

## CONCISE EXPLANATORY STATEMENT

### Adoption of Permanent Rules Amendments to WAC 16-750

March 10<sup>th</sup>, 2026

#### Statutory Authority:

The State Noxious Weed List and Schedule of Monetary Penalties (WAC 16-750) provides the basis for noxious weed control efforts by county noxious weed control boards, the Washington State Noxious Weed Control Board (WSNWCB), and the Washington State Department of Agriculture (WSDA) under the authority of Chapter 17.10 RCW.

#### Reasons for Adopting the Rule:

The State Noxious Weed List, as set forth in rule, provides the basis for noxious weed control efforts by county noxious weed control boards, weed districts, the WSNWCB and the WSDA, under the authority of Chapter 17.10 RCW. The intent of the State Noxious Weed List is to prioritize control of noxious weed species statewide, concentrating on prevention and early detection, while still allowing for local program flexibility for more widespread noxious weeds.

#### Rule Changes Proposed:

The Washington State Noxious Weed Control Board considered proposals to make the following amendments to Chapter 16-750 WAC for 2026:

Updates to the Noxious Weed List

WAC 16-750-005 Class A Noxious Weed Additions

- Sunflower Broomrape, *Orobanche cumana*

#### Summary of the Public Comment Process:

The WSNWCB complies with Chapter 34.05 RCW, the Administrative Procedure Act, when providing notice of opportunity for public participation. The proposed rule amendments, instructions for submission of written comments, and the date, time, and location of the public hearing were submitted on January 23, 2026 for inclusion in the Washington State Register Issue number 26-04 (WSR #26-04-021). A detailed summary of the proposed rule changes, public hearing information, and options to provide testimony were published on the WSNWCB website by February 15<sup>th</sup>, and emailed to interested

parties, including every county noxious weed control board and weed district in the state as well as numerous interested stakeholders and citizens on February 25<sup>th</sup>, 2026.

RCW 34.05.325(1) requires the WSNWCB to accept written comments on its proposed amendments to WAC 16-750 if they are received no later than the time and date specified in the notice of proposed rule-making (CR-102). The advertised public comment period ran from January 23<sup>rd</sup>, 2026 until 5:00 p.m. on Monday, March 6<sup>th</sup>, 2026. Zero written testimonies were submitted before March 6<sup>th</sup>, 2026. One (1) oral comment were received on March 10<sup>th</sup>.

RCW 34.05.325(2) requires the WSNWCB to provide interested parties an opportunity to present oral comments on the proposed rules in a rule-making hearing. The hearing was held in person at the Chelan County Fire Department 232 E. Wapato Ave. Chelan WA 98816 and over video and teleconference using Zoom at 1:00 p.m. on March 10<sup>th</sup>, 2026. Four (4) members the State Noxious Weed Board, two (2) members from county noxious weed boards and eight (8) members of the public attended the hearing. The hearing was conducted under authority granted by RCW 17.10 (Noxious Weeds, Control Boards), RCW 42.30 (Open Public Meetings Act), and RCW 34.05 (Administrative Procedure Act). Prior to the period for oral comments, Education Specialist Anne Schuster provided a technical presentation on the proposed rule changes. The hearing officer was WSDA Agency Rules Coordinator Gloriann Robinson. Written testimony and oral testimony submitted is summarized below:

o Proposed addition of Class A noxious weed Sunflower Broomrape, <i>Orobanche cumana</i> .		
# supporting addition of Class A noxious weed Sunflower Broomrape, <i>Orobanche cumana</i>	# opposing addition of Class A noxious weed Sunflower Broomrape, <i>Orobanche cumana</i>	# neutral on addition of Class A noxious weed Sunflower Broomrape, <i>Orobanche cumana</i>
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## Comments Received from Stakeholders:

### Regarding the proposed Class A addition of Sunflower Broomrape, *Orobanche cumana*.

No written testimonies were submitted regarding this proposed change. One verbal comment was made in support of this listing.

**WSNWCB response:** The WSNWCB evaluates and adds species as a class A noxious weed that are limited in distribution throughout the state and that are highly invasive and hard to control by normal means such as tilling, herbicide, or hand pulling. The WSNWCB did adopt Sunflower Broomrape, *Orobanche cumana* as a class A noxious weed taking into consideration the proposals, written findings, and Noxious Weed Committee recommendations.

## **Reasons for adopting the rule changes**

### **Regarding the proposed Class A addition of waterhemp, *Amaranthus tuberculatus*.**

*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.

*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.

### **Differences Between the Proposed and Adopted Rule:**

**No Changes**