



PROPOSED RULE MAKING

CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: September 22, 2025

TIME: 3:54 PM

WSR 25-20-021

Agency: Washington State Noxious Weed Control Board

☒ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR 25-15-007 ; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____; or

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) Chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties. The Washington State Noxious Weed Control Board is proposing to amend pronouns and the state noxious weed list for 2025..

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 4 th , 2025	1:00 pm	Wenatchee Valley Chamber of Commerce 137 N Wenatchee Ave Ste 101, Wenatchee, WA 98801 Also virtually via Zoom https://us02web.zoom.us/j/7061977054?omn=89518665665	This Hearing will be held both in person and virtually through Zoom.

Date of intended adoption: November 5th (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name Mary Fee

Address WSNWCB P.O. Box 42560; Olympia, WA 98504-2560

Email mfee@agr.wa.gov or noxiousweeds@agr.wa.gov

Fax 360-902-2053

Other

Beginning (date and time) September 22nd 8:00 am

By (date and time) Monday, November 3rd by 5:00 pm

Assistance for persons with disabilities:

Contact Mary Fee

Phone 360-561-4428

Fax 360-902-2053

TTY (800) 833-6388

Email mfee@agr.wa.gov or noxiousweeds@agr.wa.gov

Other

By (date) Friday October 31st at 5:00 pm

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Washington State noxious weed list provides the basis for noxious weed control efforts for county noxious weed control boards and other entities. It also provides guidelines for the state noxious weed control board. This proposal updates the noxious weed list, updates pronouns, and updates language throughout Chapter 16-750 WAC. The anticipated effects include having an effective and efficient noxious weed list and guidelines for the administration of the state noxious weed control board.

Updates to the Noxious Weed List

WAC 16-750-005 Class A Noxious Weed Additions

- Waterhemp (*Amaranthus tuberculatus*)
- Delta arrowhead (*Sagittaria platyphylla*)

WAC 16-750-015 Class C Noxious Weed Additions

- Black locust (*Robinia pseudoacacia*)
- Norway maple (*Acer platanoides*), except for sterile cultivars

Reasons supporting proposal: Under RCW 17.10.080, the Washington State Noxious Weed Control Board (WSNWCB) is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution. Under RCW 17.10.070, the WSNWCB is charged with adopting, amending, or repealing rules, pursuant to the administrative procedure act, chapter 34.05 RCW, as may be necessary to carry out the duties and authorities assigned to the board by this chapter.

The proposed addition of waterhemp, *Amaranthus tuberculatus* and delta arrowhead, *Sagittaria platyphylla*, as Class A noxious weeds is intended to keep them from spreading from their very limited distribution to new locations within Washington State. Noxious weeds are very invasive species that when left uncontrolled outcompete agricultural crops and native species. Noxious weed infestations negatively impact both terrestrial and aquatic habits as well as farming and grazing lands.

The proposed addition of black locust, *Robinia pseudoacacia*, and Norway maple, *Acer platanoides*, as a C noxious weed species is intended to help control black locust and Norway maple in wilderness, ecosystems, and habitats and to limit its distribution to un-infested areas.

Statutory authority for adoption: RCW 17.10.070, 17.10.080

Statute being implemented: RCW 17.10

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Washington State Noxious Weed Control Board

Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Mary Fee	1111 Washington St SE, Olympia, WA 98504	360-561-4428
Implementation	Mary Fee	1111 Washington St SE, Olympia, WA 98504	360-561-4428
Enforcement	Mary Fee	1111 Washington St SE, Olympia, WA 98504	360-561-4428

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? ☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

☒ No: Please explain: The Washington State Noxious Control Board is not one of the agencies listed in this section

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

- | | |
|---|--|
| ☐ RCW 34.05.310 (4)(b)
(Internal government operations) | ☐ RCW 34.05.310 (4)(e)
(Dictated by statute) |
| ☐ RCW 34.05.310 (4)(c)
(Incorporation by reference) | ☐ RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| ☐ RCW 34.05.310 (4)(d)
(Correct or clarify language) | ☐ RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- ☐ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- ☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- ☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☒ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. Approximately 3500 businesses were queried with 31 responding to an online survey emailed to licensed nurseries and agricultural industry associations.

Two businesses (6.45%) reported selling class A proposed waterhemp, *Amaranthus tuberculatus*, but zero businesses (0%) indicated the listing would have no impact on their business do to loss of sales, revenue, or jobs.

No businesses (0%) reported selling class A proposed delta arrowhead, *Sagittaria platyphylla*, and none indicated the listing would have no impact on their business do to loss of sales, revenue, or jobs.

Six businesses (19.35%) reported selling class C proposed black locust, *Robinia pseudoacacia* and two businesses (6.4%) indicated the listing would have indirect impacts on their business do to loss of sales, revenue, or jobs.

Six businesses (19.35%) reported selling class C proposed Norway maple, *Acer platanoides*, but zero businesses (0%) indicated the listing would have indirect impacts on their business do to loss of sales, revenue, or jobs.

This rule would require the control of class A noxious weed species. The additions of delta arrowleaf and waterhemp will help protect areas from becoming infested and require control of limited infestations.

Black locust and Norway maple are being proposed as class C additions. These listing will help to priorities these species in conservation efforts in riparian areas, ecosystems, and green spaces. These additions helps protect other areas of limited distribution. Class C noxious weed species are not designated for required control at the state level.

An analysis of the direct economic effects of the proposed rule amendments indicates that the direct costs to businesses would be negligible or none at all. The two new class A noxious weed additions are required for control throughout Washington state but are very limited in distribution. The new class C noxious weed additions are not required for control by the state. Businesses should not be faced with more than minor costs to control those noxious weeds. Limited distribution is typically defined as less than 100 infested acres within a county.

Based upon the above analysis, the WSNWCB concludes that direct minor costs – if any – imposed would affect less than 10% of businesses and would not exceed \$100 in cost to comply as a direct result of these proposed rule-making changes. Nor would any of these amendments to the noxious weed list directly cause the creation of or loss of any jobs. The WSNWCB concludes that businesses will not be disproportionately impacted, nor would the proposed rule changes impose more than a minor cost on businesses in an industry. Therefore, we conclude that a formal SBEIS is not required.

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name Mary Fee
Address P.O. Box 42560; Olympia, WA 98504-2560

Phone 360-561-4428
Fax 360-902-2094
TTY (800) 833-6388
Email mfee@agr.wa.gov
Other

Date: September 22, 2025	Signature: 
Name: Mary Fee	
Title: Executive Secretary	