

Quick-Reference Legal Summary

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Federal Wildlife and Related Laws Handbook; Chapter 4. Statute Summaries

FEDERAL NOXIOUS WEED ACT OF 1974

7 U.S.C. §§ 2801-2814, January 3, 1975, as amended 1988 and 1994.

Overview. The Act provides for the control and management of nonindigenous weeds that injure or have the potential to injure the interests of agriculture and commerce, wildlife resources, or the public health.

Findings/Policy. Congress found that noxious weeds interfere with the growth of useful plants, clog waterways, interfere with navigation, cause disease, and generally are detrimental to agriculture, commerce, and the public health. Congress determined that regulation of transactions in and movement of noxious weeds was necessary. §2801.

Selected Definitions. Noxious weed: any living stage (including seeds and reproductive parts) of a parasitic or other plant of a kind which is of foreign origin, is new to or not widely prevalent in the U.S., and can directly or indirectly injure crops, other useful plants, livestock, poultry or other interests of agriculture, including irrigation, navigation, fish and wildlife resources, or the public health. Undesirable plants: species classified as undesirable, noxious, harmful, exotic, injurious, or poisonous under state or federal law, but not including species listed as endangered by the Endangered Species Act, or species indigenous to the area where control measures are to be taken. Secretary: the Secretary of Agriculture or a designee. Move: deposit for transmission in the mails, ship, offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport or move, or allow to be moved. Integrated management system: a system for planning and implementing a program, using an interdisciplinary approach, to select a method for containing or controlling undesirable plant species, using all available methods, including education, preventive measures, physical or mechanical methods, biological agents, herbicide methods, cultural methods, and land management practices such as manipulation of livestock, wildlife grazing strategies or improving wildlife or livestock habitat. §§ 2802 and 2814.

Movement of Noxious Weeds Into or Through the U.S. No person may import or move any noxious weed identified by regulations of the Secretary into or through the U.S. except in compliance with the regulations, which may require that permits be obtained. No person may knowingly sell, purchase, barter, exchange, give, or receive any noxious weed moved in violation of these provisions or deliver or receive for transportation any advertisement to sell, purchase, barter, exchange, give, or receive a noxious weed whose movement is prohibited. § 2803.

The Secretary may promulgate inspection and quarantine regulations to prevent the dissemination of noxious weeds. The Secretary may temporarily quarantine any state, territory, or district or any portion, and may prohibit the interstate movement of any products from the quarantined area. Quarantine regulations expire 90 days after promulgation unless the Secretary determines, after a public hearing, that a quarantine and regulations are necessary to protect agriculture, commerce, wildlife resources, or the public health. § 2804.

The Act empowers the Secretary to seize, quarantine, treat, destroy, or dispose of any product or article infested by a noxious weed as an emergency measure to prevent dissemination. The owner of destroyed property may recover compensation for the lost property if legal action is taken within one year after the loss and the owner establishes that the Secretary's action was not authorized by the Act. § 2805.

Enforcement. The Act authorizes the Secretary's inspectors to stop and inspect, without warrant, any product, article, or means of conveyance moving into the U.S., or with probable cause, through the U.S. Inspectors may enter premises with a warrant to perform inspections or other actions necessary under the Act. A person who knowingly violates the Act or any regulation under the Act will be guilty of a misdemeanor and may be punished by a fine, imprisonment not exceeding one year, or both. (See the summary of the Sentencing Reform Act of 1984 for more information on criminal penalties.) §§ 2806 and 2807.

Cooperation with Agencies. The Secretary may cooperate with other governmental agencies, farmers' associations and similar organizations, and private individuals in carrying out measures to eradicate or control the spread of any noxious weed. § 2808.



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Regulations. The Secretary may promulgate regulations to carry out provisions of the Act. Regulations identifying plants as noxious weeds may be promulgated only after publication of notice and, when requested, a public hearing. A plant may be deemed a noxious weed if it falls within the Act's definition of a noxious weed and if there is a reasonable expectation that its dissemination will injure, to a serious degree, agriculture, navigation, fish and wildlife resources, or the public health. § 2809.

Effect on Other Laws. The Act does not: apply to shipments of seed subject to the Federal Seed Act; amend or repeal provisions of the Federal Seed Act, the Plant Quarantine Act, the Federal Plant Pest Act, or other federal laws; invalidate state or local laws relating to noxious weeds, except that no jurisdiction may permit any action prohibited under the Act. §§ 2811 and 2812.

Management of Undesirable Plants on Federal Lands. The Act requires that each federal agency: develop a management program to control undesirable plants on federal lands under the agency's jurisdiction; establish and adequately fund the program; implement cooperative agreements with state agencies to coordinate management of undesirable plants on federal lands; establish integrated management systems to control undesirable plants targeted under cooperative agreements. A federal agency is not required to carry out management programs on federal lands unless similar programs are being implemented on state or private lands in the same area.

The Act directs the Secretaries of Agriculture and the Interior to coordinate programs for control, research, and educational efforts associated with noxious weeds. The Secretaries must identify regional control priorities and disseminate technical information to interested state, local and private entities. The Secretary of Agriculture may provide cost share assistance to state and local agencies if a majority of landowners in an area agree to participate in a noxious weed management program.

If an environmental assessment or environmental impact statement is required under the National Environmental Policy Act to implement plant control agreements, federal agencies must complete those assessments or statements within one year after the requirement is known. § 2814.

Suggested in-text citation and full reference:

(7 U.S.C. 2801 et seq.)

7 U.S.C. §§ 2801-2814. Federal Noxious Weed Act of 1974. Secs. 2801 to 2813. Repealed.

Pub. L. 106-224, title IV, Sec. 438(a)(4), June 20, 2000, 114 Stat. 454.

