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& Seed Commissioner**
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SPECIAL USE PERMIT FOR NOXIOUS WEED SPECIES

Information and Instructions for completion of Permit Application



Indiana Special Use Permit for Noxious Weed Species

State Seed Commissioner's Authority for Regulation of Noxious Weeds in Indiana

HISTORY OF NOXIOUS WEED SEED REGULATION

The first Indiana Seed Law approved and enacted on February 24, 1921 established a list of 19 "noxious weeds" that were determined "to be noxious and a menace to the best interests of agriculture in Indiana". As a means of control of these identified species, the Law placed restrictions on the presence of these species when found in seed sold for seeding purposes in the state. As the Law has evolved over the years, the list of noxious weed species has been refined and placed in the Indiana Administrative Code. Definitions of "prohibited" noxious weeds and "restricted" noxious weeds were added to the Law as follows:

IC 15-15-1-18

"Prohibited noxious weed seed"

Sec. 18. As used in this chapter, "prohibited noxious weed seed" means:

- (1) the seeds of perennial weeds that not only reproduce by seed but also spread by underground roots, stems, and other reproductive parts; and
- (2) seeds, which when well established, are highly destructive and difficult to control by ordinary good cultural practice.

IC 15-15-1-20

"Restricted noxious weed seed"

Sec. 20. As used in this chapter, "restricted noxious weed seed" means:

- (1) seeds of weeds that are very objectionable in fields, lawns, and gardens of Indiana; and
- (2) seeds of weeds that can be controlled by good cultural practices.

The Indiana Seed Law has placed the following restrictions on the presence of these species in seed:

IC 15-15-1-40

Unlawful distribution

Sec. 40. A person may not distribute agricultural or vegetable seed within Indiana if any of the following apply:

- (4) If the seed contains or consists of prohibited noxious weed seed.
- (5) If the seed consists of or contains restricted noxious weed seed in excess of one-fourth of one percent (0.25%). If less than one-fourth of one percent (0.25%) of weed seed by weight is present, the number per pound must be declared on the labeling.

Further restrictions are placed on noxious weed seeds as follows:

IC 15-15-1-41

Unlawful acts

Sec. 41. A person may not do any of the following:

- (10) Distribute noxious weed seed.

STATUTE AUTHORITY PROVIDED TO STATE SEED COMMISSIONER

Recent amendments to the Indiana Seed Law (IC 15-15-1) have given the State Seed Commissioner the authority to issue a "special use permit" to persons to use a prohibited noxious weed species or a restricted noxious weed species for the purposes of research, development, production, or education. This applies specifically to the following species defined in 360 IAC 1-1:

Prohibited Noxious Weeds (360 IAC 1-1-5)

- (1) Canada thistle (*Cirsium arvense*)
- (2) Field bindweed (*Convolvulus arvensis*)
- (3) Johnson grass and Sorghum almum (*Sorghum halepense*)
- (4) Perennial peppergrass (*Lepidium draba*)
- (5) Perennial sowthistle (*Sonchus arvensis*)
- (6) Quackgrass (*Agropyron repens*)
- (7) Russian Knapweed (*Centaurea repens*)
- (8) Wild garlic and Wild onion (*Allium* spp.)

Restricted Noxious Weeds (360 IAC 1-1-6)

- (1) Bitter wintercress (*Barbarea vulgaris*)
- (2) Buckhorn (*Plantago lanceolata*)
- (3) Cocklebur (*Xanthium pensylvanicum*)
- (4) Corncockle (*Agrostemma githago*)
- (5) Curled dock (*Rumex crispus*)
- (6) Dodder (*Cuscuta* sp.)
- (7) Eastern black nightshade (*Solanum ptycanthum*)
- (8) Field peppergrass (*Lepidium campestre*)
- (9) Giant foxtail (*Setaria faberii*)
- (10) Horsenettle (*Solanum carolinense*)
- (11) Mustard (*Brassica arvensis*)
- (12) Oxeye daisy (*Chrysanthemum leucanthemum*)
- (13) Pennycress (*Thlaspi arvense*)

INSTRUCTIONS FOR COMPLETION OF THE PERMIT APPLICATION

In determining whether to issue a special use permit, the seed commissioner shall consider each species of noxious weed separately on submitted individual applications.

The application must provide basic information about the specific use of the species selected and specific information relating to the source of seed for the intended project. Emphasis should be placed on the location of production fields, acres to be planted, source of seed to be used and amount, seeding rate and proposed planting dates.

A control plan must be submitted to the seed commissioner to describe the methods used to prevent contamination and/or movement of the species to adjoining land and eradication of the species in existing fields once the project is completed.

It is important to identify sensitive areas close to production fields that may be impacted by the intended species if contamination of areas is likely or the potential for movement of the species is high. Those areas should be identified by location, current use, and proximity to production fields.

There is no permit fee established for this process. The Seed Commissioner shall respond to the applicant within 30 days of receipt of the application with the decision to issue or deny the permit request.

Completed permit applications should be submitted to:

Don Robison
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