

**AN ANALYSIS TO DETERMINE IF A SMALL BUSINESS ECONOMIC IMPACT STATEMENT  
(SBEIS) IS REQUIRED FOR WSNWCB PROPOSALS TO CHANGE THE NOXIOUS WEED LIST AND  
UPDATE WAC 16.750  
(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. 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 2020 noxious weed list include:

Adding:

- South American spongeplant, *Limnobium laevigatum* as a class A noxious weed.

Class B designation changes:

Designating 13 Class B noxious weeds to better match current noxious weed infestation distributions.

Other Proposed WAC 16.750 Changes

Additionally, 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 WSNWCB is also proposing updates to WAC 16.750. These additional edits are intended to improve the ability of the WSNWCB to carry out the duties and authorities assigned to the board per Chapter 17.10 RCW. These additional changes are regarding internal processes of the State Noxious Weed Control Board only and do not have any effect on businesses.

- WAC 16-750-140 Adding a standing legislative committee.
- WAC 16-750-142 Creating a new section for the State noxious weed control board—Executive secretary and education specialist—Hiring and dismissal.
- WAC 16-750-145 Editing the State noxious weed control board—Executive secretary—Definition.
- WAC 16-750-146 Creating a new section for the State noxious weed control board—Education specialist—Definition.
- WAC 16-750-150 Repealing section on State noxious weed control board- Executive secretary- Hiring and dismissal. Moved to section 142.

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 2020 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 addition of a Class A noxious weed:*

South American spongeplant, *Limnobium laevigatum*, forms dense mats on the water surface, blocking recreational access to water and interfering with infrastructure such as dams. Assumed environmental impacts from South American spongeplant include impacts to dissolved oxygen levels in the water and potential impacts to habitat that could impact fisheries. The goal for including South American spongeplant as a class A noxious weed is to eradicate it from the state and to prevent these and other negative impacts from infestations of this invasive plant.

### *Proposed modifications of current Class B designations:*

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

- Designate Eurasian watermilfoil, *Myriophyllum spicatum*, in Kitsap County of region 2, and Kittitas and Whitman counties of region 5
- Designate Bohemian knotweed, *Polygonum x bohemicum*, in San Juan County of region 2, Stevens County of region 4, and Whitman and Yakima counties of region 5
- Designate Japanese knotweed, *Polygonum cuspidatum*, in Stevens County of region 4
- Designate Himalayan knotweed, *Persicaria wallichii*, in Clark County of region 3 and Stevens County of region 4
- Designate lesser celandine, *Ficaria verna*, in all of region 1, 3, 4, 5, 6 and region 2 except for King and Whatcom counties
- Designate leafy spurge, *Euphorbia virgata*, in Whitman County of region 5 and Garfield County of region 6
- Designate purple loosestrife, *Lythrum salicaria*, in Pierce County of region 2 and Benton County of region 6
- Designate wand loosestrife, *Lythrum virgatum*, in Mason County of region 1, Pierce County of region 2, and Benton County of region 6
- Designate poison hemlock, *Conium maculatum*, in Douglas County of region 4
- Designate policeman's helmet, *Impatiens glandulifera*, in Pacific County of region 1 and Pierce County of region 2
- Designate Ravenna grass, *Saccharum ravennae*, in Grant County of region 5
- Designate rush skeletonweed, *Chondrilla juncea*, in Kitsap County of region 2
- Designate European coltsfoot, *Tussilago farfara*, in Grant County of region 5

## 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, South American spongeplant 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 these plants, though nine 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/6Z826BD>.) A summary of the proposed changes to the 2020 noxious weed list, along with a link to the online survey, was emailed on September 20, 2019 to 2720 nurseries that had provided emails when applying for their WSDA nursery licenses, and hard copies were mailed to an additional 30 nurseries. We received a total of 247 electronic and 3 hard copy responses from nurseries between September 20 and October 2, 2019.

### Demographics of respondents:

A total of 192 out of 250 (76.8%) 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 29 different counties in Washington: Benton, Chelan, Clark, Clallam, Cowlitz, Franklin, Grant, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pend Oreille, Pierce, San Juan, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Walla Walla, Whatcom, Whitman, and Yakima.

### Survey Results:

#### *Proposed addition of South American spongeplant as a class A*

A total of 244 (97.6%) nurseries that answered this question indicated that they do not stock South American spongeplant as part of their inventory or have it on their land, and 3 (1.2%) were not sure. Three nurseries skipped the question. Of the nurseries that answered this question, 41 total nurseries answered the follow-up question pertaining to any resulting economic loss, either due to a reduction in revenue or lost jobs. A total of 37 (90.2%) nurseries indicated that this Class A addition would not cost their businesses in lost revenue or lost jobs, 4 (9.7%) were not sure, and 209 nurseries skipped this question.

#### *Proposed modifications of current Class B designations:*

The proposed modifications of designations for thirteen Class B noxious weeds would have minimal if any economic impacts to small businesses. Where Class B noxious weeds were proposed for designations in counties:

#### *Proposed designation of Eurasian watermilfoil in Kitsap, Kittitas, and Whitman counties:*

A total of 214 (100%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 0 (0%) were not sure and 36 nurseries skipped this question.

#### *Proposed designation of Bohemian knotweed in San Juan, Yakima, Stevens, and Whitman counties:*

A total of 215 (100%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 0 (0%) were not sure and 35 nurseries skipped this question.

#### *Proposed designation of Japanese knotweed in Stevens County:*

A total of 214 (100%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 0 (0%) were not sure and 36 nurseries skipped this question.

#### *Proposed designation of Himalayan knotweed in Clark and Stevens counties:*

A total of 214 (100%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 0 (0%) were not sure and 36 nurseries skipped this question.

#### *Proposed designation of leafy spurge in Whitman and Garfield counties:*

A total of 214 (100%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 0 (0%) were not sure and 36 nurseries skipped this question.

#### *Proposed designation of purple loosestrife in Benton and Pierce counties:*

A total of 210 (99.5%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 1 (.05%) said yes, 0 (0%) were not sure and 39 nurseries skipped this question. One nursery, located in Peirce County, indicated that this species designation change may cause a cost of up to \$500 to their business in lost revenue or jobs. However, this species is currently on the quarantine list and is prohibited to be sold in the state of Washington. Additionally, the county works with land owners to manage noxious weed infestations.

*Proposed designation of wand loosestrife in Benton, Mason, and Pierce counties:*

A total of 213 (99.5%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 1 (0.5%) said yes, 0 (0%) were not sure and 36 nurseries skipped this question. One nursery, located in Peirce County, indicated that this species designation change may cause a cost of up to \$500 to their business in lost revenue or jobs. However, this species is currently on the quarantine list and is prohibited to be sold in the state of Washington. Additionally, there are no known infestations of wand loosestrife within Peirce County. If an infestation was identified, the county would work with land owners to manage the infestation.

*Proposed designation of poison hemlock in Douglas County:*

A total of 214 (100%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 0 (0%) were not sure and 36 nurseries skipped this question.

*Proposed designation of policeman's helmet in Pierce and Pacific counties:*

A total of 211 (98.5%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 3 (1.5%) were not sure and 36 nurseries skipped this question.

*Proposed designation of Ravenna grass in Grant County:*

A total of 211 (99.5%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 1 (0.5%) were not sure and 38 nurseries skipped this question.

*Proposed designation of rush skeletonweed in Kitsap County:*

A total of 211 (100%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 0 (0%) were not sure and 39 nurseries skipped this question.

*Proposed designation of European coltsfoot in Grant County:*

A total of 213 (100%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 0 (0%) were not sure and 37 nurseries skipped this question.

### Alternatives to the Proposed Assessment

*Proposed addition of South American spongeplant as a Class A noxious weed:*

The alternative to the proposed listing would be to not list South American spongeplant as Class A noxious weed, resulting in a status quo of the current situation, whereby individual landowners or land managers have the option of voluntarily controlling this species. County noxious weed control boards could continue to educate about this species where it is a local concern, but control could not be mandated. Without mandated control, this invasive species has the potential to infest greater aquatic and wetland areas and potentially impact ecosystems and agriculture.

*Proposed designations of Class B noxious weeds:*

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

### Conclusions

Few, if any, small businesses will be directly impacted by these proposed changes to the 2020 noxious weed list. There is no indication that North American spongeplant is currently being carried by nurseries. Therefore, its addition to the class A noxious weed list will have little to no impact on revenue, sales, or jobs in the industry. The proposed Class B designation changes are to species already listed as noxious weeds, nine 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 and are not known to be used as ornamental or landscaping 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. As to the one nursery, located in Pierce County, that indicated that the species designation change may cause a cost of up to \$500 to their business in lost revenue or jobs for each purple and wand loosestrife, these species are currently on the quarantine list and are prohibited to be sold in the state of Washington. There are no known infestations of wand loosestrife within Pierce County. If an infestation was identified, the county would work with landowners to manage the infestation as well as with any known infestations of purple loosestrife. 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.