

**TITLE 61
LEGISLATIVE RULES
DEPARTMENT OF AGRICULTURE**

**SERIES 14A
RULES AND REGULATIONS DEALING WITH NOXIOUS WEEDS**

§61-14A-1. General.

1.1. Scope. -- These Legislative regulations amend, repromulgate and recodify administrative regulations governing noxious weeds. They set forth definitions, cooperative suppression activities, prohibitions and declare certain weeds to be noxious.

1.2. Authority. -- W. Va. Code §19-12D-4.

1.3. Filing Date. -- May 31, 1985.

1.4. Effective Date. -- May 31, 1985.

§61-14A-2. Declaration of policy.

2.1. These regulations are promulgated to establish surveillance, suppression and control programs and to declare certain weeds noxious.

§61-14A-3. Definitions.

3.1. Cooperative suppression or control agreement means a written agreement entered into by the Commissioner and one or more other persons which defines the responsibilities of each party and may include, but not be limited to, suppression or control procedures

5.2. The plant known as Kudzu (*Pueraria thunbergiana* (S and Z) Benth.) is a detriment to agriculture in West Virginia and is hereby declared to be noxious, however, because Kudzu has a potential value as a forage crop, the Commissioner may issue a permit for its cultivation. Such permit shall be issued by

and methods, cost sharing, tenure of agreement and conditions.

§61-14A-4. Cooperative suppression and control.

4.1. When it has been determined that an infestation of a noxious weed exists for which suppression and control activities are practical, the Commissioner may:

4.1.1. Declare a quarantine, if necessary;

4.1.2. Enter into cooperative suppression or control agreement with any person, or;

4.1.3. Proceed with suppression or control activities.

§61-14A-5. Declaration of noxious weeds.

5.1. Surveys have shown that the following plants are a detriment to agriculture in West Virginia and are hereby declared to be noxious weeds: Johnson Grass (*Sorghum halepense* L.); Plumeless Thistle (*Carduus acanthoides* L.); Curled Thistle (*C. crispus* L.); and Musk Thistle (*C. nutans* L.).

the Commissioner upon application by a prospective grower who agrees to follow cropping practices prescribed by the Commissioner. Such cropping practices shall include, but not be limited to, measures to prevent the spread of Kudzu to road sides, rights-of-way or woodlands.

5.3. The plant known as Autumn Olive (*Elaeagnus umbellata* Thunb.) has become a detriment to agriculture in Barbour, Braxton, Cabell, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Kanawha, Lewis, Marion, Mason, Monongalia, Pleasants, Putnam, Ritchie, Roane, Taylor, Tyler, Upshur, Wetzel, Wirt and Wood counties and is hereby declared to be a noxious weed in these counties.

5.4. This section reserved for drug producing plants other than those listed in the West Virginia Noxious Weed Act. (W. Va. Code §19-12D-7)

§61-14A-6. Sale, use or distribution of noxious weed plants prohibited.

6.1. The sale, use or distribution of noxious weed plants, except as provided for in 5.2 is prohibited in accordance with W. Va. Code §19-12D-7.