged in the production of forage, to be appointed by the Governor and confirmed by the Senate.

(b) Board members shall serve a term of two (2) years or until such time as a successor has been elected or appointed as herein provided. A majority of the members of the board shall constitute a quorum for all purposes.

(c) The chair, vice chair, and secretary-treasurer shall be elected by the members of the board. The board shall designate some official or employee of the board to serve as disbursing officer of the board.

(d) Meetings of the board shall be called by the chair or by four (4) members of the board.

(e) The members shall serve without compensation but may receive expense reimbursements in accordance with § 25-16-901 et seq. and shall be authorized to provide a suitable office where the meetings of the board may be held and its records kept.

(f) If necessary to provide suitable space for its offices, laboratories, and other needs, the board may buy property, build buildings, or lease property for a period covering not more than fifteen (15) years from the date of lease.

2-16-207. Powers and duties of board

- (a) (1) The State Plant Board shall keep itself informed as to the varieties of insect pests, diseases, and noxious weeds and the origin, locality, nature, and appearance thereof; the manner in which they are disseminated; and the approved methods of treatment and eradication.

(2) Every such insect pest, disease, and noxious weed, and every plant and plant product infested or infected is declared to be a public nuisance.
- (b) (1) The board in its rules made under this subchapter shall list the insect pests, diseases, and noxious weeds, of which it shall find that the introduction into or the dissemination within the state should be prevented in order to safeguard the plants and plant products of this state, and the list shall include the plants and plant products or other substances on or in which these pests may be carried.

(2) Every person who has knowledge of the presence of any insect pest, disease, or noxious weed listed as required in this section in the rules made under this subchapter, in or upon any place, shall immediately report it to the board or inspectors thereof, giving such detailed information relative thereto as he or she may have.

(3) Every person who deals in or engages in the sale of plants or plant products shall furnish to the board or its inspectors, when requested, a statement of the names and addresses of the persons from whom and the localities where he or she purchased or obtained the plant and plant products.
- (c) (1) The board shall make rules for carrying out the provisions and requirements of this subchapter, including rules under which the inspectors and other employees of the Department of Agriculture shall:
 - (A) Inspect places, plants and plant products, and things and substances used or connected herewith;
 - (B) Investigate, control, eradicate, and prevent the dissemination of insect pests, diseases, and noxious weeds; and
 - (C) Supervise or cause the treatment, cutting, and destruction of infected or infested plants and plant products.

(2) For the purpose of preventing fraud and misrepresentation, the board shall make rules governing the transportation, distribution, or sale of sorghum seed, hybrid corn seed, and other seeds intended for planting.

- (c) For the purpose of carrying out the provisions and requirements of this subchapter, of the rules made, and notices given pursuant thereto, the board and the inspectors and employees of the department shall have power to enter into or upon any place and to open any bundle, package, or other container of plants or plant products.

2-16-208. Director of board.

(a)

(1) For the purpose of carrying out the provisions of this subchapter, the State Plant Board shall employ, prescribe the duties of, and fix the compensation for a Director of the State Plant Board.

(2)

(A) With the approval of the State Plant Board, the director may employ such inspectors or other employees as may be required and may incur such expenses as may be necessary within the limits of the appropriation made by law.

(B) The State Plant Board shall be subject to all executive orders by the Governor instituting a hiring freeze or restriction applicable to all cabinet-level departments.

(b)

(1) The director shall be appointed by the State Plant Board with the approval of the Governor and shall serve at the pleasure of the Governor.

(2)

(A) The director shall report to the Secretary of the Department of Agriculture.

(B) The secretary shall serve as the liaison between the State Plant Board and the Governor.

(c)

(1) The director shall furnish a bond of five thousand dollars (\$5,000) with sufficient sureties approved by the State Plant Board for the faithful performance of his or her duties of this subchapter and the rules of the State Plant Board.

(2) Any person suffering damage by reason of the acts or omissions of the director or his or her duly authorized deputies or employees may bring action on the bond for damages.

(3) The State Plant Board may require to indemnify the director that similar bonds shall be furnished by deputies, inspectors, or employees.

(d) The State Plant Board shall cooperate with other departments, boards, and officers of this state and of the United States as far as possible.

(e) The secretary shall not be appointed to the position of director.

2-16-209. Transportation, etc., of insect pests, etc., generally

(a) Transportation through or into or transportation, distribution, or sale within the state of any insect pest, plant disease, noxious weed, or any plant, plant product, or other substance, listed in the rules of the State Plant Board as required under § 2-16-207, or of sorghum seed, hybrid corn seed, or other planting seeds for the transportation, distribution, or sale of which the board has made rules under this subchapter is prohibited except under such safeguards as may be provided for in the rules of the board.

(b) To cover expenses incident to inspection or treatment or incident to the issuance of such permits or certificates as may be required by the board's rules made under this subchapter, the board may require the payment of reasonable fees which shall be deposited in the manner prescribed by § 2-16-210 to be used in carrying out the provisions of this subchapter.

(c) The board is empowered to require that a shipper who ships plants from another state into Arkansas must meet any and all requirements which the shipper's state would make of an Arkansas shipper who ships plants into that state.

(d) Inspectors carrying out the provisions of this subchapter on issuance of a written notice may cause to be held or to be sent out of the state or to be destroyed any plant, plant product, or other substance which has been brought into or is being transported within the state in violation of any state or federal law, rule, or regulation. They may stop and detain for inspection any person, car, or other carrier.

2-16-211. Eradication of pests, diseases, or noxious weeds

(a) Whenever the inspection discloses that any places, plants, plant products, or things and substances used or connected therewith, are infested or infected with any insect pest, disease, or noxious weed, listed, as required by § 2-16-207 in rules made under this subchapter, written notice thereof shall be given the owner or other person in possession or control of the place where found, and the owner or other person shall proceed to control, eradicate, or prevent the dissemination of the insect pest, disease, or noxious weed. The owner shall then remove, cut, or destroy infested or infected plants and plant products or things and substances used or connected therewith, within the time and in the manner prescribed by the notice or the rules made under this subchapter.

(b) Whenever the owner or other person cannot be found or shall fail, neglect, or refuse to obey the requirements of the notice and the rules made under this subchapter, the requirements shall be carried out by the inspector or other employees of the State Plant

Board. The board shall have and enforce a lien for the expenses thereof against the place in which or upon which the expenses were incurred in the same manner as liens are had and enforced upon buildings, lots, wharves, and piers for labor and materials furnished by virtue of contract with the owner.

2-16-212. Regulation of pests or diseases within state.

(a) Whenever the State Plant Board shall find that there exists in this state or any part thereof any insect, disease, or noxious weed and that its dissemination should be controlled or prevented, the board may give notice thereof, specifying the plants and plant products infested, infected, or likely to become infested or infected therewith.

(b) The movement, planting, or other use of any plant, plant products, or other thing or substance specified in the notice as likely to carry and disseminate the insect pest, disease, or noxious weed, except under such safeguard as may be provided in the rules made by the board, shall be prohibited within such area as may be designated in the public notice until the board shall find that the danger of the dissemination of the insect, disease, or noxious weed has ceased to exist, of which the board shall give public notice.

(c) Before the order of prohibition shall be issued, a public hearing, with due public notice thereof, shall be held by the board, at which hearing interested persons may appear in person or by attorney.

2-16-214. Review of rules, etc.

Any person affected by any rules made or notice given, under this subchapter, may have a review thereof by the State Plant Board for the purposes of having the rules or notice modified, suspended, or withdrawn, and, pending the review, the rules or notice shall be suspended.

Arkansas Administrative Code

Title 209. Department of Agriculture

Division 02. State Plant Board/Plant Industries Division

Rule 1. Rules on Plant Diseases and Pests

209.02.1-I. Public Nuisance Declared.

The following plant diseases, insect pests and noxious weeds, under the provisions of the Arkansas Plant Act (A.C.A. § 2-16-201 et seq) are hereby declared to be a public

nuisance, including anything infected, infested or contaminated therewith. The extent to which these plant diseases, insect pests and noxious weeds are regulated is covered in this and other Plant Board circulars. *Italicized pests are intent of horticulture inspections.*

A. Plant Disease Pests Listed

1. *Chestnut blight* (chestnut and chinquapin)
2. *Phony peach, peach mosaic and peach rosette*
3. Fusiform and other gall rusts of pines
4. Texas root rot (cotton and other plants)
5. *Oak wilt (oak, chestnut and other trees and shrubs)*
6. *Cedar-apple rust*
7. *Fire blight (pear, apple and other plants)*
8. *Root knot nematode*
9. *Soybean cyst nematode*
10. *Foliar nematodes (Aphelenchoides besseyi and others)*
11. *Crown gall and other infectious galls*
12. *Hairy root of apple and rose*
13. *Bacterial spot of peach*
14. *Strawberry dwarf*
15. *Red stele of strawberry*
16. *Virus diseases on horticultural crops*
17. *Strawberry yellows (genetic)*
18. *Infectious cankers*
19. *Bacterial spot of tomato*
20. *Alternaria and septoria leaf spots of tomato*
21. *Late blight of tomato*
22. *Camellia petal blight*
23. *Azalea petal blight*
24. Hoja blanca disease of rice

25. *Internal cork of sweet potato*
26. *Black rot of sweet potato*
27. *Stem rot of sweet potato*
28. *Anthraxnose on various host plants*
29. *Pink root of onion*
30. Sting nematode
31. *Blights and leaf spots damaging to plants*
32. *Collar rot*
33. *Dutch Elm disease*
34. *Phloem necrosis*
35. *Bud rot on strawberries*
36. *Fusarium wilt of tomatoes (all races)*
37. *Blueberry nursery stock diseases*
38. *Pinewood nematode*
39. Blackleg of rape
40. *Rose Rosette*

B. Insect Pests Listed

1. Pink bollworm (cotton and okra)
2. *Sweet Potato weevil*
3. Fruit flies (fruit and vegetable) does not apply to *Drosophila*
4. Khapra beetle and other stored grain insects
5. Bruchids and other pest of seeds (seeds of crops and other plants)
6. *Japanese Beetle (trees, fruits, vegetables and other plants)*
7. *Gypsy and Browntail moths and other leaf-feeding insects (trees, shrubs and other plants)*
8. *Fire ant, Argentine ant, carpenter ant and other injurious ants*
9. *Vegetable weevil*
10. *White-fringed beetle*
11. European chafer

12. Termites
13. Powderpost beetles
14. *San Jose scale and other scale insects*
15. *Wooly Aphis*
16. *White flies*
17. *Strawberry crown borer*
18. *Pine tip moth and other insects attacking pine shoots*
19. Oriental fruit moth
20. *Borers of all kinds*
21. *European red mite and other spider mites*
22. *Bagworms and other leaf-eating insects*
23. *Thrips*
24. *Aphids*
25. Harlequin bugs
26. Roaches and other household insect pests
27. *Elm leaf beetle*
28. Cereal leaf beetle
29. Southern pine beetle
30. *Brown garden snail, or any other plant destroying snail*
31. Asian Ambrosia Beetle

C. Noxious Weeds Listed

1. Field bindweed (*Convolvulus arvensis*)
2. *Nut grass* (*Cyperus rotundus*)
3. *Wild onion and/or wild garlic* (*Allium* spp.)
4. Johnson grass (*Sorghum halapense*)
5. Dodder (*Cuscuta* spp.)
6. Bermudagrass (*Cynodon dactylon*)
7. Cheat or Chess (*Bromus secalinus*) and/or (*Bromus commutatus*)

8. Darnel (*Lolium temulentum*)
9. Corncockle (*Agrostemma githago*)
10. Horsenettle (*Solanum carolinense*)
11. Purple nightshade (*Solanum elaeagnifolium*)
12. Buckhorn plantain (*Plantago lanceolata*)
13. Bracted plantain (*Plantago aristata*)
14. Rumex spp.
15. Blueweed (*Helianthus ciliaris*)
16. Morning Glory (*Ipomea* spp.)
17. Hedge Bindweed (*C. sepium*)
18. Red rice (*Oryza sativa* var.)
19. Curly indigo (*Aeschynomene indica*)
20. Tall indigo or coffee bean (*Sesbania exaltata*)
21. Giant foxtail (*Setaria faberi*)
22. Witchweed (*Striga* spp.)
23. Crotalaria (*Crotalaria* spp.)
24. Cocklebur (*Xanthium* spp.)
25. Moonflower (*Calonyction muricatum*)
26. Alligatorweed (*Alternanthera* spp.)
27. Balloonvine (*Cardiospermum halicacabum*)
28. Itchgrass (*Rottboellia exaltata*)
29. Thistle (*Carduus*, *Cirsium*, *Onopordum*, *Silybum*, *Scolymus*, *Salsola* and other genera)
30. Serrated Tussock (*Nassella trichotoma*)
31. *Purple Loosestrife* (*Lythrum salicaria*)
32. Barnyardgrass (*Echinochloa crusgalli*)
33. Water Hyacinth (*Eichornia crassipes*, *E. azurea*)
34. Japanese Blood Grass (*Imperata cylindrica*)
35. Tropical Soda Apple (*Solanum viarum*)

Any foreign insect, plant disease or weed which may be brought into Arkansas and whose habits and injuriousness under the conditions of agriculture in Arkansas are unknown, is regarded as dangerous and is declared to be a public nuisance.

PROHIBITED PLANT LIST

Plants contained on the following list present such a danger to the natural ecosystems in the state that they are hereby declared prohibited. No plant, seed or any reproductive structure may be sold or utilized in plantings in Arkansas.

1. Purple Loosestrife (*Lythrum salicaria*)
2. Giant salvinia (*Salvinia molesta*)
3. Water Hyacinth (*Eichornia crassipes*, *E. azurea*)
4. Japanese Blood Grass (*Imperata cylindrica*)