



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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FILED

DATE: January 23, 2026
TIME: 12:20 PM

WSR 26-04-021

Agency: Washinton State Noxious Weed Control Board

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 25-24-077 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR** _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) Chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties. The Washington State Noxious Weed Control Board is proposing to amend pronouns and the state noxious weed list for 2026.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 10 th , 2026	1:00 p.m.	Chelan County Fire Department 232 E. Wapato Ave. Chelan WA 98816 Zoom Info https://us02web.zoom.us/j/7061977054?omn=81696641971	This Hearing will be held both in person and virtually through Zoom.

Date of intended adoption: March 11th, 2026 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Mary Burrows
 Address: WSNWCB P.O. Box 42560; Olympia, WA 98504-2560
 Email: mfee@agr.wa.gov or noxiousweeds@agr.wa.gov
 Fax: 360-902-2053
 Other:
 By (date) Friday, March 6th, 2026

Assistance for persons with disabilities:

Contact Mary Burrows
 Phone: 360-561-4428
 Fax: 360-902-2053
 TTY: (800) 833-6388
 Email: Mary.Burrows@agr.wa.gov
 Other:
 By (date) Friday, March 6th, 2026

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Washington State noxious weed list provides the basis for noxious weed control efforts for county noxious weed control boards and other entities. It also provides guidelines for the state noxious weed control board. This proposal updates the noxious weed list, updates pronouns, and updates language throughout Chapter 16-750 WAC. The anticipated effects include having an effective and efficient noxious weed list and guidelines for the administration of the state noxious weed control board.

Updates to the Noxious Weed List

- WAC 16-750-005 Class A Noxious Weed Additions
- Sunflower Broomrape, *Orobanche cumana*

Reasons supporting proposal: Under RCW 17.10.080, the Washington State Noxious Weed Control Board (WSNWCB) is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution. 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.

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.

Statutory authority for adoption: RCW 17.10.070, 17.10.080

Statute being implemented: RCW 17.10

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Washington State Noxious Weed Control Board

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Mary Burrows	1111 Washington St SE, Olympia, WA 98504	(360) 561-4428
Implementation:	Mary Burrows	1111 Washington St SE, Olympia, WA 98504	(360) 561-4428
Enforcement:	Mary Burrows	1111 Washington St SE, Olympia, WA 98504	(360) 561-4428

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: The Washington State Noxious Control Board is not one of the agencies listed in this section

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- | | |
|--|---|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: Check one.

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

Proposed WAC Sections and Title	This proposed rule section is not exempt - Analysis is required	This proposed rule section is exempt . Provide RCW to support this exemption.

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: Complete this section if any portion is not exempt.

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.

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 was granted to ensure proper control measures continue. Now a permanent listing is being proposed.


At this time, only one infestation has been identified. No businesses are selling this species or growing this species for sale. Yakima County has done the control work in-house for the one known infestation. No small business have or will incur any costs for this listing. This is a preventative measure to insure that this species does not cause harm to Washington state's agriculture, small business, ecosystems, and landowners.

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.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: Mary Fee
Address: P.O. Box 42560; Olympia, WA 98504-2560
Phone: 360-561-4428
Fax: 360-902-2094
TTY: (800) 833-6388
Email: Mary.Burrows@agr.wa.gov
Other:

Date: January 23 rd , 2026	Signature: 
Name: Mary Burrows	
Title: Executive Secretary	