Global Positioning System coordinates; (8) Description of control efforts, if established in the United States; and (9) Whether the taxon is regulated at the State or local level.

(b) Potential consequences of the taxon’s introduction or spread. (1) The taxon’s habitat suitability in the United States (predicted ecological range); (2) Dispersal potential (biological characteristics associated with invasiveness); (3) Potential economic impacts (e.g., potential to reduce crop yields, lower commodity values, or cause loss of markets for U.S. goods); and (4) Potential environmental impacts (e.g., impacts on ecosystem processes, natural community composition or structure, human health, recreation patterns, property values, or use of chemicals to control the taxon).

(c) Likelihood of the taxon’s introduction or spread. (1) Potential pathways for the taxon’s movement into and within the United States; and (2) The likelihood of survival and spread of the taxon within each pathway.

(d) List of references.

[75 FR 68955, Nov. 10, 2010]

§ 360.600 Preemption of State and local laws.

(a) Under section 436 of the Plant Protection Act (7 U.S.C. 7756), a State or political subdivision of a State may not regulate in foreign commerce any noxious weed in order to control it, eradicate it, or prevent its dissemination. A State or political subdivision of a State also may not impose prohibitions or restrictions upon the movement in interstate commerce of noxious weeds if the Secretary has issued a regulation or order to prevent the dissemination of the noxious weed within the United States. The only exceptions to this are:

(1) If the prohibitions or restrictions issued by the State or political subdivision of a State are consistent with and do not exceed the regulations or orders issued by the Secretary; or

(2) If the State or political subdivision of a State demonstrates to the Secretary and the Secretary finds that there is a special need for additional prohibitions or restrictions based on sound scientific data or a thorough risk assessment.

(b) Therefore, in accordance with section 436 of the Plant Protection Act, the regulations in this part preempt all State and local laws and regulations that are inconsistent with or exceed the regulations in this part unless a special need request has been granted.