

*Sparganium erectum* L.  
*Striga* spp.  
*Tridax procumbens* L.  
*Urochloa panicoides* Beauvois

<sup>1</sup> Seeds with tolerances applicable to their introduction.

(b) The tolerance applicable to the prohibition of the noxious weed seeds in paragraph (a) of this section marked with (1) shall be two seeds in the minimum amount required to be examined as shown in Table 1, § 201.46. If fewer than two seeds are found in an initial examination, the shipment from which the sample was drawn may be imported. If two seeds are found in an initial examination, a second sample must be examined. If two or fewer seeds are found in the second examination, the shipment from which the samples were drawn may be imported. If three or more seeds are found in the second examination, the shipment from which the samples were drawn may not be imported. If three or more seeds are found in an initial examination, the shipment from which the sample was drawn may not be imported.

Done in Washington, DC, this 3rd day of July 1995.

**Terry L. Medley,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

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## 7 CFR Part 360

[Docket No. 94-050-2]

### Noxious Weeds; Deletions and Additions to List

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending the noxious weed regulations by removing *Stratiotes aloides* Linnaeus (water-aloe) from the list of aquatic weeds and *Euphorbia prunifolia* Jacquin (painted euphorbia) from the list of terrestrial weeds. We are also amending the noxious weed regulations by adding *Ottelia alismoides* (L.) Pers. to the list of aquatic weeds and *Solanum viarum* Dunal (tropical soda apple) to the list of terrestrial weeds. Listed noxious weeds may be moved into or through the United States only under a written permit and under conditions that would not involve a danger of dissemination of the weeds. This action is necessary to prevent the artificial spread of noxious weeds into noninfested areas of the United States, and to remove unnecessary restrictions.

**EFFECTIVE DATE:** August 11, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ms. Polly Lehtonen, Botanist, Biological Assessment and Taxonomic Support, PPQ, APHIS, Suite 4A03, 4700 River Road Unit 113, Riverdale, MD 20737-1236, (301) 734-4394.

### SUPPLEMENTARY INFORMATION:

#### Background

The noxious weed regulations (referred to below as the regulations) were promulgated under authority of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 *et seq.*, referred to below as the Act) and are set forth in 7 CFR part 360. They contain restrictions on the movement of listed noxious weeds into or through the United States, but do not affect the movement of listed noxious weeds that are moved solely intrastate.

A listed noxious weed may be moved into or through the United States only pursuant to a written permit. The regulations provide that the Animal and Plant Health Inspection Service (APHIS) will issue a written permit only after determining that the importation and movement of the noxious weed would not involve a danger of dissemination of the noxious weed in the United States.

On March 23, 1995, we published in the **Federal Register** (60 FR 15260-15262, Docket No. 94-050-1) a proposal to amend § 360.200 by removing *Stratiotes aloides* Linnaeus (water-aloe) from the list of aquatic weeds and *Euphorbia prunifolia* Jacquin (painted euphorbia) from the list of terrestrial weeds. We also proposed to amend the noxious weed regulations by adding *Ottelia alismoides* (L.) Pers. to the list of aquatic weeds and *Solanum viarum* Dunal (tropical soda apple) to the list of terrestrial weeds.

We held a public hearing on the proposed rule on April 4, 1995. No one came to speak about the proposed rule. We also solicited written comments concerning our proposal for 30 days ending April 24, 1995. We received five comments by that date. They were from industry groups and representatives of State and Federal governments. We carefully considered all of the comments we received. They are discussed below.

All of the comments that we received were strongly in favor of adding tropical soda apple to the list of terrestrial weeds. Two commenters talked about how surveys conducted in Florida indicated that the original infestation of this noxious weed has spread dramatically and now poses a significant threat to other southern States. This noxious weed has spread

through more than 500,000 acres of pasture and other land in Florida.

One commenter requested that APHIS consider setting aside funds to foster Federal and State cooperative efforts in keeping with APHIS' mission of excluding exotic plant pest species and enhancing trade opportunities for States threatened by tropical soda apple.

As resources permit, APHIS will continue to work closely with the weed research community, cooperators, and other interested parties to develop appropriate tropical soda apple control methods.

One commenter was concerned that APHIS did not propose measures to ensure the cleanliness of interstate shipments of cattle, manure, or grass seed.

At this time, available research on tropical soda apple is limited and inconclusive. Several efforts, such as ecological range studies and determining natural and artificial means of spread, are underway to determine the network of artificial and natural spread, but are not yet completed. One of the main vectors responsible for the artificial spread of tropical soda apple is cattle. APHIS, with the cooperation of the Florida State Veterinarian, has examined copies of all the certificates that accompanied the cattle moved interstate from Florida during the past 2 years. These records revealed the points of destination for the cattle shipments from Florida. These points of destination are considered by APHIS to be at high risk for becoming infested with tropical soda apple. These areas are being closely monitored by both APHIS and the States. Any tropical soda apple plants found will be destroyed. APHIS is aware of other avenues of artificial spread and is also monitoring those areas at risk in lieu of establishing quarantines.

Only one commenter was opposed to one of the additions to the list of noxious weeds. This commenter stated that *Ottelia alismoides* (L.) Pers. should not be added to the list of aquatic weeds. The commenter said that in 1977, *Ottelia alismoides* (L.) Pers. was collected in California in an irrigation drainage ditch next to some rice fields, but was never treated, and has never been known to be a problem in the rice fields. This same commenter also asked that a weed already on the list, *Ipomea aquatica*, be deleted from the list because it is grown commercially in California.

APHIS recognizes that *Ottelia alismoides* (L.) Pers. and *Ipomea aquatica* are not problems in California, but they pose a threat to Florida and other southern States. APHIS is taking