



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 20, 2025

TIME: 3:23 PM

WSR 25-21-117

Agency: Washington State Noxious Weed Control Board

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Emergency Class A listing of sunflower broomrape, *Orobanche cumana*, WAC 16.750.005. *Orobanche cumana* is known to cause major crop losses within one to two seasons and to persist in the soil for more than 50 years once established. It is highly invasive, producing over 700,000 dust like seeds per flowering stalk that are moved with wind, water, animals, and disturbance.

This pest was found for the first time in North America in Yakima County. USDA and WSDA have positively identified it through lab testing. An emergency listing of this pest will ensure proper control measures continue.

Orobanche cumana is a devastating root parasite of sunflower (*Helianthus annuus*) and other members of Asteraceae (the sunflower family), and can lead to significant crop losses. Not only does *O. cumana* pose a risk to sunflower producers in the state, but it could also have wide reaching impacts to the availability of export markets for agricultural commodities grown in the area. This could include seed and hay producers. One reason for the potential impact on export markets is due to the small and sticky seeds produced by the plant, which spread easily and can result in seed contamination.

This detection is especially concerning due to the aggressive nature of this parasitic weed and its potential to spread rapidly if left unmanaged. *Orobanche cumana* poses a serious threat to commercial sunflower production and could cause significant impacts to growers, processors, exporters and the agricultural economy if not swiftly contained.

Class A noxious weed listing is appropriate, as this noxious weed is not native to the state and of limited distribution and poses a serious threat to the state. This listing will also complement the WSDA emergency quarantine, rulemaking efforts for which are already in progress. Moreover, a Class A noxious weed listing will provide crucial education and outreach to the public as well as a regulatory tool to county noxious weed control boards to help ensure its mandatory eradication by public and private landowners if it is detected elsewhere in Washington state.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 16.750.005
- Suspended:

Statutory authority for adoption: Chapter 17.10 RCW

Other authority: Chapter 34.05 RCW

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: This is the first known infestation of this species in North America. It is detrimental to gain control of this infestation before it spreads to other locations. Class A noxious weed listing is appropriate. This listing will also complement the WSDA emergency quarantine, rulemaking efforts for which are already in progress. Moreover, a Class A noxious weed listing will provide crucial education and outreach to the public as well as a regulatory tool to county noxious weed control boards to help ensure its mandatory eradication by public and private landowners if it is detected elsewhere in Washington state.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	<u>1</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: 10/20/2025

Name: Mary Tallman Fee

Title: Executive Secretary

Signature:

