

**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 RCW, specifically RCW 17.10.080, 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 by members of the WSNWCB 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; and the change of noxious weed classification of a species.

The current proposed changes to the 2021 noxious weed list include:

Adding:

- Hanging sedge, *Carex pendula*, (*Carex pendula* subsp. *pendula* and *Carex pendula* subsp. *Agastachys*): Additional as a class B noxious weed species designated in region 1, 3, 4, 5, 6, and region 2 except for King County.
- Rough chervil, *Chaerophyllum temulum*: Additional as a class B noxious weed species designated in region 1, 3, 4, 5, 6, and region 2 except for King County.
- Wild basil/basil savory, *Clinopodium vulgare*: Additional as a class B noxious weed species designated in region 1, 2, 4, 5, 6, and region 3 except for Skamania County.
- Common tansy, *Tanacetum vulgare*: Designation change from a class C to a class B noxious weed designated in Clallam County of region 1, Kitsap and San Juan counties of region 2, Cowlitz and Lewis counties of region 3, and Adams and Lincoln counties of region 5.
- Green alkanet, *Pentaglottis sempervirens*: Addition as a Class C noxious weed species.

Class B designation changes:

- Common tansy: designation change from class C noxious weed species to class B noxious weed species.

Clarifications:

- Wild carrot: clarifying definition by changing the wording of the listing to exclude *Daucus carota* subsp. *sativus* (garden carrot) grown commercially or for food.
- Typo correction: Correcting scientific name of common bugloss from *Lycopsis officinalis* back to *Anchusa officinalis* and correcting scientific name of annual bugloss from *Anchusa arvensis* to *Lycopsis arvensis*

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 2022 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 additions of Class B noxious weeds:*

**Hanging sedge:** Currently the only known infestations of hanging sedge are in King, Whatcom, Skamania, and Mason counties. Skamania County has one possible ornamental planting with less than 24 square feet. Whatcom County has 6 documented sites with a total less than 200 square feet. There is little known about the infestations in King and Mason counties. Hanging sedge can form dense areas of growth that can crowd out native plant communities by invading shaded riparian areas. The change in the makeup of the plant community could cause potential deleterious impacts to the ecosystem.

**Rough chervil:** Currently, the only known rough chervil infestations are limited in distribution in Pacific, Mason, Pierce, Kitsap, and King counties. Rough chervil is difficult to control and invades and impacts our natural areas including riparian and forest habitats.

**Wild basil:** The only known infestations of wild basil are in limited distribution in western Washington. There are very limited to no infestations of wild basil in eastern Washington. Wild basil spreads quickly by self-seeding and rhizomes. Wild basil has been observed spreading rapidly and pushing out other herbaceous vegetation along the eastern side of the Olympic Peninsula. It is also spreading from roadsides, deep into forested areas. Wild basil degrades forest habitats limiting the resources available for native vegetation.

##### *Proposed additions of Class C noxious weeds:*

**Green alkanet** is in limited distribution in western Washington. There are very little infestation to none in eastern Washington. Green alkanet is observed as being “weedy”. It spread quickly via seeds and root fragments. It is hard to control and has a deep, brittle tap root that breaks easily when pulled or dug. Green alkanet withstands an array of climates, naturalizes easily, and outcompetes native vegetation which negatively impacts wildlife forage and habitats.

##### *Proposed designation changes:*

**Common tansy:** The designation change of common tansy from a class C noxious weed to a class B noxious weed is intended to better help control and contain this species in designated counties. Common tansy is already selected for control in the counties that it will be designated for control by the state per this designation change. Common tansy grows in many areas including forests, riparian zones, right of ways, and agricultural lands. It outcompetes native vegetation as is unpalatable to livestock and wildlife. It can be hard to control, forming dense infestations.

#### The horticultural industry

Because so many noxious weeds are former or present ornamental species, the horticultural industry has the potential to be impacted by additions of new noxious weed species, as their noxious weed status could reduce demand by consumers. However, the additions proposed here are not known to be carried in nurseries or in very limited quantities, 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. 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/25L9XFD>.) A summary of the proposed changes to the 2022 noxious weed list, along with a link to the online survey, was emailed on

September 10, 2021 to 3732 nurseries that had provided emails when applying for their WSDA nursery licenses. Additionally, the survey was forwarded to Washington State Nursery & Landscape Associations channels and email lists. We received a total of 274 electronic responses from nurseries and businesses between September 10 and September 19th, 2021.

Demographics of respondents:

A total of 226 (82.4%) of the participating nurseries and businesses indicated that they were considered a small business as defined by RCW 19.85.020. Twelve nurseries or businesses indicated that they were not a small business and eight did not indicate if they were considered a small business or not. Nurseries and businesses participating in the surveys came from at least 30 different counties in Washington: Adams, Asotin, Benton, Chelan, Clark, Clallam, Cowlitz, Douglas, Franklin, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Klickitat, Lewis, Mason, Okanogan, Pierce, San Juan, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Walla Walla, Whatcom, and Yakima.

Survey Results:

*Proposed additions to the 2022 Noxious Weed List*

*Proposed addition of hanging sedge as a class B species*

A total of 261 (96.67%) nurseries or businesses that answered this question indicated that they do not stock hanging sedge as part of their inventory or have it on their land, 5 (1.85%) indicated that they did have hanging sedge as part of their inventory or on their land, and 4 (1.48%) were not sure. Of the nurseries or businesses that answered this question, 48 total nurseries or businesses answered the follow-up question pertaining to any resulting economic loss, either due to a reduction in revenue or lost jobs. A total of 46 (95.83%) nurseries or businesses indicated that this Class B addition would not cost their businesses in lost revenue or lost jobs, 2 (4.17%) were not sure, and 226 nurseries or businesses skipped this question. Nurseries were also asked if they sell one or more comparable sedge species. A total of 57 nurseries or businesses responded with 50 stating no, 5 stating yes, and 2 that were unsure.

*Proposed addition of rough chervil as a class B species*

A total of 257 (94.83%) nurseries or businesses that answered this question indicated that they do not stock rough chervil as part of their inventory or have it on their land, 7 (2.58%) indicated that they did have rough chervil as part of their inventory or on their land, and 7 (2.58%) were not sure. Of the nurseries that answered this question, 54 total nurseries or businesses answered the follow-up question pertaining to any resulting economic loss, either due to a reduction in revenue or lost jobs. A total of 49 (90.74%) nurseries or businesses indicated that this Class B addition would not cost their businesses in lost revenue or lost jobs, 6 (11.11%) were not sure, and 220 nurseries or businesses skipped this question.

*Proposed addition of wild basil as a class B species*

A total of 257 (95.54%) nurseries or businesses that answered this question indicated that they do not stock wild basil as part of their inventory or have it on their land, 4 (1.49%) indicated that they did have wild basil as part of their inventory or on their land, and 8 (2.97%) were not sure. Of the nurseries or businesses that answered this question, 46 total nurseries or businesses answered the follow-up question pertaining to any resulting economic loss, either due to a reduction in revenue or lost jobs. A total of 43 (93.48%) nurseries or businesses indicated that this Class B addition would not cost their businesses in lost revenue or lost jobs, 3 (6.52%) were not sure, and 228 nurseries or businesses skipped this question. Nurseries were also asked if they sell one or more comparable species. A total of 49 nurseries or businesses responded with 44 stating no, 2 stating yes, and 3 that were unsure.

### *Proposed addition of green alkanet as a class C species*

A total of 254 (95.13%) nurseries or businesses that answered this question indicated that they do not stock green alkanet as part of their inventory or have it on their land, 3 (1.12%) indicated that they did have green alkanet as part of their inventory or on their land, and 10 (3.75%) were not sure. Of the nurseries or businesses that answered this question, 40 total nurseries or businesses answered the follow-up question pertaining to any resulting economic loss, either due to a reduction in revenue or lost jobs. A total of 38 (95%) nurseries or businesses indicated that this Class C addition would not cost their businesses in lost revenue or lost jobs, 2 (5%) were not sure, and 234 nurseries or businesses skipped this question. Nurseries were also asked if they sell one or more comparable species. A total of 43 nurseries or businesses responded with 40 stating no, 1 stating yes, and 2 that were unsure.

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

*Proposed reclassification of common tansy from a class C species to a class B species.  
(Common tansy is already selected for control in the counties that it will be designated by the state for control in.)*

A total of 241 (97.18%) nurseries or businesses that indicated that the reclassification of common tansy from a class C to a class B noxious weed species, would not cost their businesses in lost revenue or lost jobs, 7 (2.82%) were not sure, and 0(0%) answered yes.

### Alternatives to the Proposed Listings

#### *Proposed additions to the 2022 noxious weeds:*

The alternative to the proposed listing would be to not list three new class B noxious weed species or the new class C noxious weed, resulting in a status quo of the current situation, whereby individual landowners or land managers have the option of voluntarily control the species. County noxious weed control boards could continue to educate about these species where it is a local concern, but control could not be mandated. Without mandated control, these invasive species have greater potential to infest ecological areas and potentially negatively impact ecosystems and agriculture.

#### *Proposed designations change of common tansy from a class C to a Class B noxious weed:*

The alternative to this reclassification is to leave common tansy as a class C. Counties will still be able to select it for control at the county level as well as offer education and outreach pertaining to common tansy. Elevating it to a class B noxious weed species gives counties and other agencies that ability to include it on their priority lists for control and require control at a higher level. Without mandated control, common tansy has greater potential to infest ecological areas and potentially result in negative impacts to ecosystems and agriculture.

### Conclusions

Few, if any, small businesses will be directly impacted by these proposed changes to the 2022 noxious weed list. Less than 2.6% of the nurseries and businesses carried or had the three proposed class B or class C addition currently in stock or on their lands. In addition, all responding businesses that responded they carried or had the species in stock or on their lands noted that they sold alternatives and would not have a loss of sales or jobs due to the changes. Therefore, these additions to the noxious weed list will have little to no impact on revenue, sales, or jobs in the industry.

This rule would require the eradication of infestations of the three class B species only in designated counties. Currently the only known infestations of hanging sedge are in King, Whatcom, Skamania, and Mason counties. Skamania County has one possible ornamental planting with less than 24 square feet. Whatcom County has 6 documented sites with a total less than 200 square feet. There is little to no documentation on possible infestations in King and Mason counties. Currently, the only known rough chervil infestations are limited in distribution in Pacific, Mason, Pierce, Kitsap, and King counties. The only known infestations of wild basil are in limited distribution in western Washington. There are very limited to no infestations of wild basil in eastern Washington.

Green alkanet is being proposed as class C additions. Green alkanet is in limited distribution in western Washington. There are very few infestations to none in eastern Washington. Class C noxious weed species are not designated for required control at the state level. Typically county noxious weed control boards offer education and assistance in planning an integrated noxious weed plan and plant identification. In some instances, county noxious weed board also offer assistance with on the ground control efforts on a case by case basis.

Common tansy is already required to be controlled in the counties that it will be designated for control in due to the reclassification from a class C to a class B noxious weed species.

An analysis of the direct economic effects of the proposed rule amendments indicates that costs to businesses would be negligible or none at all. The three class B noxious weeds additions and one reclassification are being designated for control in counties where they are either absent or limited in distribution and business in these counties should not incur 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 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 will the proposed rule changes impose more than a minor cost on businesses in any industry. Therefore, we conclude that a formal SBEIS is not required.