Animal and Plant Health Inspection Service, USDA

§ 360.301

Oriza rufipogon Griffith (red rice)

Paspalum scrobiculatum Linnaeus (Kodo-millet)

Pennisetum clandestinum Hochstetter ex Chiovenda (kikuyugrass)

Pennisetum macrourum Trinius (African feathergrass)

Pennisetum pedicellatum Trinius (kyasumagrass)

Pennisetum polystachion (Linnaeus) Schultes (missiongrass, thin napiergrass)

Prosopis alpataco R. A. Philippi

Prosopis argentina Burkart

Prosopis articulata S. Watson

Prosopis burkartii Munoz

Prosopis caldenia Burkart

Prosopis calingastana Burkart

Prosopis campestris Grisebach

Prosopis castellanosii Burkart

Prosopis denudans Bentham

Prosopis elata (Burkart) Burkart

Prosopis farcta (Banks & Solander) J.F. Macbride

Prosopis ferox Grisebach

Prosopis fiebrigii Harms

Prosopis hassleri Harms

Prosopis humilis Gillies ex Hooker & Arnott

Prosopis kuntzei Harms

Prosopis pallida (Humboldt & Bonpland ex Willdenow) Kunth

Prosopis palmeri S. Watson

Prosopis reptans Bentham var. reptans

Prosopis rojasana Burkart

Prosopis ruzeali Burkart

Prosopis ruscioliana Grisebach

Prosopis sericantha Gillies ex Hooker & Arnott

Prosopis strombulifera (Lamarck) Bentham

Rubus fruticosus Linnaeus (complex) (wild blackberry)

Rubus moluccanus Linnaeus (wild raspberry)

Saccharum spontaneum Linnaeus (wild sugar-cane)

Salsola vermiculata Linnaeus (wormleaf salsola)

Senecio inaequidens DC. (South African ragwort)

Senecio madagascariensis Poir. (Madagascar ragwort)

Setaria pumila (Poir.) Roem. & Schult. subsp. pallidefusca (Schumach.) B.K. Simon (cat-tail grass)

Solarium torvum Swartz (turkeyberry)

Solanum viarum Dunal (tropical soda apple)

Spermacoce alata Aublet

Tridax procumbens Linnaeus (coat buttons)

Urochloa panicoides Beauvios (liverseed grass)


§ 360.300 Notice of restrictions on movement of noxious weeds.

No person may move a Federal noxious weed into or through the United States, or interstate, unless:

(a) He or she applies for a permit to move a noxious weed in accordance with §360.301;

(b) The permit application is approved; and

(c) The movement is consistent with the specific conditions contained in the permit.

(Approved by the Office of Management and Budget under control number 0579–0054)

§ 360.301 Information required for applications for permits to move noxious weeds.

(a) Permit to import a noxious weed into the United States. A responsible person must apply for a permit to import a noxious weed into the United States.2

The application must include the following information:

(1) The responsible person’s name, address, telephone number, and (if available) e-mail address;

(2) The taxon of the noxious weed;

(3) Plant parts to be moved;

(4) Quantity of noxious weeds to be moved per shipment;

(5) Proposed number of shipments per year;

(6) Origin of the noxious weeds;

(7) Destination of the noxious weeds;

(8) Whether the noxious weed is established in the State of destination;

(9) Proposed method of shipment;

(10) Proposed port of first arrival in the United States;

(11) Approximate date of arrival;

§ 360.302 Consideration of applications for permits to move noxious weeds.

Upon the receipt of an application made in accordance with §360.301 for a permit for movement of a noxious weed into the United States or interstate, the Administrator will consider the application on its merits.

(a) Consultation. The Administrator may consult with other Federal agencies or entities, States or political subdivisions of States, national governments, local governments in other nations, domestic or international organizations, domestic or international associations, and other persons for views on the danger of noxious weed dissemination into the United States, or interstate, in connection with the proposed movement.

(b) Inspection of premises. The Administrator may inspect the site where noxious weeds are proposed to be handled in connection with or after their movement under permit to determine whether existing or proposed facilities will be adequate to prevent noxious weed dissemination if a permit is issued.

[75 FR 68954, Nov. 10, 2010]

§ 360.303 Approval of an application for a permit to move a noxious weed; conditions specified in permit.

The Administrator will approve or deny an application for a permit to move a noxious weed. If the application is approved, the Administrator will issue the permit including any conditions that the Administrator has determined are necessary to prevent dissemination of noxious weeds into the United States or interstate. Such conditions may include requirements for inspection of the premises where the noxious weed is to be handled after its movement under the permit, to determine whether the facilities there are adequate to prevent noxious weed dissemination and whether the conditions of the permit are otherwise being observed. Before the permit is issued, the Administrator will require the responsible person to agree in writing to the conditions under which the noxious weed will be safeguarded.

[75 FR 68954, Nov. 10, 2010]

§ 360.304 Denial of an application for a permit to move a noxious weed; cancelation of a permit to move a noxious weed.

(a) The Administrator may deny an application for a permit to move a noxious weed when the Administrator determines that:

(1) No safeguards adequate or appropriate to prevent dissemination of the noxious weed can be implemented; or

(2) The destructive potential of the noxious weed, should it escape despite