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Figure 1. Johnsongrass seed head.

## Noxious and Invasive Weeds and The Weed Laws in Indiana

Many of us have heard the terms ‘noxious’ and ‘invasive’ weeds or plants. However, I would suspect that there are many people who either do not know what this means or which plants are labeled noxious or invasive. I believe we should all care about these two groups. Furthermore, did you know you could be breaking the law if you have these plants on your property? Below are some of the laws that Indiana has in place regarding weeds in these groups. If you would like to read the Indiana Code yourself or you have trouble sleeping at night, the following web address will get you started: <http://www.ai.org/legislative/ic/code/title15/ar3/index.html>. Some of the content for this article has also come from the “Indiana Weed Laws” brochure, (1989), Indiana Farm Bureau, Inc.

### Weed Laws

In my travels around Indiana, several people that I have talked to are surprised to learn that there are weed laws. Certain plants are mentioned in the Indiana laws and the laws of many other states. The obvious plant that is mentioned in one of Indiana’s laws is marijuana (*Cannabis sativa*). This plant is in the Indiana code because of its narcotic potential, but it does grow wild in Indiana. Also known as hemp, it was introduced in the US as a fiber crop and some of its long lost relatives still can be found growing wild in Indiana. But there are other plants listed in Indiana law that people need to know.

### Noxious Weeds and the Seed Law

The list of Indiana noxious weeds was constructed for the Indiana seed laws (IC 15-15). These laws were written to reduce the amount of noxious weeds that could enter or be spread around the state as a contaminant in bought and sold seed. It is actually a labeling law and it sets limits of the amounts of weed seed that can be in sold seed and not be stated on the labeled. This law breaks the noxious weed list into two categories, and these categories determine the amount of contaminant seed allowed and penalties associated with the specific group. The two categories are ‘Prohibited Noxious Weed Seed’ and ‘Restricted Noxious Weed Seed’ (Table 1.). Prohibited noxious weed seed is defined as seeds of perennial weeds or their reproductive structures such as underground roots, stems, and other reproductive parts, that when well established, are considered to be highly destructive and difficult to control by ordinary cultural practice at the time of writing the law (IC 15-15-18). Some of the weeds listed are not as difficult to control today with the herbicide technology available today. Restricted noxious weed seed are is from weeds

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Created: 2005

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that are considered very objectionable in fields, lawns, and gardens of Indiana, but could be controlled by good cultural practices (IC 15-15-1-20).

Seed packaged and sold for seeding or sowing is in violation of this law if it has over 0.25% of weed seed listed in the restricted noxious weeds list and is not stated on the label (Table 1). Also, it is a violation of the law if there are any prohibitive noxious weed seed in the seed for sale (IC 14-4-1-6). Furthermore, it is a violation to sell or distribute seed if it contains more than 2.5% of any weed seed in general. The 'Indiana Seed Law' is administered by the seed division of the Indiana State Chemist.

## Weed Control Boards (IC 16-16-7)

A county weed board can be formed if a county commissioner takes the initiative to form a Weed Control Board or if a petition is signed by at least 5% of the registered voters in the county (IC 15-16-7-3). A county weed control board is comprised of the following: a township trustee of the county, a soil and water conservation district supervisor, a representative from the agricultural community of the county, a representative from the county highway department or an appointee of the county commissioners, and a cooperative extension service agent from the county (IC 15-16-7-4). The extension service agent is a non-voting member of the board and serves only in an advisory capacity.

The county weed control boards have a noxious weed list that is separate from the 'Indiana Seed Law'. The county weed board's noxious weeds are listed in table 2. The county weed board has the authority to require land owners to control and contain any of the weeds listed in their noxious weed list. Although the law does not specifically say that the weed board has the authority to enter your property and control these weeds, the code does say, "taking all necessary and proper steps to control and contain noxious weeds which have adverse significance on agricultural production in Indiana" (IC 15-16-7-7). The extent of that would have to be determined by somebody skilled in the interpretation of law, not by me. In identifying a problem, the board can serve a five day written notification to remove any noxious weed on the property. At the same time, the township trustee is notified. If a person does not start activities to control the noxious weed after notification, the board can purchase chemicals, equipment, or labor to perform control measures of the noxious weed and a bill will be sent to the property owner. If not paid, this could end up on the specific land owners taxes that year.

## Marijuana Eradication Programs (IC 15-16-7)

The county weed control board can also establish a marijuana eradication program (IC 15-16-7-8). This allows the board to take action in controlling wild marijuana, otherwise known in Indiana as ditch weed. However, in most cases I have heard about, the local Sheriff or State police usually beats them to it.

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**Table 1. Noxious Weeds**

### Prohibited Noxious Weeds

1. Canada thistle
2. Field bindweed
3. Johnsongrass
4. Sorghum alnum
5. Perennial sowthistle
6. Quackgrass
7. Russian knapweed
8. Wild garlic
9. Wild Onion

### Restricted Noxious Weeds

1. Bitter wintercress
2. Buckhorn
3. Cocklebur
4. Corncockle
5. Curly dock
6. Dodder
7. Eastern black nightshade
8. Field peppergrass
9. Giant foxtail
10. Horsenettle
11. Mustard (unspecified)
12. Oxeye daisy
13. Pennycress.

**Table 2. Noxious weeds listed in the Destruction of Detrimental Plant Laws**

### Noxious Weeds

1. Burcucumber
2. Canada thistle
3. Johnsongrass
4. Shattercane
5. Columbus grass

## Destruction of Detrimental Plants (IC 15-16-8)

Plants mentioned in this law are the noxious weeds listed in the code for county weed control boards. This requires property owners to control the weeds listed in table 2. Added to this law is noxious weeds and rank vegetation in residential areas (IC 15-16-8-1(6)) This law also empowers the township trustee to act to investigate and control the noxious weeds. A 48-hour notice can be issued notifying the property owner that the township trustee wishes to come on the property to investigate any noxious weed problem. Once a problem has been determined, similar to the weed board's requirements, a five day notice has to be given to the property owner to start actions to control the noxious weed. If no action is taken the township trustee can either notify the county weed control board, if there is one, or initiate control measures themselves at the expense of the land owner. Once a bill has been sent to the property owner through registered mail or hand delivered, it has to be paid in 10 days. If the bill is not paid after 10 days it may appear on the land owner's taxes that year.

It might surprise many people that the penalty for allowing detrimental plants to grow and mature is rather severe. Any person owning or having charge over land, highway, or railroad right-of-way who allows detrimental plants to grow and mature is guilty of a Class C infraction (IC 15-16-8-12). A township trustee that fails to perform their duties required by this chapter is also guilty of a Class C infraction. A Class C infraction can have a maximum fine of \$500, each day constituting a separate offense.

### Johnsongrass

The control of johnsongrass law (IC 15-16-9) deals specifically with the noxious weed johnsongrass. This law states that all people who have land in their care, such as governmental bodies, utilities, or other public and quasi-public corporations must do anything possible to restrict the growth and seed production of all johnsongrass growing on lands for which they are responsible between July 1 and September 15. The Cooperative Extension Service will provide technical assistance to property owners.

### Invasive Plants

Although the plants mentioned above are problematic and have economic impact on agriculture, they are not always considered to be invasive plants. In turn, there are several weeds that impact agriculture that are also considered to be invasive species. A definition for invasive plants is given by the Invasive Plants Association of Wisconsin, "non-indigenous species or strains that become established in natural plant communities and wild areas, replacing native vegetation" (<http://www.ipaw.org/definition.htm>). These plants often find their way here through human actions. Once established, they can form monocultures choking out the indigenous plant species. Some examples are purple loostrife (*Lythrum salicaria*) and garlic mustard (*Alliaria petiolata*). Purple loostrife can choke a canal or wet land. Garlic mustard, suspected to have been introduced by Europeans as an medicinal plants at the time of European colonization of North America, can cover a forest floor becoming a monoculture.

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Table 3. Invasive Plants

#### Invasive Plants in Indiana

Asian bush honeysuckle  
Autumn olive  
Bicolor lespedeza  
Black alder  
Buckthorn, glossy  
Buckthorn, common  
Bush honeysuckle  
Brazilian elodea  
Canada thistle  
Creeping Charlie  
Creeping Jenny  
Common privet  
Common reed  
Crown vetch  
Dame's rocket  
Garlic mustard  
Highbush cranberry  
Hydrilla  
Japanese honeysuckle  
Japanese hops  
Japanese knotweed  
Purple loosestrife  
Purple winter creeper  
Oriental bittersweet  
Sericea lespedeza  
Siberian elm  
Smooth broom  
Star-of-Bethlehem  
Sweet clover  
Tall fescue  
Tree of heaven  
Water hyacinth  
White mulberry  
Winged burning bush

# Noxious and Invasive Weeds and the Weed Laws of Indiana (Revised March 24, 2010)

Many states are writing laws to reduce the introduction and proliferation of these species. Some of the laws Indiana has in place are presented below. See table 3 for a list of plants that are being considered or have been determined as being invasive plants.

## Purple Loosestrife and Multiflora Rose (IC 14-24-12)

In the state of Indiana a person can not sell, offer to sell, give away, plant, or distribute Lythrum (IC 14-24-12-7) without a permit issued by the division director of entomology and plant pathology. The law does not specify specific species, but uses the genera name Lythrum, possibly implying any Lythrum species. As loosestrife was once and still is valued as an ornamental although it is illegal to plant it. The other plant in this law was promoted as a living wind break in the past. Now it is illegal to plant any variety of multiflora rose (*Rosa multiflora*) without a permit (IC 14-24-12-5).

## Certification

Indiana is one of the first states east of the Mississippi to adopt a certification process for forages and mulch to reduce the movement of weeds. The Indiana Noxious Weed Seed-Free Forage and Mulch Certification Program was developed in cooperation with Purdue University and is administered by the Indiana Crop Improvement Association. To be certified, the hay and straw preharvest crop or areas where it is stored cannot have any of the 67 invasive weeds or their seed. For more information regarding getting your hay or mulch certified and for a list of the invasive weeds listed, please see the following web site (<http://www.indianacrop.org/weedfreestandards.htm>). There is an increase in the public desire for this certified product for individuals willing to achieve the certification.

## Invasive Species Council (IC 15-16-10)

Most recently, a law has been passed to set up an “Invasive Species Council” (IC 15-16-10). The Invasive Species Council has a fairly large job. It is the role of the Invasive Species council to make recommendations regarding invasive species to governmental agencies and legislative committees; seek funding; provide education and outreach programs; monitor and inventory invasive species in the state of Indiana; and set up a dialogue with other states regarding prevention, detection, response to and the management of invasive species. The Invasive Species Council does not have any regulatory authority. The Council does not have any authority to hear any appeals or grievances, they do not make law.

The Council is made up of 11 members. The Invasive Species Council consists of:

- 1) The dean of the Purdue University College of Agriculture or designee.
- 2) The director of the Indiana state department of transportation or designee
- 3) The state veterinarian or designee



*Ditch weed*



*Kudzu*



*Common reed*

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- 4) An employee of the division of fish and wildlife designated by the director.
- 5) An employee of the division of entomology and plant pathology designated by the director of that division
- 6) One representative of research on invasive species
- 7) Two individuals representing the hardwood tree industry, the horticulture industry, the agriculture industry and the aquaculture industry.
- 8) Two individuals representing organization or local government agencies concerned with land trusts, biodiversity conservation, aquatic conservation, and local parks and recreation.

## Closing Words

Law makers try several different ways to reduce the introduction and proliferation of noxious and invasive weeds in their states; however, laws do not always eliminate the problem. Canada thistle and burcucumber can easily be found in the state of Indiana. If an individual person does not know of these laws or does not abide by these laws, it is a difficult task to implement them. Funding and economic issues, along with political restraints, make enforcing these laws difficult. Furthermore, as a person who works in weed science, there is a reason why these plants are labeled noxious or invasive. They are generally very aggressive and often difficult to control. However, I invite you to be responsible for the land that is in your hands to do your part in maintaining the various ecologies of the State of Indiana and the state you live in and I, in turn, will work harder at identifying and relaying tools to help in this manner. To start: if you should happen to have these weeds, for information on how to control them please see the list of web sites given on the next page.

### Weed Identification

1	Virginia Tech Weed Identification Guide	<a href="http://www.ppws.vt.edu/weedindex.htm">http://www.ppws.vt.edu/weedindex.htm</a>
3	USDA Plant Data Base	<a href="http://plants.usda.gov">http://plants.usda.gov</a>
4	Nobal Foundation	<a href="http://www.noble.org/imagegallery/woodhtml/wCommonIndex.html">http://www.noble.org/imagegallery/woodhtml/wCommonIndex.html</a>
5	Weeds of the North Central States	<a href="http://www.aces.uiuc.edu/vista/html_pubs/WEEDS/list.html">http://www.aces.uiuc.edu/vista/html_pubs/WEEDS/list.html</a>
6	An Illustrated Flora of the United States and Canada, N. Britton and A. Brown	
7	Weeds of the Great Plains, J. Stubbendieck, M.J.Coffin, L.M. Landholt	
8	Weeds of The Northeast, R.H Eva, J.C. Neal, and J.E. Detomaso	

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## Weed Control

1	Weed Control Guide for Ohio and Indiana	<a href="http://www.btny.purdue.edu/Pubs/WS/WS-16/">http://www.btny.purdue.edu/Pubs/WS/WS-16/</a>
2	Select-A-Herb	<a href="http://btny.agriculture.purdue.edu/herbsel/">http://btny.agriculture.purdue.edu/herbsel/</a>
4	Control of Invasive Non-Native Plants	<a href="http://www.mdflora.org/publications/invasives.htm">http://www.mdflora.org/publications/invasives.htm</a>
5	Aquatic Plant Management	<a href="http://www.ces.purdue.edu/extmedia/WS/WS_21.pdf">http://www.ces.purdue.edu/extmedia/WS/WS_21.pdf</a>

## Invasive and Noxious Plants

1	Invasive Plants of Indiana	<a href="http://www.inpaws.org/InvasivePlants.pdf">http://www.inpaws.org/InvasivePlants.pdf</a>
2	Invasive Species, Indiana DNR	<a href="http://www.in.gov/dnr/invasivespecies/">http://www.in.gov/dnr/invasivespecies/</a>
3	Federal Invasive Species Info	<a href="http://www.invasivespeciesinfo.gov/">http://www.invasivespeciesinfo.gov/</a>
4	Invasive Plants Association of Wisconsin	<a href="http://www.ipaw.org/definition.htm">http://www.ipaw.org/definition.htm</a>
5	Invasive Plants of Ohio	<a href="http://www.dnr.state.oh.us/dnap/invasive/">http://www.dnr.state.oh.us/dnap/invasive/</a>
6	Exotic Species of Illinois, Illinois DNR	<a href="http://dnr.state.il.us/lands/education/ExoticSpecies/exoticspintro.htm">http://dnr.state.il.us/lands/education/ExoticSpecies/exoticspintro.htm</a>

## Indiana Fact Sheets

Asian honeysuckle  
Brazilian elodea  
Burdock  
Dodder  
Glossy buckthorn  
Hydrilla  
Kudzu  
Japanese honeysuckle  
Oriental bittersweet  
Star-of-Bethlehem  
Water hyacinth

To see these fact sheets please see the Purdue University Weed Science Page

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