



IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Mike Naig, Secretary of Agriculture
www.IowaAgriculture.gov

Ankeny Laboratory Facility
2230 S. Ankeny Boulevard, Ankeny, IA 50023

TO: Iowa Weed Law Update Stakeholders
FROM: Lane Kozel, Robin Pruisner & Jake Swanson
DATE: December 18, 2018
RE: Proposed Priority List of Noxious Weeds for Administrative Rule

During the 2018 Legislative Session, the Iowa Weed Law, Iowa Code chapter 317, was modified, allowing the Iowa Department of Agriculture to establish priorities from the list of noxious weeds listed in statute. The Department's Notice of Intended Action was published today, December 5th. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 26, 2018. A public hearing will be held at 9 am on December 26th. The Notice is attached to this letter.

During the 2018 legislative session, the Weed Law was updated. Summary below:

A. Chapter 317, Section 317.1A, Subsection 3.

A plant is also declared to be a noxious weed as provided in rules adopted by the department pursuant to chapter 17A. The department's determination shall be based on a finding that the plant is competitive, persistent, or pernicious, and may directly or indirectly injure or cause damage to crops, other useful plants, livestock, or poultry; irrigation, land, public roads, fish or wildlife resources; or the public health.

B. Chapter 317, Section 317.1C, Subsection 2a.

The department may adopt administrative rules, pursuant to chapter 17A, providing a list of plants that it determines is noxious in the manner provided in section 317.1A.

C. Chapter 317, Section 317.1C, Subsection 2b.

The department may establish priorities from the list of noxious weeds described in section 317.1A for control or eradication. The priorities may be published annually and made available to the state department of transportation, counties, commissioners, and to the public on the internet site controlled by the department of agriculture and land stewardship. The state department of transportation, boards of supervisors, and weed commissioners shall consider the priorities when establishing programs of weed control or eradication pursuant to section 317.13.

IDALS has collaborated with Dr. Bob Hartzler, Iowa State University, exploring systems employed by surrounding states to evaluate the risks posed by various noxious weeds. We propose the following risk assessment:

1. Is the species native to Iowa or Midwestern US?
 - a. Yes – Go to 2
 - b. No – Go to 3
2. Does the plant pose significant threat to human or livestock concerns or does it have the potential to significantly harm agricultural production, and/or restrict trade?
 - a. Yes – consider listing as noxious/eradicate if distribution is currently limited in Iowa, and noxious/control if widely distributed
 - b. No – not a candidate for listing as noxious
3. Is the plant or related species documented as being a problem elsewhere?
 - a. Yes – go to 4

- b. No – go to 5
- 4. Does the plant have the capacity to survive and spread in Iowa?
 - a. Yes – consider listing as noxious/eradicate if distribution is currently limited in Iowa, and noxious/control if widely distributed
 - b. No – not a good candidate for listing
- 5. Does the plant have weedy characteristics? (Prolific seed production; persistent seed; inherent seed dispersal mechanism; vigorous seedlings, rapid growth, highly competitive; asexual reproduction; able to hybridize with species native to Iowa; juvenile period of 5 years for trees, 3 years for shrubs and vines; host for pests that threaten native or economically important plants)?
 - a. If plant has multiple weedy characteristics and is capable of surviving in Iowa, consider listing as noxious/eradicate if distribution is currently limited in Iowa, and noxious/control if widely distributed
 - b. If plant does not have weedy characteristics, not a good candidate for listing

We've considered each noxious weed currently listed in Iowa Code chapter 317, using the proposed risk assessment to determine its priority. The following is a proposed list of noxious weeds to be eradicated, and to be controlled:

- A. "Class A Noxious Weeds for Eradication" means a noxious weed determined by the department to be the highest priority for eradication of existing infestations and prevention of new infestations.
 - 1. Eradication of all Class A Species is required by law.
 - a. Palmer amaranth (*Amaranthus palmeri*).
- B. "Class B Noxious Weed for Control" means a noxious weed determined by the department to be a priority for preventing new infestations and stopping the spread of the species. (Each owner and each person in the possession or control of any lands shall cut, burn, or otherwise destroy, in whatever manner may be prescribed by the board of supervisors, all noxious weeds thereon as defined in this chapter at such times in each year and in such manner as shall be prescribed in the program of weed destruction order or orders made by the board of supervisors, and shall keep said lands free from such growth of any other weeds, as shall render the streets or highways adjoining said land unsafe for public travel (Chapter 317, Section 317.10). Prevention of new infestations and stopping the spread of these species are primary goals.)
 - 1. In counties where a Class B species is already abundant, control methods are decided at the county level by a Program of control or eradication (Chapter 317, Section 317.13). Containment of these species is the primary goal so that they do not spread into uninfested regions.
 - a. Canada thistle (*Cirsium arvense*).
 - b. Teasel (*Dipsacus* spp.) biennial.
 - c. Leafy spurge (*Euphorbia esula*).
 - d. Bull thistle (*Cirsium vulgare*).
 - e. Multiflora rose (*Rosa multiflora*).
 - f. European morning glory or field bindweed (*Convolvulus arvensis*).
 - g. All other species of thistles belonging in the genera of *Cirsium* and *Carduus*.

IDALS welcomes questions and comments on this proposed action.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

**Proposing rule making related to noxious weeds
and providing an opportunity for public comment**

The Agriculture and Land Stewardship Department hereby proposes to amend Chapter 58, “Noxious Weeds,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in 2018 Iowa Acts, House File 2422.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2018 Iowa Acts, House File 2422.

Purpose and Summary

The proposed amendments establish two priority lists of noxious weeds. One list identifies the noxious weeds for eradication, and the other list identifies the noxious weeds for control.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 26, 2018. Comments should be directed to:

Margaret Thomson
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Fax: 515.281.6236
Email: margaret.thomson@iowaagriculture.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

December 26, 2018
9 a.m.

Second Floor Conference Room
Wallace State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 21—58.1(317) as follows:

21—58.1(317) Definition. Definitions. As used in this chapter, “sterile”:

“Class A noxious weed for eradication” means a noxious weed determined by the department to be the highest priority for eradication of existing infestations and prevention of new infestations.

“Class B noxious weed for control” means a noxious weed determined by the department to be a priority for preventing new infestations and stopping the spread of the species.

“Sterile” means any plant or variety that is incapable of reproduction or which is either noninvasive or nonaggressive in that the plant does not spread into areas where it was not initially planted.

ITEM 2. Adopt the following **new** rule 21—58.4(317,87GA,HF2422):

21—58.4(317,87GA,HF2422) Noxious weed lists.

58.4(1) Class A noxious weeds for eradication. The following weed is included:

- a. Palmer amaranth (*Amaranthus palmeri*).
- b. Reserved.

58.4(2) Class B noxious weeds for control. The following weeds are included:

- a. Canada thistle (*Cirsium arvense*).
- b. Teasel (*Dipsacus spp.*) biennial.
- c. Leafy spurge (*Euphorbia esula*).
- d. Bull thistle (*Cirsium vulgare*).
- e. Multiflora rose (*Rosa multiflora*).
- f. European morning glory or field bindweed (*Convolvulus arvensis*).
- g. All other species of thistles belonging in the genera of *Cirsium* and *Carduus*.

ITEM 3. Amend **21—Chapter 58**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 317.25 and 2018 Iowa Acts, House File 2422.