

# WISCONSIN

## SUMMARY OF PLANT PROTECTION REGULATIONS Updated February 2021

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*The information as provided is for informational purposes only and should not be interpreted as complete, nor considered legally binding. Coordination with both your state and the destination state plant regulatory agency listed above may be necessary to stay current on revised regulations and requirements.*

### **NURSERY STOCK DEFINITION [\(94.10 \(1\)\(f\)\)](#)**

Nursery Stock means plants and plant parts that can be propagated or grown, excluding seeds, sod, cranberry cuttings, annuals and evergreen trees grown for eventual harvest and sale as Christmas trees.

### **GENERAL SHIPPING AND STOCK CLEANLINESS REQUIREMENTS**

Each bundle package or container of nursery stock shipped into Wisconsin must be accompanied by a certificate, tag, label, or stamp issued by the appropriate regulatory agency of the state of origin, certifying that the nursery stock to which it is attached has been appropriately inspected and found to be apparently pest-free. Plants, plant parts, or pest-harboring materials found to be infested or infected with injurious pests could be ordered destroyed per Wis. Stat. [94.02](#) and Wis. Admin. Code [ATCP 21.03\(2\)](#). Such injurious pests include, but are not limited to elongate hemlock scale, plant viruses, and boxwood blight.

## **CULTIVATED GINSENG CERTIFICATION PROGRAM [\(94.50\)](#)**

PLANT: American Ginseng (*Panax quinquefolius*)

STATES REGULATED: All

REQUIREMENTS: All ginseng to be exported shall have its weight verified prior to the issuance of an export permit. This weight must accurately correspond to the weight of purchases from collectors and growers set out in records required to be submitted to the Department. Ginseng dealers shall not receive, purchase or hold ginseng that has not been certified under Wisconsin law or laws or rules of other states. No person may act as a grower or dealer unless he or she is registered with the Department.

## **QUARANTINES OR ADDITIONAL REQUIREMENTS**

### **GYPSY MOTH QUARANTINE [\(ATCP 21.10\)](#)**

PEST: Gypsy Moth (*Lymantria dispar*)

STATES REGULATED: Infested states, counties or areas designated in the United States department of agriculture (USDA-APHIS) Quarantine under 7 CFR 301.45-3.

MATERIALS REGULATED: The gypsy moth in any living stage; trees, woody shrubs, cut Christmas trees, logs, pulpwood, slabwood, firewood, wood chips and outdoor household items or any other regulated article that originates from a gypsy moth regulated area designated by the USDA under 7 CFR 301.45-3.

RESTRICTIONS: All regulated articles from quarantined areas are prohibited except items that are inspected and certified by a pest control official in the state or province of origin, provided that the items are accompanied by a written certificate issued by the pest control official who inspected those items. The certificate shall identify the date of inspection and the items inspected. In the certificate, the pest control official shall certify at least one of the following:

- (a) That the inspected items originate from non-infested premises and have not been exposed to gypsy moth infestation.
- (b) That the inspected items were found, at the time of inspection, to be free of gypsy moth infestation.
- (c) That the inspected items have been effectively treated to destroy the gypsy moth. The certificate shall specify the method and date of treatment.  
**Note:** Effective treatment methods include the methods described in the USDA-APHIS [Gypsy Moth Program Manual](#). A copy of the manual may be inspected at the Department, or may be obtained from USDA-APHIS.
- (d) That the inspected items are produced, processed, stored, handled or used under conditions, described in the certificate, that effectively preclude the transmission of any gypsy moth infestation.

SPECIAL NOTE: This state quarantine may be superseded by the federal gypsy moth

quarantine.

## **COMMON PINE SHOOT BEETLE QUARANTINE**

PEST: Common Pine Shoot Beetle (*Tomicus piniperda*)

USDA-APHIS rescinded the federal pine shoot beetle quarantine on November 2, 2020, and WI DATCP is currently undergoing a rule revision process to eliminate our state pine shoot beetle regulations in [ATCP 21.12](#).

## **POTATO LATE BLIGHT ([ATCP 21.15](#))**

PEST: Potato Late Blight (*Phytophthora infestans*)

MATERIALS REGULATED: Potato cull piles and volunteers

RESTRICTIONS: A person who owns or controls land on which potato cull piles are located shall dispose of those cull piles by May 20 of each year. Whenever volunteer potato plants appear on land, the person who owns or controls that land shall immediately remove or kill those volunteer potato plants.

## **POTATO ROT NEMATODE ([ATCP 21.14](#))**

PEST: Potato Rot Nematode (*Ditylenchus destructor*)

MATERIALS REGULATED: Soil and plant materials containing potato rot nematode

RESTRICTIONS: The Department shall declare as infested any field or parcel of land on which potatoes that are infected with potato rot nematode have been grown. No potatoes grown on an infested field may be sold or moved without Department approval. No person may plant potatoes on any infested field without giving prior notice to the Department.

## **HONEYBEE IMPORT CONTROLS ([ATCP 21.13](#))**

PESTS: Africanized bees, Varroa mite (*Varroa destructor*), American foulbrood (*Paenibacillus larvae*)

MATERIALS REGULATED: Live honeybees and used beekeeping equipment

RESTRICTIONS: No person may ship live honeybees or used beekeeping equipment into Wisconsin without:

- (a) Reporting the import shipment to the Department in writing;
- (b) A pest control official certifying that the honeybees are European if they originate in a parish or county designated by USDA as having undesirable honeybees;
- (c) A pest control official certifying that the honeybees and used beekeeping

equipment are apparently free from Varroa mite and American foulbrood infestations.

**JAPANESE BEETLE IMPORT CONTROL rules were rescinded in 2002. Wisconsin will comply with the National Japanese Beetle Harmonization Plan.**

**HEMLOCK WOOLLY ADELGID QUARANTINE [\(ATCP 21.16\)](#)**

PEST: Hemlock Woolly Adelgid (*Adelges tsugae*)

AREAS REGULATED: Those with populations of hemlock woolly adelgid including the states of California, Connecticut, Delaware, Georgia, Idaho, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Washington, and West Virginia, as well as the District of Columbia and the Canadian provinces of British Columbia and Nova Scotia.

MATERIALS REGULATED: Hemlock (*Tsuga* spp.) seedlings, nursery stock, logs and bark.

RESTRICTIONS: All regulated articles from quarantined areas are prohibited except items that are inspected and certified by a pest control official in the state or province of origin, provided that the items are accompanied by a written certificate issued by the pest control official who inspected those items. The certificate shall identify the date of inspection and the items inspected. In the certificate, the pest control official shall certify at least one of the following:

- (a) That the items originate from non-infested premises and have not been exposed to hemlock woolly adelgid.
- (b) That the items were found, at the time of inspection, to be free of hemlock woolly adelgid.
- (c) That the items have been effectively treated to destroy hemlock woolly adelgid.
- (d) That the items are produced, processed, stored, handled or used under conditions, described in the phytosanitary certificate, that effectively preclude the transmission of hemlock woolly adelgid.

Alternately, regulated items may be imported into the state if there is a written agreement between the department and the importer. The agreement shall specify import terms and conditions including the following:

- a) The name and address of the importer and import recipient.
- b) The proposed source and destination of each import shipment.
- c) The proposed import dates or time period.
- d) The items to be imported in each proposed shipment.
- e) The proposed size and frequency of import shipments.
- f) The proposed method of import.
- g) Required import conditions that will, in the department's opinion,

- effectively prevent the spread of hemlock woolly adelgid.
- h) Provisions authorizing the department to cancel the agreement at any time, with or without cause or prior notice.

**EMERALD ASH BORER; IMPORT CONTROLS AND QUARANTINE ([ATCP 21.17](#))**

PEST: Emerald Ash Borer (*Agrilus planipennis*)

USDA-APHIS rescinded the federal emerald ash borer quarantine on January 14, 2021, and WI DATCP is currently undergoing a rule revision process to eliminate our state emerald ash borer regulations in ATCP 21.17.

**ASIAN LONGHORNED BEETLE; IMPORTS CONTROLS AND QUARANTINE ([ATCP 21.18](#))**

PEST: Asian Longhorned Beetle (*Anoplophora glabripennis*)

STATES REGULATED: Infested states, counties or areas designated in the USDA-APHIS quarantine under 7 CFR 301.51-3.

MATERIALS REGULATED: The Asian longhorned beetle in any living stage, cut firewood of all non-coniferous species, and trees or any wood products from any of the following genera: *Acer*, *Aesculus*, *Albizia*, *Betula*, *Celtis*, *Fraxinus*, *Platanus*, *Populus*, *Salix*, *Sorbus*, and *Ulmus*.

RESTRICTIONS: All regulated articles from quarantined areas are prohibited except items that are inspected and certified by a pest control official in the state or province of origin, provided that the items are accompanied by a written certificate issued by the pest control official who inspected those items. The certificate shall identify the date of inspection and the items inspected. In the certificate, the pest control official shall certify at least one of the following:

- (a) That the items originate from non-infested premises and have not been exposed to Asian longhorned beetle.
- (b) That the items were found, at the time of inspection, to be free of Asian longhorned beetle.
- (c) That the items have been effectively treated to destroy Asian longhorned beetle.
- (d) That the items are produced, processed, stored, handled or used under conditions, described in the certificate, that effectively preclude the transmission of Asian longhorned beetle.

SPECIAL NOTE: This state quarantine may be superseded by the federal Asian longhorned beetle quarantine.

**PHYTOPHTHORA RAMORUM; IMPORT CONTROLS AND QUARANTINE ([ATCP 21.19](#))**

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PEST: *Phytophthora ramorum*

STATES REGULATED: Infested states, counties or areas designated in the USDA-APHIS quarantine under 7 CFR 301.92-3.

MATERIALS REGULATED: Soil or potted media, all cultures and live material of *Phytophthora ramorum*; and nursery stock, unprocessed wood and plant products including bark chips, firewood, logs, lumber, mulch, wreaths, garlands and greenery of the following genera: *Abies*, *Acer*, *Asiantum*, *Aesculus*, *Arbutus*, *Arctostaphylos*, *Calluna*, *Calycanthus*, *Camellia*, *Castanea*, *Clintonia*, *Corylus*, *Drimys*, *Dryopteris*, *Fagus*, *Fraxinus*, *Griselinia*, *Hamamelis*, *Heteromeles*, *Kalmia*, *Laurus*, *Leucothoe*, *Lithocarpus*, *Lonicera*, *Maianthemum*, *Magnolia*, *Michelia*, *Nothofagus*, *Osmorhiza*, *Parrotia*, *Pieris*, *Photinia*, *Pittosporum*, *Pseudotsuga*, *Pyracantha*, *Quercus*, *Rhamnus*, *Rhododendron*, *Rhus*, *Rosa*, *Rubus*, *Salix*, *Sequoia*, *Syringa*, *Taxus*, *Toxicodendron*, *Torreya*, *Trientalis*, *Umbellularia*, *Vaccinium*, *Vancouveria*, and *Viburnum*.

RESTRICTIONS: All regulated articles from quarantined areas are prohibited except items that are inspected and certified by a pest control official in the state or province of origin, provided that the items are accompanied by a written certificate issued by the pest control official who inspected those items. The certificate shall identify the date of inspection and the items inspected. In the certificate, the pest control official shall certify at least one of the following:

- (a) That the items originate from non-infested premises and have not been exposed to *Phytophthora ramorum*.
- (b) That the items were found, at the time of inspection, to be free of *Phytophthora ramorum*.
- (c) That the items have been effectively treated to destroy *Phytophthora ramorum*.
- (d) That the items are produced, processed, stored, handled or used under conditions, described in the certificate, that effectively preclude the transmission of *Phytophthora ramorum*.

### **TREATED FIREWOOD FROM CERTIFIED SOURCES ([ATCP 21.20](#))**

PLANT PRODUCT: Firewood

MATERIALS REGULATED: Firewood going onto state-owned land per ATCP 21.20 (1)

RESTRICTIONS: Per the Department of Natural Resource's regulations, no person can move firewood onto state land that originates from greater than 10 miles from the state land unless it is certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection. This certification applies to persons who regularly sell or distribute firewood in this state and whose primary business location is in Wisconsin.

### **THOUSAND CANKERS DISEASE ([ATCP 21.21](#))**

PEST: Walnut Twig Beetle (*Pityophthorus juglandis*) and the fungus *Geosmithia morbida* (*sp. nov.*)

**STATES REGULATED:** The states of Arizona, California, Colorado, Idaho, Maryland, Nevada, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Virginia, and Washington.

**MATERIALS REGULATED:** Firewood from any species of tree. Living or dead plants or plant parts of the genus *Juglans*, including nursery stock, budwood, scionwood, green lumber, logs, stumps, roots, branches, composted chips and uncomposted chips.

**RESTRICTIONS:** All regulated materials from regulated areas are prohibited except articles that are inspected and certified by a pest control official in the state or province of origin, provided that the items are accompanied by a written certificate issued by the pest control official who inspected those items. The certificate shall identify the date of inspection and the items inspected. In the certificate, the pest control official shall certify at least one of the following:

- (a) That the regulated articles originate from a county not known to be infested with Thousand Cankers Disease (TCD) based on the results of an official state survey.
- (b) That the regulated articles were treated to mitigate the risk of TCD using either heat treatment (60 degrees C or 140 degrees F for 60 minutes measured at a depth of one inch of sapwood) or methyl bromide fumigation (APHIS standard T404-b-1-1).

All regulated material must be imported in compliance with a written agreement between the importer and the Department. The Department shall be notified in writing at least 24 hours in advance of each shipment of regulated material. Each shipment of regulated material shall be quarantined at destination until released by the Department.

## **MOUNTAIN PINE BEETLE ([ATCP 21.22](#))**

**PEST:** Mountain Pine Beetle (*Dendroctonus ponderosae*)

**STATES REGULATED:** The states of Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, Wyoming, and the Canadian provinces of Alberta, British Columbia and Saskatchewan.

**MATERIALS REGULATED:** Firewood wood or plant parts of the genus *Pinus* (pines), including dimensional lumber with bark attached, logs, stumps and branches

**RESTRICTIONS:** All regulated materials from regulated areas are prohibited except articles that are accompanied by a written certificate signed by a pest control official in the infested area which describes the materials and states at least one of the following:

1. The materials have not been exposed to the mountain pine beetle. The certificate shall explain the basis for the official's statement.
2. The materials have been effectively treated to destroy mountain pine beetle. The certificate shall specify the date and method of treatment.
3. The materials have been produced, processed, stored, handled, or used under conditions, described in the certificate, which effectively preclude the transmission of mountain pine beetle.

Alternately, regulated material may be imported in compliance with a written agreement

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between the importer and the Department that includes the importer's commitment to keep complete records of each import shipment as well as specific import terms and conditions that will, in the department's opinion, effectively ensure that materials imported pursuant to the agreement will not introduce the mountain pine beetle into this state.

### INVASIVE PLANT SPECIES [\(NR 40\)](#)

#### ACTIONS PROHIBITED BY THIS CLASSIFICATION; EXEMPTIONS.

The invasive species rule creates a comprehensive, science-based system with criteria to classify invasive species into two categories: "prohibited" and "restricted."

**Prohibited** = invasive species that are not currently found in Wisconsin, with the exception of small pioneer stands of terrestrial plants and aquatic species that are isolated to a specific watershed in the state or the Great Lakes, but which, if introduced into the state, are likely to survive and spread, potentially causing significant environmental or economic harm or harm to human health. With certain exceptions, the transport, possession, transfer and introduction of prohibited species is not allowed.

**Restricted** = invasive species that are already established in the state and cause or have the potential to cause significant environmental or economic harm or harm to human health. Restricted species are subject to a prohibition on transport, transfer and introduction, but possession is allowed, with the exception of fish and crayfish.

If authorized by a permit issued by the Department of Natural Resources under this chapter, a person may transport, possess, transfer or introduce a prohibited or restricted invasive species for research, public display, or for other purposes specified in the permit.

#### **Prohibited Plants:**

The following plant invasive species are prohibited:

1. *Achyranthes japonica* (Japanese chaff flower)
2. *Akebia quinata* (Fiveleaf akebia or Chocolate vine)
3. *Ampelopsis brevipedunculata* (Porcelain berry) including the variegated cultivar
4. *Arundo donax* (Giant reed)
5. *Azolla pinnata* (Mosquito fern)
6. *Berberis vulgaris* (Common barberry)
7. *Cabomba caroliniana* (Fanwort, Carolina fanwort)
8. *Cardamine impatiens* (Narrow leaf bittercress)
9. *Celastrus loeseneri* (Asian loeseneri bittersweet)
10. *Centaurea diffusa* (Diffuse knapweed)
11. *Centaurea repens* (Russian knapweed)
12. *Centaurea solstitialis* (Yellow star thistle)
13. *Crassula helmsii* (Australian swamp crop or New Zealand pygmyweed)
14. *Cytisus scoparius* (Scotch broom)
15. *Digitalis lanata* (Grecian foxglove)
16. *Dioscorea batatas* or *Dioscorea polystacha* (Chinese yam)
17. *Dioscorea oppositifolia* (Indian yam)
18. *Egeria densa* (Brazilian waterweed or wide-leaf anacharis)
19. *Eichhornia azurea* (Anchored water hyacinth)



20. *Eichhornia crassipes* (Water hyacinth, floating)
21. *Fallopia sachalinensis* or *Polygonum sachalinense* (Giant knotweed)
22. *Fallopia x bohemicum* or *F. x bohémica* or *Polygonum x bohémicum* (Bohemian knotweed)
23. *Glossostigma cleistanthum* (Mudmat)
24. *Heracleum mantegazzianum* (Giant hogweed)
25. *Hydrilla verticillata* (Hydrilla)
26. *Hydrocharis morsus-ranae* (European frogbit)
27. *Hydrocotyle ranunculoides* (Floating marsh pennywort)
28. *Hygrophila polysperma* (Indian Swampweed)
29. *Impatiens glandulifera* (Policeman's helmet)
30. *Ipomoea aquatica* (Water spinach, swamp morning-glory)
31. *Lagarosiphon major* (Oxygen-weed, African elodea or African waterweed)
32. *Lepidium latifolium* (Perennial or broadleaved pepperweed)
33. *Lespedeza cuneata* or *Lespedeza sericea* (Sericea or Chinese lespedeza)
34. *Limnophila sessiliflora* (Asian marshweed)
35. *Lonicera japonica* (Japanese honeysuckle)
36. *Lythrum virgatum* (Wanded loosestrife)
37. *Microstegium vimineum* (Japanese stilt grass)
38. *Myriophyllum aquaticum* (Parrot feather)
39. *Najas minor* (Brittle naiad, or lesser, bushy, slender, spiny or minor naiad or waternymph)
40. *Nelumbo nucifera* (Sacred Lotus)
41. *Nymphoides peltata* (Yellow floating heart)
42. *Oenanthe javanica* (Java waterdropwort or Vietnamese parsley)
43. *Oplismenus hirtellus* ssp. *undulatifolius* (Wavy leaf basket grass)
44. *Ottelia alismoides* (Ducklettuce)
45. *Paulownia tomentosa* (Princess tree)
46. *Petasites hybridus* (Butterfly dock)
47. *Phellodendron amurense* (Amur Cork Tree) except male cultivars and seedling rootstock
48. *Pistia stratiotes* (Water lettuce)
49. *Polygonum perfoliatum* or *Persicaria perfoliata* (Mile – a – minute vine)
50. *Pueraria montana* or *P. lobata* (Kudzu)
51. *Quercus acutissima* (Sawtooth oak)
52. *Ranunculus ficaria* (Lesser celandine)
53. *Rubus armeniacus* (Himalayan blackberry)
54. *Rubus phoenicolasius* (Wineberry or wine raspberry)
55. *Sagittaria sagittifolia* (Hawaii arrowhead)
56. *Salvinia herzogii* (Giant Salvinia)
57. *Salvinia molesta* (Giant salvinia)
58. *Sorghum halepense* (Johnsongrass)
59. *Stratiotes aloides* (Water Soldiers)
60. *Taeniatherum caput-medusae* (Medusahead)
61. *Torilis arvensis* (Spreading hedgeparsley)
62. *Trapa natans* (Water chestnut)
63. *Tussilago farfara* (Colt's foot)
64. *Typha domingensis* (Southern cattail)
65. *Typha laxmannii* (Graceful cattail)
66. *Vincetoxicum rossicum* or *Cynanchum rossicum* (Pale or European swallowwort)
67. *Wisteria floribunda* (Japanese wisteria)
68. *Wisteria sinensis* (Chinese wisteria)

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### Restricted Plants:

The following plant invasive species are restricted:

1. *Acer tataricum* subsp. *ginnala* (Amur maple) \*except all cultivars
2. *Aegopodium podagraria* (Bishop's goutweed)
3. *Ailanthus altissima* (Tree of heaven)
4. *Alliaria petiolata* (Garlic mustard)
5. *Alnus glutinosa* (Black alder) \*except all cultivars and hybrids
6. *Artemisia absinthium* (Wormwood)
7. *Berberis thunbergii* (Japanese barberry) \*This restriction only applies to the parent type, the variety *atropurpurea*, the hybrid of *B. thunbergii* x *B. Koreana*, and the following cultivars. *Berberis thunbergii* cultivars: Sparkle, 'Anderson' Lustre Green™, Erecta, 'Bailgreen' Jade Carousel®, Angel Wings, Painter's Palette, Inermis ('Thornless'), Pow Wow, Golden Ring, Kelleriis, Kobold, 'JN Variegated' Stardust™ and Antares. Variety *atropurpurea* cultivars: Marshall Upright ('Erecta'), Crimson Velvet, 'Bailtwo' Burgundy Carousel®, Red Rocket, 'Monomb' Cherry Bomb™, 'Bailone' Ruby Carousel®, JN Redleaf, Rose Glow and Silver Mile. Hybrid of *B. thunbergii* x *B. koreana* cultivars: Tara and 'Bailsel' Golden Carousel®
8. *Butomus umbellatus* (Flowering rush)
9. *Campanula rapunculoides* (Creeping bellflower)
10. *Caragana arborescens* (Siberian peashrub) \*except the cultivars *Lorbergii*, *Pendula*, and *Walkerii*
11. *Carduus acanthoides* (Plumeless thistle)
12. *Carduus nutans* (Musk thistle or Nodding thistle)
13. *Celastrus orbiculatus* (Oriental bittersweet)
14. *Centaurea biebersteinii*, *Centaurea maculosa* or *Centaurea stoebe* (Spotted knapweed)
15. *Centaurea jacea* (Brown knapweed)
16. *Centaurea nigra* (Black knapweed)
17. *Centaurea nigrescens* (Tyrol knapweed)
18. *Chelidonium majus* (Celandine)
19. *Cirsium arvense* (Canada thistle)
20. *Coronilla varia* (Crown vetch)
21. *Cynoglossum officinale* (Hound's tongue)
22. *Dipsacus laciniatus* (Cut-leaved teasel)
23. *Dipsacus sylvestris* or *Dipsacus fullonum* (Common teasel)
24. *Elaeagnus angustifolia* (Russian olive)
25. *Elaeagnus umbellata* (Autumn olive)
26. *Epipactis helleborine* (Helleborine orchid)
27. *Euonymus alatus* (Burning bush) including cultivar 'Nordine'; excluding all other cultivars
28. *Euphorbia cyparissias* (Cypress spurge)
29. *Euphorbia esula* (Leafy spurge)
30. *Fallopia japonica* or *Polygonum cuspidatum* (Japanese knotweed)
31. *Filipendula ulmaria* (Queen of the meadow)
32. *Galeopsis tetrahit* (Hemp nettle, brittlestem hemp nettle)
33. *Galium mollugo* (White bedstraw)
34. *Hesperis matronalis* (Dame's rocket)
35. *Impatiens balfourii* (Balfour's touch-me-not)
36. *Iris pseudacorus* (Yellow iris)
37. *Knautia arvensis* (Field scabiosa)
38. *Lonicera morrowii* (Morrow's honeysuckle)
39. *Lonicera tatarica* (Tartarian honeysuckle)
40. *Lonicera x bella* (Bell's or showy bush honeysuckle)

41. *Lysimachia nummularia* or *L. nummelaria* (Moneywort) \*except the cultivar Aurea and yellow and gold leaf forms
42. *Lysimachia vulgaris* (Garden yellow loosestrife)
43. *Lythrum salicaria* (Purple loosestrife)
44. *Morus alba* (White mulberry) \*except male cultivars
45. *Myosotis scorpioides* (Aquatic forget-me-not)
46. *Myosotis sylvatica* or *M. sylvaticum* (Woodland forget-me-not)
47. *Myriophyllum spicatum* (Eurasian watermilfoil)
48. *Najas marina* (Spiny naiad)
49. *Pastinaca sativa* (Wild parsnip) \*except for the garden vegetable form
50. *Phalaris arundinacea* var. *picta* (ribbon grass or gardener's garters and other ornamental variegated varieties and cultivars) \*this restriction does not include the parent type - reed canary grass.
51. *Pimpinella saxifraga* (Scarlet pimpernel or Burnet saxifrage)
52. *Populus alba* (White poplar)
53. *Potamogeton crispus* (Curly-leaf pondweed)
54. *Rhamnus cathartica* (Common buckthorn)
55. *Rhamnus frangula* or *Frangula alnus* (Glossy buckthorn) \*including the Columnaris (tall hedge) cultivar but excluding the cultivars Asplenifolia and Finline (Ron Williams)
56. *Robinia hispida* (Rose acacia or Bristly locust)
57. *Robinia pseudoacacia* (Black locust) \*except all cultivars
58. *Rosa multiflora* (Multiflora rose)
59. *Tanacetum vulgare* (Tansy) \*except the cultivars Aureum and Crispum
60. *Typha angustifolia* (Narrow-leaf cattail)
61. *Typha x glauca* (Hybrid cattail)
62. *Ulmus pumila* (Siberian elm) \*except hybrids and individuals used as rootstock
63. *Valeriana officinalis* (Garden heliotrope or Valerian)

**Restricted / Prohibited Plants:** The following invasive plants are listed under both the prohibited and restricted categories in ch. NR 40. These plant species are sometimes called split listed plants. Split listed plants are currently isolated to a specific region in the state but if introduced into other parts of the state are likely to survive and spread, potentially causing significant environmental or economic harm or harm to human health. (Restricted in the counties listed; Prohibited elsewhere in Wisconsin):

1. *Anthriscus sylvestris* (Wild chervil) - Adams, Barron, Chippewa, Crawford, Columbia, Dane, Dodge, Dunn, Fond du Lac, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Lacrosse, Lafayette, Marquette, Milwaukee, Monroe, Ozaukee, Polk, Racine, Richland, Rock, Sauk, Sheboygan, Taylor, Vernon, Walworth, Waukesha, and Washington counties
2. *Bunias orientalis* (Hill mustard) - Dane, Grant, Green, Iowa, Lafayette, and Rock counties
3. *Cirsium palustre* (European marsh thistle) - Ashland, Bayfield, Chippewa, Clark, Door, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Marinette, Menominee, Oconto, Oneida, Price, Rusk, Sawyer, Shawano, Taylor and Vilas counties
4. *Conium maculatum* (Poison hemlock) - Buffalo, Crawford, Dane, Grant, Green, Iowa, Jefferson, Kenosha, La Crosse, Lafayette, Milwaukee, Monroe, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Trempealeau, Vernon, Walworth, and Waukesha counties; prohibited elsewhere
5. *Epilobium hirsutum* (Hairy willow herb) - Brown, Calumet, Door, Kenosha, Kewaunee, and Manitowoc counties
6. *Glyceria maxima* (Tall or reed mannagrass) - Brown, Calumet, Columbia, Dane, Dodge, Door, Fond du Lac, Green, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Outagamie,

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Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha and Winnebago counties

7. *Humulus japonicus* (Japanese hops) - Buffalo, Crawford, Dane, Grant, Green, Iowa, Jackson, La Crosse, Lafayette, Monroe, Pepin, Richland, Sauk, Trempealeau, and Vernon counties; prohibited elsewhere

8. *Leymus arenarius* or *Elymus arenarius* (Lyme grass or sand ryegrass) - Door, Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, and Sheboygan counties

9. *Linaria dalmatica* (Dalmatian toadflax) - Juneau and Bayfield counties

10. *Lonicera maackii* (Amur honeysuckle) - Adams, Brown, Buffalo, Calumet, Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Manitowoc, Marquette, Milwaukee, Monroe, Outagamie, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara and Winnebago counties

11. *Phragmites australis* non-native ecotype (Phragmites or Common reed non-native ecotype) - Brown, Calumet, Columbia, Dane, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Jefferson, Kenosha, Kewaunee, Langlade, Manitowoc, Marathon, Marinette, Marquette, Menominee, Milwaukee, Oconto, Outagamie, Ozaukee, Portage, Racine, Rock, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago counties

12. *Solidago sempervirens* (Seaside goldenrod) - Kenosha, Milwaukee and Racine counties

13. *Torilis japonica* (Japanese hedgeparsley or erect hedgeparsley) - Adams, Brown, Calumet, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Langlade, Manitowoc, Marathon, Marinette, Marquette, Menominee, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago counties

14. *Vincetoxicum nigrum* or *Cynanchum louiseae* (Black or Louise's swallowwort) - Columbia, Crawford, Dane, Grant, Green, Iowa, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Milwaukee, Monroe, Racine, Richland, Rock, Sauk, Vernon, Walworth and Waukesha counties

## NOXIOUS WEED SEED SALES AND DISTRIBUTION RESTRICTIONS

### PROHIBITED NOXIOUS WEED SEEDS ([ATCP 20.01 \(27\)](#))

RESTRICTIONS: (ATCP 20.14(4) (a)): No prohibited noxious weed seeds may be sold, offered for sale, or distributed in Wisconsin.

*Amaranthus palmeri* - Palmer amaranth

*Amaranthus tuberculatus* - waterhemp

*Centaurea maculos* - Spotted knapweed

*Centaurea picris* - Russian knapweed

*Cirsium arvense* - Canada thistle

*Convolvulus arvensis* - field bindweed

*Eriochloa villosa* - woolly cupgrass

*Euphorbia esula* - leafy spurge

*Panicum miliaceum* - wild proso millet

*Polygonum perfoliatum* - mile-a-minute weed

*Pueraria montana* var. *lobata* - kudzu

### RESTRICTED NOXIOUS WEED SEEDS ([ATCP 20.01 \(30\)](#))

RESTRICTIONS: Restricted noxious weed seeds must be declared on seed labels and shall not exceed various tolerance levels (based on seed size).

*Abutilon theophrasti* - velvetleaf  
*Agropyron repens* - quackgrass  
*Ambrosia trifida* - giant ragweed  
*Avena fatua* - wild oat  
*Berteroa incana* - hoary alyssum  
*Cuscuta spp.* – dodder  
*Plantago lanceolata* - buckhorn  
*Raphanus raphanistrum* - wild radish  
*Silene alba* - white cockle  
*Sinapis arvensis* - wild mustard  
*Sonchus arvensis* - perennial sowthistle

**NOXIOUS WEEDS UNDER LOCAL AUTHORITY ([WIS STATUTE 66.0407\(1\)\(b\)](#))**

Local authorities may promulgate rules requiring the control of any weed they deem noxious including, but not limited to:

*Cirsium arvense* - Canada thistle  
*Convolvulus arvensis* - field bindweed, creeping Jenny  
*Euphorbia esula* - leafy spurge

**NUISANCE WEEDS ([WIS STATUTE 23.235 \(1\)\(a\)](#)) :**

RESTRICTIONS: Sale, distribution, planting, or cultivating of the following nuisance weed is prohibited:

*Rosa multiflora* - multiflora rose

RESTRICTIONS: Sale, distribution, planting, or cultivating of the following nuisance weed is restricted:

*Lythrum salicaria* - purple loosestrife