

**AN ANALYSIS TO DETERMINE IF A SMALL BUSINESS ECONOMIC IMPACT STATEMENT
(SBEIS) IS REQUIRED FOR WSNWCB PROPOSALS TO CHANGE THE NOXIOUS WEED LIST
(17.10.080 RCW)**

Rule Summary

Chapter 17.10.080 RCW authorizes the Washington State Noxious Weed Control Board (WSNWCB) to adopt a state noxious weed list annually to make changes as deemed necessary and helpful in reducing the threat and impact of noxious weeds in the state. These annual changes to the weed list are based primarily on proposals received by the WSNWCB, and they are voted on in November following a public hearing. Possible changes to the weed list include but are not limited to: the addition of new species; deletion of species that have been eradicated or found to be less detrimental than originally predicted; changes in Class B areas designated for control; the change of noxious weed class of a species.

The current proposed changes to the 2019 noxious weed list include:

- Adjusting designations of nineteen Class B noxious weeds
- Updating the scientific names of five noxious weeds

Purpose of this Analysis

RCW 19.85.030 requires agencies to prepare a SBEIS if the proposed rule will impose more than minor costs on businesses in an industry. The purpose of this analysis is to determine if the proposed changes to the 2019 noxious weed list will impose “more than minor costs” on the businesses directly affected by these proposed changes, which would thereby require WSNWCB to prepare a formal SBEIS.

Nature of aforementioned noxious weed species in Washington

Proposed modifications of current Class B designations:

The designations of nineteen Class B noxious weeds will be adjusted to better match existing distributions of those species. Namely:

Proposed undesignations of Class B noxious weeds:

- Undesignate Brazilian elodea, *Egeria densa*, in Cowlitz County
- Undesignate Eurasian watermilfoil, *Myriophyllum spicatum*, in Cowlitz County
- Undesignate hoary alyssum, *Berteroa incana*, in Spokane and Ferries counties
- Undesignate indigobush, *Amorpha fruticosa*, in Skamania County
- Undesignate hawkweeds (*Hieracium*): all nonnative species and hybrids of the Wall subgenus (*Hieracium*) in Skamania and Clark counties
- Undesignate hawkweeds (*Hieracium*): all nonnative species and hybrids of the Meadow subgenus (*Pilosella*) in Skamania County
- Undesignate meadow knapweed, *Centaurea x moncktonii*, in Skamania and Clark counties
- Undesignate spotted knapweed, *Centaurea stoebe*, in Skamania and Clark counties
- Undesignate shiny geranium, *Geranium lucidum*, in Skamania County

Proposed designations of Class B noxious weeds:

- Designate Brazilian elodea, *Egeria densa*, in Pacific and Snohomish counties
- Designate butterfly bush, *Buddleja davidii*, in San Juan and Grays Harbor counties

- Designate camelthorn, *Alhagi maurorum*, in Walla Walla County
- Designate Dalmatian toadflax, *Linaria dalmatica* ssp. *dalmatica*, in Cowlitz, Kittitas, and Franklin counties
- Designate Eurasian watermilfoil, *Myriophyllum spicatum*, in Mason County and Kittitas County except for the Columbia River
- Designate European coltsfoot, *Tussilago farfara*, in Adams, Lincoln, Benton, and Franklin counties
- Designate fanwort, *Cabomba caroliniana*, in Grays Harbor County
- Designate grass-leaved arrowhead, *Sagittaria graminea*, in Mason County
- Designate hairy willow-herb, *Epilobium hirsutum*, in Walla Walla County
- Designate hawkweeds (*Hieracium*): all nonnative species and hybrids of the Meadow subgenus (*Pilosella*) in Ferry County
- Designate houndstongue, *Cynoglossum officinale*, in Douglas and Franklin counties
- Designate diffuse knapweed, *Centaurea diffusa*, in Mason County
- Designate purple loosestrife, *Lythrum salicaria*, in Mason County

Proposed changes to scientific names:

The scientific names of five Class B noxious weeds will be updated to improve consistency with national taxonomic standards.

- *Kochia scoparia* → *Bassia scoparia*
- *Euphorbia esula* → *Euphorbia virgata*
- *Polygonum polystachyum* → *Persicaria wallichii*
- *Acrotilon repens* → *Rhaponticum repens*
- *Senecio jacobaea* → *Jacobaea vulgaris*

Affected Groups and the Cost of Compliance

The horticultural industry

Because so many noxious weeds are former or present ornamental species, the horticultural industry has the potential to be indirectly impacted by the additions of new noxious weeds, as their noxious weed status could reduce demand by consumers. However, there are no proposed additions to the noxious weed list for 2019 and the Class B noxious weeds with proposed changes are not known to be carried in nurseries, and it is unlikely that these changes will directly cause these businesses to lose sales, revenue, or jobs. The noxious weed list is separate from the WSDA quarantine list (WAC 16-752), which prohibits the sale and transport of particular species, thus these potential noxious weed changes would not directly prohibit the sales of this plants, though fifteen of these Class B noxious weeds with proposed changes are already on the quarantine list. To help assess whether there could be an indirect economic impact to nurseries, the State Weed Board developed a survey through SurveyMonkey (<https://www.surveymonkey.com/r/KX57YDK>). A summary of the proposed changes to the 2019 noxious weed list along with a link to the online survey was emailed on September 24, 2018 to 395 nurseries that had provided emails when applying for their WSDA nursery licenses. The survey was also sent to the Washington State Nursery and Landscape Association for distribution among those members. We received a total of 13 responses from nurseries between September 24 and October 1, 2018.

Ranchers, wheat growers, hay growers, and Washington businesses

The State Weed Board also sent out an email summarizing the proposed changes to the 2019 noxious weed list and a link to the survey on September 24, 2018 to the Washington Cattlemen's Association, Cattle Producers of Washington, Washington Hay Growers Association, Washington Association of Wheat Growers, and the Association of Washington Businesses. We did not receive any responses from these groups.

Demographics of respondents:

A total of 13 out of 13 (100%) of the participating nurseries indicated that they were considered a small business as defined by RCW 19.85.020. Nurseries participating in the surveys came from at least 8 different counties in Washington: Benton, Franklin, King, Kitsap, Lewis, San Juan, Snohomish, and Stevens.

Survey Results:

Proposed modifications of current Class B designations:

The proposed modifications of designations for nineteen Class B noxious weeds would have minimal if any economic impacts to small businesses. Many of these changes in designations, where Class B noxious weeds are undesignated, reduce control requirements. Where Class B noxious weeds were proposed for designations in counties:

Proposed designation of Brazilian elodea in Pacific and Snohomish counties:

A total of 11 (84.6%) nurseries indicated that this designation change would not cost their businesses in lost revenue or lost jobs and 2 (15.4%) were not sure. Zero nurseries skipped the question.

Proposed designation of butterfly bush in San Juan and Grays Harbor counties:

A total of 10 (83.3%) nurseries indicated that this designation change would not cost their businesses in lost revenue or lost jobs and 2 (16.7%) nursery was not sure. One nursery skipped the question.

Proposed designation of camelthorn in Walla Walla County:

A total of 11 (91.7%) nurseries indicated that this designation change would not cost their businesses in lost revenue or lost jobs and 1 (8.3%) nursery was not sure. One nursery skipped the question.

Proposed designation of Dalmatian toadflax in Cowlitz, Kittitas, and Franklin counties:

A total of 13 (100%) nurseries indicated that this designation change would not cost their businesses in lost revenue or lost jobs. Zero nurseries skipped the question.

Proposed designation of Eurasian watermilfoil in Mason County and Kittitas County except for the Columbia River:

A total of 12 (92.3%) nurseries indicated that these designation changes would not cost their businesses in lost revenue or lost jobs and 1 (7.7%) was not sure. Zero nurseries skipped the question.

Proposed designation of European coltsfoot in Adams, Lincoln, Benton, and Franklin counties:

A total of 12 (100%) nurseries indicated that this designation change would not cost their businesses in lost revenue or lost jobs. One nursery skipped the question.

Proposed designation of fanwort in Grays Harbor County:

A total of 12 (92.3%) nurseries indicated that these designation changes would not cost their businesses in lost revenue or lost jobs and 1 (7.7%) was not sure. Zero nurseries skipped the question.

Proposed designation of grass-leaved arrowhead in Mason County:

A total of 12 (92.3%) nurseries indicated that this designation change would not cost their businesses in lost revenue or lost jobs in Mason County and 1 (7.7%) was not sure.

Proposed designation of hairy willow-herb in Walla Walla County:

A total of 12 (100%) nurseries indicated that this designation change would not cost their businesses in lost revenue or lost jobs. One nursery skipped the question.

Proposed designation of hawkweeds (Hieracium): all nonnative species and hybrids of the Meadow subgenus (Pilosella) in Ferry County:

A total of 13 (100%) nurseries indicated that this designation change would not cost their businesses in lost revenue or lost jobs. Zero nurseries skipped the question.

Proposed designation of houndstongue in Douglas and Franklin counties:

A total of 12 (92.3%) nurseries indicated that this designation change would not cost their businesses in lost revenue or lost jobs, only one (7.7%) indicated that it would cause a loss of sales or revenue. When asked for an estimate of potential loss of sales, the respondent did not provide a dollar amount, commenting that they are organic growers so it would be difficult to control. Zero nurseries skipped the question.

Proposed designation of diffuse knapweed in Mason County:

A total of 12 (92.3%) nurseries indicated that this designation change would not cost their businesses in lost revenue or lost jobs in Mason County and 1 (7.7%) was not sure.

Proposed designation of purple loosestrife in Mason County:

A total of 12 (92.3%) nurseries indicated that this designation change would not cost their businesses in lost revenue or lost jobs in Mason County and 1 (7.7%) was not sure.

Proposed updating of five scientific names:

Updating taxonomic names of noxious weeds will have no economic impact to landowners.

Alternatives to the Proposed Assessment

Proposed undesignations of Class B noxious weeds:

The alternative to undesignating Class B noxious weeds in particular counties is to leave the designations as they are. Landowners in these counties would still be required to control these Class B noxious weeds.

Proposed designations of Class B noxious weeds:

The alternative to designating Class B noxious weeds in particular counties is to leave them undesignated. County weed boards would have the option of selecting them for control at the local level.

Proposed updating of scientific names of five noxious weeds:

The current scientific names, though outdated, would still be used by the WSNWCB.

Conclusions

Few, if any, small businesses will be directly impacted by these proposed changes to the 2019 noxious weed list. The proposed Class B designation changes are to species already listed noxious weeds, fifteen of which are also on the quarantine list, so their sale is prohibited. The other four noxious weeds do not appear to be carried by nurseries are not known to be used as ornamental or landscaping species. Proposed undesignations of ten Class B noxious weeds eases control requirements of these species.

Based upon the above analysis, the WSNWCB concludes that direct minor costs – if any – imposed would affect less than 10% of small businesses and would not exceed \$100 in lost sales or revenue as a direct result of these proposed rule-making changes. Nor would any of these changes to the noxious weed list directly cause the creation of or loss of any jobs. The WSNWCB concludes that small 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.