



The Texas Invasive Plant Species List

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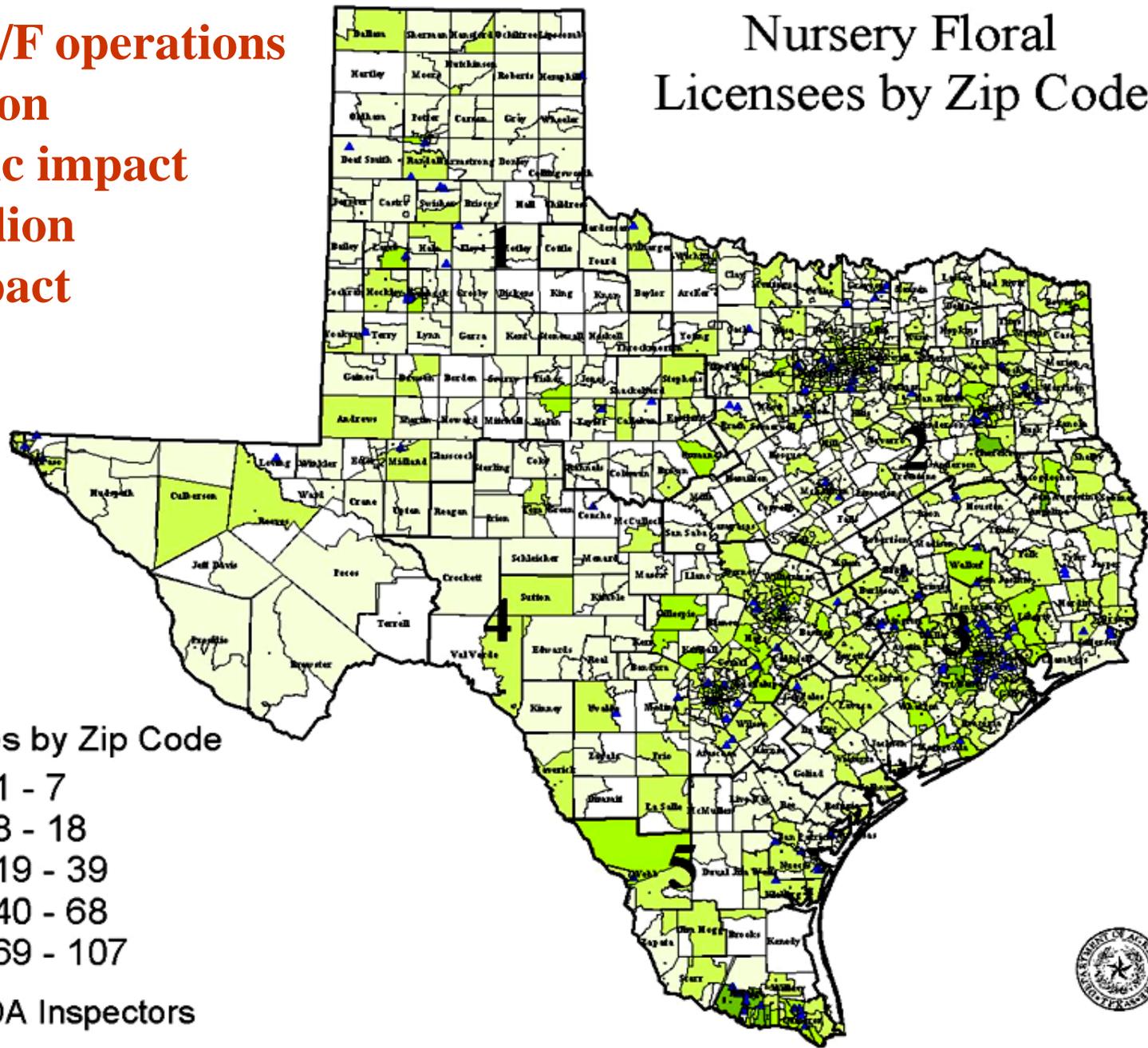
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20,000 N/F operations
\$9.4 billion
Economic impact
\$13.5 billion
total impact

Nursery Floral Licensees by Zip Code





Electronic Inspection Process

Retailer/Distributor:	17,378 (87.5%)
Grower (10 acres or less):	2,032 (10.2%)
Grower (over 10 acres to 20 acres):	92 (0.5%)
Grower (over 20 acres):	251 (1.3%)
Temporary Market Retailer/Distributor:	111 (0.6%)
Total growers	2,375 (12.0%)
Total Licensed N/F operations:	19,864

Texas Statistics	Acres	Sq. miles	%
Total area	171057280	267277	
Land area	167624960	261914	
Water area	3432320	5363	
Forested area	22032000		
State forests	5709		0.4
National forests	637451		
Number of farms	180644		
Land in farms	130886608		78.1
Cropland	28261000		
Pastureland	16710000		
Rangeland	94155000		
Private farmland: Total area	139126000		81.3
Private farmland: Land area			82.9
<i>1996 Statistical Abstracts of U.S., Texas Almanac 1999</i>			

History of Texas Noxious Plant Regulations

- 2003 Texas Department of Agriculture was authorized to publish a list of noxious plant species.
- 2005 Texas Department of Agriculture was authorized to publish a list of noxious and invasive plant species.
- 2011 Disclaimer required to terrestrial noxious or invasive plant lists:

"THIS PLANT LIST IS ONLY A RECOMMENDATION AND HAS NO LEGAL EFFECT IN THE STATE OF TEXAS. IT IS LAWFUL TO SELL, DISTRIBUTE, IMPORT, OR POSSESS A PLANT ON THIS LIST UNLESS THE TEXAS DEPARTMENT OF AGRICULTURE LABELS THE PLANT AS NOXIOUS OR INVASIVE ON THE DEPARTMENT'S PLANT LIST."



<http://www.sos.state.tx.us/texreg/issues.shtml>

TEXAS AGRICULTURE CODE

SUBCHAPTER D. NOXIOUS AND INVASIVE PLANTS

§ 71.151. LIST REQUIRED

- (a) The department by rule shall publish a list of noxious and invasive plant species that have serious potential to cause economic or ecological harm to the state. The department may publish lists of noxious and invasive plant species organized by region.

(b) In preparing or amending a list under this section, the department shall:

- (1) consult with representatives from the agriculture industry, the horticulture industry, the Texas Cooperative Extension, the Texas Department of Transportation, the State Soil and Water Conservation Board, and the Parks and Wildlife Department;
- (2) consider any available scientific data and economic impact information for each plant species; and
- (3) use any standard criteria established by the department.

§ 71.152. NOXIOUS OR INVASIVE PLANT SALE, DISTRIBUTION, OR IMPORTATION PROHIBITED.

- (a) A person commits an offense if the person sells, distributes, or imports into the state a noxious or invasive plant species included on the department's list described under Section 71.151.**
- (b) An offense under this section is a Class C misdemeanor.**
- (c) A person commits a separate offense for each noxious or invasive plant item or unit sold, distributed, or imported.**

Added by Acts 2003, 78th Leg., ch. 900, § 1, eff. Sept. 1, 2003. Amended by Acts 2005, 79th Leg., ch. 618, § 3, eff.

§ 71.153. LOCAL REGULATION.

A political subdivision may not adopt an ordinance or rule that restricts the planting, sale, or distribution of noxious or invasive plant species.

This section does not limit the preparation and distribution of educational materials relating to plants of local concern.

Added by Acts 2005, 79th Leg., ch. 618, § 4, eff. Sept. 1, 2005.

Texas Administrative Code

Chapter 19

Quarantines, and Noxious and Invasive Plants

- A. *Popillio japonica* (Japanese Beetle)
- Candidatus Liberibacter asiaticus* (HLB)
- Anastrepha ludens* (Mexican fruit fly)
- B. *Rodopholus similis* (Burrowing Nematode)
- C. *Sclerotinia camelliae* (Camellia flower blight)
- D. *Anastrepha suspensa* (Caribbean Fruit Fly)
- E. Date palm lethal decline (phytoplasma)
- F. Palm lethal yellowing (phytoplasma)
- G. *Helix aspersa* (European Brown Garden Snail)
- H. *Lymantria dispar* (Gypsy Moth)
- I. *Tomicus piniperda* (Pine Shoot Beetle)
- J. *Solenopsis invicta* (Red Imported Fire Ant)
- K. *Pyrausta nubilalis* (European Corn Borer)
- L. *Curculio caryae* (Pecan Weevil)
- M. *Cylas formicarius* (Sweet Potato Weevil)
- N. *Tilletia indica* (Karnal Bunt)
- O. *Anastrepha obliqua* (West Indian Fruit Fly)
- P. *Diaprepes abbreviatus* (Diaprepes Root Weevil)
- Q. *Anastrepha serpentina* (Sapote Fruit Fly)
- R. *Coptotermes formosanus* (Formosan Termite)
- S. *Aulacaspis yasumatsui* (Asian Cycad Scale)
- T. Noxious and Invasive Plant List

A. *General Quarantine Provisions* – Nursery Plants entering Texas must be certified pest-free

TDA's Authority and Responsibilities

Publish a list of noxious and invasive plants

Consult with stakeholders

Consider available information

Use standard criteria

Inform and educate public for compliance

RULES

Chapter 19 QUARANTINES AND NOXIOUS PLANTS

Subchapter T

NOXIOUS AND INVASIVE PLANTS RULE §19.300

Noxious and Invasive Plants List

- (a) The following plants have serious potential to cause economic or ecological harm to the state.

QUARANTINES AND NOXIOUS AND INVASIVE PLANTS

Subchapter T

NOXIOUS AND INVASIVE PLANTS

RULE §19.300

- (b) Unless permitted by the Texas Department of Parks and Wildlife Code §66.007 or by the Texas Department of Agriculture, a person commits an offense under the Texas Agriculture Code, §71.152, if the person sells, distributes or imports into the state the plants listed in subsection (a) of this section in any live form.

RULE §19.300

(continued)

(c) For the purpose of this section, the term "distributes" does not include the accidental or unintentional movement of noxious and invasive plant material in the course of legitimate construction activities or agricultural activities, including but not limited to, re-seeding, transportation of agricultural products and the movement of farm or earth moving equipment.

Sec. 71.154. **DISCLAIMER REQUIRED.**

- (a) A public entity, other than the department, that produces for public distribution to commercial or residential or landscapers a list of noxious invasive terrestrial plant species that includes a species growing in this state shall provide with the list a disclaimer that states:
- (b) **"THIS PLANT LIST IS ONLY A RECOMMENDATION AND HAS NO LEGAL EFFECT IN THE STATE OF TEXAS. IT IS LAWFUL TO SELL, DISTRIBUTE, IMPORT, OR POSSESS A PLANT ON THIS LIST UNLESS THE TEXAS DEPARTMENT OF AGRICULTURE LABELS THE PLANT AS NOXIOUS OR INVASIVE ON THE DEPARTMENT'S PLANT LIST."**

(b) A public entity, other than the department, that produces a list of noxious or invasive terrestrial plant species in printed material made for public distribution to commercial or residential landscapers, including a newspaper, trade publication, notice, circular, or Internet website, shall post the disclaimer required by Subsection (a) in at least 12-point type in a conspicuous location readily visible by persons viewing the list.

(c) The department shall adopt rules requiring a public entity to include the disclaimer required by Subsection (a) in a manner equivalent to the manner described by Subsection (b) for publication of the entity's list of noxious or invasive terrestrial plant species through media not described by Subsection (b), including billboards, radio productions, and television productions.

Added by Acts 2011, 82nd Leg., R.S., Ch. [688](#), Sec. 1, eff. September 1, 2011.

Noxious and Invasive Plant List (31+ species)

alligatorweed*

balloonvine

Brazilian peppertree

broomrape

camelthorn

Chinaberry

Chinese tallow tree

deeprooted sedge

distaff thistle

Eurasian watermilfoil*

Giant duckweed*

giant reed

hedge bindweed

hydrilla*

Itchgrass

Japanese climbing
fern

Japanese dodder

kudzu

lagarsiphon*

purple loosestrife

Paperbark*

rooted waterhyacinth*

saltcedar

Salvinia*

serrated tussock

torpedograss*

tropical soda apple

water spinach*

water trumpet

waterhyacinth*

waterlettuce*

Listed as invasive species

*Texas Parks and Wild Life Department Prohibited Exotic Aquatic Plants

Underlined: Prohibited in under the Texas Seed Quality Regulations

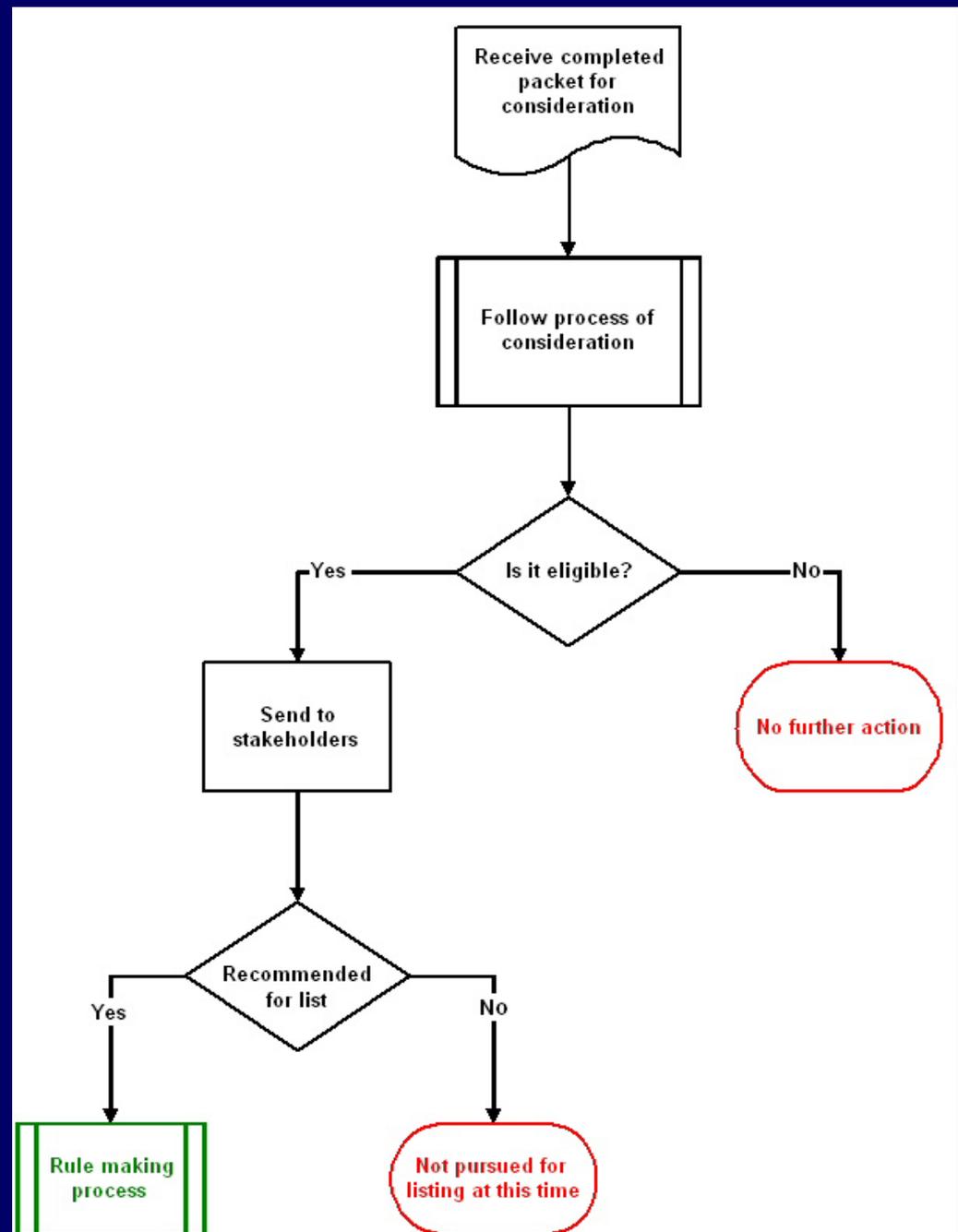
Process of consideration

What do we consider in determining a plant's eligibility as an invasive?

- Is it native to Texas ecosystems?
- Is it widely distributed in commerce?
- Is it established in Texas?
- Does it have a potential to cause economic harm to the state?
- Does it have a potential to cause ecological harm to the state?

[Information adopted from Presidential Executive Order 13112 (Doc 6183) on Invasive Species]

Overall Process For Noxious and Invasive Species Listing



Greater good!

Communication

Consensus

Cooperation

