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Consumer  
Protection  
Services Director



OKLAHOMA  
Agriculture, Food  
and Forestry

Oklahoma  
Noxious  
Weed Law  
& Rule



# Noxious Weed Law

## Section 3-220 - Legislative Finding on Noxious Weeds

A. 1. The plants musk thistle (*Carduus nutans* L.), Scotch thistle (*Onoprodum acanthium* L.), and Canada thistle (*Cirsium arvense*) are designated as noxious weeds. The Legislature finds that these thistles are a public nuisance in all counties across this state.

2. It shall be the duty of every landowner in each county to treat, control, or eradicate all Canada, musk, or Scotch thistles growing on the landowner's land every year as shall be sufficient to prevent these thistles from going to seed.

3. The Department of Transportation, the boards of county commissioners, and any other public, private, or corporate entity who shall maintain rights-of-way in the State of Oklahoma shall be responsible for removing any thistle infestation that occurs within their jurisdiction.

4. Failure of the landowner to treat, eradicate, or control all musk, Canada, or Scotch thistle may result in a fine not to exceed One Thousand Dollars (\$1,000.00) for each violation per day.

5. Upon written complaint, the State Department of Agriculture shall inspect the type of thistle infestation, assess the nature and extent of the thistle infestation on the property of the landowner and determine the most appropriate thistle treatment, control, or eradication method available for the type of thistle and location of the property.

# Noxious Weed Law



## B. The Board shall:

1. Promulgate rules setting categories or degrees of infestation which would require specified treatment, control, or eradication;

2. Include musk, Scotch, and Canada thistles as prohibited noxious weed and weed seed pursuant to the Department's authority and responsibility under Article 8 of the Oklahoma Agricultural Code;

3. By November 1, 2000, and annually thereafter prior to the growing season of musk, Scotch, and Canada thistles, complete an annual survey detailing the degree of infestation of these thistles across the state. The results of these surveys shall be reported to Oklahoma State University; and

4. In all counties of this state, provide information to newspapers of general circulation stating that musk, Scotch, and Canada thistles are a public nuisance and that it is the duty of every public, private, or corporate landowner to treat, control, or eradicate these thistles growing on any property owned by the landowner. The information shall be provided at the beginning of the cycle of growth of the musk, Scotch, and Canada thistles and at other times as necessary to inform landowners of the provisions of this subsection. The information material shall also include:

a. information detailing the process by which an interested landowner may receive assistance pursuant to this subsection for the removal of thistles from infested property,

b. the telephone number of the Department, and

c. a statement informing the landowner that failure to remove musk, Scotch, and Canada thistles may subject the landowner to legal action requiring the treatment, control, or eradication of these thistles.

C. Upon request of the landowner or the Department, the designated Oklahoma State University extension agent for a particular county shall evaluate or, if there is no extension agent for a particular county, the Department shall inspect the type of thistle infestation, assess the nature and extent of the thistle infestation on the property of the landowner, and determine the most appropriate thistle treatment, control, or eradication method available for the type of thistle and location of the property.



# Noxious Weed Rule

35:30-34-1. Degrees of infestation

The degrees of infestation that may require treatment, control, or eradication of musk, scotch, or Canada thistle shall be defined in the following terms:

- (1) Light - Less than two (2) plants per acre.
- (2) Medium - Two (2) to nine (9) plants per acre.
- (3) Severe - Ten (10) or more plants per acre.



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## **Noxious Weed Procedures**

1. All complaints must be on the Board approved complaint form
  - a. Must contain the full name and address of landowner
  - b. Complete legal description of property
2. First complaint
  - a. Send letter addressing landowners' responsibilities
  - b. Provide copies of thistle identification and control fact sheets
  - c. Provide a Thistle Management Plan Form
  - d. If the landowner does not believe they have noxious weeds on their property we will come out and identify thistles. Or they must;
  - e. Complete the Thistle Management Plan Form and send it to the Department within 7 days.
3. Thistle Management Plan
  - a. Short term (14 days) management
    - i. Cut down and bag all thistles present throughout the growing season
    - ii. Herbicide spray - include
      1. Name of herbicide
      2. Date of application
      3. Name of commercial applicator or person who sprayed
  - b. Long term management - until under control
    - i. Keep area maintained (mowed) to less than 6" year round
    - ii. Biological Control
    - iii. Spray in April or May and maintain spray records.
      1. Name of herbicide
      2. Date of application
      3. Name of commercial applicator or person who sprayed
4. Second complaint (Stronger penalties)
  - a. Request records associated with Thistle Management Plan
  - b. Verify non-compliance



divisions licensing & permits programs disease alerts laws & rules news & events about & contact



## Division

Consumer Protection  
Services



Consumer Protection Services strives to provide consumers and the Oklahoma agriculture and urban communities with the highest level of service possible including ensuring and enforcing quality standards for agricultural products, regulating pesticide use, providing information and technical assistance to consumers. The laws regulated by this division impact the goods and services associated with Oklahoma's apiary, ag-lime, ornamental plant, vegetable plant, feed, seed, fertilizer,

# HOW TO FILE A NOXIOUS WEED COMPLAINT

- Visit [ag.ok.gov](http://ag.ok.gov)
- Consumer Protection Services



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# Consumer Protection Services

- Go to Plant Industry



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▼ PLANT INDUSTRY

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▼ PESTICIDES

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▼ WEIGHTS AND MEASURES

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- Feed
- Fertilizer
- Boll Weevil
- Grain Warehouse
- Industrial Hemp
- Noxious Weeds
- Nursery
- Pest Survey
- Phytosanitary Certificate
- Quarantines
- Seed
- Soil Amendment
- Weed Free Forage

[READ MORE>](#)



# Plant Industry

- Select Noxious Weeds / Complaint Form

## NOXIOUS WEEDS

The spread of noxious weeds is a problem facing many landowners in Oklahoma. The Oklahoma Noxious Weed Law declares Musk, Scotch, and Canada thistles to be noxious weeds and a public nuisance. All landowners whose property is infested with these thistles are required to control the thistles on their land. Failure to do so can result in an enforcement action and/or fine being assessed.

There are currently no funds available to assist landowners with the cost associated with the control of these thistles. However, landowners are encouraged to contact Oklahoma State University Extension for recommendations on a plan of action.

Individuals wishing to report thistle infestations that are not being controlled can file a complaint with the Oklahoma Department of Agriculture, Food and Forestry. The landowner will then be notified and informed about their responsibility.

- Musk Thistle
- Scotch Thistle
- Canada thistle

### Fact Sheets

- [Integrated Management of Invasive Thistles in Oklahoma](#)
- [Thistles in Oklahoma and Their Identification](#)

### Complaint Form

- [Oklahoma Noxious Weeds Complaint Form](#)

### Law

- [Oklahoma Noxious Weed Law](#)



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# Complaint Form

PICS-W-4  
REV 5-21

OKLAHOMA DEPARTMENT OF AGRICULTURE  
CONSUMER PROTECTION SERVICES  
NOXIOUS WEED COMPLAINT

Complaint #	_____
Date Received:	_____
Received By:	_____
	_____

NAME OF COMPLAINANT : \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
HOME PHONE: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_  
BEST TIME TO CALL: \_\_\_\_\_

**FOLLOWING SECTION MUST BE COMPLETED \*\***

**GENERAL NATURE OF COMPLAINT OR INQUIRY: \*\***

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMPLAINT IS AGAINST:** \_\_\_\_\_  
**ADDRESS: \*\*** \_\_\_\_\_

**PHONE NUMBER:** \_\_\_\_\_

**LOCATION OF AREA:\*\*** \_\_\_\_\_

**COUNTY:\*\*** \_\_\_\_\_ **NEAREST TOWN:** \_\_\_\_\_

**LEGAL DESCRIPTION OR GPS:** *(if known)* \_\_\_\_\_

*For Office Use Only:*

**ACTION TAKEN:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**Highlighted areas are essential information that must be provided.**

Mail to: Oklahoma Department of Agriculture, Food, and Forestry  
Consumer Protection Services  
P.O. Box 528804  
Oklahoma City, OK 73152-8804  
Email: [damardrav.williams@ag.ok.gov](mailto:damardrav.williams@ag.ok.gov)  
Phone: (405) 522-5981  
Fax: (405) 522-0625

[www.ag.ok.gov](http://www.ag.ok.gov)



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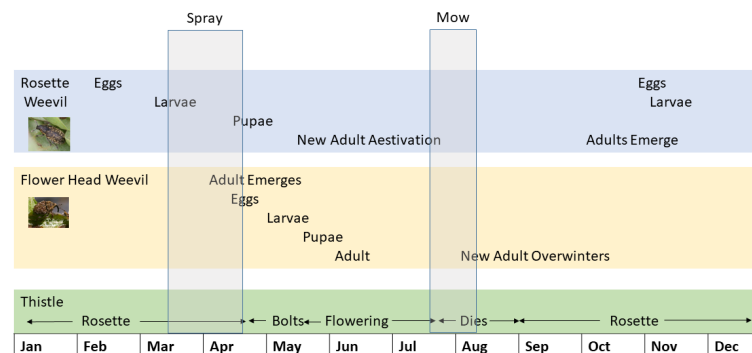
# Once A Complaint is Received



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- Packet is mailed to the landowner
  - Complaint Notification Letter
  - Noxious Weed Law
  - Thistle Management Plan
  - OSU Thistle Identification Fact Sheet
    - <https://extension.okstate.edu/fact-sheets/thistles-in-oklahoma-and-their-identification.html>
  - OSU Thistle Integrated Management Fact Sheet
    - <https://extension.okstate.edu/fact-sheets/integrated-management-of-invasive-thistles-in-oklahoma.html>

Integrated Control of Musk Thistle with Weevil and Herbicide



## THISTLE MANAGEMENT PLAN

NAME OF LAND OWNER: \_\_\_\_\_

### SHORT TERM PLAN (NEXT TWO WEEKS)

Herbicide application

a. Name and address of applicator

\_\_\_\_\_  
\_\_\_\_\_

Herbicide Used: \_\_\_\_\_

EPA Number: \_\_\_\_\_

Date of application: \_\_\_\_\_

### LONG TERM PLAN (NEXT TWO YEARS)

Monitoring schedule:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Spraying scheduled (best in March or April):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mechanical Control Option: Mow weekly throughout growing season (April – July) \_\_\_\_\_

Demardray Williams  
Oklahoma Department of Ag., Food, & Forestry  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105  
Phone : 405-522-5981  
[demardray.williams@ag.oh.gov](mailto:demardray.williams@ag.oh.gov)



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# The Following Growing Season

- If an additional complaint is filed against the landowner, the following growing season an inspector will conduct an onsite field investigation to verify compliance or non-compliance.

# What Are We Looking For During A Field Investigation?

- Evidence of whether the management plan is being followed
  - Mowing / Mechanical Control
  - Spraying
  - Weevil
  - Non-Compliance



# Mechanical Control



# Herbicide e Spraying





Non-  
Compliance



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Biological Control Thistle Head Weevil



## Head Weevil Larva Damage



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# FY-20 Complaints

29 Total Complaints



# FY-21 Complaints

30 Total Complaints

