

Noxious Weeds in Kansas: Statute and Regulations Meeting
Hosted by the Kansas Department of Agriculture
July 11, 2019

Secretary of Agriculture Mike Beam called the meeting to order at 10:02 a.m. There were 55 guests and staff in attendance.

Secretary Beam provided a brief welcome from the Kansas Department of Agriculture and introduced Kelsey Olson, Assistant Secretary of Agriculture. He gave a brief background on the meeting stating this is one of the first steps in "starting discussion" on the topic.

Jeff Vogel, Plant Protection and Weed Control Program Manager, introduced the New Noxious Weed Law. He provided a brief update. Vogel stated it has been more than a year since the law was passed and it was time to make changes to the regulations based on the new statute. He then highlighted significant changes to the law. The new noxious weeds list, that is required, would need to be created before December 31, 2020. Vogel explained the process that it would take to pass new laws and regulations. He also explained the new county weed options that the statute would make. Vogel also explained the Emergency Declaration process that the Secretary of Agriculture has the ability to declare. Vogel introduced the Weed Advisory Committee and provided an overview of their duties. Finally, Vogel discussed a few legalities and wording changes that had been made in the statute. (See PowerPoint for Vogel's slide presentation.)

Scott Marsh, State Weeds Specialist, presented the proposed noxious weed regulations and explained that stakeholder feedback would be important in this process. He explained how the new law will be enforced and the immediate need to create the new noxious weed list. Marsh presented new ideas of a tiered list for categorizing weeds, with the counties having individual rights to changing the priorities on the list, a new biological control plan, changing common and scientific names, updating the approved herbicide list and other reporting requirements. (See PowerPoint for Marsh's slide presentation.)

George Blush, KDA Agribusiness Services Director, lead the discussion in the open forum portion of the meeting. Questions were asked and either noted or answered by Vogel and Marsh.

Randy Stookey, from the Kansas Ag Retailers Association, thanked the KDA for the hard work done on the bill and for reaching out to the industry and stakeholders for input.

Ron Klataske, Audubon of Kansas, asked about certified forage being required on state lands and if the same restrictions would apply to forage being removed from state lands. Vogel answered that it is still unlawful to carry forage onto or from state land and that the quarantine is a separate issue but KDA will look into clarifying this wording. Klataske then asked for a category of plants to be created that will declare an in-between group of noxious plants. For example, "bush honeysuckle" in eastern Kansas that is sold in forestry/landscaping can be considered as an invasive or noxious species. He then mentioned that the state of Nebraska has a watch list for various plants. Marsh replied that each county has the option to name species at choice to be noxious, and that Kansas does have a watch list with no regulatory authority but will look into adding language concerning the removal of non-certified forage. The stakeholder asked if extra

care will be taken to avoid drift on organic/sensitive crops and if it will be expanded to "natural areas"? For example, a natural prairie with milkweeds. Vogel responded that DriftWatch allows any land to be protected and be called specialty or listed as organic.

Klataske then asked if all noxious plants had to be in the same category. All noxious plants are not bad in every situation. For example, field bindweed, which is a common weed, yet in drought situations, livestock will eat. Marsh answered the new tiered list is hopefully going to be helpful with issues like this and the county weed directors will have more leeway in these situations.

Paul Johnson, Kansas Rural Center, raised concern about the law stating that the Secretary of Agriculture can declare a noxious weed for 18 months. Followed by the question if a county weed official sees noxious weeds on private ground, do they have permission to act? Marsh answered, stating they may gain access to private ground if the weed director needs to do a survey of the counties' weeds. They have access to private land but must attempt to notify land owners and have them accompany if possible. Johnson then asked about cost share fundamental changes, and how many of the counties are levying 1.5 mils for herbicides. Marsh replied stating some counties utilize the option for budget purposes. Counties purchase herbicides from a local retailer, then sell at a discount for landowners as an incentive for use. He mentioned that the statutes were set up years ago. Marsh also mentioned that counties have the option for a cost share certificate to be honored at a private company.

Marci Francisco, Kansas Senate, asked questions about chemical use included in the statues. She mentioned that if a farmer pulls thistle by hand and gets out all of the roots, discs or uses fire, why would other control methods still be needed (chemicals)? Marsh answered stating the law is for perennial plants only and thistles are a biannual plant and therefore the mentioned approaches would work. He then stated that chemicals kill plants completely. Biological controls alone will not control plants.

Zack Pistora, lobbyist for the Kansas Sierra Club, mentioned that he liked the tier categories, updating control programs, nonchemical controls and a multi-pronged approach with chemicals. He stated there is a possible danger with chemicals for human health, resistance, drift damage and would like to see the cost share program expanded for non-chemical solutions using conservation districts. Pistora also mentioned there should be an education campaign for the public and realtors purchasing land with weeds on them.

Thad Holcombe, Water Advocacy Team member from Douglas Country, expressed his concern that runoff filled with pollutants causes major damage to flora and fauna. He would like this law to limit the amount of chemicals in the environment. He wanted to know if programs can communicate with each other and if the Kansas Department of Health and Environment were involved with the new rules and regulations? Vogel answered, stating the question posed is regulated by the Pesticide and Fertilizer Program at the KDA.

Pennie vonAchen asked for the criteria used to label plants noxious. Marsh stated they have not finalized the risk assessment plan yet. He noted they will be basing the plan on the plant's impact on humans, livestock, economy, ecology and the environment.

Casey Keirns, Jefferson County Weed Director, asked if there is an official list of invasive species? Vogel noted there is nothing official, but there are several unofficial lists within the industry. He stated it would include the use of a risk assessment, and a review of the current scientific literature.

A stakeholder asked the question if trees can be on the noxious weeds list? Vogel answered the question by stating there are no restrictions and that species will have to go through the risk assessment and then go through the process of being adopted into the list. Blush clarified the definition of a noxious weed in the law refers to any plant.

Blush thanked everyone for attending. The meeting adjourned at 11:39 a.m.

For additional comments contact Jeff Vogel, Plant Protection and Weed Control Program Manager, Kansas Department of Agriculture. Jeff.Vogel@ks.gov.