

ALABAMA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Ala. Code 1975 § 2-25-3	Alabama Department of Agriculture and Industry, Plant Protection Section
Species List			
State List	Y	Ala. Admin. Code r. 80-10-14-.04	State classifies weeds into Class A, B and C. Class A weeds include federal noxious weed list incorporated by reference.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		State is not an MOU holder, but the Southern Seed Certification Association in Alabama is. However, there is no mention of WFP program on their website. Website states it is a non-profit organization. No reference to Association in Alabama statutes or regulations, and cannot determine an official stamp of approval for program.
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WRP-Related Definitions			
Area of Manufacture/Origin	N		One reference to "mining area of origin" in surface mining regulations.
Borrow/Fill Pit	N		Term used in a few statutory provisions but no definition provided.
Compost	Y	Ala. Admin. Code r. 335-13-14-.02	Definition from solid waste regulations: "Compost" means the humus-like end product produced by the composting of putrescible solid wastes.
Cubed Hay	N		
Gravel	N		
Forage	N		Term used in a few regulations, including in pest law, but no definition
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			

Certify	Y	Code of Ala. § 2-25-6; Ala. Admin. Code r. 80-10-2-.01	By statute, the Department may issue certificates of inspection for dealers or nurse stock. Department has also issued regulations requiring certification of sweet potato seed and plants. Sweet potato program is evidence of broad agency authority to develop certification programs if deemed necessary for pest prevention. https://agi.alabama.gov/plantprotection/sweet-potato/
Inspect	Y	Code of Ala. § 2-25-3; Ala. Admin. Code r. 80-10-14-.10	The Department may inspect "plants, plant products, places or other things and substances" capable of disseminating noxious weeds. This includes interception and inspection while in transit or after arrival.
Transport	Y	Ala. Admin. Code r. 80-10-14-.05	The movement of Class A, B, or C noxious weeds or any regulated article infested with Class A, B, or C noxious weeds into or within Alabama is prohibited.
Enter into MOU	Y	Code of Ala. § 2-25-3	No explicit reference to MOUs, but Department may "enter into cooperative arrangements with any person, municipality, county, and other department of this state and boards, officers, and authorities of other states and the United States" for inspection or distribution of pesticide or other control agents.
Inspection			
Designate Agents/Inspectors	Y	Ala. Admin. Code r. 80-10-14-.02	Inspectors are defined as "Any authorized employee of the State of Alabama, Department of Agriculture and Industries, Plant Protection Section, or any other person authorized by the Commissioner to enforce the provisions of this chapter." Some delegation authority implied by this definition.
Training/Certification of Inspectors	N		No provisions found
Standards	Y	Ala. Admin. Code r. 80-10-14-.08	Certificates to move regulated articles may only be issued if the articles have not been exposed to infestation, free from infestation, treated under direction of inspector, or grown, produced, stored, handled in such a way that noxious weeds would not be moved.
Process	N		No detail found regarding inspection process.
Certification			
Process/Forms	N		
Issuance: Inspection	N		

Issuance: Transit	Y	Ala. Admin. Code r. 80-10-14-.07; Ala. Admin. Code r. 80-10-14-.08; Ala. Admin. Code r. 80-10-14-.06(1)	Certificate or permit required to move regulated articles from regulated areas into Alabama or from a regulated area to non-regulated area in Alabama. Regulated articles include: Soil, compost, peat, humus, muck, decomposed manure, sand, and gravel, either separately or mixed with other articles; except that potting soil commercially prepared and free of noxious weed seed, packaged and shipped in original containers is not a regulated article. Also includes hay, straw, or other material of a similar nature.
Identification/Marking Requirements	N		Limited to nursery stock
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	Y	Ala. Admin. Code r. 80-10-14-.10	Inspectors are authorized to seize, treat, or otherwise dispose of articles found to be moving in violation of these rules.
Prohibition of use of Weed free language	N		
Penalties	Y	Ala. Code 1975 § 2-25-22	Class C Misdemeanor
Embargo/Quarantine	Y	Ala. Admin. Code r. 80-10-14; Code of Ala. § 2-25-4; Code of Ala. § 2-25-5	Statewide quarantine against noxious weeds. Department may also declare a quarantine against any area, place, nursery, grove, orchard, county or counties within this state, other states, territories, foreign countries or portions thereof in reference to plant pests or noxious weeds
Cancellation of certification	Y	Ala. Admin. Code r. 80-10-14-.09	Any certificate, limited permit, scientific permit or compliance agreement which has been issued or authorized may be canceled by the Administrator or the inspector if he determines that the holder has not complied with conditions for its use.
Funding			
State Fund	N		
Fees	N		
Total (out of 38)	9		
	23.68%		

ALASKA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Alaska Stat. § 03.05.027; § 44.37.030; § 03.05.010	Alaska Department of Natural Resources, Division of Agriculture. The commissioner of natural resources shall employ or appoint a state coordinator for noxious weed, invasive plant, and agricultural pest management and education.
Species List			
State List	Y	11 Alaska Admin. Code 34.020	This list is found within the seed regulations. There is no list of invasive plants separate from seed law. But regulation refers to the broader category of "noxious weeds" as opposed to the more limiting "noxious weed seeds."
NAISMA Appendix A	Y		NAISMA list is incorporated into Alaska Weed Free program materials. Website.
Adoption of WFP			
MOU Holder	Y		
Forage	Y		
Gravel	Y		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	N		
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		
Inspect	Y	Alaska Stat. § 03.05.040; 11 Alaska Admin. Code	Regulations do provide authority to inspect seeds (11 AAC 34.045), which would cover prohibited noxious weeds. But, regulations are limited to seeds. There is a broader right

		34.045 and 34.160	to inspect for plant pests (11 AAC 34.160) but unclear that noxious weeds fall within definition of pest. "Pest" means a form of animal life, plant life, or infectious, transmissible, or contagious disease of plants, that is or is liable to be dangerous or detrimental to the agricultural industry of the state. Alaska Admin. Code tit. 11, § 34.400
Transport	Y	Alaska Stat. § 03.05.027; 11 Alaska Admin. Code 34.145	No pest, live insect or disease may be imported into or shipped or transported within the state except for the purpose of identification, unless such shipment or transportation is authorized under written permit and the regulations of the director or the United States Department of Agriculture. Also, under state law directing appointment of state noxious weed coordinator, one of the duties is to regulate and control the entry into the state and transportation of seeds, plants, and other horticultural products.
Enter into MOU	Y		Directive in statute for state weed coordinator to cooperate with other agency, but no formal agreement mentioned. Authority is assumed, however, as agency is MOU holder.
Inspection			
Designate Agents/Inspectors	Y	Alaska Stat. § 03.05.040	Department has inspection authority to carry out Chapter 5 and statute says "the commissioner or an individual designated by the commissioner as an inspector"
Training/Certification of Inspectors	Y		No reference in statute or regulations, but mentioned on program websites and in brochures. Trainings offered every spring.
Standards	Y		Gravel pit inspection standards. Forage standards.
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		

Prohibition of use of Weed free language	N		
Penalties	Y	Alaska Stat. § 03.05.090	Civil fines and misdemeanors
Embargo/Quarantine	Y	11 Alaska Admin. Code 34.130 and 34.140	The director may establish, maintain and enforce such quarantine regulations as he deems necessary to protect the agricultural industry of this state from pests (11 AAC 34.130). May also establish, maintain and enforce quarantine upon discovery of new pest.
Cancellation of certification	N		
Funding			
State Fund	N		
Fees	N		
Total (out of 38)	13		
	34.21%		

Arizona

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Ariz. Rev. Stat. § 3-201.01	Arizona Department of Agriculture
Species List			
State List	Y	Ariz. Admin. Code R3-4-245	
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		MOU Holder listed for state is Arizona Crop Improvement Association. The Plant Services Division's website says the following: the Division "does not manage the 'noxious weed free hay' program directly, but hay and straw can be certified as weed free or you can find vendors for weed free hay through the Arizona Crop Improvement Association." Unclear if there is any official oversight. There is a reference to the Association in regulations, but only with respect to colored cotton seeds. Ariz. Admin. Code R3-4-501.
Forage	Y		
Gravel	Y		
Mulch	Y		
Compost	Y		
Requirement to use certified WFP	N		There is no requirement to use, other than on federal lands. No state level requirement.
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	N		
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		

Agency Authorizations			
Certify	N		Statutory authorization to implement a certification program for (1) nursery stock and (2) citrus budwood.
Inspect	Y	Ariz. Rev. Stat. § 3-201.01	Department may "Enter in or on any premises or other place, train, vehicle or other means of transportation in or entering this state that is suspected of containing, harboring or having present one or more pests." and make inspections to determine if a pest is present.
Transport	Y	Ariz. Rev. Stat. § 3-201.01	Department may enforce all rules and orders necessary "To prevent propagation or dissemination of a pest from one locality to another in this state." May also "To fix the terms and conditions on which plants or any other article or thing of any nature whatever likely to be infested or infected with or be the carrier of, or the means of propagating or disseminating, a pest that may be shipped or brought into this state, or moved from one locality or place to another in this state."
Enter into MOU	Y	Ariz. Rev. Stat. § 3-107	Director may contract and enter into interagency and intergovernmental agreements pursuant to title 11, chapter 7, article 31 with any private party or public agency.
Inspection			
Designate Agents/Inspectors	Y	Ariz. Rev. Stat. § 3-107; § 3-216	Director may authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		

Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	Y	Ariz. Rev. Stat. § 3-215; § 3-215.01	Class 1 or 2 misdemeanor or civil penalty
Embargo/Quarantine	N	Ariz. Rev. State. § 3-203; Ariz. Admn. Code R3-4-245	Authority to quarantine infested or diseased plants.
Cancellation of certification	N		
Funding			
State Fund	N		
Fees	N		
Total (out of 38)	11		
	28.95%		

ARKANSAS

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Ark. Code § 2-16-207	Arkansas Department of Agriculture
Species List			
State List	Y	Ark. Admin. Code 209.02.1-I	
NAISMA Appendix	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	N		
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y		Regulation for certification of vegetable garden plants, including sweet potato and strawberry plants without express statutory authority (rule cites to plant act, emergency plant act, nursery fraud act, and boll weevil). May certify a cotton growers' organization related to boll weevil eradication. Ark. Code § 2-16-612
Inspect	Y	Ark. Code § 2-16-0207	Authority to inspect nurseries (Ark. Admin. Code 209.02.1-III). State Plant Board is directed to make rules governing the inspection of places (§ 2-16-207), which implies state

			authority. And there is an express grant of authority to enter to inspect packages.
Transport	Y	Ark. Code §§ 2-16-212; 2-16-209	The movement, planting, or other use of any plant, plant products, or other thing or substance likely to carry and disseminate the insect pest, disease, or noxious weed may be prohibited within such area as may be designated in a public notice until the board shall find that the danger of the dissemination of the insect, disease, or noxious weed has ceased to exist.
Enter into MOU	N		Nothing general found. Cooperative agreements are authorized under boll weevil program. A.C.A. § 2-16-606 and Johnson grass. A.C.A. § 2-16-506
Inspection			
Designate Agents/Inspectors	Y	Ark Code § 2-16-306	Under the Emergency Plant Act of 1921, the director may, with the approval of the State Plant Board, employ such inspectors or other employees as may be required and may incur such expenses as may be necessary, within the limits of the appropriation made by law or declared by the Governor. A.C.A. § 2-16-306
Training/Certification of Inspectors	N		
Standards	N		Not for weeds. vegetable garden plants including sweet potato and strawberry plants for planting purposes. Code Ark. R. 209.02.1-II. Arkansas producers must have plants inspected and determined to be reasonably free of weeds.
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		Inspection certificate required for shipments of some plants. A.C.A. § 2-16-210
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		

Enforcement			
Stop Sale/Seizure	Y	Ark. Admin. Code 209.02.1-V	Stop-Sale Notices shall be issued for selling, offering for sale or transporting within or into Arkansas for sale, plants and nursery stock as herein regulated that are diseased, insect-infested, containing noxious weeds, dead, or in weak condition.
Prohibition of use of Weed free language	N		
Penalties	N		
Embargo/Quarantine	Y	Ark. Code § 2-16-106	State Plant Board empowered to recover expenses due to quarantines, which implies authority to impose a quarantine. But no separate provision about scope of authority.
Cancellation of certification	N		
Funding			
State Fund	Y	Ark Code §§ 2-16-104; 2-16-106; 2-16-108	There is a dedicated fund for State Plant Board to be used for the maintenance, operation, and improvement of the board (general). There is also a State Plant Board Operations and Facilities Construction Fund which either replaced or supplements the State Plant Board. State may also assess property to cover costs.
Fees	N		
Total (out of 38)	9		
	23.68%		

CALIFORNIA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Cal. Food & Agric. Code § 7271	California Department of Food and Agriculture
Species List			
State List	Y	3 Cal. Code of Reg. § 4500	CDFA has both an established Noxious Weed list and the ability to evaluate and regularly establish additional plant pests for action or commercial restrictions through the process in CCR 3162. In addition, there are specific code sections that pertain to individual weed programs such as Hydrilla.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		The state is not an MOU holder, but three counties are: Inyo/Moyo, Siskiyou, Modoc. Information for program found on this NGO website . No current reference found on CDFA website, although there is an outdated pest exclusion advisory that appears to document historic CDFA oversight of county programs. No express legislative or regulatory language found regarding county WFP program implementation.
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin			
Borrow/Fill Pit	Y	14 Cal. Code of Regs. § 3501	In surface mining regs. Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.
Compost	Y	Cal. Food & Agric. Code § 13190; Cal.	Multiple definitions in various sections. “Compost” means the

		Pub. Res. Code § 42231	product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or that are separated at a centralized facility.
Cubed Hay	N		
Gravel	N		
Forage	Y	Cal. Food & Agric. Code § 5012	Unless otherwise provided in this code, for the purposes of pest management, "forage" means food for domestic or other wild animals that is taken by browsing or grazing, or food that wild or domestic animals take for themselves.
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y	Cal. Food & Agric. Code § 5822; § 5721	CDFA may "Certify as to the pest freedom of plants which may have been inspected or registered or may certify as to the true pest condition of the plants." Also has authority to designate by rule plants liable to be infested with pests and include in regulation standards of cleanliness and provide for certification for adherence to standards. Have a strawberry plant certification program. (3 CCR § 3049.4). Also have a program for certified seed garlic. County commissioners have the authority to "make such inspections as may be necessary to determine the facts which are required by the state or country of intended destination and shall issue a certificate that states the facts which are determined upon receipt of the scheduled fee for a certificate or, if no scheduled fee has been established, upon request of the shipper." Cal. Food & Agric. Code § 5205.
Inspect	Y	Cal. Food & Agric. Code § 5023	As set forth in the plant quarantine section, the commissioner, whenever necessary, may enter and make an inspection of any premises, plant, conveyance, or thing in his jurisdiction. A commissioner shall

			make such inspections as may be necessary to determine the facts which are required by the state or country of intended destination and shall issue a certificate that states the facts which are determined upon receipt of the scheduled fee for a certificate or, if no scheduled fee has been established, upon request of the shipper.
Transport	N		There is no blanket prohibition regarding transport within the state. It is unlawful to ship or transport any plant or any other thing into California which is infested with any pest which has been listed, by the director, as detrimental to agriculture in this state. Cal. Food & Agric. Code § 6461. Shipment can be rejected upon finding plant pest or high risk of infestation.
Enter into MOU	Y	Cal. Food & Agric. Code § 482	The CDFA may enter into cooperative agreements with individuals, associations, boards of supervisors, and with departments, divisions, bureaus, boards, or commissions of this state or of the United States for the purpose of eradicating, controlling, or destroying any infectious disease or pest within this state.
Inspection			
Designate Agents/Inspectors	N		No explicit language found.
Training/Certification of Inspectors	N		No explicit language found.
Standards	N		CFDA regulations for specific certification programs (strawberry plants) have inspection standards.
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	Y	Cal. Food & Agric. Code § 5822	CDFA may issue tags, labels, or certificates in evidence of inspection or registry.
Certify for Out of State Movement	N		
Enforcement			

Stop Sale/Seizure	N		CDFA has nursery cleanliness standards and ability to reject incoming shipments at the California Border Protection stations as described above. No language found regarding stop sale or seizures of in-state shipments
Prohibition of use of Weed free language	N		
Penalties	Y	Cal. Food & Agric. Code § 5027; § 5028	Violations of provisions within Division 4 (Plant Quarantine and Pest Control) is misdemeanor. Violations of state or federal quarantine laws have heavier penalties.
Embargo/Quarantine	Y	Cal. Food & Agric. Code § 5301; § 5321	The director may establish, maintain, and enforce such quarantine regulations as he deems necessary to protect the agricultural industry from pests. The Director may establish, enforce quarantine and eradication regulations to exterminate or prevent the spread of any pest described in FAC 5321 (not generally distributed throughout the state).
Cancellation of certification	N		
Funding			
State Fund	Y	Cal. Food & Agric. Code § 7271; § 7272.5	Noxious Weed Management Account to provide funding to counties; money for research, and state operations. According to state reviewer, 80/20 split on monies for Weed Management Areas and Research respectively, funding based on availability and not consistent year to year. Section 7272 defines the WMAs who are able to receive the funding.
Fees	Y	Cal. Food & Agric. Code § 5822	CDFA is authorized to establish a schedule of fees for services. Additionally, the board of supervisors of any county may establish a schedule of fees for any or all classes of certificates to be paid by shippers that request such certificates. Cal. Food & Agric. Code § 5202.
Total (out of 38)	13		
	34.21%		

COLORADO

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Colo. Rev. Stat. § 35-5.5-108.5	Colorado Department of Agriculture
Species List			
State List	Y	8 Colo. Code of Regs. 1206-2:3 to 1206-2:5	Colorado classifies weeds into Class A, B, and C lists. For prohibited, restricted, and option to require management (more like watch).
NAISMA Appendix A List	N		Colorado regulations adopt a regional list but it is not identical to Appendix A. 8 Colo. Code. of Regs. 1206-3:1.02. Only 45 species on the NAISMA list are included on regional list.
Adoption of WFP			
MOU Holder	N		
Forage	Y	Colo. Rev. Stat. § 35-27.5-103	Weed Free Forage Crop Certification Act
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	Y	2 Colo. Code Regs. 406-9:900 (wildlife properties); 2 Colo. Code Regs. 1002-82:82.6 (water quality certification)	On all wildlife properties except state trust lands. May not possess, store, or use hay, straw, or mulch which has not been certified as noxious weed free in accordance with the Weed Free Forage Crop Certification Act, Colo. Rev. Stat. §§ 35-27.5-101 to 108, or any other state or province participating in the Regional Certified Weed Free Forage Program. Water quality regulations: All seed, mulching material and straw used in the Project shall be state-certified weed-free.
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	Colo. Rev. Stat. § 35-12-103	In fertilizer section. means a substance, derived from a process of biologically degrading organic

			materials, that contains one or more essential available plant nutrients and complies with the minimum standards specified by rule of the commissioner that regulate compost.
Cubed Hay	Y	8 Colo. Code Regs. 1206-3:1.00	“Cubes” means certified weed free forage that has been processed into cube form. Cubes, as that term is used herein, are derived solely from hay and not from other feed crops.
Gravel	N		
Forage	Y	8 Colo. Code Regs. 1206-3:1.00	“Forage” includes hay, straw or mulch
Mulch	N		
Raw Mulch	N		
Pellets	Y	8 Colo. Code Regs. 1206-3:1.00	“Pellets” means certified weed free forage that has been processed into pellet form. Pellets, as that term is used herein, are derived solely from hay and not from other feed crops.
Agency Authorizations			
Certify	Y	Colo. Rev. Stat. § 35-27.5-103	
Inspect	Y	Colo. Rev. Stat. §§ 35-5.5-108.5; 35-5.5-109; 35-27.5-106 (weed free forage)	State or local governing body may inspect if inspection requested by landowner or neighbor, or visual observation of noxious weed infestation.
Transport	Y	8 Colo. Code Regs. 1206-3:2.02	Not mentioned in statute, but transit certifications discussed in regulations.
Enter into MOU	N		Local governing bodies authorized to enter into cooperative agreements with federal and state agencies for the integrated management of noxious weeds. Colo. Rev. Stat. §§ 35-5.5-111; 35-27.5-104 (weed free forage). Colorado's Weed Free Forage Act therefore restricts MOU's and partnership agreements to governmental agencies. According to state reviewer, Colorado has struggled with signing the MOU with NAISMA because of this. Colorado is planning to propose updates to the Act this coming year. If the new language passes, they hope to see this restriction lifted in Spring 2026.
Inspection			

Designate Agents/Inspectors	Y	Colo. Rev. Stat. § 35-27.5-104, 8 Colo. Code Regs. 1206-3:4.00	The commissioner may delegate any powers related to the duties of authorized inspectors. Forage inspections may be conducted by authorized inspectors or qualified employees.
Training/Certification of Inspectors	Y	8 Colo. Code Regs. 1206-3:3.00	Only qualified inspectors may certify forage as being weed free. Individuals seeking designation as a qualified inspector must attend Colorado Department of Agriculture seminars to receive required education and training.
Standards	Y	8 Colo. Code Regs. 1206-3:2.00	Standards outlined in regulation.
Process	Y	8 Colo. Code Regs. 1206-3:2.01	Inspection procedures outlined in regulations.
Certification			
Process/Forms	Y	8 Colo. Code Regs. 1206-3:2.00	A certificate of inspection shall be completed for each field/lot.
Issuance: Inspection	Y		
Issuance: Transit	Y	8 Colo. Code Regs. 1206-3:2.02	A transit document shall accompany all inspected forage (1) if required by the purchaser or the producer, or (2) if the forage is destined to be processed into cubes or pellets.
Identification/Marking Requirements	Y	8 Colo. Code Regs. 1206-3:2.02	All inspected forage bales shall be identified by a marking system, whether colored twine or marked wire.
Certify for Out of State Movement	Y	Colo. Rev. Stat. § 35-4-111	There is no express language within the Weed Free Forage Certification Act, but the Department has authority to issue export certificates on plants under the Pest Control Act.
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	Y	Colo. Rev. Stat. §§ 35-5.5-118; 35-27.5-107 (weed free forage); 8 Colo. Code Regs. 1206-3:5.00	Authority for local enforcement as well - C.R.S.A. § 35-5.5-118.5. civil penalties, petty offense for weed-free forage rules
Embargo/Quarantine	N	Colo. Rev. Stat. § 35-4-110	Authority to declare quarantine for "pests." Unclear whether noxious weeds included in that.

Cancellation of certification	Y	Colo. Rev. Stat. § 35-27.5-105	The commissioner may, after notice and a hearing in compliance with the provisions of article 4 of title 24, C.R.S., resulting in a finding of a violation of this article or any rule or regulation promulgated pursuant to this article, rescind any weed free certification of a crop.
Funding			
State Fund	Y	Colo. Rev. Stat. §§ 35-5.5-116; 35-5.5-108.5; 35-5.5-118	noxious weed management fund. Consists of civil penalties and legislative appropriations. May assess property upon failure of landowner to control. Civil penalties must be deposited in noxious weed management fund.
Fees	Y	Colo. Rev. Stat. § 35-27.5-108; 8 Colo. Code Regs. 1206-3:6.00	Fee schedule for weed free forage crop certification
Total (out of 38)	24		
	63.16%		

CONNECTICUT

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Conn. Gen. Stat. § 22-61g	Connecticut Department of Agriculture has authorities under seed laws, but invasive plant provisions are found within Department of Energy and Environmental Protection.
Species List			
State List	Y	Conn. Gen. Stat. § 22a-381d	List of invasive plants that are unlawful to import, move, sell, purchase, transplant, cultivate or distribute.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	N		
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	Regs. Conn. State Agencies § 22a-209-1	“Mulch” is defined in solid waste provisions as "a protective cover of organic material placed over soil to preserve soil moisture, prevent erosion, or promote the growth of plants."
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		

Inspect	N		Inspection authority is limited to nurseries and nursery stock. Conn. Gen. Stat. § 22-84.
Transport	Y	Conn. Gen. Stat. § 22a-381d	Transport of certain listed invasive plants is prohibited.
Enter into MOU	N		There is statutory language regarding cooperation, but nothing about entering into agreements. Conn. Gen. Stat. § 22a-336
Inspection			
Designate Agents/Inspectors	N		
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	Y	Conn. Gen. Stat. § 22a-381d	Prohibited invasive plants violations have fines of not more than \$100 per plant.
Embargo/Quarantine	N		Quarantine authority for “plant pests” but that does not include weeds. Conn. Gen. Stat. § 22-84
Cancellation of certification	N		
Funding			
State Fund	N		
Fees	N		State enacted a sticker program for motorboats, and is using those funds to support a Invasive Plant Outreach Specialist, but most effort directed at aquatic plants.
Total (out of 38)	5		
	13.16%		

DELAWARE

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	3 Del. Code § 2402	Delaware Department of Agriculture
Species List			
State List	Y	3 Del. Admin. Code 801-2.0 and 806-3.0	List of noxious weeds and invasive plants
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	Y	7 Del. Code § 6002	Defined in environmental control chapter, as “any excavation into the subsurface for the purpose of extraction of earth products with the exception of excavation for utility or road construction, agricultural or highway drainage, or dredging operations under the jurisdiction of the U.S. Army Corps of Engineers.”
Compost	Y	7 Del. Admin. Code 1301-3.0	Defined in solid waste regulations, as “a product of composting that has been stabilized to a humus-like product, is free of pathogens at an infectious level and of viable plant seeds, that does not attract insects or vectors, can be handled and stored without nuisance, and is beneficial to the growth of plants.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		

Agency Authorizations			
Certify	N		No express authority to certify. The Department may institute programs of control and eradication (3 Del. Code § 2402) and adopt reasonable regulations to eradicate, repress and prevent the spread of plant pests (3 Del. Code § 1102). Department has issued regulations for invasive plants, which are linked to plant pest authorities. 3 Del. Admin. Code 806-1.0.
Inspect	N		Department can inspect vehicles and other conveyances to enforce plant pest quarantines (3 Del. Code § 1106), but no general inspection authority for invasive plants.
Transport	Y	3 Del. Code §§ 2404 and 2903; 3 Del. Admin. Code 801-3.0	It is unlawful to import designated noxious weeds into Delaware, or to transport designated noxious weeds, in any form capable of growth, except for purposes of research with the approval of the Department. No person may transport any viable portion, including seeds, of a plant on the Invasive Plant List.
Enter into MOU	Y	3 Del. Code Ann. §§ 2402; 2403; § 1103	The Department may enter into agreements with any county or subdivision of this State, with any adjoining state, or with agencies of the federal or state government to effect a program of control and eradication. The Department may enter into an agreement with any designated county for the purpose of control and eradication of designated noxious weed within that county. The Department may also enter into cooperative agreements with organizations, including, but not limited to, persons, civic groups or governmental agencies to adopt and execute plans to control areas infested or infected with dangerously injurious plant pests.
Inspection			

Designate Agents/Inspectors	N		The only explicit reference to inspections relates to grain inspectors.
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	Y	3 Del. Code §§ 2405, 2407 and 2906; 3 Del. Admin. Code 801-6.0	Civil penalties ranging from \$50 - \$500 for any interference with Department enforcement and "a minimum of \$100 or \$25 per acre of land upon which noxious weeds have set seed, whichever is greater."
Embargo/Quarantine	Y	3 Del. Code § 1106	Authority to establish quarantines for dangerously injurious plant pests. The definition of plant pest includes weeds. 3 Del. C. § 1101(15).
Cancellation of certification	N		
Funding			
State Fund	Y	3 Del. Code § 2407	The fund is reference in the penalty provisions. "The proceeds of any fines or penalties imposed under this chapter shall be deposited into an appropriated special fund account in the Department of Agriculture."
Fees	N		
Total (out of 38)			
	7		
	18.42%		

FLORIDA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Fla. Stat. § 581.031	Florida Department of Agriculture and Consumer Services
Species List			
State List	Y	Fla. Admin. Code r. 5B-57.007	Categories include noxious weeds and invasive plants (which are aquatic)
NAISMA Appendix A List	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	Y	Fla. Stat. § 378.403	Defined in land reclamation chapter to mean "an area of land upon which excavation of surface resources has been conducted, is being conducted, or is planned to be conducted, as the term is commonly used in the mining trade, and is not considered a mine. Such resources are limited to soil, organic soil, sand, or clay that can be removed with construction excavating equipment and loaded on a haul truck with no additional processing."
Compost	Y	Fla. Stat. § 576.011	Defined in agriculture fertilizer chapter to mean "a substance derived primarily or entirely from decomposition of vegetative or animal organic material, which is sold or offered for sale for the purpose of promoting or stimulating plant growth, and to which no inorganic fertilizer materials have

			been added other than to promote decomposition. Such products may not contain more than 12 percent total plant nutrients."
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	Fla. Stat. § 578.011	Defined in seed law to mean "a protective covering of any suitable substance placed with seed which acts to retain sufficient moisture to support seed germination and sustain early seedling growth and aid in the prevention of the evaporation of soil moisture, the control of weeds, and the prevention of erosion."
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y	Fla. Stat. § 581.031	Authority to issue certificates for nursery stock and also "to provide, when requested by farmers, growers, or other interested parties, special inspections, identifications, diagnostic services, treatments, publications, certifications, investigations, and special regulatory activities not otherwise specifically provided for in these statutes."
Inspect	Y	Fla. Stat. § 581.031, Fla. Admin. Code r. 5B-1.005	Authority to inspect nurseries and plants, plant products, and other things.
Transport	Y	Fla. Stat. § 581.083	Unlawful to introduce, multiply, possess, move or release any noxious weed or invasive plant except under permit.
Enter into MOU	Y	Fla. Stat. § 581.031; Fla. Admin. Code r. 5B-57.006, F.A.C	Department has authority to enter into cooperative arrangements with any person, municipality, county, and other department of this state and with boards, officers, and authorities of other states and the United States, including the USDA, for the inspection of plants, plant parts, and plant products and the control or eradication of plant pests or noxious weeds and to contribute

			a just proportionate share of the expenses incurred under these arrangements.
Inspection			
Designate Agents/Inspectors	Y	Fla. Stat. § 581.031	Department has authority to “prescribe the duties of assistants, authorized representatives, inspectors, and other employees as may be required and delegate to them and other employees the powers and authority deemed proper within the limits of the powers and authority conferred upon the director by this chapter.”
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	Y	Fla. Stat. § 581.031	Authority to issue and enforce a stop-sale notice or hold order
Prohibition of use of Weed free language	N		
Penalties	Y	Fla. Stat. § 581.211	Penalties for violations vary, but generally are misdemeanors.
Embargo/Quarantine	Y	Fla. Stat. §§ 581.031; 581.101	Authority to declare a quarantine for noxious weeds.
Cancellation of certification	N		Have authority to cancel certification for nurseryman or nursery stock. Fla. Stat. § 581.031
Funding			
State Fund	Y	Fla. Stat. §§ 581.211; 581.212	State has a Plant Industry Trust Fund in which proceeds from enforcement actions are deposited.
Fees	Y	Fla. Admin. Code r. 5B-2.010	There is a fee schedule for special inspection and certification services that may be provided by the

			division when requested by farmers, growers or other interested parties.
Total (out of 38)	15		
	39.47%		

GEORGIA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Ga. Code Ann. § 2-11-28	Georgia Department of Agriculture
Species List			
State List	N		
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	Y	Ga. Code Ann. § 12-4-72	Defined in surface mining part, to mean “an excavated area where naturally occurring earthen materials are to be removed for use as ordinary fill at another location. Such term shall not include excavated areas of fewer than five acres which are incidental to forestry land management and from which no earthen material is removed for sale.”
Compost	Y	Ga Comp. R. & Regs. 391-3-4-.16	Defined in solid waste rules, to mean “a stabilized organic product produced by a controlled aerobic decomposition process that can be used as a soil additive, fertilizer, growth media or other beneficial use.” Also defined in soil amendment rules as “a biologically stable material derived from the composting process.” Ga. Comp. R. & Regs. 40-31-1-.01
Cubed Hay	N		
Gravel	N		
Forage	N		

Mulch	Y	Ga Comp. R. & Regs. 40-31-1-.01	Defined in soil amendment rules to mean “any organic or inorganic soil surface cover used to help retain moisture longer in the soil by impeding evaporation, to act as a physical barrier to discourage weed growth, to help maintain a constant temperature by insulating the soil, to discourage runoff and soil erosion by shielding the soil surface from water abrasion, to promote water absorption and retention, or some other similar purpose.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y	Ga. Code Ann. § 2-7-23	The Commissioner may make such rules and regulations governing the conditions under which plants or other products may be produced as will permit such plants or other products to be certified as free or relatively free from plant pests.
Inspect	Y	Ga. Code Ann. § 2-7-10	Department “may inspect or cause to be inspected by duly authorized employees or agents any plants, plant products, or other articles, things, or substances that may in the Commissioner's opinion be capable of disseminating or carrying plant pests.” Definition of plant pest includes weeds. Department also has authority to inspect live plant dealer or grower location. Ga Comp. R. & Regs. 40-4-9-.05.
Transport	Y	Ga. Code Ann. § 2-7-13	The Commissioner may intercept and inspect, while in transit or after arrival at destination, all plants, plant products, or other things or substances likely to carry plant pests being moved in this state or brought into this state from another state or territory of the United States or from any foreign country.
Enter into MOU	Y	Ga. Code Ann. § 2-7-7	The Commissioner may enter into cooperative arrangements with any person, municipality, county, or other department of this state and with boards, officers, and

			authorities of other states and of the United States for inspection with reference to plant pests and for the control and eradication thereof.
Inspection			
Designate Agents/Inspectors	Y	Ga. Code Ann. § 2-7-10	Commissioner may "cause to be inspected by duly authorized employees or agents."
Training/Certification of Inspectors	N		
Standards	N		Department does have regulations with standards for specific things, like vegetable plants. Ga Comp. R. & Regs. 40-4-3-.01
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	Y		No reference in statute, but do have regulations for stop-sale orders related to citrus plants, so some authority is presumed. Ga Comp. R. & Regs. 40-4-26-.11
Prohibition of use of Weed free language	N		
Penalties	Y	Ga. Code Ann. § 2-7-31	Violations are classified as misdemeanors.
Embargo/Quarantine	Y	Ga. Code Ann. § 2-7-20	Department has authority to quarantine to address plant pest risks. Definition of plant pest includes weeds.
Cancellation of certification	Y		No reference in statute, but regulations for certified vegetable plants have a provision for revocation of certificate so some authority is presumed. Ga Comp. R. & Regs. 40-4-3-.12
Funding			
State Fund	N		

Fees	N		Department has set fee schedules in some situations. See Ga Comp. R. & Regs. 40-4-9-.03 for live plant dealers.
Total (out of 38)	13		
	34.21%		

HAWAII

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Haw. Rev. Stat. § 152-6	Hawaii Department of Agriculture
Species List			
State List	Y	Haw. Admin. Rules Title 4, Chapter 68	Criteria and designation process set out in Chapter 68. List is attached to the chapter and available online .
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	Haw. Rev. Stat. § 342G-1	Defined in solid waste statute to mean “a relatively stable, decomposed, organic, humus-like material, generated by a composting facility, that is suitable for landscaping or soil amendment purposes.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		
Inspect	Y	Haw. Rev. Stat. § 141-2; Haw. Admin. Rules § 4-72-3	Department has authority to inspect certain plant products for plant pests. Scope of authority includes “control or eradication of insects, mites, diseases, noxious weeds, or other pests” (Haw. Rev. Stat § 141-3). Department shall also adopted rules

			for “the quarantine, inspection, ... either upon introduction into the State, or at any time or place within the State, ... any moss, hay, straw, dry-grass, or other forage.”
Transport	Y	Haw. Rev. Stat. §§ 152-3 and 150A-8; Haw. Admin. Rules § 4-72-4	Unlawful to introduce or to transport specific noxious weeds or their seeds or vegetative reproductive parts into any area designated pursuant to Haw. Rev. Stat. 152-5 as free or reasonably free of those noxious weeds. Flora and fauna specified by rules and regulations of the department shall not be moved from one island to another island within the State or from one locality to another on the same island except by a permit issued by the department. There are also restrictions on the movement of soil. Haw. Admin. Rules § 4-72-7.
Enter into MOU	N		Department’s authority is limited to cooperative agreements with landowner and land occupier for the control or eradication of the noxious weed infestation. Haw. Rev. Stat. § 152-6
Inspection			
Designate Agents/Inspectors	N		
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	Y	Haw. Rev. Stat. § 141-7	Most violations are subject to a fine of no more than \$500. Any person

			who violates any pest control rule shall be fined not more than \$500 for the first offense, nor more than \$5,000 for each offense thereafter.
Embargo/Quarantine	Y	Haw. Rev. Stat. § 152-5; Haw. Admin. Rules § 4-68-11	The Department may declare the entire State, an island, or a section of an island as free or reasonably free of a specific noxious weed.
Cancellation of certification	N		
Funding			
State Fund	N		
Fees	N		Department does have authority to charge fees for inspection in some situations (Ch. 142, 150, or 150A). Haw. Rev. Stat. § 141-5
Total (out of 38)	7		
	18.42%		

IDAHO

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Idaho Code §§ 22-2403; 22-2404	Idaho Department of Agriculture
Species List			
State List	Y	Idaho Admin. Code r. 02.06.09.220	72 species on state list, 34 of which are NAISMA Appendix A species
NAISMA Appendix A	Y	Idaho Admin. Code r. 02.06.09.304; 02.06.09.330	NAISMA Weed List incorporated by reference.
Adoption of WFP			
MOU Holder	Y		ISDA is the MOU holder and WFP Program is run by the state.
Forage	Y	Idaho Admin. Code r. 02.06.09.320	The noxious weed free forage and straw certification program is a voluntary program that provide a means for the inspection, certification, and marking of forage and straw as noxious weed free.
Gravel	N		Gravel is designated as an article capable of disseminating noxious weeds. Idaho Admin. Code r. 02.06.09.220(05)(j). There are no certification standards in place for Idaho at this time
Mulch	N		Mulch is designated as an article capable of disseminating noxious weeds. Idaho Admin. Code r. 02.06.09.220(05)(j). There are no certification standards in place for Idaho at this time.
Compost	N		
Requirement to use certified WFP	Y	Idaho Admin. Code r. 13.01.03.100; 20.07.02.510; 20.03.02.140	It is unlawful to “use or transport any hay, straw, or mulch that is not weed-free certified” on public lands managed by Department of Fish and Game. “Certified weed free seed should be used in revegetation” in oil and gas well reclamation and mining land reclamation.
WFP-Related Definitions			
Area of Manufacture/Origin	N		

Borrow/Fill Pit	N		
Compost	Y	Idaho Code Ann. § 22-2203	Defined in soil and plant amendment chapter to mean “a biologically stable material derived from the composting process.”
Cubed Hay	Y	Idaho Admin. Code r. 02.06.09.310	Referred to as “forage cubes” and defined as “Forage that is harvested from a field certified to NAISMA Standards and is mechanically compacted into wafers or cubes.”
Gravel	N		
Forage	Y	Idaho Admin. Code r. 02.06.09.310	Defined as “Alfalfa, grain, and grass hay, and/or combinations of alfalfa, grain, or grass hay”; the term “forage” includes forage cubes, compressed forage bales, and pellets.
Mulch	Y	Idaho Admin. Code r. 20.03.02.140	Defined in mining reclamation regulations as “vegetation residues or other suitable materials to aid in the stabilization of soil and soil moisture conservation which will provide a micro-climate more suitable for germination and growth on severe sites.”
Raw Mulch	N		
Pellets	Y	Idaho Admin. Code r. 02.06.09.310	Defined as “Forage that is harvested from a field certified to NAISMA Standards and is manufactured into an agglomerated feed, formed by compacting and forcing through die openings by a mechanical process.”
Agency Authorizations			
Certify	Y	Idaho Code § 22-2404	Department granted authority to “inspect and certify Idaho crops and imports and exports to verify freedom from noxious weeds, and authorize others to conduct such inspections and certification”
Inspect	Y	Idaho Code § 22-2404	Department has authority to inspect and certify Idaho crops and imports and exports to verify freedom from noxious weeds, and authorize others to conduct such inspections and certification.
Transport	Y	Idaho Admin. Code r. 02.06.09.320	The WFP program will allow for the preparation of a transit certificate for the purpose of interstate transport or shipping of forage and straw into and

			through states that place regulations and restrictions on such commodities.
Enter into MOU	Y	Idaho Code §§ 22-2404, 22-1914	Department has the authority to initiate cooperative agreements with other agencies and states for the establishment and support of cooperative weed management areas. Department may also enter into cooperative agreements with persons and entities including, but not limited to, civic groups and governmental agencies, to adopt and execute plans to detect and control areas infested with invasive species.
Inspection			
Designate Agents/Inspectors	Y	Idaho Code § 22-2411, Idaho Admin. Code r. 02.06.09.320	The Department will determine minimum training and accreditation standards for approved inspectors.
Training/Certification of Inspectors	Y	Idaho Admin. Code r. 02.06.09.320	The Department will determine minimum training and accreditation standards for approved inspectors. Training will be provided annually by the Department or its agent.
Standards	Y	Idaho Admin. Code r. 02.06.09.320	Certification standards are set forth in regulation.
Process	Y	Idaho Admin. Code r. 02.06.09.320	Inspection procedures set forth in regulation.
Certification			
Process/Forms	Y	Idaho Admin. Code r. 02.06.09.360	Must make annual application on state forms.
Issuance: Inspection	Y	Idaho Admin. Code r. 02.06.09.360	Inspection certificate must document that the requirements have been met.
Issuance: Transit	Y	Idaho Admin. Code r. 02.06.09.320	The program will allow for the preparation of a transit certificate for the purpose of interstate transport or shipping of forage and straw into and through states that place regulations and restrictions on such commodities.
Identification/Marking Requirements	Y	Idaho Admin. Code r. 02.06.09.350	For either the “NAISMA Weed Free Forage Certification Program” or “Idaho State Noxious Weed Free Forage & Straw Certification Program”
Certify for Out of State Movement	Y	Idaho Admin. Code r. 02.06.09.320	Interstate shipment of baled forage and straw shall be accompanied by an original transit certificate issued by the approved inspector in the county of origin.

Enforcement			
Stop Sale/Seizure	N		Can issue stop-sale notices for nursery or florist stock (Idaho Code § 22-2319) and plant pests (Idaho Code § 22-2009). Definition of plant pest includes weeds. Idaho Code § 22-2005. State reviewer noted: It is indirectly possible for this to cover a weed-free product, but state reviewer noted that this has not been done for a weed free product. It has been done multiple times for noxious weed items.
Prohibition of use of Weed free language	N		
Penalties	Y	Idaho Code § 22-2409	Civil penalties and misdemeanor depending on violation.
Embargo/Quarantine	Y	Idaho Code §§ 22-2404(1)(r); 22-2406	Department may "Take any appropriate action necessary to control or quarantine noxious weed infestations whenever an actual or potential emergency situation exists concerning noxious weed infestations anywhere in the state." County control authority may quarantine tracts of land.
Cancellation of certification	N		
Funding			
State Fund	Y	Idaho Code §§ 22-2402; § 22-2406; 22-2409	Idaho Noxious Weed Account (state) and noxious weed fund established in each county. County control authorities may assess a tax to generate funds - deposited into county accounts. Penalties for violations remitted to applicable state or county weed account.
Fees	Y	Idaho Code § 22-2412; Idaho Admin. Code r. 02.06.09.320	Fees may be charged by the certifying agency, under schedules set forth in rules of the Department for certification of crops, plants, plant parts or products
Total (out of 38)	28		
	73.68%		

ILLINOIS

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	505 Ill. Comp. Stat. 100/4	Illinois Department of Agriculture
Species List			
State List	Y	525 Ill. Comp. Stat. 10/3, 8 Ill. Adm. Code 220.60	Exotic weeds were listed by statute in 525 ILCS 10/3. However, text of section only effective until Jan. 1, 2025. Recent legislation removed listed and delegated responsibility to DNR to adopt list by regulation.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	Y		The Illinois Crop Improvement Association is the MOU Holder. While the WFP program is not explicitly mentioned in law, the Department does recognize as official the standards and rules for seed certification last established and authorized by the University of Illinois Agricultural Experiment Station and as carried out by its authorized agent, the Illinois Crop Improvement Association. Ill. Admin. Code tit. 8, § 230.210.
Forage	Y		Weed Free Forage is listed as a service provided by the Association .
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	Ill. Admin. Code tit. 35, § 830.102	Defined in solid waste regulations to mean “the humus-like product of the process of composting waste, which may be used as a soil conditioner.”
Cubed Hay	N		
Gravel	N		

Forage	N		
Mulch	Y	Ill. Admin. Code tit. 62, § 1701 App. A	Defined in Department of Natural Resources general definitions as “means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		No reference to certification or certificates found. Definition of plant pest does not include weeds. Do have authority to certify seeds.
Inspect	Y	505 Ill. Comp. Stat. Ann.100/8; 505 Ill. Comp. Stat. Ann. 100/20	“The Director, any Control Authority, Weed Control Superintendent, or anyone authorized thereby, may enter upon all land under their jurisdiction for the purpose of performing their duties and exercising their powers under this Act.” In addition, each Control Authority shall examine all land under its jurisdiction for the purpose of determining whether the provisions of this Act and the regulations of the Director have been complied with.
Transport	Y	525 Ill. Comp. Stat. 10/4	It is unlawful for any person, corporation, political subdivision, agency or department of the State to buy, sell, offer for sale, distribute or plant seeds, plants or plant parts of exotic weeds without a permit issued by the Department of Natural Resources.
Enter into MOU	N		
Inspection			
Designate Agents/Inspectors	Y	8 Ill. Adm. Code 220.90	Each Control Authority may employ one or more weed control superintendents who must be certified by the Director to carry out the Authority’s duties and responsibilities.
Training/Certification of Inspectors	N		

Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	Y	525 Ill. Comp. Stat. Ann.10/5	Class B misdemeanor for exotic weeds
Embargo/Quarantine	Y	505 Ill. Comp. Stat. Ann. 100/14; 8 Ill. Admin. Code 220.200 through 220.230; 505 Ill. Comp. Stat. Ann. 100/11	When it appears to a Control Authority that there is an infestation of noxious weeds beyond the ability of the owner and the person in control of such land to eradicate, the Control Authority may quarantine such land and take action to eradication.
Cancellation of certification	N		
Funding			
State Fund	Y	505 Ill. Comp. Stat. Ann. 100/10; 100/11; 100/15; 100/17	A Noxious Weed Control Fund may be established for each Control Authority, which are to be funded by the Department from monies collected from a tax levy for weed control and eradication. County control authorities authorized to bill for costs if owner fails or neglects to take required action. If unpaid for 6 months, or longer, the amount of such expense control or eradication costs shall become a lien upon the property. Costs recovered are to be deposited in noxious weed control funds.
Fees	N		
Total (out of 38)	12		
	31.58%		

INDIANA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Ind. Code § 14-24-1-1	Authority given to county control weed boards. Ind. Code § 15-16-7-7. The Indiana Department of Natural Resources is responsible for Article 24 on Entomology and Plant Pathology. Particular species are managed by the DNR, including 44 listed terrestrial invasive plants. DNR's authority through 14-24 extends to nursery stock and any location where sylvan products are sold. It also covers authority to issue phytosanitary certificates. The Indiana Code 15-16 covers county weed board, which are administered by the county township trustee in each of the 92 counties. Office of the Indiana State Chemist administers Indiana Code 15 and is also responsible for certifying fertilizer, pesticides and weed free seeds. For more information see the following link .
Species List			
State List	Y	Ind. Code § 14-24-3-6, Ind. Admin. Code tit. 312, r. 18-3-25	DNR may declare species or subspecies to be pests or pathogens. Published list of prohibited terrestrial invasive plants, 6 of which are on the NAISMA list. A permit is also needed to move, plant, or distribute purple loosestrife. DNR also has authority to ban the sale and distribution of 44 terrestrial plants and 30 aquatic plants within the state. Plants already in the ground are not impacted by the rule as long as they are not moved from where they are growing.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		

Gravel	N		Indiana DNR Division of Water has a sand and gravel permit - for more information see the following website .
Mulch	N		
Compost	N		Indiana compost is regulated by Indiana Department of Environmental Management.
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	Ind. Code § 13-11-2-37	Defined in environmental code to mean “the product produced by the process of composting vegetative matter and other types of organic material; and that may be used as a soil conditioner; as a cover material for a solid waste landfill; or for another use approved by the department.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	Ind. Admin. Code tit. 312, r. 25-1-82; Ind. Admin. Code tit. 329, r. 10-2-114	Defined in coal mining regulations as “vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing microclimatic conditions suitable for germination and growth.” Defined in solid waste regulations as “a natural or artificial layer of plant residue or other material covering the land surface that conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes soil temperature fluctuations.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		Explicit references to certification in statute are limited to nurseries and nursery stock. Ind. Code § 14-24-5-3. There are regulations establishing

			voluntary certification programs for various plants. See, e.g., herbaceous perennials. Ind. Admin. Code tit. 312, r. 18-5-5.
Inspect	Y	Ind. Code § 14-24-4-1	DNR may inspect any site in Indiana where agricultural, horticultural, or sylvan products are being grown, shipped, sold, or stored to determine if a pest or pathogen is present.
Transport	Y	Ind. Admin. Code tit. 312, r. 18-3-25	It is unlawful to transport or transfer a prohibited terrestrial invasive plant.
Enter into MOU	Y	Ind. Code § 14-24-2-2	DNR may enter into a cooperative agreement with the United States government, the government of another state, or an agency of the United States or another state to carry out Article 24.
Inspection			
Designate Agents/Inspectors	Y	Ind. Admin. Code tit. 312, r. 18-1-6	May designate employees as Division Inspectors
Training/Certification of Inspectors	N		DNR provides training to state inspectors, and state reviewer noted there are outreach opportunities exist for members of the public but they do not offer certification of outside inspectors.
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	Y	Ind. Admin. Code tit. 312, r.1.5-3-1	Certification for out of state movement can be obtained through a state or federal phytosanitary certificate by the DNR.
Enforcement			
Stop Sale/Seizure	Y	Ind. Code § 14-24-2-5	There are some references to this authority related to pesticides and seeds, but nothing explicit in Article 24. However, state reviewer noted that DNR has the ability to stop sale or seize anything that is pest or pathogen related under Ind. Code §

			14-24. DNR does have authority to take emergency actions, which include orders to prevent the movement or to require the destruction of a plant or element of beekeeping that contains a pest or pathogen that may pose an environmental, a health, or an economic hazard to Indiana.
Prohibition of use of Weed free language	N		
Penalties	Y	Ind. Code § 14-24-11-4	Class A infraction or Class B misdemeanor depending on violation.
Embargo/Quarantine	Y	Ind. Code § 14-24-3-7	DNR is authorized to issue quarantine rules for plant pests.
Cancellation of certification	Y	Ind. Code §14-24-11-2	DNR may revoke a permit, certification, or other authorization if certain findings are made.
Funding			
State Fund	N		Counties are authorized to establish noxious weed funds, but nothing on the state level.
Fees	Y	Ind. Code § 14-24-3-5	DNR may establish special service fees under Ind. Code § 14-24-10-2. There is also a fee schedule for phytosanitary certificates. Ind. Admin. Code tit. 312, r. 1.5-3-1.
Total (out of 38)			
	14		
	36.84%		

IOWA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Iowa Code § 317.1C	Iowa Department of Agriculture & Land Stewardship
Species List			
State List	Y	Iowa Code § 317.1A; Iowa Admin. Code 21-58.4(317)	
NAISMA Appendix A	Y		Not in regulation, but in Iowa Crop Improvement Association program standards .
Adoption of WFP			
MOU Holder	Y		Iowa Crop Improvement Association is the MOU holder in the state. Association is the official seed certifying agency and has the authority to “adopt procedures for conducting seed and plant stock certification and planting stock quality assurance, pursuant to rules adopted by the department.” Iowa Code Ann. § 177.2. Iowa Admin. Code 21-40.14(199).
Forage	Y		ICIA website has information on weed free forage .
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	Iowa Admin. Code 567-100.2(455B,455D)	Defined in solid waste regulation as “organic material resulting from biological decomposition of waste which can be used as a soil conditioner or soil amendment.”
Cubed Hay	N		
Gravel	N		
Forage	N		

Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		Department has some authority related to crop pest, but scope is limited to "insect pests and disease" injurious to plants and plant products. Iowa Code § 177A.2. Weeds are not mentioned. Iowa Admin. Code 21-46.14
Inspect	N		Limited to injurious insect pests and plant diseases. Iowa Code § 177A.9
Transport	Y	Iowa Code § 317.25	Unlawful to import, sell, offer for sale, or distribute prohibited invasive plants
Enter into MOU	N		Authority to enter into cooperative agreements for pesticide program, but nothing found related to noxious weeds or prohibited invasive plants.
Inspection			
Designate Agents/Inspectors	N		
Training/Certification of Inspectors	N		Department is responsible for training county weed supervisors, but their authorities are limited to eradication and control.
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		Some authority in statute for stop-sale orders related to organic program, seeds, and others. But nothing for noxious weeds or prohibited invasive plants.
Prohibition of use of Weed free language	N		

Penalties	Y	Iowa Code § 317.25	Violations of prohibitions relating to invasive plants are subject to a fine of not more than \$100.
Embargo/Quarantine	N		Department has authority to quarantine for injurious insect pest or plant disease, but not with noxious weeds or prohibited invasive plants.
Cancellation of certification	N		
Funding			
State Fund	N		
Fees	N		Department can set fees for crop pests. Iowa Code § 177A.9. ICIA has a fee schedule for WFP services.
Total (out of 38)	8		
	21.05%		

KANSAS

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Kan. Stat. § 2-1314	Kansas Department of Agriculture
Species List			
State List	Y	Kan. Stat. § 2-1314, Kan. Admin. Regs. 4-8-44	
NAISMA Appendix A	Y		Referenced on Department website .
Adoption of WFP			
MOU Holder	Y		Kansas Department of Agriculture. Link to program website .
Forage	Y		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	Y	Kan. Stat. § 2-1319a	Any and all alfalfa, grass, hay or other forage, straw or mulch carried onto or used for any purpose within the boundaries of any lands owned or managed by the state and its agencies must be certified weed free.
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	N		
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y	Kan. Stat. § 2-2118	Authority found within the plant pest provisions. Definition of plant pest includes weed. Kan. Stat. § 2-2113. Upon request the secretary may provide inspection services for any person who owns or possesses plants or plant products or for certification purposes of regulated articles intended for shipment.

Inspect	Y	Kan. Stat. §§ 2-1330 and 2-2118	Upon request the secretary may provide inspection services for any person who owns or possesses plants or plant products or for certification purposes of regulated articles intended for shipment.
Transport	Y	Kan. Stat. §. 2-2124	Unlawful to move, transport, deliver, ship or offer for shipment into or within this state any plant pests in any living stage without first obtaining approval for such shipment from the secretary.
Enter into MOU	Y	Kan. Stat. § 2-1315	The secretary is authorized to enter into agreements with any agencies of the federal government for cooperation in the control and eradication of noxious weeds in Kansas.
Inspection			
Designate Agents/Inspectors	N		
Training/Certification of Inspectors	N		
Standards	Y		Agency website provides link to NAISMA forage standards dated 2020.
Process	Y		Agency website provides link to NAISMA forage standards dated 2020 that include the process.
Certification			
Process/Forms	Y		Adhere to NAISMA standards per agency website .
Issuance: Inspection	Y		Adhere to NAISMA standards per agency website .
Issuance: Transit	Y		Adhere to NAISMA standards per agency website .
Identification/Marking Requirements	Y		Adhere to NAISMA standards per agency website .
Certify for Out of State Movement	Y	Kan. Stat. § 2-2118	Department may issue certifications for regulated articles intended for shipment.
Enforcement			
Stop Sale/Seizure	N		Authority under chapters for fertilizers and seeds, but not found within plant pests provisions.
Prohibition of use of Weed free language	N		

Penalties	Y	Kan. Stat. §§ 2-1323, 2-2124	Class C Misdemeanor. Fine of \$100 per day for each day of noncompliance up to a maximum fine of \$1,500.
Embargo/Quarantine	Y	Kan. Stat. § 2-2117	The secretary is authorized to quarantine the state or any portion thereof when the secretary determines that such action is necessary to prevent or retard the spread of a plant pest or to contain a plant pest
Cancellation of certification	N		Reference to revocation but only in context of live plant dealer licenses. Kan. Stat. § 2-2122
Funding			
State Fund	N		
Fees	Y	Kan. Admin. Regs. 4-15-8; 4-15-9	Inspection services may be provided upon request to any person who owns or possesses live plants, plant products, bees, beekeeping equipment, or regulated articles. The person shall pay inspection fees of \$30 per hour plus mileage expenses. Inspection fees shall include hourly fees for travel time and time spent on-site. 20 cents for each bale tag provided to satisfy a weed-free forage certificate requirement.
Total (out of 38)	20		
	52.63%		

KENTUCKY

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Ky. Rev. Stat. § 249.430	Kentucky Department of Agriculture
Species List			
State List	N		There is a list found within a directive to the Transportation Department to keep all state rights-of-way free of noxious weeds and invasive plants. But no further provisions restricting these species. Ky. Rev. Stat. § 176.051; 603 Ky. Admin. Regs. 3:100
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	Ky. Rev. Stat. § 224.1-010	Defined in environmental protection chapter as “solid waste which has undergone biological decomposition of organic matter, been disinfected using composting or similar technologies, been stabilized to a degree which is potentially beneficial to plant growth and which is approved for use or sale as a soil amendment, artificial topsoil, growing medium amendment, or other similar uses.”
Cubed Hay	N		
Gravel	Y	405 Ky. Admin. Regs. 5:002	Defined in mining regulation as a “sedimentary rock type that implies a loosely, compacted, coarse sediment that is generally larger than

			4mm, but smaller than boulders; a naturally occurring aggregate.”
Forage	N		
Mulch	Y	405 Ky. Admin. Regs. 20:001	Defined in Department of Natural Resources regulation as “vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		No specific language found regarding certification, but the Department does have the authority to promote and sponsor programs to control pests and noxious weeds, enforce related regulatory and service measures, and conduct a pest and noxious weed control program. Ky. Rev. Stat. § 249.420. Definition of plant pest includes weed. Ky. Rev. Stat. § 249.010. However, the Department has published no relevant regulations.
Inspect	Y	Ky. Rev. Stat. § 249.050	Department has authority to inspect places or premises infested with disease or destructive pests. Definition of pest includes weeds.
Transport	N		
Enter into MOU	N		
Inspection			
Designate Agents/Inspectors	N		Authority is limited to nursery inspectors. Ky. Rev. Stat. § 249.020
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		

Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	Y	Ky. Rev. Stat. § 249.990	Fines for penalties range from \$25 - \$500
Embargo/Quarantine	Y	Ky. Rev. Stat. § 249.040	Department may establish and maintain quarantines against the importation and transportation within this state, of any trees, plants, and parts of plants, whether nursery-grown or not, from any state or from any county within the state where the plants or parts of plants are known to be affected with dangerous insect pests or plant diseases.
Cancellation of certification	N		
Funding			
State Fund	N		
Fees	N		
Total (out of 38)	7		
	18.42%		

LOUISIANA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	La. Rev. Stat. §§ 3:1652 (crop pests); 3:1433 (seeds)	Louisiana Department of Agriculture & Forestry
Species List			
State List	Y	La. Admin Code. tit. 7, Pt XIII, § 109	The list is found within the seed regulations, but refers to “noxious weeds” not just “noxious weed seeds”. There is also a separate provision declaring Chinese tallow a noxious plant.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	33 La. Admin. Code Pt VII, 115	Defined in solid waste regulation as “a solid waste that has undergone biological decomposition of organic matter and has been stabilized using composting or similar technologies, to a degree that is beneficial to plant growth, and that is used, or sold for use, as a soil amendment, artificial topsoil, growing-medium amendment, or other similar uses.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	43 La. Admin. Code Pt XV, 105	Defined in surface mining regulation as “vegetation residues or other suitable materials that aid in soil stabilization and soil moisture

			conservation, thus providing micro-climatic conditions suitable for germination and growth.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		The Department has authority to certify for pests and diseases, but the definition of plant pest is limited to insects. La. Admin Code. tit. 7, Pt XV, §§ 103 and 115. The Department has adopted a certification program for turf and pasture grass under the seed law authority that requires it be weed free. La. Admin Code. tit. 7, Pt XIII, § 723. There is also a certificate program for some aquatic plants. La. Admin Code. tit. 7, Pt XIII, § 715.
Inspect	N		
Transport	N		
Enter into MOU	N		
Inspection			
Designate Agents/Inspectors	N		
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	N		
Embargo/Quarantine	N		
Cancellation of certification	N		

Funding			
State Fund	N		
Fees	N		
Total (out of 38)	4		
	10.53%		

MAINE

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Me. Rev. Stat. tit. 7, § 2212	Maine Department of Agriculture, Conservation and Forestry
Species List			
State List	Y	Code Me. R. tit. 01-001, Ch. 273, § V	List of regulated invasive terrestrial plant species.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		There is encouragement to use “weed free hay or straw” in the vegetation stabilization provisions for construction projects. Code Me. R. tit. 01-672, Ch. 10, App. B.
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	Y	Me. Rev. Stat. Ann. tit. 38, § 482	Define by the environmental standards board as “a mining operation undertaken primarily to extract and remove sand, fill or gravel. ‘Borrow pit’ does not include any mining operation undertaken primarily to extract or remove rock or clay.”
Compost	Y	Code Me. R. tit. 01-001, Ch. 560, § 4	Defined in standards for compost products as “organic materials which have undergone biological decomposition, and have been disinfected using composting or similar technologies, and have been stabilized to a degree which is potentially beneficial to plant growth.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	Code Me. R. tit. 01-001, Ch. 560, § 4	Defined in standards for compost products as “protective covering of various substances, especially organic,

			placed around plants to prevent erosion, compaction, evaporation of moisture, and freezing of roots and to control weeds.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		“Plant pest” means any insect, mite, nematode, fungus, virus, bacteria, slug, snail or other form of aquatic or terrestrial plant or organism that may cause injury to a plant or that the commissioner declares to be a plant pest. Me. Rev. Stat. Ann. tit. 7, § 2211. Certification authority limited to nursery stock. Me. Rev. Stat. Ann. tit. 7, § 2214
Inspect	Y	Me. Rev. Stat. Ann. tit. 7, § 2213	The State Horticulturist or an assistant may inspect any orchard, field, garden or roadside in public or private grounds if there is reasonable cause to believe the area is infested with a plant pest that may be a threat to plants belonging to other property owners or to the health or safety of the general public. A person may request inspection of other material by the State Horticulturist prior to the movement or sale of that material.
Transport	N		Authority is limited to transport of nursery stock. Me. Rev. Stat. Ann. tit. 7, § 2215. It is unlawful to import, export, buy, sell, or intentionally propagate for sale or distribution any living and viable portion of any plant species, which includes all of their cultivars, varieties and hybrids, listed in Section V. Code Me. R. tit. 01-001 Ch. 273, § III
Enter into MOU	Y	Me. Rev. Stat. Ann. tit. 7, § 9	The commissioner may enter into agreements or cooperative arrangements with a state or federal agency or with any person, firm or corporation for the purpose of controlling diseases of plants and domestic animals, advertising and increasing the sale and consumption of Maine food products or disseminating information concerning the grade,

			quality or condition of same, and supplying inspection and grading services with respect to such food products
Inspection			
Designate Agents/Inspectors	N		Not with respect to invasive plants. Statutory provisions for honeybees and potato inspections.
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		A few references found, including with seeds but not in horticulture section. Me. Rev. Stat. Ann. tit. 7, § 1047
Prohibition of use of Weed free language	N		
Penalties	Y	Me. Rev. Stat. Ann. tit. 7, § 2216	Fines of not more than \$500.
Embargo/Quarantine	N		Limited to dangerous plant disease or insect infestation. Me. Rev. Stat. Ann. tit. 7, § 2301
Cancellation of certification	N		
Funding			
State Fund	Y	Me. Rev. Stat. Ann. tit. 7, § 2213	Funds generated from inspection fees must be deposited in a nonlapsing account and used to conduct the inspections.
Fees	Y	Me. Rev. Stat. Ann. tit. 7, § 2213	The commissioner may assess fees to cover the costs associated with inspections.
Total (out of 38)	10		
	26.32%		

MARYLAND

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Md. Code Agric. § 9-402	Maryland Department of Agriculture
Species List			
State List	Y	Md. Regs. Code § 15.06.05.03	Regulatory list of noxious weeds.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	Y	Md. Code Env't § 15-801	Defined in surface mining statute as “an area from which soil or other unconsolidated materials are removed to be used, without further processing, as fill for activities such as landscaping, building construction, or highway construction and maintenance.”
Compost	Y	Md. Code Regs. § 15.18.04.01	Defined in Department of Agriculture regulations as “a stabilized organic product produced by the controlled aerobic decomposition process in such a manner that the product may be handled, stored, and applied to the land or used as a soil conditioner in an environmentally acceptable manner without adversely affecting plant growth.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	Md. Code Regs. § 26.20.01.02	Defined in surface mining regulations as “vegetation residues or other suitable materials that aid in soil

			stabilization and soil moisture conservation, thus providing microclimatic conditions suitable for germination and growth.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		Secretary is authorized to institute “programs.” Md. Code Regs. § 15.06.05.04. The state’s definition of plant pest includes weeds. Md. Code Regs. § 15.06.02.01. However, explicit references to certification authority is limited to nurseries. There is a general regulation about producing plants for special certification, but appears limited to sale of live plants not harvested crops. Md. Code Regs. § 15.06.02.15.
Inspect	N		Reference to inspect in Maryland Turf Grass Law. Md. Code Agric. § 9-102; Md. Code Regs. § 15.08.04.06. Department also has authority to inspect seed, nurseries, and certain products coming in. But nothing broadly applicable to noxious weeds.
Transport	Y	Md. Code Agric. § 9-40; Md. Code Regs. § 15.06.04.04	Unlawful to import or transport a noxious weed in the State in any form capable of growth. Also unlawful to transport Tier 1 invasive plant.
Enter into MOU	Y	Md. Code Agric. § 9-402; Md. Code Regs. § 15.06.05.04	Enter into agreements with a county or other political subdivision of the State, an adjoining state, or an agency of the federal government to implement a program for the control and eradication of a noxious weed.
Inspection			
Designate Agents/Inspectors	Y	Md. Code Regs. § 15.06.02.01	The definition of inspector refers to designation.
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		

Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	Y	Md. Code Regs. §§ 15.06.02.08; 15.06.02.09; 15.06.02.12; 15.06.04.05	Nursery stock infested or infected with a dangerously injurious plant pest may be marked with a stop-sale tag. Any plant or plant part, whether or not included under the definition of nursery stock, found in the State infested with injurious plant pests, is subject to stop sale or condemnation seizure procedures. With respect to weeds, a stop-sale notice may be issued when the following weeds are detected infesting the root ball: Mugwort, Bermudagrass, Dodder, Johnsongrass, Poison ivy, Thistles, Witchweed, Mile-a-Minute, or any other weed determined by the Department to be dangerously injurious.
Prohibition of use of Weed free language	N		
Penalties	Y	Md. Code, Agric. § 9-406; Md. Code Regs. § 15.06.05.05	Civil penalties range from \$500 - \$2,000.
Embargo/Quarantine	Y	Md Code Agric. § 9-402	Following a public hearing, the Secretary may declare a quarantine to control or eradicate any exotic plant, which means a plant species not previously known to occur in the State or known to be of only limited distribution in the State.
Cancellation of certification	Y	Md. Code Regs. § 15.06.02.17	The Department may revoke, suspend, or deny a license, certificate, or permit for a failure to comply with the Plant Pest Control Law or regulations.
Funding			
State Fund	Y	Md. Code Agric. § 9-406	Penalties are to be deposited in a special fund for noxious weed control or eradication.
Fees	Y	Md. Code Regs. § 15.06.02.06	Department has adopted a fee schedule for plant pest control services.
Total (out of 38)	14		
	36.84%		

MASSACHUSETTS

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Mass. Gen. Laws ch. 132 § 11 (invasive plants); ch. 128 § 2 (plant pest control)	Massachusetts Department of Agricultural Resources
Species List			
State List	Y		Massachusetts Prohibited Plant List is published on Department's website .
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	N		
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	330 Mass. Code Regs. 6.02	Defined in seed regulation as “a protective covering of any suitable substance placed with seed which acts to retain sufficient moisture to support seed germination and sustain early seedling growth and aid in the prevention of the evaporation of soil moisture, the control of weeds and the prevention of erosion.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		Authority is limited to nursery stock. Mass. Gen. Laws ch. 128 § 17.
Inspect	Y	Mass. Gen. Laws ch. 128, § 24	The Department may inspect any orchard, field garden, roadside or other

			place where trees, shrubs or other plants exist, whether on public or private property, which he may know or have reason to suspect is overgrown with noxious weeds.
Transport	Y		No reference in law found but the Department's prohibited plants list states that distribution is prohibited.
Enter into MOU	N		There is a reference to cooperation with federal government related to seeds, but nothing for noxious weeds.
Inspection			
Designate Agents/Inspectors	Y	Mass. Gen. Laws ch. 128, § 24	Authority provided to director, either personally or through assistants.
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		A reference to stop sale orders found in seed definitions, but not with respect to invasive plants.
Prohibition of use of Weed free language	N		
Penalties	N		Limited to nursery stock provisions. Mass. Gen. Laws ch.128 § 29
Embargo/Quarantine	Y	Mass. Gen. Laws ch. 128 § 2	No explicit reference in statute, but have issued quarantine regulations for white pine blister rust.
Cancellation of certification	N		
Funding			
State Fund	N		
Fees	N		
Total (out of 38)	7		
	17.95%		

MICHIGAN

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Mich. Comp. Laws § 247.68	Michigan Department of Agriculture & Rural Development
Species List			
State List	Y	Mich. Admin. Code r. 285.715.7; Mich. Comp. Laws § 324.41301	Michigan has two lists: (1) prohibited plants and restricted plants and (2) noxious weeds.
NAISMA Appendix A	N		State reviewer noted that NAISMA's list, as well as additional species of concern for the state will be included as part of a voluntary certification program they are setting up.
Adoption of WFP			
MOU Holder	Y		Michigan Department of Agriculture is an MOU holder. According to state reviewer, they are standing up a voluntary program for gravel/fill, compost and wood chip mulch. In addition, the Michigan Crop Improvement Association is on MOU holder list for forage and mulch. The Association is designated an official seed-certifying agency to assist and advise the Department in certifying the varietal purity, quality, vitality, and freedom from disease of seeds of field crops and turfgrass in accordance with these rules and standards. Mich. Admin. Code R 285.623.101.
Forage	Y		Information available on MCIA program website .
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		

Compost	Y	Mich. Admin. Code r. 299.4106a	Defined in solid waste regulations as “organic matter from yard clippings or compostable materials that have undergone biological decomposition by composting, that have been stabilized to a degree that it is potentially beneficial to plant growth without creating a nuisance, and that are used or sold for use as a soil amendment, artificial topsoil, or growing medium amendment or for other similar uses.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		Authority to certify limited to seeds and nursery stock. The state plant and pest diseases legislation doesn’t refer to weeds. State reviewer indicated that they expect to have voluntary certification program in place by 2026.
Inspect	N		Inspection authority limited to seeds and nursery stock. No use of term “inspect” in chapter on Weed Commissioners.
Transport	N		Sale and possession of a handful to terrestrial plants is prohibited, although there are restrictions related to seed, pests, nursery stock.
Enter into MOU	N		Requirement for Department to cooperate with county weed commissioners, but no reference to agreements.
Inspection			
Designate Agents/Inspectors	N		
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		

Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	N		Not at the state level. County boards can impose fines for weed violations. Mich. Comp. Laws § 247.70.
Embargo/Quarantine	N		Authority limited to dangerous plant disease or insect infestation. Mich. Comp. Laws § 286.223.
Cancellation of certification	N		
Funding			
State Fund	Y	Mich. Comp. Laws § 324.41311	The state established an Invasive Species Fund under the nonnative organisms law, and there are terrestrial plants listed. There is no reference to noxious weeds, and unclear whether Department could expend funds related to such activities.
Fees	N		Authority to establish fees limited to nursery stock licensing and inspection. Mich. Comp. Laws § 286.209
Total (out of 38)			
	6		
	15.79%		

MINNESOTA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Minn. Stat. § 18.79	Minnesota Department of Agriculture
Species List			
State List	Y	Minn. Stat. § 18.771	Noxious weed list available on the Department website .
NAISMA Appendix A	Y		Incorporated into standards available MCIA program website .
Adoption of WFP			
MOU Holder	Y		The Minnesota Crop Improvement Association and Minnesota Association of County Agricultural Inspectors listed as MOU holders. The MCIA is the official WFP certification agency as designated by the Department pursuant to Minn. Stat. § 18.79. No reference to MACAI found in law.
Forage	Y		See MCIA program website .
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	Minn. Stat. § 18C.005	Defined in fertilizer statute as “a biologically stable material derived from the composting process. ‘Composting’ is the biological decomposition of organic matter. It is accomplished by mixing and piling in such a way as to promote aerobic or anaerobic decay or both. The process inhibits pathogens, viable weed seeds, and odors.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		

Pellets	N		
Agency Authorizations			
Certify	Y	Minn. Stat. § 18.79	The Department may certify forage, mulch, soil, gravel, or other material as noxious weed free, and is also tasked with determining in consultation with the director of the Minnesota agricultural experiment station the official certification agency for noxious-weed-free forage, mulch, soil, gravel, and other material.
Inspect	Y	Minn. Stat. §§ 18.81; 18.77	Inspectors have a range of duties related to enforcement of control, management, and transportation provisions. “Inspector” means the commissioner, agent of the commissioner, county agricultural inspector, local weed inspector, or assistant weed inspector.
Transport	Y	Minn. Stat. § 18.82	Transporting noxious weed propagating parts without a permit is prohibited, except as otherwise provided by law.
Enter into MOU	Y	Minn. Stat. §§ 18.79; 18G.10	The Department may enter into cooperative agreements with federal and state agencies for administration of the plant export certification program. The Department is also directed to cooperate with agencies of federal, state, and local governments and other persons in carrying out duties under the Noxious Weed Law.
Inspection			
Designate Agents/Inspectors	Y	Minn. Stat. §§ 18.80; 18.77; 18.79	“Inspector” means the commissioner, agent of the commissioner, county agricultural inspector, local weed inspector, or assistant weed inspector. Municipalities and counties can also appoint or designate employees to serve as inspectors.
Training/Certification of Inspectors	Y	Minn. Stat. § 18.79, Minn. R. 1505.0756	The commissioner shall conduct initial training considered necessary for inspectors and county-designated employees in the enforcement of the Minnesota Noxious Weed Law.
Standards	Y		Standards outlined on MCIA website .
Process	Y		Process outlined on MCIA website .

Certification			
Process/Forms	Y	Minn. Stat. § 18.79	The Department authorized to prescribe the forms to be used in the enforcement of Noxious Weed Law.
Issuance: Inspection	Y		Standards outlined on MCIA website .
Issuance: Transit	Y		Standards outlined on MCIA website .
Identification/Marking Requirements	Y		Standards outlined on MCIA website .
Certify for Out of State Movement	Y	Minn. Stat. § 18G.10	The Department may issue certificates verifying that various Minnesota agricultural products meet the import requirements of other states or specified pest absence assurances.
Enforcement			
Stop Sale/Seizure	N		The Department has authority with respect to nursery stock (Minn. Stat. § 18H.03) and seed (Minn. Stat. § 21.86)
Prohibition of use of Weed free language	N		
Penalties	Y	Minn. Stat. § 18.87	A violation of the Noxious Weed Law or rule under it is a misdemeanor.
Embargo/Quarantine	Y	Minn. Stat. § 18G.06	The Department may impose a quarantine restricting or regulating the production, movement, or existence of plants, plant products, agricultural commodities, crop seed, farm products, or other articles or materials in order that the introduction or spread of a plant pest may be prevented or limited or an existing plant pest may be controlled or eradicated. The definition of plant pest includes weeds.
Cancellation of certification	Y	Minn. Stat. § 18G.10	The commissioner may deny or cancel the issuance of a phytosanitary certificate if certain conditions met.
Funding			
State Fund	Y	Minn. Stat. § 18.89	There is noxious weed and invasive plant species assistance account within the agricultural fund.
Fees	Y	Minn. Stat. § 18G.10	The Department is authorized to assess fees to recover costs for the phytosanitary inspection services. Additionally, the MCIA has established a fee schedule for WFP services.
Total (out of 38)			
	22		
	57.89%		

MISSISSIPPI

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Miss. Code Ann. § 69-25-7	Mississippi Department of Agriculture & Commerce
Species List			
State List	Y	2 Code Miss. R. Pt. 1, Subpt. 3, Ch. 01	Regulatory list of noxious weeds.
NAISMA Appendix A List	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	11 Code Miss. R. Pt. 4, R. 1.1	Defined in solid waste regulation as “the resulting product from a composting facility after having undergone biological decomposition, less residuals or recyclables, and which has been stabilized to a degree that it is potentially beneficial to plant growth and which is used or sold for use as a soil amendment, artificial topsoil, growing medium amendment, or other similar uses.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y	Miss. Code Ann. § 69-25-19	It is unlawful to sell, give away, carry, or ship plants or plant products unless it has been officially inspected and a certificate issued by an inspector that

			says inspected and found to be apparently free from insect pests, diseases and noxious weeds.
Inspect	Y	Miss. Code Ann. § 69-25-7	The Department may conduct inspections as may be necessary in carrying out the plant diseases and pests article.
Transport	Y	Miss. Code Ann. §§ 69-25-27 and 69-25-29; 2 Code Miss. R. Pt. 1, Subpt. 3, Ch. 01	The Department may prevent and prohibit the introduction into the state for the purpose of transportation through the state for the purpose of protecting the environment, agricultural and horticultural production, the plant life and plant products of Mississippi.
Enter into MOU	Y	Miss. Code Ann. § 69-25-7	To carry out the provisions of the plant diseases and pests article, the Department may enter into compacts and memorandums of agreement and/or understanding with governmental agencies or private organizations.
Inspection			
Designate Agents/Inspectors	Y	Miss. Code Ann. § 69-25-13	The Department may employ, prescribe the duties of, and fix the compensation of, such inspectors and other employees as he may require to carry out duties under the plant diseases and pests article.
Training/Certification of Inspectors	N		
Standards	N		There are inspection standards associated with the Benghal Dayflower Quarantine. 2 Code Miss. R. Pt. 1, Subpt. 3, Ch. 01
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		Although no general certification for noxious weeds, Benghal Dayflower Quarantine regulations reference certificates for shipments. 2 Code Miss. R. Pt. 1, Subpt. 3, Ch. 01
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		

Enforcement			
Stop Sale/Seizure	Y	2 Code Miss. R. Pt. 1, Subpt. 3, Ch. 01	Can issue “hold out” tags when intercepted in transit.
Prohibition of use of Weed free language	N		
Penalties	Y	Miss. Code Ann. § 69-25-47	Violations are misdemeanor subject to a maximum of \$1,000 fine and 6 months in jail.
Embargo/Quarantine	Y	Miss. Code Ann. § § 69-25-7; 69-25-23; and 69-25-25; 2 Code Miss. R. Pt. 1, Subpt. 3, Ch. 01	The Department may promulgate and enforce quarantine regulations as may be necessary to carry out duties. Regulations have references to “Hold Out Tags” and quarantine tags. A package with a hold out tag may not be removed from a station until the tag has been removed, and the contents of package inspected and certified by the Department.
Cancellation of certification	Y	2 Code Miss. R. Pt. 1, Subpt. 3, Ch. 01	Although mentioned in the context of nursery stock, regulation states that “any certificate may be revoked and all certificates recalled, at any time, for any violation.”
Funding			
State Fund	N		
Fees	Y	Miss. Code Ann. § 69-25-19	Department is authorized to charge fees for inspections.
Total (out of 38)	13		
	34.21%		

MISSOURI

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Mo. Rev. Stat. § 263.040	The Missouri Department of Agriculture regulates plant pests under the Missouri Plant Law. Definition of “plant pest” includes parasitic weeds. Mo. Rev. Stat. § 263.020. Invasive plants are not included in its regulations. There are separate state statutes on noxious weeds and Johnson grass. The statutes allow for the formation of boards/commissions at the county level (noxious weed control board and Johnson grass control board) that are responsible for regulating noxious weeds and Johnson grass.
Species List			
State List	Y	Mo. Code Regs. Ann. tit. 2, § 70-45.005	Regulatory list of noxious weeds adopted under authority of Mo. Rev. Stat. § 263.190.
NAISMA Appendix A List	N		Missouri Crop Improvement Association (MCIA) uses the NAISMA list in their inspections, but designated as a “N” because review found no official delegation of authority to MCIA.
Adoption of WFP			
MOU Holder	N		MCIA is the MOU holder in the state. No reference to MCIA in state statutes/regulations, so designation of authority is unclear. State reviewer noted that the state does native species inspections, but there is no official agreement between the MCIA and the Department of Agriculture.
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified weed free products	N		

WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	N		
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		Authority limited to nursery growers and dealers.
Inspect	Y	Mo. Ann. Stat. § 263.050	There is state authority to inspect and quarantine for plant pests, which by definition includes parasitic weeds. The state entomologist may conduct such inspections and promulgate and enforce such quarantine rules as may be necessary; however no noxious weeds currently identified as plant pests in regulations. The Department also has authority to inspect plant shipments for diseases and insects. There is authority to inspect for johnson grass. Mo. Rev. Stat. § 263.259. Inspection authority rests with county weed boards. The county weed control board shall inspect all lands for compliance with the weed law and “all lands of the county each year during which the county is classed as a noxious weed control area.”
Transport	N		
Enter into MOU	Y	Mo. Rev. Stat. § 263.456	The Department may cooperate with and may enter into cooperative agreements with state and federal agencies and departments for the furtherance of the control of noxious weeds (found within section related to noxious weed control areas).
Inspection			
Designate Agents/Inspectors	N		No authority on the state level. County weed control boards are directed to hire inspectors.

Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		State reviewer noted that MCIA does all of this themselves, but there is no delegation of authority or statement regarding program anywhere in Missouri plant law.
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		Department has authority under seed law, but not for noxious weeds.
Prohibition of use of Weed free language	N		
Penalties	Y	Mo. Ann. Stat. § 263.240	Violations of section 263.190 (noxious weed control orders, prohibition on sale) are misdemeanors. Enforcement duty of county prosecutor.
Embargo/Quarantine	Y	Mo. Rev. Stat. § 263.130	State department of agriculture has quarantine authority for plant pests. Definition includes parastic weeds.
Cancellation of certification	N		
Funding			
State Fund	N		
Fees	Y	Mo. Code Regs. Ann. tit. 2, § 70-10.075	Nursery stock regulation establishes fee schedule for the field inspection of grain and forage crops or any other plants or plant products other than nursery stock and sod.
Total (out of 38)			
	7		
	18.42%		

MONTANA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Mont. Code Ann. § 80-7-905	Montana Department of Agriculture
Species List			
State List	Y	Mont. Admin. R. 4.5.206 - 4.5.209.	Regulatory list of Department designated noxious weeds.
NAISMA Appendix A	Y	Mont. Admin. R. 4.5.303; 4.5.403	Regulations state that regional certification program includes species beyond the state list. State reviewer noted that NAISMA list is located on the inspection form and inspectors are tested for both state and NAISMA species.
Adoption of WFP			
MOU Holder	Y		The Department is an MOU Holder, but so are Carter County, Jefferson County, and Missoula County Weed Districts .
Forage	Y	Mont. Admin. R. Title 4, Ch. 5, sub-ch. 3	Forage includes “livestock forage, bedding, mulch, pellets, cubes, grain concentrates and related material.”
Gravel	Y	Mont. Code Ann. § 80-7-913; Mont. Admin. R. 4.5.406	Gravel is included under “weed free materials.”
Mulch	Y	Mont. Code Ann. § 80-7-913, Mont. Admin. R. 4.5.406	Mulch is included under “weed free materials.”
Compost	Y	Mont. Code Ann. § 80-7-913, Mont. Admin. R. 4.5.406	Compost is included under “weed free materials.”
Requirement to use certified WFP	Y	Mont. Code Ann. § 80-7-912	All forage products used by public utilities and local, county, state, or federal agencies, including but not limited to mulches, bedding materials, and erosion control barriers, must be certified as noxious weed seed free. In addition, state reviewer noted that USFS, BLM, DNRC all have resolutions that deem weed free products be used on their lands.
WFP-Related Definitions			
Area of Manufacture/Origin	N		

Borrow/Fill Pit	N		
Compost	N		
Cubed Hay	Y	Mont. Admin. R. 4.5.302	“Cubes and other processed forage products (physical form)” means forage harvested from a certified field that is compacted into large pellets.
Gravel	Y	Mont. Admin. R. 4.5.402	“Gravel” means small stones or pebbles, or a mixture of these with sand, stone, and gravel as well as recycled concrete and asphalt materials.
Forage	Y	Mont. Code Ann. § 80-7-903	“Forage” means any crop, including alfalfa, grass, small grains, straw, and similar crops and commodities, that is grown, harvested, and sold for livestock forage, bedding material, or mulch or related uses and the byproducts of those crops or commodities that have been processed into pellets, cubes, or related products.
Mulch	Y	Mont. Admin. R. 4.5.402	“Mulch” means any material or mix of materials that consists of a combination of vegetation and/or synthetic products that are manufactured as a whole and that are used for temperature, moisture, and/or erosion control, weed suppression, or aesthetic purposes, and are applied solely as a surface treatment.
Raw Mulch	N		
Pellets	Y	Mont. Admin. R. 4.5.302	“Pellets and other processed forage products (physical form)” means agglomerated feed formed by compacting and forcing through die openings by a mechanical process. If temperature is not used in the process, the forage must be from a certified field.
Agency Authorizations			
Certify	Y	Mont. Code Ann. §§ 80-7-905; 80-7-906; 80-7-913	The Department may establish certification standards and processes for forage and byproducts of forage and determine if processed forage byproducts are noxious weed seed free, based upon field of origin or verification that the production process has destroyed the viability of noxious weed seeds.

Inspect	Y	Mont. Code Ann. §§ 80-7-909; 80-7-910	The Department may adopt rules for inspections and investigation procedures and standards. The Department or its authorized agents, upon reasonable cause, may enter any private or public premises, property, or vehicle with a warrant or with the consent of the inhabitant or owner to inspect, sample, or investigate at reasonable times forage subject to certification or sale as certified forage or as free of noxious weed seeds.
Transport	Y	Mont. Code Ann. § 80-7-902, Mont. Admin. R. 4.5.308	The Department has authority to sell and distribute transportation certificates.
Enter into MOU	Y	Mont. Code Ann. § 80-7-913	To assist in implementation of a program, the department may enter into agreements with counties, the Montana state university extension service, other states, federal agencies, or other parties.
Inspection			
Designate Agents/Inspectors	Y	Mont. Code Ann. § 80-7-905	The Department may hire employees and designate authorized agents to conduct certification inspections, investigations, and sampling and to collect evidence of possible violations.
Training/Certification of Inspectors	Y	Mont. Admin. R. 4.5.408; 4.5.309	Each person desiring to be an agent must be trained and certified according to department standards. An authorized inspector must be one of the following: Montana county weed district employee or contractor; an employee or contractor of a state, provincial, or local government or federal agency responsible for managing legislated weed species within their jurisdiction; university extension agent; representative of a state crop improvement association; or employee or agent of another authority approved by the department.
Standards	Y	Mont. Admin. R. 4.5.307 (forage); 4.5.406 (materials)	Inspection procedures and standards outlined for both forage and weed free materials.
Process	Y	Mont. Admin. R. 4.5.307 (forage); 4.5.406 (materials)	Producers may request inspection annually.
Certification			

Process/Forms	Y	Mont. Code Ann. § 80-7-906; Mont. Admin. R. 4.5.304; Mont. Admin. R. 4.5.405	A person shall make an annual application to the department for certifying forage. Application is made on the county level. No application fee.
Issuance: Inspection	Y	Mont. Admin. R. 4.5.307 (forage); 4.5.406 (materials)	Forms are completed by the inspector at the time of inspection of each site. At the conclusion of the inspection, the producer is provided an invoice for the inspection fees and, if applicable, markers.
Issuance: Transit	Y	Mont. Admin. R. 4.5.308 (forage); 4.5.407 (materials)	A completed transportation certificate is required and must specify whether the product was inspected for Montana or regional noxious weeds.
Identification/Marking Requirements	Y	Mont. Admin. R. 4.5.308 (forage); 4.5.407 (materials)	Products must be identified individually using a department-issued identification marker.
Certify for Out of State Movement	Y	Mont. Admin. R. 4.5.308 (forage); 4.5.407 (materials)	Transportation certificates are issued by the Department and it is the responsibility of each producer to make sure that all certified products sold under the program are properly labeled and identified with transportation certificates before it leaves the premises.
Enforcement			
Stop Sale/Seizure	Y	Mont. Code Ann. § 80-7-911; Mont. Admin. R. 4.5.310; Mont. Admin. R. 4.5.409	When the Department has reasonable cause to believe any lot of certified products is in violation of program standards, it may issue and enforce a written order requiring the person holding the forage not to sell, use or remove it in any manner until written permission is given by the department.
Prohibition of use of Weed free language	Y	Mont. Code Ann. § 80-7-912	It is unlawful for a person to certify or sell as certified or as noxious weed seed free any forage as free of noxious weed seed within this state, unless the forage is identified under a Department-approved process as “Montana certified” and the forage meets all the requirements of this part.
Penalties	Y	Mont. Code Ann. § 80-7-922; Mont. Admin. R. 4.5.316; Mont. Admin. R. 4.5.412	Violations can incur a civil penalty of not more than \$1,000 for each offense; a misdemeanor penalty of not less than \$100 or more than \$1,500 or up to 6 months' imprisonment, or both, if the person is convicted in district court.

			Additional breakdown of civil penalties in regulations - first offense (\$250), second offense (\$500), third offense (\$1,000)
Embargo/Quarantine	Y	Mont. Code Ann. § 80-7-402	The Department may adopt rules relating to intrastate and interstate quarantines. In addition, county boards may establish embargo programs to reduce the spread of noxious weeds within the district or the introduction of noxious weeds into the district. Mont. Code Ann. § 7-22-2126; Mont. Admin. R. 4.5.311
Cancellation of certification	Y	Mont. Admin. R. 4.5.307 (forage); 4.5.406 (materials)	Evidence that any lot of certified products has not been protected from contamination or is not properly identified or separated will be cause for certification cancellation.
Funding			
State Fund	Y	Mont. Code Ann. § 80-7-908	There is a state noxious weed forage account in the state special revenue account.
Fees	Y	Mont. Code Ann. §§ 80-7-905, 80-7-907; Mont. Admin. R. 4.5.313; Mont. Admin. R. 4.5.410	The Department may establish fee assessments and accept other funds to make the certification program financially self-supporting. A field inspection fee of \$4.50 per acre or a \$45 minimum charge per field for forage inspection will be charged to the person for whom the forage was inspected. There is also a fee that agents must submit.
Total (out of 38)	34		
	89.47%		

NEBRASKA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Neb. Rev. Stat. § 2-945.02	Although authority for weed control is delegated to county control authorities, the Department of Agriculture has some oversight. Per statute, the Dept of Agriculture has "responsibility for (a) establishing basic standards such as designating which plants are to be considered noxious weeds and which control measures are to be used in particular situations and (b) monitoring implementation of the act by the control authorities."
Species List			
State List	Y	Neb. Admin. R. & Regs. Tit. 25, Ch. 10, § 001	Regulatory list of designated noxious weeds.
NAISMA Appendix A List	N		
Adoption of WFP			
MOU Holder	Y		Nebraska Weed Control Association is listed as MOU holder. References to Association in statutes related to advisory council, but there is no designation of authority related to certification programs. However, NWCA is comprised of county control authorities which are designated the authority to perform article inspection services.
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	N		
Cubed Hay	N		
Gravel	N		

Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		There are state authorities to certify under the state Plant Pest program. Neb. Rev. St. §§ 2-1075.03 and 2-1091. But no reference within the Noxious Weed Program. Authority of control authorities to issue certifications not mentioned.
Inspect	Y	Neb. Admin. R. & Regs. Tit. 25, Ch. 10, § 004	The control authority shall make inspection services available to those who request the inspection of articles capable of disseminating noxious weeds. When the control authority is unable to provide requested inspection services, or when information is all that is needed, the control authority shall make every effort to advise persons within the county as to the proper treatment of articles capable of disseminating noxious weeds. A sample article inspection form is set out in 25 Neb. Admin. Code R. & Reg. Tit. 25, Ch. 10, § 008.09.
Transport	Y	Neb. Rev. Stat. § 2-957; Neb. Admin. R. & Regs. Tit. 25, Ch. 10, § 004	Unlawful to move articles capable of disseminating noxious weeds until any such article is treated in accordance with the applicable rules and regulations. Hay and straw are listed as articles.
Enter into MOU	N		There is authority for the Plant Pest Program to cooperate and enter into agreements, including harmonization plans, with any person to carry out the purpose of the act (Neb. Rev. St. § 2-1091) but not within the noxious weed program provisions.
Inspection			
Designate Agents/Inspectors	Y	Neb. Rev. Stat. § 2-961	Term inspection isn't used, but under Noxious Weed Control Act, the director, any control authority, any weed control superintendent, or anyone authorized thereby may enter upon all land under his, her, or its respective jurisdiction for

			the purpose of performing the duties and exercising the powers.
Training/Certification of Inspectors	Y	Neb. Rev. Stat. § 2-954.02; Neb. Admin. R. & Regs. Tit. 25, Ch. 10, § 006	Department must approve continuing education programs that weed supervisors are required to attend.
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		There is a form for inspection reports, but not quite for WFP purposes. Neb. Admin. R. & Regs. Tit. 25, Ch. 10, § 008.
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		Department authority limited to seeds.
Prohibition of use of Weed free language	N		
Penalties	Y	Neb. Rev. Stat. § 2-963	Violations are classified as Class IV misdemeanors.
Embargo/Quarantine	Y	Neb.Rev.St. § 2-963	Although the term quarantine is not used, Nebraska law states that to prevent the dissemination of noxious weeds, articles may not be moved unless treated or under and in accordance with the written permission of the control authority having jurisdiction of the area in which such article is located, and the control authority may hold or prevent its movement from such premises. Neb. Rev. Stat. Ann. § 2-957. This provision is referenced in violations section which prohibits movement of articles except as allowed in 2-957. State reviewer stated that this provides quarantine authority.
Cancellation of certification	N		
Funding			

State Fund	Y	Neb. Rev. St. § 2-958.01	There is a Noxious Weed Cash Fund that funds the state program. The Fund consists of proceeds raised from fees imposed for the registration of pesticides and earmarked for the fund pursuant to section 2-2634, funds credited or transferred pursuant to sections 81-201 and 81-201.05, any gifts, grants, or donations from any source, and any reimbursement funds for control work done pursuant to subdivision (1)(b)(vi) of section 2-954. This fund does not fund the county control authorities which provide inspection services. However, there is also a "Noxious Weed and Invasive Plant Species Assistance Fund" which is used to make grants to counties to assist with costs. Counties are authorized to establish a noxious weed fund but not required. Neb. Rev. St. § 2-958(1).
Fees	N		No reference in state statute or regulation found, although counties can assess cost of weed control on owners who do not comply with orders. State reviewer noted that some counties may charge fees for WFP inspections, but it is not explicitly listed in statute.
Total (out of 38)	10		
	26.32%		

NEVADA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Nev. Rev. Stat. § 555.010	Nevada Department of Agriculture
Species List			
State List	Y	Nev. Admin. Code § 555.010	Regulatory designation and classification of noxious weeds.
NAISMA Appendix A	Y	Nev. Admin. Code § 555.015	NAISMA standards incorporated by reference.
Adoption of WFP			
MOU Holder	Y		The Department is the MOU holder in the state and maintains program website .
Forage	Y	Nev. Admin. Code § 555.015	NAISMA standards for forage adopted by reference.
Gravel	Y	Nev. Admin. Code § 555.015	NAISMA standards for gravel adopted by reference.
Mulch	Y	Nev. Admin. Code § 555.015	NAISMA standards for mulch adopted by reference.
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	N		
Cubed Hay	N		
Gravel	N		
Forage	Y	Nev. Admin. Code § 555.600	Defined in pesticide applicator rules as “any herbaceous plant or plant part normally grazed on by, or fed to, animals.”
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y	Nev. Rev. Stat. § 555.010; Nev. Admin. Code § 555.015	The Director may, by regulation, establish and administer a program to certify agricultural products as being free from noxious weeds and any propagative parts to support the control

			and prevention of the spread of noxious weeds and to allow businesses in this State to market those products in compliance with the guidelines set forth by the North American Invasive Species Management Association, any applicable federal law or regulation or any other requirement specified by the Director.
Inspect	Y	Nev. Rev. Stat. § 555.010	While the term inspect is not use, authority to conduct necessary inspections is implied by the Department's authority to administer a certification program. In addition, the Department may conduct inspections of any premises, land, means of conveyance or article of any person in the state if it is found to be infested with any pest, noxious weed or plant disease. (Nev. Rev. Stat. § 555.100).
Transport	N		
Enter into MOU	N		
Inspection			
Designate Agents/Inspectors	N		
Training/Certification of Inspectors	N		
Standards	Y	Nev. Admin. Code § 555.0155	NAISMA standards adopted by reference for forage, gravel, and mulch.
Process	N		
Certification			
Process/Forms	Y	Nev. Admin. Code § 555.015	To participate in the Weed Free Certification Program, the producer must submit, in a form approved by the Department, evidence satisfactory to the Department that the producer meets the applicable standards.
Issuance: Inspection	Y		Not provided for in regulation, but Nevada Weed Free Certification Requirements and Guidelines state that inspectors shall issue a certificate of inspection upon completion of inspection.
Issuance: Transit	Y		Not provided for in regulation, but Nevada Weed Free Certification Requirements and Guidelines state that inspectors may also issue transit certificates following inspection.

Identification/Marking Requirements	Y		Marking requirements set forth in Nevada Weed Free Certification Requirements and Guidelines .
Certify for Out of State Movement	Y		Transit certificates are issued by inspectors.
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	Y		The Nevada Weed Free Certification Requirements and Guidelines state that a producer may not post signs or provide other notifications if they haven't received an inspection or certification within one year of the last inspection date. In addition, using a transit certificate, certificate of inspection, and/or certification marking/twine for products that have not been certified shall constitute a violation of program requirements.
Penalties	Y	Nev. Rev. Stat. § 555.201	Civil penalties range from \$250 - \$1,000.
Embargo/Quarantine	Y	Nev. Rev. Stat. § 554.020	The State Quarantine Officer may proclaim and enforce a quarantine against any state, territory or district, or any portion of any state, territory or district, relating to the importation into or transportation through this State of any agricultural commodity, burlap, container or other packing material that is infested with noxious weeds.
Cancellation of certification	Y		The Nevada Weed Free Certification Requirements and Guidelines state that an inspector's reasonable conclusion that materials not from a certified field or pit have been marked or sold as such, shall be a cause for immediate cancellation of certification and removal of all certificates and markings.
Funding			
State Fund	N		There is an account in the State General Fund for the Control of Weeds. However, this is used for weed abatements. Nev. Rev. Stat. Ann. § 555.035. The WFP is covered by fees.
Fees	Y		Fee schedule provided on website.
Total (out of 38)	21		
	55.26%		

NEW HAMPSHIRE

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	N.H. Rev. Stat. § 433:7	Department of Agriculture, Markets, and Food
Species List			
State List	Y	N.H. Code Admin. R. Agr. 3802.01	NH Prohibited Invasive Species List (which includes some plants).
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	N.H. Rev. Stat. § 149-M:4	Defined in solid waste statute as “a stable, humus-like substance which is derived from a process involving the biological decomposition of any readily biodegradable material, such as animal manure, garbage, yard waste, septage, sludge, or other organic solid wastes, and which can be beneficially re-used for land application.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	N.H. Rev. Stat. § 433:1	Defined in seed law as “a protective covering of any suitable substance placed with seed which acts to retain sufficient moisture to support seed germination and sustain early seedling growth and aid in the prevention of the evaporation of soil moisture, the control of weeds, and the prevention of erosion.”
Raw Mulch	N		
Pellets	N		

Agency Authorizations			
Certify	N		Authority to certify limited to pesticides.
Inspect	Y	N.H. Rev. Stat. § 430:55	No provisions found regarding authority to inspect in noxious weed statutes. However, there is authority granted in invasive plant law for the Department, or deputy/agent to have access to land for purposes of inspecting for, or eradicating prohibited species.
Transport	Y	N.H. Code Admin. R. Agr 3802.01	No person shall transport any living and viable portion of any plant species, which includes all of their cultivars and varieties, listed in the New Hampshire prohibited invasive species list.
Enter into MOU	N		No provisions found with respect to noxious weeds. Language regarding cooperation limited to enforcement of seed law. N.H. Rev. Stat. § 433:7.
Inspection			
Designate Agents/Inspectors	Y	N.H. Rev. Stat. § 430:55	Grant of inspection authority extends to deputies or agents of Commissioner of Agriculture, Markets, and Food.
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		Stop sale language found only in seed law.
Prohibition of use of Weed free language	N		
Penalties	Y	N.H. Rev. Stat. § 430:57; N.H. Code Admin. R. Agr. 3802.06	Penalties for violations of invasive plant law are misdemeanors. Administrative penalties range from \$100 - \$1,000.
Embargo/Quarantine	N		

Cancellation of certification	N		
Funding			
State Fund	Y	N.H. Rev. Stat. § 430:58	There is an upland invasive species remediation fund, the scope of which includes invasive plants.
Fees	N		
Total (out of 38)	9		
	23.68%		

NEW JERSEY

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	N.J. Stat. § 4:8-17.16	Department of Agriculture.
Species List			
State List	Y	N.J. Admin Code tit. 2, § 16-2.6.	List of noxious weeds can be found in a definition section within the Department's certification chapter. There is also a statutory provision which prohibits anyone from bringing in hay or selling manure containing Canada thistle. N.J. Stat. § 4:7-54.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	N		
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		Not with respect to noxious weeds. Statutory authority limited to nurseries (N.J. Stat. § 4:7-22), grass sod (N.J. Stat. § 4:1-21.7), and seeds. The Department has regulations for certification of some products. Authority to certify sod and turf delegated to Rutgers University. N.J. Admin Code tit. 2, § 16-2.2.

Inspect	N		Inspection authority limited to plant diseases, injurious insects, nurseries, and seed.
Transport	N		
Enter into MOU	N		
Inspection			
Designate Agents/Inspectors	N		
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		Authority limited to weed seed.
Prohibition of use of Weed free language	N		
Penalties	N		No general penalty provisions for noxious weeds. Bringing in bales of hay or manure with Canada Thistle is a misdemeanor. N.J. Stat. §§ 4:7-55; 4:7-56.
Embargo/Quarantine	N		Quarantine authority limited to “dangerous plant diseases and of dangerously injurious insects” N.J. Stat. § 4:7-1
Cancellation of certification	N		Not with respect to noxious weeds, but have a provision for cancellation of nursery certificates. N.J. Stat. § 4:7-26
Funding			
State Fund	N		
Fees	N		Not with respect to noxious weeds, but there is a fee schedule for certification programs. N.J. Admin Code tit. 2, § 16-9.1
Total (out of 38)	2		
	5.26%		

NEW MEXICO

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	N.M. Stat. § 76-7D-4	New Mexico Department of Agriculture
Species List			
State List	Y		List of noxious weeds published via agency memo under authority of Noxious Weed Management Act of 1998. N.M. Stat. § 76-7D-4.
NAISMA Appendix A	Y		Appendix A incorporated into standards of the NMSU weed free program.
Adoption of WFP			
MOU Holder	N		New Mexico State University (NMSU) administers a Noxious Weed Free Program , but they are not listed by NAISMA as a MOU holder. NMSU is the designated Official Seed Certifying Agency for the state of New Mexico in accordance with the New Mexico Seed Law. N.M. Admin. Code tit. 21, § 18.4.14.
Forage	Y		Products that can be certified through the NMSU program include forages.
Gravel	Y		Products that can be certified through the NMSU program include gravel pits.
Mulch	Y		Products that can be certified through the NMSU program mulches and erosion control materials.
Compost	N		
Requirement to use certified WFP	Y	N.M. Admin. Code tit. 19, § 5.2.20	Visitors may not use or possess hay or feed in parks located on state game commission property or certain federal property that is not certified as weed free by NMSU or another governmental entity. There is also a restriction in the State Game Commission Lands access rules making it “unlawful to use or possess any hay or feed for domestic livestock use on land other than pelleted or grain feed, or hay certified as weed free.” N.M. Admin. Code tit. 19, § 34.3.10.

WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	N.M. Admin. Code tit. 20, § 9.2.7	Defined in solid waste regulations as “organic material that has undergone a controlled process of biological decomposition and pathogen reduction, and has been stabilized to a degree that the final product is potentially beneficial to plant growth and can be used as a soil amendment, growing medium amendment or other similar uses. Compost does not include final product that contains sewage sludge that fails to meet the requirements of 40 CFR 503.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	N.M. Admin. Code tit. 20 § 9.2.7	Defined in solid waste regulations as “a protective covering spread and left upon the ground to reduce evaporation, maintain even soil temperature, prevent erosion, or control weeds.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		Department authority is limited to certification of nurseries and seeds.
Inspect	N	N.M. Stat. § 76-5-13	Not under the Noxious Weed Management Act, but the Department may inspect any nursery or other place or vehicle that might become infested or infected with plant pests or that may contain from time to time plants so infested or infected. Definition of plant pest includes weeds. N.M. Stat. § 76-5-12. Noxious Weed Act authority limited to seed. N.M. Stat. § 76-7-26. This is also Department inspection authority for harmful plants (N.M. Stat. § 76-7A-10), but no regulations establishing what a harmful plant is.
Transport	N		No authority under Noxious Weed Management Act. Department

			authority limited to nursery or florist stock where certification statement is required. N.M. Stat. § 76-5-23. There are movement restrictions for harmful plants, which are not defined. “No person shall knowingly move a harmful plant or article that is capable of harboring a harmful plant into or within New Mexico unless such person is granted a permit for such purpose by the department in accordance with regulations of the board.” N.M. Stat. § 76-7A-9.
Enter into MOU	Y	N.M. Stat. § 76-7D-6	The director may develop and implement cooperative agreements with appropriate federal and state agencies, the commissioner of public lands and Indian nations, tribes and pueblos to carry out the provisions of the Noxious Weed Management Act.
Inspection			
Designate Agents/Inspectors	N		
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	N		Plant Protection Act violations are petty misdemeanors. N.M. Stat. § 76-5-28. Penalty provision for harmful plants at N.M. Stat. § 76-7A-11.
Embargo/Quarantine	Y	N.M. Stat. § 76-6-5	The Department has authority to quarantine for plant pests, which includes weeds. There is also quarantine authority for harmful

			plants. The Department “may quarantine the state or any portion thereof whenever the department determines that a harmful plant exists therein and that such action is necessary to prevent the introduction of a harmful plant into the state or to retard the spread or dissemination of a harmful plant that has become established in the state.” N.M. Stat. § 76-7A-4.
Cancellation of certification	N		
Funding			
State Fund	N		
Fees	N		
Total (out of 38)	11		
	28.95%		

NEW YORK

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	N.Y. Agric. & Mkts Law §§ 163, 164	The Department of Agriculture and Markets (DAM) may take necessary action to prevent the introduction of, control, or eradicate injurious insects, noxious weeds, and plant diseases. DAM must consult with the Department of Environmental Conservation (DEC) prior to taking action to eradicate noxious weeds. DEC has authority with respect to invasive species. DAM retains authority with respect to inspection of registered growers and dealers of plant material pursuant to the Agriculture and Markets Law. N.Y. Comp. Codes R. & Regs. tit. 6, § 575.11.
Species List			
State List	Y	N.Y. Comp. Codes R. & Regs. tit. 6, § 575.3	Several plants are listed as prohibited/restricted species in NY. The state also has a list of prohibited and restricted weed seeds, but not a noxious weed list. N.Y. Comp. Codes R. & Regs. tit. 1, § 95.9.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	N.Y. Envtl. Conserv. Law § 17-2101	Defined in water pollution law as “the biologically stable humus-like material derived from composting or the aerobic, thermophilic decomposition of organic matter.”

Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	N.Y. Agric. & Mkts. Law § 136	Defined in seed law as “a protective covering of any suitable substance placed with seed which acts to retain sufficient moisture to support seed germination and sustain early seedling growth and aid in the prevention of the evaporation of soil moisture, the control of weeds, and the prevention of erosion.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		Department authority is limited to certification of seed and nurseries. N.Y. Agric. & Mkts. Law § 163. The Department does have regulations for a voluntary program for nurseries for certification of virus-free plants. N.Y. Comp. Codes R. & Regs. tit. 1, § 150.2.
Inspect	Y	N.Y. Agric. & Mkts. Law § 167	The Department is provided authority to access premises, places, farms, buildings, vehicles, airplanes, vessels and cars for the purpose of enforcing the provisions of the law related to injurious insects, plant diseases, and noxious weeds.
Transport	Y	N.Y. Agric. & Mkts. Law § 164-a; N.Y. Comp. Codes R. & Regs. tit. 6, § 575.1	It is unlawful to move or transport noxious weeds within the state without a permit from DAM.
Enter into MOU	N		No general authorization found. Only provisions referencing cooperative agreements are related to services for invasive species control.
Inspection			
Designate Agents/Inspectors	N		
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			

Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	Y	N.Y. Comp. Codes R. & Regs. tit. 6, § 575.10	Violations of the invasive species law, including the unlawful transport of invasive species, are subject to a minimum fine of \$250 for the second or subsequent offences. N.Y. Envtl. Conserv. Law § 71-0703(9).
Embargo/Quarantine	Y	N.Y. Agric. & Mkts. Law § 167	DAM is authorized to make, issue, promulgate and enforce such orders, by way of quarantines or otherwise, as necessary or fitting to carry out the purposes of this article related to injurious insects, plant diseases, and noxious weeds.
Cancellation of certification	Y	N.Y. Agric. & Mkts. Law § 163-c	DAM has the authority to withhold, suspend or revoke any license or certificate for sufficient cause.
Funding			
State Fund	N		
Fees	N		
Total (out of 38)			
	9		
	23.68%		

NORTH CAROLINA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	N.C. Gen. Stat. § 106-421.1	The Department of Agriculture & Consumer Services has sole authority to prohibit the planting, cultivation, harvesting, disposal, handling, or movement of plants as defined in N.C. Gen. Stat. § 106-202.12.
Species List			
State List	Y	N.C. Admin. Code, tit. 2, r. 48A.1702	Department regulatory designation and classification of noxious weeds.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	Y		The North Carolina Department of Agriculture is the MOU holder for the state. On its website, the North Carolina Crop Improvement Association asserts it is one of the official agencies for forage and gravel certification, although it is not a listed MOU holder. The Association is recognized by the state as the official agency for seed certification. N.C. Gen. Stat. Ann. § 106-276.
Forage	Y	N.C. Admin. Code, tit. 2, r. 48A.1704	The definition of regulated articles includes “hay, straw, or other material of a similar nature.”
Gravel	Y	N.C. Admin. Code, tit. 2, r. 48A.1704	The definition of regulated articles includes gravel.
Mulch	N		
Compost	Y	N.C. Admin. Code, tit. 2, r. 48A.1704	The definition of regulated article includes compost.
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	Y	N.C. Gen. Stat. § 74-49	Defined in mining law as “an area from which soil or other unconsolidated materials are removed to be used, without further processing, for highway construction and maintenance.”

Compost	Y	N.C. Admin. Code, tit. 15A, r. 13B.0101	Defined in solid waste management regulations as “a decomposed, humus-like organic matter, produced in an aerobic composting process that is designed and monitored to ensure that the product is free from pathogens, toxins, or materials harmful at the point of end use. Compost is suitable for use as a soil conditioner and may have varying nutrient values.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	N.C. Admin. Code, tit. 15A, r. 13B.0101	Defined in solid waste management regulations as “a material generated from the chipping or grinding of naturally occurring wood waste such as tree stumps, limbs, and branches.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y	N.C. Admin. Code, tit. 2, r. 48A.1706	The Department is authorized to adopt regulations to implement and carry out activities to eradicate, repress and prevent the spread of plant pests. N.C. Gen. Stat. § 106-420. The definition of plant pest includes noxious weeds. N.C. Gen. Stat. § 106-419. Pursuant to Department regulations, “a certificate or permit must accompany the movement of regulated articles from a regulated area in North Carolina to a non-regulated area in North Carolina.” N.C. Admin. Code, tit. 2, r. 48A.1705. Certificates for the movement of regulated articles may be issued if they are weed free.
Inspect	Y	N.C. Gen. Stat. § 106-422; N.C. Admin. Code, tit. 2, r. 48A.1708	The Commissioner of Agriculture, and any duly authorized agent of the Commissioner, has the authority to inspect vehicles or other means of transportation and its cargo suspected of carrying plant pests and to enter upon and inspect any premises.
Transport	Y	N.C. Gen. Stat. § 106-421.1	The Department has authority to prohibit movement of plants.
Enter into MOU	Y	N.C. Gen. Stat. § 106-420.1	The Board of Agriculture is authorized to enter into agreements with federal and state agencies for the eradication,

			suppression, control and prevention of spread of plant pests. The Commissioner of Agriculture is authorized to enter into agreements with local governments for similar purposes.
Inspection			
Designate Agents/Inspectors	Y	N.C. Gen. Stat. § 106-422	The Commissioner of Agriculture, and any duly authorized agent of the Commissioner, shall have the authority to inspect vehicles or other means of transportation and its cargo suspected of carrying plant pests and to enter upon and inspect any premises.
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		No mention of such authority in plant pest law, although stop sale authority provided for other products such as vegetable plants. N.C. Gen. Stat. § 106-284.19
Prohibition of use of Weed free language	N		
Penalties	Y	N.C. Gen. Stat. § 106-423.1	Law provides for criminal penalties and violations are Class 3 misdemeanors.
Embargo/Quarantine	Y	N.C. Gen. Stat. § 106-420; N.C. Admin. Code, tit. 2, r. 48A.1703	Plant pest laws states that Department regulations may provide for quarantine of areas.
Cancellation of certification	Y	N.C. Admin. Code, tit. 2, r. 48A.1707	Any certificate which has been issued or authorized may be canceled if the holder has not complied with conditions for its use.
Funding			

State Fund	N		
Fees	Y	N.C. Gen. Stat. § 106-420	The Board of Agriculture is authorized to set a schedule of fees for plant pest inspection, phytosanitary certification, and plant pest certification activities.
Total (out of 38)	18		
	47.37%		

NORTH DAKOTA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	N.D. Cent. Code § 4.1-47-04	North Dakota Department of Agriculture
Species List			
State List	Y	N.D. Admin. Code § 74-03-01-09	The ND Noxious Weed List is published on the Department's website .
NAISMA Appendix A	Y	N.D. Cent. Code § 4.1-14-01	NAISMA standards incorporated by reference and Appendix A incorporated into Program documents .
Adoption of WFP			
MOU Holder	Y		The North Dakota Department of Agriculture is the MOU holder for the state. Weed Free Program information available on website .
Forage	Y	N.D. Cent. Code § 4.1-14-01	Statutory authorization for forage certification.
Gravel	Y	N.D. Cent. Code § 4.1-47-34	Statutory authorization for certification of gravel and sand pits.
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	N.D. Cent. Code § 4.1-40-01	Defined in fertilizer law as “a material derived primarily or entirely from biological decomposition of vegetative organic matter or animal manure that may have inorganic fertilizer added to promote decomposition.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		

Agency Authorizations			
Certify	Y	N.D. Cent. Code § 4.1-14-01 (forage); § 4.1-47-34 (gravel and sand)	Authority to issue forage certificates is granted to Department. For gravel, county weed board may certify. See, e.g., Burleigh County Weed Board .
Inspect	Y	N.D. Cent. Code § 4.1-14-01 (forage); § 4.1-47-34 (gravel and sand)	The Department has authority to inspect upon receiving request for forage certification. County weed board authority to inspect implied by certification authority.
Transport	Y	N.D. Cent. Code §§ 4.1-47-30; 4.1-47-29	It is unlawful to willfully transport any material that contains noxious weed seeds or propagating parts, on a public road, in a manner that allows for the dissemination of noxious weeds. In addition, following the establishment of a quarantine, the movement of any product or material described in the quarantine order is subject to the order.
Enter into MOU	N		
Inspection			
Designate Agents/Inspectors	Y	N.D. Cent. Code § 4.1-14-02	The agriculture commissioner may designate individuals to serve as agents of the commissioner for the purpose of conducting forage inspections.
Training/Certification of Inspectors	Y	N.D. Cent. Code § 4.1-14-02	Designated agents must, at least once every 36 months, successfully complete a training program conducted by the Department.
Standards	Y	N.D. Cent. Code § 4.1-14-01	NAIMSA WFP standards incorporated via reference in law and Department program documents .
Process	Y		Inspection process outlined in Department program materials .
Certification			
Process/Forms	Y	N.D. Cent. Code § 4.1-14-01	Process for receiving certification is also outlined in Department program materials .
Issuance: Inspection	Y	N.D. Cent. Code § 4.1-14-01	Certification inspections are conducted upon request and inspection forms are signed and certification tags issued after the Department determines standards are met.

Issuance: Transit	Y		The inspection procedures note that the forage certification tags will also serve as transit certificates.
Identification/Marking Requirements	Y	N.D. Cent. Code § 4.1-14-01	If the Department determines conditions have been met, the commissioner shall issue and affix or cause to be affixed on each bale of forage one dated certification tag or shall authorize the use of department-approved twine to bale the forage.
Certify for Out of State Movement	Y		The inspection procedures note that the forage certification tags will also serve as transit certificates.
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	Y	N.D. Cent. Code § 4.1-47-31	Within noxious weed control provisions, civil penalty may be assessed in an amount not to exceed \$80 per day for each day of violation, subject to a maximum penalty of \$4,000 per year.
Embargo/Quarantine	Y	N.D. Cent. Code § 4.1-47-29	The Department may establish quarantines when necessary to prevent the spread of noxious weeds.
Cancellation of certification	N		
Funding			
State Fund	N		
Fees	Y	N.D. Cent. Code § 4.1-14-04 (forage); § 4.1-47-34 (gravel)	The Department may set and charge fees for certifying forage. The fees collected shall be deposited in the environment and rangeland protection fund. The Department may also adopt a schedule of fees that county weed boards may charge for inspecting, testing, analyzing, and certifying gravel, scoria, topsoil, or sand surface mining operations.
Total (out of 38)			
	22		
	57.89%		

OHIO

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Ohio Rev. Code §§ 901.50 (invasive plants) and 5579.04 (noxious weeds)	Ohio Department of Agriculture
Species List			
State List	Y	Ohio Admin. Code §§ 901:5-37-01 and 901:5-30-01	The Department has adopted regulations classifying certain plants as noxious weeds or invasive plants.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	Y		The Ohio Seed Improvement Association is the MOU holder in the state. OSIA is the state's designated agency for seed certification. Ohio Rev. Code § 907.02.
Forage	Y		The Association's website advertises weed-free certification for forage.
Gravel	N		The Association's website mentions weed-free certification for mulch, but only straw and hay producers are listed.
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	Ohio Admin. Code § 3745-560-02	Defined in solid waste regulations, "as a humus-like organic material resulting from the biological decomposition of solid waste."
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	Ohio Admin. Code § 1501:13-1-02	Defined in coal mining regulations as "vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus

			providing conditions suitable for germination and growth.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		Department authority limited to nursery stock, insects, and diseases. Ohio Rev. Code § 927.6.
Inspect	N		The Department has authority to inspect premises for plant pests, but the definition of plant pest does not include weeds. Ohio Rev. Code § 927.51.
Transport	N		
Enter into MOU	N		
Inspection			
Designate Agents/Inspectors	N		
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	Y	Ohio Admin. Code § 901:5-30-01	The Department may seize or order removed from sale or distribution any invasive plant found in violation of law.
Prohibition of use of Weed free language	N		
Penalties	N		
Embargo/Quarantine	N		The Department has quarantine authority with respect to plant pests, but definition doesn't include weeds. Ohio Rev. Code § 927.71.
Cancellation of certification	N		

Funding			
State Fund	N		
Fees	N		
Total (out of 38)	7		
	18.42%		

OKLAHOMA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Okla. Stat. tit. 2, § 3-213	The Oklahoma Department of Agriculture, Food, and Forestry has authority to promulgate rules to carry out the provisions of the Weed Free Hay Certification Act.
Species List			
State List	Y	Okla. Stat. tit. 2, § 3-220; Okla. Admin. Code § 35:30-36-13	The Weed Free Hay Certification Act designates three plants as noxious weeds. The Department added a fourth species by regulation.
NAISMA Appendix A	Y	Okla. Admin. Code §§ 35:30-36-2 and 35:30-36-14	Appendix A is incorporated by reference into regulatory definition of noxious weeds and the regulations authorize use of NAISMA list for regional certification.
Adoption of WFP			
MOU Holder	Y		The Oklahoma Department of Agriculture, Food, and Forestry is the MOU holder in the state.
Forage	Y	Okla. Stat. tit. 2, § 3-212	Hay is defined in the Weed Free Hay Certification Act as any agricultural forage crop product.
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	Y	Okla. Stat. tit. 45, § 723	Defined in mine reclamation chapter as “the one-time or intermittent extraction of sand, gravel, rock, stone, earth or fill in its natural state, not being mechanically altered to affect its size for government-financed construction purposes. Such work shall be performed under a bond, contract and specifications which substantially provide for and require reclamation of the affected area.”

Compost	Y	Okla. Admin. Code § 35:30-30-1	Defined in soil amendment rules as “a biologically stable material derived from the composting process.”
Cubed Hay	Y	Okla. Admin. Code § 35:30-36-2	Defined in Weed Free Hay Certification rules as “hay formed into small compact self-binding units and shall not include pellets, as defined in this section.”
Gravel	N		
Forage	Y	Okla. Admin. Code § 35:30-36-2	Defined in Weed Free Hay Certification rules as “alfalfa, grain, and grass hay, and combinations of alfalfa, grain, or grass hay.”
Mulch	Y	Okla. Admin. Code § 35:30-36-2	Defined in Weed Free Hay Certification rules as “the straw remaining after grain is harvested.”
Raw Mulch	N		
Pellets	Y	Okla. Admin. Code § 35:30-36-2	Defined in Weed Free Hay Certification rules as “agglomerated feed formed by compacting and forcing through die openings by a mechanical process. The field of origin shall be certified if heat is not used in the process.”
Agency Authorizations			
Certify	Y	Okla. Stat. tit. 2, § 3-213; Okla. Admin. Code § 35:30-36-3	The Department is authorized to issue rules concerning procedures for certification of weed-free crops.
Inspect	Y	Okla. Stat. Ann. tit. 2, § 3-215	Any crop for which weed-free certification is sought shall be inspected in the field of origin and the inspection shall include an inspection of any ditches, fence rows, roads, easements, rights-of-way, and buffer zones, as applicable, surrounding the field of origin.
Transport	Y	Okla. Stat. Ann. tit. 2, § 3-32.9	The Department may establish a quarantine and restrict the transport of articles capable of carrying plant pests, which includes weeds.
Enter into MOU	Y	Okla. Stat. Ann. tit. 2, § 3-214	The Department may enter into cooperative agreements with Oklahoma State University for the purpose of training qualified inspectors in the identification of those plants designated as noxious weeds.
Inspection			

Designate Agents/Inspectors	Y	Okla. Admin. Code § 35:30-36-11	The Department shall appoint, as needed, qualified inspectors throughout the state who may issue certificates of inspection.
Training/Certification of Inspectors	Y	Okla. Admin. Code §§ 35:30-36-3 and 35:30-36-11	The Department shall select, train, and supervise persons to serve as qualified inspectors. The Department is responsible for establishing minimum training and accreditation standards. Each person designated as a qualified inspector shall participate in a training session presented by NAISMA to recognize noxious weeds and learn standardized inspection, certification, and recordkeeping procedures.
Standards	Y		
Process	Y	Okla. Admin. Code § 35:30-36-5	The field certification process is outlined in Department regulations.
Certification			
Process/Forms	Y	Okla. Admin. Code § 35:30-36-4	Applications for a certification inspection must be submitted on forms prepared by the Department.
Issuance: Inspection	Y	Okla. Admin. Code § 35:30-36-3	The Department issues certificates of inspection to qualifying applicants.
Issuance: Transit	Y	Okla. Admin. Code § 35:30-36-3	Shipments of weed free hay are to be accompanied by a certificate.
Identification/Marking Requirements	Y	Okla. Admin. Code § 35:30-36-3	The Department issues bale tags to qualifying applicants.
Certify for Out of State Movement	Y	Okla. Admin. Code § 35:30-36-3	All certified weed free hay shipments are to be accompanied by a certificate of inspection and a state phytosanitary certificate, if required.
Enforcement			
Stop Sale/Seizure	N		Department authority limited to seeds and nursery stock. Okla. Stat. Ann. tit. 2, § 3-32.3.
Prohibition of use of Weed free language	N		
Penalties	Y	Okla. Admin. Code § 35:30-36-12	Actions that constitute violations set forth in regulations. Administrative penalties, civil penalties, or other fines may be imposed according to Department procedures. Okla. Admin. Code § 35:1-9-25
Embargo/Quarantine	Y	Okla. Stat. Ann. tit. 2, § 3-32.9	The Department has the authority to establish a quarantine and promulgate rules prohibiting or restricting the

			transportation into or through Oklahoma from any other state, country, territory, or district of any nursery stock, or other article, of any character, capable of carrying plant pests or other harmful pests. The definition of plant pest includes weeds. Okla. Stat. Ann. tit. 2, § 3-32.1.
Cancellation of certification	N		
Funding			
State Fund	N		
Fees	Y	Okla. Stat. Ann. tit. 2, § 3-213; Okla. Admin. Code § 35:30-36-9	The Department is authorized to issues rules that set forth a fee schedule for the Weed Free Hay certification program.
Total (out of 38)	27		
	71.05%		

OREGON

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Ore. Rev. Stat. § 569.185	Oregon Department of Agriculture
Species List			
State List	Y	Or. Admin. R. 603-052-1200	The Department has issued regulations classifying designated plants as Class A or B noxious weeds.
NAISMA Appendix A	Y		Incorporated by reference into ODA WFP standards and materials .
Adoption of WFP			
MOU Holder	N		
Forage	Y		ODA offers weed free certification for forage.
Gravel	Y		ODA offers weed free certification for gravel.
Mulch	N		
Compost	N		
Requirement to use certified WFP	Y	Or. Admin. R. 629-025-0040	The use of ODA weed-free certified hay, straw, and other livestock forage is required on state forest land.
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	Or. Rev. Stat. § 459A.600	Defined in recycling law as “the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y	Or. Rev. Stat. § 632.940	The ODA may certify the grade, classification, quality, condition or amount of the products, as well as the processes used in connection with the requested products. The definition of

			“horticultural and agricultural products” includes forage products. Or. Rev. Stat. § 632.900.
Inspect	Y	Or. Rev. Stat. § 632.940	The ODA may designate an employee or agent of the department to inspect or classify horticultural and agricultural products. This provision is the authorization for the "Shipping Point Inspection" referenced on ODA WFP website .
Transport	Y	Or. Rev. Stat. § 569.185; Or. Admin. R. 603-052-1200	The ODA may restrict or prohibit the movement or sale of hay, straw, seed, other agricultural crops or residues thereof, that are found to contain noxious weeds, seeds, or propagules.
Enter into MOU	N		There are references to cooperation in relevant provisions, but nothing about agreements. Or. Rev. Stat. § 569.195. There is authority to enter into contracts. Or. Rev. Stat. § 569.185.
Inspection			
Designate Agents/Inspectors	Y	Or. Rev. Stat. § 632.940	The ODA may designate employees or agents to inspect.
Training/Certification of Inspectors	N		
Standards	N		
Process	Y		The inspection process is summarized in ODA WFP program materials .
Certification			
Process/Forms	Y		Application forms are available on ODA WFP program website .
Issuance: Inspection	Y		Per ODA WFP program materials , copies of inspection reports are sent to the applicant following inspection.
Issuance: Transit	N		
Identification/Marking Requirements	Y		Per ODA WFP program materials , after the inspection, ODA will contact the twine provider to confirm the eligibility of the grower to purchase twine for the inspected field.
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		

Penalties	Y	Or. Rev. Stat. §§ 632.990; 632.995	Violations are classified as Class B misdemeanors for a first offense, and Class A misdemeanors for a second or subsequent offense for violations of 632.940. The ODA may also impose civil penalties.
Embargo/Quarantine	Y	Or. Rev. Stat. §§ 569.185 and 569.400; Or. Admin. R. 603-052-1200	The ODA has access to all lands within the state to carry out Or. Rev. Stat. §§ 569.175 to 569.195, including survey, control and eradication activities and the establishment of quarantines.” Quarantines may be requested by counties and are issued by ODA.
Cancellation of certification	N		
Funding			
State Fund	N		Counties are required to set up funds, but there is no state-level fund. Shipping point inspection fees are to be deposited into Department of Agriculture Service Fund. Or. Rev. Stat. § 561.144
Fees	Y	Or. Rev. Stat. § 632.940; Or. Admin. R. 603-053-0200	Regulatory fee schedule for services doesn't mention weed free program, but fee schedule on website is equivalent.
Total (out of 38)	18		
	47.37%		

PENNSYLVANIA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Pa. Stat. tit. 3, § 1521	Pennsylvania Department of Agriculture
Species List			
State List	Y	Pa. Stat. tit. 3, § 1519; 7 Pa. Code § 110.1	Statutory designation of plants into Class A, B, and C noxious weeds. The Department also has a regulatory Noxious Weed Control list.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	Y	25 Pa. Code § 78a.1	Defined in unconventional well rules as “an area of earth disturbance activity where rock, stone, gravel, sand, soil or similar material is excavated for construction of well sites, access roads or facilities that are related to oil and gas development.”
Compost	N		
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	3 Pa. Stat. § 7102	Defined in seed law as “a protective covering of any suitable substance placed with seed which acts to retain sufficient moisture to support seed germination and sustain early seedling growth and aid in the prevention of the evaporation of soil moisture, the control of weeds and the prevention of erosion.”
Raw Mulch	N		
Pellets	N		

Agency Authorizations			
Certify	N		No reference found to certification with respect to noxious weeds. Department regulations limited to certification for seed, nurseries, and nursery stock.
Inspect	Y	3 Pa. Stat. § 1521	The Department has authority to access to inspect the land and premises and any areas of the land and premises, including buildings and conveyances, that are or will be utilized for permitted activities related to controlled plants and noxious weeds.
Transport	Y	3 Pa. Stat. § 1512	It is unlawful to transport a noxious weed or controlled plant without a Department permit.
Enter into MOU	Y	3 Pa. Stat. § 1525	The Department may cooperate and enter into agreements with any individual, person, organization or Federal, State, county or municipal agency for the purpose of implementing the controlled plant and noxious weed chapter.
Inspection			
Designate Agents/Inspectors	Y	3 Pa. Stat. § 1521	The Department may delegate duties, including inspection duties.
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	Y	3 Pa. Stat. § 1522	The Department may issue and enforce a stop-sale order to any person holding or required to hold a permit or to any person where a noxious weed or controlled plant exists.
Prohibition of use of Weed free language	N		

Penalties	Y	3 Pa. Stat. § 1543	The statute provides for a variety of criminal and civil penalties depending on offense.
Embargo/Quarantine	Y	3 Pa. Stat. § 1516	The Department may establish weed control areas and prohibit the movement of weeds and other materials in such areas.
Cancellation of certification	N		
Funding			
State Fund	Y	3 Pa. Stat. §§ 1561 and 1518	The state legislature has established a Plant Pest Management Account. Money received from permitting fees, control work reimbursement, fines, and penalties shall be paid into the Plant Pest Management Account. A municipality which acts to control a noxious weed or controlled plant on a noncomplying person's property may recover the expenses and costs incurred by the municipality in carrying out the treatment measures. The state is also authorized to recover costs. 3 Pa. Stat. § 1521
Fees	Y	3 Pa. Stat. § 1520	Legislation sets forth inspection fees for field locations. \$50 inspection fee for up to 10 acres, with a \$5 per acre fee for each additional acre up to a maximum fee of \$500.
Total (out of 38)	13		
	34.21%		

RHODE ISLAND

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	R.I. Gen. Laws § 2-6-7	Rhode Island Department of Environmental Management, Division of Agriculture and Forest Management
Species List			
State List	N		State regulations contain a list of prohibited and restricted weed seeds, but no list for noxious weeds.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	R.I. Gen. Laws § 2-22-3	Defined in soil amendment law as “a soil amending material resulting from the aerobic, thermophyllic, microbial processing of organic materials.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	R.I. Code R. 150-10-8.5	Defined in stormwater management rules as “a natural or artificial protective layer of suitable materials, usually of organic matter such as wood chips, leaves, straw, or peat, placed around plants that aids in soil stabilization, soil moisture conservation, prevention of freezing, and control of weeds. In addition, mulches serve as soil amendments upon decomposition (for organic mulches).”
Raw Mulch	N		
Pellets	N		

Agency Authorizations			
Certify	N		Scope of Plant Pest Act is limited to “seriously injurious insects or plant diseases.” R.I. Gen. Laws § 2-16-4. Definition does not include a reference to weeds.
Inspect	N		The state has authority to inspect under seed law, but nothing found with respect to weeds.
Transport	N		
Enter into MOU	N		
Inspection			
Designate Agents/Inspectors	N		
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		There are some references in state law with respect to seeds and pesticides, but not with respect to noxious weeds.
Prohibition of use of Weed free language	N		
Penalties	N		
Embargo/Quarantine	N		
Cancellation of certification	N		
Funding			
State Fund	N		
Fees	N		
Total (out of 38)	3		
	7.89%		

SOUTH CAROLINA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	S.C. Code § 46-23-30	South Carolina Department of Agriculture. Noxious weed authority delegated to the Clemson University, Division of Regulatory and Public Service Programs, who may administer and enforce the provisions and promulgate related regulations. S.C. Code § 46-23-90.
Species List			
State List	Y	S.C. Code Ann. Regs. §§ 5-462 (Noxious weeds); 5-584 (aquatic noxious weeds)	The Department has published regulations designating noxious weeds and aquatic noxious weeds. The authority to designate plant pest delegated to Clemson. S.C. Code Regs. § 27-135. The plant pest list maintained on Clemson Regulatory Services website .
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	Y		Clemson University-Plant Industry is the listed MOU holder for the state. However, weed-free product certification is not currently listed as an available service on the Regulatory Services webpage .
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	Y	S.C. Code § 48-20-40	Defined in mining law as “an area from which soil or other unconsolidated materials are removed to be used, without further processing, for highway construction and maintenance.”

Compost	Y	S.C. Code § 44-96-40	Defined In solid waste law as “the humus-like product of the process of composting waste.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y	S.C. Code § 46-23-40	The Department is authorized, following a quarantine order, to issue rules governing the inspection, disinfection, certification, and methods and manner of movement of noxious weeds and any carriers thereof specified in the notice of the quarantine. In witchweed quarantine, for example, regulated articles include “Soil, compost, decomposed manure, humus, muck and peat, separately or with other things; sand; and gravel.” S.C. Code Regs. § 27-41. There is also general authority to carry out operations or measures necessary to detect, eradicate, suppress, control, or prevent the spread of noxious weeds. S.C. Code § 46-23-50.
Inspect	Y	S.C. Code § 46-23-60	The Department has authority to inspect conveyances and other articles if reason to believe they contain or are contaminated with noxious weeds.
Transport	Y	S.C. Code § 46-23-40	The Department is authorized, following quarantine order, to issue rules governing the movement of noxious weeds and any carriers thereof.
Enter into MOU	N		This is a directive to cooperate with respect to noxious weeds, but no reference to agreements. S.C. Code Ann. § 46-23-70
Inspection			
Designate Agents/Inspectors	Y	S.C. Code Ann. § 46-23-20	“Authorized inspector” means an employee of Clemson Regulatory Services or an employee of a cooperating agency specifically authorized to enforce the provisions of the federal Noxious Weed Act.

Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	Y	S.C. Code § 46-23-30	The Department may order the owner or person in possession of any new or not widely prevalent noxious weed, or any product, article, or means of conveyance, to treat, apply other remedial measures to, destroy, export, return to shipping point, or make other disposition of such noxious weed, product, article, or means of conveyance. Inspectors may also make seizures. S.C. Code § 46-23-60.
Prohibition of use of Weed free language	N		
Penalties	Y	S.C. Code § 46-23-80	Violations of noxious weed provisions are misdemeanors punishable by a fine not exceeding \$500 or by imprisonment not exceeding one year, or both.
Embargo/Quarantine	Y	S.C. Code §§ 46-23-30 and 46-23-40	The State Crop Pest Commission is authorized and directed to quarantine any county, or any portion thereof, when it deems that such quarantine is necessary to prevent the spread of any noxious weed.
Cancellation of certification	Y	S.C. Code of Regulations R. 27-58	There is no general language for noxious weeds, however examples of such authority is set forth in quarantine regulations. For instance, the Asian Longhorned Beetle quarantine rules state that certificates may be canceled orally or in writing by a Department inspector or representative whenever the holder has not complied with relevant rules.

Funding			
State Fund	N		
Fees	N		
Total (out of 38)	13		
	34.21%		

SOUTH DAKOTA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	S.D. Codified Laws § 38-22-1.1	South Dakota Department of Agriculture and Natural Resources
Species List			
State List	Y	S.D. Admin. R. 12:62:03:01.06 and 12:51:03:01	South Dakota has statewide lists of noxious weeds and regulated nonnative plant species.
NAISMA Appendix A	Y		NAISMA Appendix A species incorporated into “Designated Noxious Weed and Undesirable Plant Species List” identified on the SD Weed Free Forage Certification Program website .
Adoption of WFP			
MOU Holder	Y		South Dakota Department of Agriculture is the listed MOU holder for the state.
Forage	Y	S.D. Admin. R. 12:51:01:01	Certifiable forage products include: straw, alfalfa/grass hay, forage pellets/cubes, alfalfa hay, grain hay and grass hay.
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	S.D. Codified Laws § 38-19-1	Defined in fertilizer law as “a group of organic residues or a mixture of organic residues and soil that have been piled, moistened, and allowed to undergo aerobic biological decomposition.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		

Agency Authorizations			
Certify	Y	S.D. Codified Laws § 38-24A-9	The Department may issue rules for certification of plants from quarantined or regulated areas.
Inspect	Y	S.D. Codified Laws § 38-24A-9	The Department may issue rules for inspection of plants from quarantined or regulated areas.
Transport	Y	S.D. Admin. R. 12:51:06:02	A person may not transport within the state any regulated articles exposed to listed nonnative plant species.
Enter into MOU	Y	S.D. Codified Laws § 38-22-32	The Department may enter into cooperative agreements with any state or federal agency to accomplish the purposes of the weed and pest control provisions.
Inspection			
Designate Agents/Inspectors	Y	S.D. Codified Laws § 38-1-12	The secretary of agriculture and natural resources may, with the advice and consent of the Governor, employ such inspectors, deputies, clerical assistants, and other necessary employees as shall be necessary for the efficient and economical administration of the Department.
Training/Certification of Inspectors	N		
Standards	N		The SD Weed Free Forage Certification program website does not directly refer to NAISMA standards or link to NAISMA program documents. The program likely adheres to the NAISMA standards but could not be verified.
Process	Y		The inspection process is summarized on the SD Weed Free Forage Certification program website .
Certification			
Process/Forms	Y		Application form available on the SD Weed Free Forage Certification program website .
Issuance: Inspection	Y		The SD Weed Free Forage Certification program website states that a certificate of inspection form is issued to the producer if the field meets the requirements of the weed free forage certification standards.

Issuance: Transit	Y	S.D. Admin. R. 12:51:09:02	The Department shall issue a certificate for movement of a regulated article upon determination that, among other things, the regulated article is free of regulated pests.
Identification/Marking Requirements	Y		According to SD Weed Free Forage Certification program materials , tags are issued after the inspected field has been cut or harvested, number of bales made is reported to DANR, and payment is received for the WFF tags. Products must have tags attached to bales to complete the Weed Free Forage certification.
Certify for Out of State Movement	Y		The Department is authorized to issue certificates for movement.
Enforcement			
Stop Sale/Seizure	Y	S.D. Codified Laws § 38-24A-12	The Department may seize or otherwise dispose of regulated articles that are infested or reasonably believed to be infested with a pest.
Prohibition of use of Weed free language Penalties	N		
	Y	S.D. Codified Laws §§ 38-22-33; 38-22-17.1	It is a Class 2 misdemeanor for any person to transport hay, livestock feeds or other plant products containing weed seed in such a manner as may constitute a substantial risk of contaminating fields or other lands. Noncompliance with a Department order is a Class 2 misdemeanor.
Embargo/Quarantine	Y	S.D. Codified Laws § 38-24A-6	The secretary of agriculture and natural resources is authorized to quarantine areas of the state when such action is necessary to prevent or retard the spread of a pest and to place an embargo on articles from any other state whenever he determines that a pest exists and that such action is necessary to prevent or retard its spread into South Dakota. Definition of pest doesn't mention weeds, but does refer to "other organisms." S.D. Codified Laws § 38-24A-1.
Cancellation of certification	Y	S.D. Admin. R. 12:51:09:06	Any certificate, permit, or business agreement issued by the Department may be canceled if the holder of the

			certificate, permit, or business agreement has not complied with relevant rules and conditions.
Funding			
State Fund	Y	S.D. Codified Laws §§ 38-22-35 and 38-22-36	The Department may accept gifts, grants, contracts, or other funds designated for weed and pest management, which are to be deposited in the “weed and pest control fund.”
Fees	Y	S.D. Codified Laws § 38-24A-21	The weed free forage certification inspection fee schedule available on the SD Weed Free Forage Certification program website .
Total (out of 38)	23		
	60.53%		

TENNESSEE

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Tenn. Code § 43-6-106	Tennessee Department of Agriculture
Species List			
State List	Y	Tenn. Comp. R. & Regs. 0080-06-24-.02	Regulatory list of designated pest plants.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	Y		The Tennessee Department of Agriculture is the list MOU holder in the state. However, no Department webpage found for a weed free program.
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	Tenn. Comp. R. & Regs. 0400-11-01-.01	Defined in solid waste regulations as “solid waste which has undergone biological decomposition of organic matter, and has been disinfected using composting or similar technologies, and has been stabilized to a degree which is potentially beneficial to plant growth and which is suitable for use as a soil amendment, artificial top soil, growing medium amendment or other similar uses.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		
Raw Mulch	N		
Pellets	N		

Agency Authorizations			
Certify	Y	Tenn. Comp. R. & Regs. 0080-06-01-.03	It is unlawful in Tennessee to sell or transport a plant in commerce unless the plant or its shipment is accompanied by a valid license or certificate affirming the plant is apparently free of pests, pest plants, and disease. Licenses issued by the Department shall serve as certification that they are free of pests, pest plants, and disease.
Inspect	Y	Tenn. Code § 43-6-106; Tenn. Comp. R. & Regs. 0080-06-01-.05	The Department has the authority to inspect plants, plant products, or other articles or things that may be capable of disseminating or carrying insect pests, pest plants, or plant diseases.
Transport	Y	Tenn. Code § 43-6-106	The Department is authorized to publish rules governing plants and plant products while in transit through the state as necessary to prevent the introduction into and dissemination within the state of insect pests, pest plants, or plant diseases.
Enter into MOU	Y	Tenn. Code § 43-6-107	The Department may enter into cooperative arrangements with any person, municipality, county and other departments of the state, and boards, officers and authorities of other states and the United States for inspection with reference to insect pests, pest plants, or plant diseases and for the control and eradication of the same.
Inspection			
Designate Agents/Inspectors	Y	Tenn. Code § 43-6-107	The Department is authorized under the Plant Pest Act to appoint such assistants, inspectors and other employees as may be required and prescribe their duties, and delegate to the assistants, inspectors and other employees such powers and authority as may be deemed proper.
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		

Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	Y	Tenn. Comp. R. & Regs. 0080-06-01-.15	The Department may issue a stop movement order for any plant, regulated article, or other material being moved in violation of law or that is found to be infested or to be capable of harboring pests, pest plants, or disease.
Prohibition of use of Weed free language	N		
Penalties	Y	Tenn. Code § 43-6-112; Tenn. Comp. R. & Regs. 0080-06-01-.07	Violations of the Plant Pest Act are classified as Class C misdemeanors.
Embargo/Quarantine	Y	Tenn. Code § 43-6-106	The Department may declare a quarantine against any area, place, nursery, forest, orchard, farm lot, or other boundary of whatever size or description, or any county or counties within the state, other states, territories, foreign countries or portion thereof in reference to dangerous insect pests, pest plants, or plant diseases.
Cancellation of certification	Y	Tenn. Comp. R. & Regs. 0080-06-01-.07	The Department has authority to revoke any license. Regulations relating to specific quarantines do mention cancellation of certificates.
Funding			
State Fund	N		
Fees	Y	Tenn. Code § 43-6-113	The Plant Pest Act contains a fee schedule for certain services including phytosanitary certificates.
Total (out of 38)			
	14		
	36.84%		

TEXAS

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Tex. Agric. Code § 71.007	Texas Department of Agriculture
Species List			
State List	Y	4 Tex. Admin. Code § 19.300	Regulatory list of noxious and invasive plants.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	Tex. Health & Safety Code § 361.421	Defined in solid waste law as “the disinfected and stabilized product of the decomposition process that is used or sold for use as a soil amendment, artificial topsoil, growing medium amendment, or other similar uses.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	16 Tex. Admin. Code § 12.3	Defined in coal mining regulation as “vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		Department authority limited to seed and quarantines for insects/diseases.
Inspect	N		The Department may perform a quarantine inspection for quarantined

			articles, including any plants, vegetables, other agricultural products, or equipment that is a host or carrier of a pest or disease. 4 Tex. Admin. Code § 19.2. Weeds are not included in the definition of pest.
Transport	N		Transport is not specifically mentioned, although it is unlawful to distribute and import into the state a noxious or invasive plant species. Tex. Agric. Code § 71.152.
Enter into MOU	N		Limited authority to enter into a cooperative agreement with an institution of higher education that agrees to conduct plant pest and disease detection and surveillance. Tex. Agric. Code § 71.202.
Inspection			
Designate Agents/Inspectors	N		
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	Y	Tex. Agric. Code § 71.152	The unlawful sale, distribution, or import of noxious or invasive plants is classified as a Class C Misdemeanor.
Embargo/Quarantine	N		No authority found with respect to noxious or invasive plants, although Department does have quarantine authority for plant pests, which are limited to insects and plant diseases. Tex. Agric. Code § 71.003.

Cancellation of certification	N		
Funding			
State Fund	N		
Fees	N		
Total (out of 38)	5		
	13.16%		

UTAH

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Utah Code § 4-17-103	Utah Department of Agriculture and Food
Species List			
State List	Y	Utah Admin. Code R68-9-3	The Department designates and publishes noxious weeds into five classes.
NAISMA Appendix A	Y		The Department complies with NAISMA standards for weed free forage per Hay Program website .
Adoption of WFP			
MOU Holder	N		
Forage	Y	Utah Admin. Code R68-9-4	The Department offers weed free certification for hay and straw.
Gravel	N		Some counties offer gravel certification. See, e.g., Uintah County .
Mulch	N		
Compost	N		
Requirement to use certified WFP	Y	Utah Admin. Code R850-50-1700	Range management regulations contain a provision that states “forage used for supplemental feeding shall be certified weed free.”
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	N		
Cubed Hay	N		
Gravel	Y	Utah Admin. Code R647-1-106	Defined in mining regulations as “a naturally occurring unconsolidated to moderately consolidated accumulation of rock and mineral particles, the dominant size range being between 4mm and 75mm, which has been deposited by sedimentary processes.”
Forage	N		
Mulch	Y	Utah Code Ann. § 4-16-102	Defined in the Utah Seed Act as “a protective covering of a suitable substance placed with seed that acts to retain sufficient moisture to support seed germination and sustain early

			seedling growth; aids in the prevention of the evaporation of soil moisture; aids in the control of weeds, and aids in the prevention of erosion.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y	Utah Code Ann. § 4-17-103	The term certification is not expressly used, but the Department is authorized to “compile and publish a list of articles capable of disseminating noxious weeds or seeds and designate treatment to prevent dissemination.” Regulated articles include “haw, straw, or other materials of similar nature.” Utah Admin. Code R68-9-4.
Inspect	Y	Utah Code Ann. § 4-2-103	The Department is authorized to inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any private or public place that may become infested or infected with harmful insects, plant diseases, noxious or poisonous weeds, or other agricultural pests.
Transport	Y	Utah Code Ann. § 4-17-103	The Department authorized to regulate the flow of contaminated articles into the state and between counties to prevent the dissemination of noxious weeds or seeds.
Enter into MOU	Y	Utah Code Ann. § 4-17-115	The Department may enter into cooperative agreements to rehabilitate/treat an area or conduct research. There are also directives for county boards to cooperate. Utah Code Ann. § 4-17-107
Inspection			
Designate Agents/Inspectors	Y	Utah Admin. Code R68-4-11	Phytosanitary inspection are to be performed by designated employees.
Training/Certification of Inspectors	Y	Utah Admin. Code R68-4-5	Only individuals “properly qualified, licensed, and designated by the department” and approved and licensed by the USDA may issue, classify, or sign certificates covering the grade of farm products when the farm products have been officially standardized.

Standards	Y		Inspection standards are set forth in the Department's Hay and Straw Weed Phytosanitary Inspection Policy and Procedures .
Process	Y		The inspection process is set forth in the Inspection Policy and Procedures .
Certification			
Process/Forms	Y		Process for how certificates are issued set forth the Inspection Policy and Procedures .
Issuance: Inspection	Y		As set forth in the Inspection Policy and Procedures , an inspection certificate shall document that the program standards have been met based upon a reasonable and prudent visual inspection.
Issuance: Transit	Y		The Department issues transit certificates for interstate shipments as outlined in the Inspection Policy and Procedures .
Identification/Marking Requirements	Y		As set forth in the Inspection Policy and Procedures , tags will be used on individual bales and lots of less than 25 bales if requested by the applicant. For interstate shipments, the Department may use a pre-numbered green tag "CERTIFIED" with a one time use padlock.
Certify for Out of State Movement	Y		As set forth in the Inspection Policy and Procedures , interstate shipment of forage shall be accompanied by a transit certificate and/or certification marking issued by proper officials or authority in the state/province of origin.
Enforcement			
Stop Sale/Seizure	Y	Utah Code § 4-1-105	No references specific to noxious weeds, but in the general provisions for the Department there is a grant of authority to seek an order of seizure or condemnation of an agricultural product that violates the law.
Prohibition of use of Weed free language	N		
Penalties	Y	Utah Code § 4-2-304	Violations of the Utah Agriculture Code or a lawful notice/order issued pursuant to it shall be assessed a penalty not to exceed \$5,000 per

			violation in a civil proceeding, and is guilty of a class B misdemeanor in a criminal proceeding.
Embargo/Quarantine	Y	Utah Code § 4-2-103	The Department may establish and enforce quarantines for noxious weeds.
Cancellation of certification	N		No express reference found regarding the cancellation of certificates, although there is a provision for suspension of license/registration. Utah Code § 4-1-106
Funding			
State Fund	N		
Fees	Y	Utah Admin. Code R68-4-12	Fee schedule for hay and straw inspection services available on Department website .
Total (out of 38)	24		
	63.16%		

VERMONT

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Vt. Stat. tit. 6, § 1032	Vermont Agency of Agriculture, Food & Markets. The definition of plant pest includes weeds. Vt. Stat. tit. 6, § 1030.
Species List			
State List	Y	Vt. Code R. 2-3-210 Appendix A	The Department designates noxious weeds into two classes.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	Vt. Stat. tit. 6, § 5132	Defined in agricultural residuals management law as “a stable humus-like material produced by the controlled biological decomposition of organic matter through active management but shall not mean sewage, septage, or materials derived from sewage or septage.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	N		

Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	N		Department authority limited to nurseries, seed, and some other areas (e.g., bees, ginseng).
Inspect	Y	Vt. Stat. tit. 6, §§ 1032 and 1036	The term inspection is not expressly used, but the Department is granted authority to enter any premises as necessary to carry out the pest management chapter. In addition, the Department may provide technical assistance in the area of pest management, including diagnostic services.
Transport	Y	Vt. Stat. tit. 6, §§ 1034 and 1035; Vt. Code r. 2-3-210:V	The movement and distribution of noxious weeds is prohibited under quarantine authority. A permit is needed to transport a plant pest.
Enter into MOU	N		There is a directive to cooperative, but no reference to agreements. Vt. Stat. tit. 6, § 1032.
Inspection			
Designate Agents/Inspectors	Y	Vt. Stat. tit. 6, § 1032	The Department may appoint assistants to perform or assist in the performance of any of the duties or functions of the Secretary under the pest management chapter.
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		

Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	Y	Vt. Stat. tit. 6, § 1037, Vt. Code r. 2-3-210:V	The Department is authorized to issue stop sale-orders to enforce the pest management chapter. Regulations also mention that violations of noxious weed regulations may result in cease and desist orders.
Prohibition of use of Weed free language	N		
Penalties	Y	Vt. Stat. tit. 6, § 1038	Individuals violating the pest management chapter or associated regulations may be assessed administrative penalties.
Embargo/Quarantine	Y	Vt. Stat. tit. 6, § 1034	The Secretary may establish and maintain quarantines concerning the planting, exposing, sale, importation, and transportation of all plants and plant products and regulated articles capable of carrying plant pests.
Cancellation of certification	N		
Funding			
State Fund	N		No provisions regarding funding found.
Fees	N		
Total (out of 38)	9		
	23.68%		

VIRGINIA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Va. Code § 3.2-801	Virginia Department of Agriculture and Consumer Services
Species List			
State List	Y	2 Va. Admin. Code 5-317-20	The Department classifies noxious weeds into three classes. The state also has a list of invasive plants. Va. Code § 10.1-104.6:2.
NAISMA Appendix A	N		
Adoption of WFP			
MOU Holder	N		
Forage	N		
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	Y	Va. Code § 3.2-3600	Defined in fertilizer law as “a biologically stable material derived from the composting process.”
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	9 Va. Admin. Code 20-81-10	Defined in solid waste regulations as “woody waste consisting of stumps, trees, limbs, branches, bark, leaves, and other clean wood waste that has undergone size reduction by grinding, shredding, or chipping, and is distributed to the general public for landscaping purposes or other horticultural uses except composting as defined and regulated under this chapter.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			

Certify	Y	2 Va. Admin. Code 5-317-40	The Department may issue a certificate or permit for the movement of a regulated article into, within, or out of the Commonwealth. "Regulated article" means any listed noxious weed or any article carrying or capable of carrying a listed noxious weed. 2 Va. Admin. Code 5-317-10
Inspect	Y	Va. Code §§ 3.2-806 and 3.2-807; 2 Va. Admin. Code 5-317-50 and 5-317-70	The Department shall have access to plants or plant products or any other article or substance suspected of being infested with a noxious weed for inspection and shall be provided with full information as to origin and destination of same by the person in possession of any plants or other articles. May also make reasonable inspections of any premises in the Commonwealth and any property therein or thereon and may stop and inspect in a reasonable manner any means of conveyance.
Transport	Y	Va. Code § 3.2-804; 2 Va. Admin. Code 5-317-30	Following a quarantine declaration, the Department can require a permit to move or transport a noxious weed or part thereof into or within the Commonwealth. The movement of a regulated article is prohibited unless accompanied by a valid certificate or permit.
Enter into MOU	N		There is a directive to cooperate, but nothing about agreements. Va. Code § 3.2-801.
Inspection			
Designate Agents/Inspectors	Y	2 Va. Admin. Code 5-317-10	"Inspector" means an employee of the Department or other person authorized by the Department to enforce the provisions relating to noxious weeds.
Training/Certification of Inspectors	N		
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		

Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	Y	Va. Code § 3.2-805; 2 Va. Admin. Code 5-317-70	The Department, in order to prevent the introduction or dissemination of noxious weeds, may stop delivery, stop sale, seize, destroy, treat, or order returned to the point of origin, at the owner's expense, any noxious weed, article, or substance whatsoever, if transported or moved within the Commonwealth, or if existing on any premises, or brought into the Commonwealth from any place outside thereof, if such is found by him to be infested with any noxious weed.
Prohibition of use of Weed free language	N		
Penalties	Y	Va. Code § 3.2-809	Violations of the noxious weed law are Class 1 misdemeanors.
Embargo/Quarantine	Y	Va. Code §§ 3.2-802 and 3.2-805.	The Department may establish a statewide quarantine and adopt regulations pertaining to regulated articles and conditions governing their movement.
Cancellation of certification	Y	2 Va. Admin. Code 5-317-40	The Department may withdraw any certification issued.
Funding			
State Fund	N		
Fees	N		
Total (out of 38)	12		
	31.58%		

WASHINGTON

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Wash. Rev. Code § 17.10.074	Washington Department of Agriculture
Species List			
State List	Y	Wash. Admin. Code § 16-752-610	Department list of species designated as regulated articles under the terms of the noxious weed seed and plant quarantine.
NAISMA Appendix A	Y		The Washington Wilderness Hay & Mulch Management (WWHAM) Program uses the NAISMA standards and links to Appendix A from program website .
Adoption of WFP			
MOU Holder	Y		The Washington Department of Agriculture is the listed MOU holder for the state. Responsibility for implementation shared with county weed boards.
Forage	Y		The Department offers certification of noxious weed-free hay and straw through the WWHAM Program .
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	Y	Wash. Admin. Code § 222-16-010	Defined in forest regulations as “an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.”
Compost	Y	Wash. Rev. Code § 15.86.020	Defined in organic products law as “the product of a managed process through which microorganisms break down plant and animal materials into more available forms suitable for application to the soil.”
Cubed Hay	N		

Gravel	N		
Forage	N		
Mulch	Y	Wash. Admin. Code § 246-274-009	Defined in sewer system regulations as “a protective covering for establishing a vegetative landscape that is spread or left on the ground to reduce evaporation, maintain even soil temperature, reduce erosion, control weeds, or enrich the soil.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y	Wash. Rev. Code § 17.10.074	No explicit reference to certification found, but Department is authorized by the noxious weed law to “Do such things as may be necessary and incidental to the administration of its functions ... including but not limited to surveying for and detecting noxious weed infestations.” Authority is also implied by inspection authority and existence of weed-free program.
Inspect	Y	Wash. Rev. Code §§ 17.10.060 and 17.10.235	Any authorized agent or employee of the state or county noxious weed control boards or the Department may enter upon any property for the purpose of administering the noxious weed law, including general inspection. In addition, the Department shall, upon request of the buyer, county weed board, or weed district, inspect products, screenings, articles, or feed stuffs to determine the presence of designated noxious weed seeds or toxic weeds.
Transport	Y	Wash. Rev. Code § 17.24.011; Wash. Admin. Code § 16-752-620	The Department is authorized to make rules regarding import and transit. Under noxious weed seed and plant quarantine regulations, it is unlawful to transport plants or plant parts of the listed regulated species into or within the state of Washington.
Enter into MOU	Y	Wash. Rev. Code § 17.24.111	The Department may enter into cooperative arrangements for the inspection of bees, plants and plant parts and products and the control or eradication of plant pests, bee pests, or noxious weeds.

Inspection			
Designate Agents/Inspectors	Y	Wash. Rev. Code § 17.10.060	“Any authorized agent or employee” of the Department may enter and inspect for noxious weeds.
Training/Certification of Inspectors	N		
Standards	Y		The Department’s WWHAM Program uses the NAISMA inspection standards.
Process	Y		The Department’s WWHAM Program follows the NAISMA inspection process.
Certification			
Process/Forms	N		The Department’s WWHAM Program adheres to the NAISMA certification process.
Issuance: Inspection	Y		The Department issues inspection certificate to document that program standards are met through the WWHAM Program .
Issuance: Transit	Y		The Department issues transit certificates through the in the WWHAM Program .
Identification/Marking Requirements	Y		The Department’s WWHAM Program follows NAISMA protocols for certification markers.
Certify for Out of State Movement	Y		The Department’s WWHAM Program adheres to NAISMA standards for issuing transit certificates and markings for interstate shipments.
Enforcement			
Stop Sale/Seizure	Y	Wash. Admin. Code § 16-752-650	Any plants, plant parts, or seed packets transported, bought, sold, or offered for sale in violation of the noxious weed law are subject to destruction or shipment out-of-state or other disposition in a manner prescribed by the Department to prevent infestation.
Prohibition of use of Weed free language	N		
Penalties	Y	Wash. Rev. Code §§ 17.10.230 and 17.10.350; Wash. Admin. Code § 16-750-020	Violations of the noxious weed laws are classified as civil infractions. Fines range from \$250- \$1,000 depending on violation.
Embargo/Quarantine	Y	Wash. Rev. Code § 17.24.041	The Department may declare a quarantine against an area, place,

			nursery, orchard, vineyard, apiary, or other agricultural establishment, county or counties within the state, or against other states, territories, or foreign countries, or a portion of these areas, in reference to plant pests, or bee pests, or noxious weeds, or genetically engineered plant or plant pest organisms.
Cancellation of certification	N		
Funding			
State Fund	N		
Fees	Y	Wash. Rev. Code § 17.10.235; Wash. Admin. Code § 16-470-912	The Department is authorized to charge inspection fees. The fee schedule for the weed free forage program is available on the WWHAM Program website.
Total (out of 38)	23		
	60.53%		

WEST VIRGINIA

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	W. Va. Code §§ 19-12-3 and 19-12D-4	West Virginia Department of Agriculture
Species List			
State List	Y	W. Va. Code St. R. § 61-14A-5	Department list of species designated as noxious weeds.
NAISMA Appendix A	Y		Appendix A is incorporated into the West Virginia Associated Crop Growers (WVACG) Noxious Weed Free Straw and Forage Program standards.
Adoption of WFP			
MOU Holder	Y		The WVACG is the listed MOU holder for the state. The organization is the official seed certification agency in partnership with the state. W. Va. Code St. R. § 61-9-11.
Forage	Y		The WVACG offers certification services for weed free haw and straw.
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	Y	W. Va. Code § 22-4-3	Defined in the quarry reclamation law as “an area from which soil or other materials are removed to be used, without further processing, as fill for activities such as landscaping, building construction or highway maintenance and construction.”
Compost	Y	W. Va. Code § 22-15-2	Defined in solid waste management law as “a humus-like material resulting from aerobic, microbial, or thermophilic decomposition of organic materials.”
Cubed Hay	N		
Gravel	N		
Forage	N		

Mulch	Y	W. Va. Code Ann. § 22-4-3	Defined in quarry reclamation law as “any natural or plant residue, organic or inorganic material, applied to the surface of the earth to retain moisture and curtail or limit soil erosion.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y	W. Va. Code § 19-12-13	Any person growing or possessing any plants or plant products or any other substance, material or thing may apply to the Department for a special inspection for the purpose of determining the presence of plant pests or noxious weeds which might prevent the movement or use of same.
Inspect	Y	W. Va. Code §§ 19-12-8 and 19-12D-9	The Department has authority to enter upon any public or private premises, except private residences, to examine and sample all plants and trees, soil, articles, and substances which are suspected of being infested or infected with dangerous plant pests or other insects or noxious weeds.
Transport	Y	W. Va. Code §§ 19-12D-7 and 19-12-14	It is unlawful to transport into or within the state any noxious weed without first obtaining a permit from the Department.
Enter into MOU	N		There are directives to the Department to cooperate, but no reference to agreements. W. Va. Code §§ 19-12-3 and 19-12D-8.
Inspection			
Designate Agents/Inspectors	N		
Training/Certification of Inspectors	N		
Standards	Y		The WVACG program incorporates NAISMA inspection standards.
Process	Y		The inspection process is outlined on the WVACG program website .
Certification			
Process/Forms	Y		According to the WVACG program website , forms are available upon request.
Issuance: Inspection	Y		According to the WVACG program website , inspection certificates are

			issued following inspection to determine that program requirements have been met.
Issuance: Transit	Y		According to the WVACG program website , official transit certificates are available from WVACG and contain the information necessary to meet the NAISMA standards.
Identification/Marking Requirements	Y		According to the WVACG program website , certification tags for eligible hay or straw will be issued by WVACG upon request by the applicant.
Certify for Out of State Movement	Y		According to the WVACG program website , interstate shipment of hay shall be accompanied by an original transit certificate issued by the WVCGA office.
Enforcement			
Stop Sale/Seizure	Y	W. Va. Code § 19-12D-7	The Department is authorized to stop delivery, stop sale, seize, destroy, treat, or order returned to the point of origin any noxious weed, article, or substance to prevent the introduction or dissemination of noxious weeds.
Prohibition of use of Weed free language	N		
Penalties	Y	W. Va. Code §§ 19-12D-11 and 19-12-16	Violations of the West Virginia Noxious Weed Act are classified as misdemeanors. Authorized fines range from \$10 to \$100.
Embargo/Quarantine	Y	W. Va. Code §§ 19-12D-6 and 19-12-6	The Department may issue a quarantine after a plant is declared noxious.
Cancellation of certification	N		
Funding			
State Fund	N	W. Va. Code § 19-12-12	Fees collected by the Department for noxious weeds must be deposited into the state treasury to the credit of a special fund for Department use.
Fees	Y		Fee schedule for WVACG weed free certification services available on program website .
Total (out of 38)			
	22		
	57.89%		

WISCONSIN

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	Y	Wis. Stat. §§ 94.45 and 23.22	The Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) has authority with respect to noxious weeds. Pursuant to Wis. Stat. § 23.22, the Wisconsin Department of Natural Resources (DNR) has authority to promulgate rules to identify, classify, and control invasive species, ultimately resulting in Wis. Adm. Code § NR 40.04. Invasive species includes plants.
Species List			
State List	Y	Wis. Adm. Code §§ NR 40.04 and 40.05	The DNR's list of prohibited and restricted invasive species includes plants. In addition, three species are identified as noxious weed in statute related to local control. Wis. Stat. Chapter 66 establishes the state's general municipal law, which includes noxious weeds and identifies the duties of the weed commissioner. Wis. Stat. § 66.0407(b). "Noxious weed" means Canada thistle, leafy spurge, field bindweed, any weed designated as a noxious weed by the DNR by rule, and any other weed the governing body of any municipality or the county board of any county by ordinance or resolution declares to be noxious within its respective boundaries. There is also a statutory designation of "nuisance weeds" means purple loosestrife or hybrids thereof and multiflora rose. Wis. Stat. Ann. § 23.235.
NAISMA Appendix A	Y		The Wisconsin Noxious Weed Free Forage and Mulch Certification Standards incorporate Appendix A.
Adoption of WFP			
MOU Holder	Y		Wisconsin Crop Improvement Association (WCIA) is the listed MOU holder in the state. The

			Association is the official seed certification agency for the state. Wis. Stat. § 94.40
Forage	Y	Wis. Stat. § 94.40	The WCIA, in cooperation with the University of Wisconsin-Madison College of Agricultural and Life Sciences and the DATCP, is the certifying agency for the certification of weed free mulch, hay, and straw, and shall base its certifications on the standards of the North American Weed Management Association.
Gravel	N		
Mulch	N		
Compost	N		
Requirement to use certified WFP	N		
WFP-Related Definitions			
Area of Manufacture/Origin	Y	Wis. Admin. Code § ATCP 20.01	Defined in seed labeling regulations as “the area from which seed was harvested for sale or distribution.”
Borrow/Fill Pit	N		
Compost	N		
Cubed Hay	Y		Defined in Appendix C of the Wisconsin weed-free program standards as “hay harvested with equipment which forms the hay into small compact self-binding units. These are not considered pellets as defined in this document and therefore the field of origin must be certified.”
Gravel	N		
Forage	Y		Defined in Appendix C of the Wisconsin weed-free program standards as “hay, straw, mulch, cubes, feed grain and pellets.”
Mulch	N		
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y	Wis. Stat. § 94.40	Authority for weed free mulch, hay, and straw certification is delegated to the WCIA.
Inspect	Y	Wis. Admin. Code § NR 40.04	No authority found with respect to noxious weeds and the DATCP. If DNR has reason to believe that a prohibited species is present, DNR or

			its designee may enter property to inspect for, survey or control prohibited species with permission of the person who owns, controls or manages the property, but if the person does not grant permission or cannot be located by DNR after making reasonable effort, the DNR may seek an inspection warrant from the appropriate circuit court authorizing entry.
Transport	Y	Wis. Adm. Code § NR 40.04 and NR 40.05.	Nothing found for noxious weeds and the DATCP. No person may transport a prohibited or restricted invasive species.
Enter into MOU	Y	Wis. Admin. Code § NR 40.09	No provisions found with respect to noxious weeds and the DATCP. There is a reference to MOUs in interagency cooperation regulation. For example, a state reviewer noted that DNR and DATCP have had an interagency MOU for many years. It has greatly helped the DNR's ability to implement and enforce Ch. NR 40. DATCP Nursery Inspectors look for invasive species at the same time they are looking for pests and disease-causing agents. While they don't have enforcement authority for NR 40, they do report their findings to DNR, and DNR can then follow-up with enforcement and or other action as needed.
Inspection			
Designate Agents/Inspectors	Y	Wis. Stat. § 94.01	Plant control and pest management law states that the DATCP can act "through its authorized agents or inspectors."
Training/Certification of Inspectors	N		
Standards	Y		The WCIA weed-free program standards follow the NAISMA inspection standards.
Process	Y		The WCIA weed-free program standards adhere to the NAISMA inspection process.
Certification			

Process/Forms	N		No reference to forms found on WCIA website.
Issuance: Inspection	Y		As set forth in WCIA program standards , an inspection certificate is issued by WCIA to document that program standards are met.
Issuance: Transit	N		No reference found in WCIA program standards about transit certificates.
Identification/Marking Requirements	Y		As set forth in WCIA program standards , certification tags will be issued for eligible forage or mulch upon request by the producer.
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	Y	Wis. Stat. § 23.22	There is a range of penalties for violations of invasive species laws depending on violation. Any person who knowingly violates the nuisance weed provisions shall forfeit not more than \$100. Wis. Stat. § 23.235.
Embargo/Quarantine	N		In the conduct of survey and inspectional programs for the detection, prevention, and control of pests, the DATCP may impose quarantines or such other restrictions on the importation into or movement of plants or other material as necessary to prevent or control the dissemination or spread of injurious pests. Wis. Stat. § 94.01. Definition of pest does not include weeds.
Cancellation of certification	N		No explicit provision for cancellation, but WCIA weed-free program standards refer to consequences of failure to abide by rules.
Funding			
State Fund	N		
Fees	N		No reference found with respect to weeds, but DATCP can charge for inspections and services related to seed and pests.
Total (out of 38)	18		
	47.37%		

WYOMING

Elements of WFP Program	Element Present	Citation	Explanatory Notes
Responsible Agency	N		According to state reviewer, local weed & pest districts do inspections with basically no oversight from Wyoming Department of Agriculture (WDA). Conducting inspections are voluntary for the districts.
Species List			
State List	Y	Wyo. Stat. § 11-5-102; Wyo. Rules and Regulations 010.0005.42 § 5	Wyoming Weed and Pest Council has a “ designated weed list ” that appears to be adopted in partnership with the WDA. Regulations have designated prohibited, restricted, and regulated weeds under the seed law authorities. “Designated list” means the list of weeds and pests from time to time designated by joint resolution of the board and the Wyoming weed and pest council or by an emergency declaration of the WDA. Wyo. Stat. § 11-5-102. The process of creating this listing and the criteria is found in Wyo. Stat. § 11-5-102, and by WDA administrative rules chapter 42.
NAISMA Appendix A	Y		Determined on a district basis.
Adoption of WFP			
MOU Holder	Y		The Wyoming Department of Agriculture is a listed MOU holder. The Wyoming Weed & Pest Council is also an MOU holder, and according to the state reviewer they are the more active party for the program.
Forage	Y		Implementing a weed-free forage program is up to each district, but all 23 in the state do so. See Wyoming Certified Weed Free Products website .
Gravel	Y		Determined on a district basis. According to a state reviewer a number of districts inspect gravel. See Wyoming Certified Weed Free Products website .

Mulch	Y		Determined on a district basis. According to a state reviewer there is little call for this service in state.
Compost	Y		Determined on a district basis. According to a state reviewer there is little call for this service in state.
Requirement to use certified WFP	Y	Wyo. Admin. Code 040.0001.23 § 5	It is unlawful to possess hay, straw, grain, seed, or mulch that does not have weed free certification on Game and Fish Commission lands.
WFP-Related Definitions			
Area of Manufacture/Origin	N		
Borrow/Fill Pit	N		
Compost	N		
Cubed Hay	N		
Gravel	N		
Forage	N		
Mulch	Y	Wyo. Admin. Code 020.0007.1 § 2	Defined in Wyoming Department of Environmental Quality regulations as “plant residue or other suitable materials placed upon the soil surface to aid in soil stabilization and soil moisture conservation.”
Raw Mulch	N		
Pellets	N		
Agency Authorizations			
Certify	Y	Wyo. Stat. § 11-43-101	Upon request of a producer or processor, the Department may develop standards of certification for any commodities produced or processed in Wyoming whether raw or value-added in order to promote special attributes of a particular commodity.
Inspect	Y	Wyo. Stat. § 11-5-118	Farm products and agricultural, commercial, or industrial equipment entering or moving within a weed and pest district are subject to inspection for contamination of designated weeds and pests by the district board through its designated agents.
Transport	Y	Wyo. Stat. § 11-5-118	Farm products and equipment moving within a weed and pest district are subject to inspection.
Enter into MOU	N		No authority at the state level. County weed boards may enter into

			cooperative agreements. Wyo. Stat. § 11-5-105.
Inspection			
Designate Agents/Inspectors	Y		
Training/Certification of Inspectors	N		Statutory authority for the board of certification to promulgate rules and requirements for certification of district supervisors and certify all personnel meeting the established requirements. Wyo. Stat. § 11-5-106. However, a state reviewer noted that this does not exactly mean WFP inspectors.
Standards	N		
Process	N		
Certification			
Process/Forms	N		
Issuance: Inspection	N		
Issuance: Transit	N		
Identification/Marking Requirements	N		
Certify for Out of State Movement	N		
Enforcement			
Stop Sale/Seizure	N		
Prohibition of use of Weed free language	N		
Penalties	Y	Wyo. Stat. § 11-5-117	Violations of the Weed and Pest Control Act are classified as misdemeanors and may result in a maximum fine of \$750, in addition to fines provided for in Wyo. Stat. § 11-5-109(e) for failure of a landowner to perform remedial requirements.
Embargo/Quarantine	Y	Wyo. Stat. § 11-5-116	The Department, the district board or their agents may declare a quarantine against such section to prevent the transfer of farm products from the quarantined area whenever they find any section of the state to be infested with insects, pests, poisonous or injurious plants or plant diseases.
Cancellation of certification	Y	Wyo. Stat. § 11-43-101	The Department may suspend or revoke a certification if the recipient fails to meet all of the requirements adopted by rules and regulations.

Funding			
State Fund	N		Not on the state level. The county commissioners shall annually levy a tax to carry out the Weed and Pest Control Act. All taxes levied and collected shall be remitted to the district for a separate fund to be known as the weed and pest control fund, which shall be used only to implement the Act. Wyo. Stat. §§ 11-5-111 and 11-5-109. A state reviewer noted that some funds are allocated at the state level for weed control on state lands, and for right-of-way weed control.
Fees	N		Department authority is limited to seeds and nurseries. Wyo. Stat. § 11-1-104. There is also a fee schedule for commodity crop inspections. WY Rules and Regulations 010.0005.58 § 4.
Total (out of 38)			
	16		
	42.11%		