

§ 360.500

(b) [Reserved]

[75 FR 68955, Nov. 10, 2010]

§ 360.500 Petitions to add a taxon to the noxious weed list.

A person may petition the Administrator to have a taxon added to the noxious weeds lists in § 360.200. Details of the petitioning process for adding a taxon to the lists are available on the Internet at http://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/downloads/listingguide.pdf. Persons who submit a petition to add a taxon to the noxious weed lists must provide their name, address, telephone number, and (if available) e-mail address. Persons who submit a petition to add a taxon to the noxious weed lists are encouraged to provide the following information, which can help speed up the review process and help APHIS determine whether the specified plant taxon should be listed as a noxious weed:

- (a) *Identification of the taxon.* (1) The taxon's scientific name and author;
- (2) Common synonyms;
- (3) Botanical classification;
- (4) Common names;
- (5) Summary of life history;
- (6) Native and world distribution;
- (7) Distribution in the United States, if any (specific States, localities, or 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

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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]

§ 360.501 Petitions to remove a taxon from the noxious weed lists.

A person may petition the Administrator to remove a taxon from the noxious weeds lists in § 360.200. Details of the petitioning process for removing a taxon from the lists are available at http://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/downloads/delistingguide.pdf. Persons who submit a petition to remove a taxon from the noxious weed lists would be required to provide their name, address, telephone number, and (if available) e-mail address. Persons who submit a petition to remove a taxon from the noxious weed lists are encouraged to provide the following information, which can help speed up the review process and help APHIS determine whether the specified plant taxon should not be listed as a noxious weed:

(a) Evidence that the species is distributed throughout its potential range or has spread too far to implement effective control.

(b) Evidence that control efforts have been unsuccessful and further efforts are unlikely to succeed.

(c) For cultivars of a listed noxious weed, scientific evidence that the cultivar has a combination of risk elements that result in a low pest risk. For example, the cultivar may have a narrow habitat suitability, low dispersal potential, evidence of sterility, inability to cross-pollinate with introduced wild types, or few if any potential negative impacts on the economy or environment of the United States.

(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 in accordance with the regulations in §§ 301.1 through 301.13 of this chapter.

[74 FR 53400, Oct. 19, 2009. Redesignated at 75 FR 68955, Nov. 10, 2010]

PART 361—IMPORTATION OF SEED AND SCREENINGS UNDER THE FEDERAL SEED ACT

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AUTHORITY: 7 U.S.C. 1581–1610; 7 CFR 2.22, 2.80, and 371.3.

SOURCE: 62 FR 48460, Sept. 16, 1997, unless otherwise noted.

§ 361.1 Definitions.

Terms used in the singular form in this part shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used in this part, shall be construed, respectively, to mean:

Administrator. The Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other individual to whom the Administrator delegates authority to act in his or her stead.

Agricultural seed. The following kinds and varieties of grass, forage, and field crop seed that are used for seeding purposes in the United States:

Agrotricum—x *Agrotriticum* Ciferri and Giacom.

Alfalfa—*Medicago sativa* L.

Alfilaria—*Erodium cicutarium* (L.) L'Her.

Alyceclover—*Alysicarpus vaginalis* (L.) DC.

Bahiagrass—*Paspalum notatum* Fluegge

Barley—*Hordeum vulgare* L.

Barrelclover—*Medicago truncatula* Gaertn.

Bean, adzuki—*Vigna angularis* (Willd.) Ohwi and Ohashi

Bean, field—*Phaseolus vulgaris* L.

Bean, mung—*Vigna radiata* (L.) Wilczek

Beet, field—*Beta vulgaris* L. subsp. *vulgaris*

Beet, sugar—*Beta vulgaris* L. subsp. *vulgaris*

Beggarweed, Florida—*Desmodium tortuosum* (Sw.) DC.

Bentgrass, colonial—*Agrostis capillaris* L.

Bentgrass, creeping—*Agrostis stolonifera* L. var. *palustris* (Huds.) Farw.

Bentgrass, velvet—*Agrostis canina* L.

Bermudagrass—*Cynodon dactylon* (L.) Pers. var. *dactylon*

Bermudagrass, giant—*Cynodon dactylon* (L.) Pers. var. *aridus* Harlan and de Wet

Bluegrass, annual—*Poa annua* L.

Bluegrass, bulbous—*Poa bulbosa* L.

Bluegrass, Canada—*Poa compressa* L.

Bluegrass, glaucantha—*Poa glauca* Vahl

Bluegrass, Kentucky—*Poa pratensis* L.

Bluegrass, Nevada—*Poa secunda* J.S. Presl

Bluegrass, rough—*Poa trivialis* L.

Bluegrass, Texas—*Poa arachnifera* Torr.

Bluegrass, wood—*Poa nemoralis* L.

Bluejoint—*Calamagrostis canadensis* (Michx.) P. Beauv.

Bluestem, big—*Andropogon gerardii* Vitm. var. *gerardii*

Bluestem, little—*Schizachyrium scoparium* (Michx.) Nash

Bluestem, sand—*Andropogon hallii* Hack.

Bluestem, yellow—*Bothriochloa ischaemum* (L.) Keng

Bottlebrush-squirreltail—*Elymus elymoides* (Raf.) Swezey

Brome, field—*Bromus arvensis* L.

Brome, meadow—*Bromus biebersteinii* Roem. and Schult.