



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: November 28, 2000

(2) Purpose: Amending the existing list of noxious weeds and their seeds, which are prohibited from distribution, transportation, sale, purchase or offer for sale in this state, by addition of 24 invasive, non-native species. All of the proposed additional species are classified as noxious weeds in this state and growing them is already forbidden. In addition, amendments clarify and update rule intent, language and taxonomy.

(3) Citation of existing rules affected by this order:

Repealed:  
 Amended: WAC 16-752-600, -610, -630, -650  
 Suspended:

(4) Statutory authority for adoption: Chapters 17.24 RCW, 17.10 RCW

Other Authority:

### PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 00-21-053 on October 16, 2000 (date).  
 Describe any changes other than editing from proposed to adopted version:

### EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

### EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

Yes     No    If Yes, explain:

(6) Effective date of rule:

- |  |  |
|--|--|
| <b>Permanent Rules<br/>or Expedited Repeal</b>           | <b>Emergency Rules</b>                   |
| <input checked="" type="checkbox"/> 31 days after filing | <input type="checkbox"/> Immediately     |
| <input type="checkbox"/> Other (specify) _____*          | <input type="checkbox"/> Later (specify) |

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Jim Jesernig

Signature

Title  
Director

Date  
November 28, 2000

### CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

NOV 28 2000

404

TIME \_\_\_\_\_

WSR 00-21-021 (PMT)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	Amended	Repealed
<b>Federal rules or standards:</b>	New	Amended	Repealed
<b>Recently enacted state statutes:</b>	New	Amended	Repealed

**The number of sections adopted at the request of nongovernmental entity:**

New	Amended	Repealed
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**The number of sections adopted in the agency's own initiative:**

New	Amended <u>4</u>	Repealed
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	Amended <u>3</u>	Repealed
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	Amended	Repealed
<b>Pilot rule making:</b>	New	Amended	Repealed
<b>Other alternative rule making:</b>	New	Amended <u>4</u>	Repealed

AMENDATORY SECTION (Amending WSR 92-07-025, filed 3/10/92, effective 4/10/92)

**WAC 16-752-600 Establishing the noxious weed seed and plant quarantine.** Washington agriculture, environmental quality and natural resources are threatened by nonnative, aggressive species of noxious weeds. A number of these noxious weeds are transported and sold within the state of Washington both as nursery plants and as seeds in packets of flower seeds or "wildflower mixes." Subsequent "escape" of these ornamentals has been a documented source of a number of infestations and has resulted in large public and private expenditures by landowners and land managers, weed boards, and weed districts and the department of agriculture to achieve the control mandated in chapter 17.10 RCW. The director of agriculture, pursuant to the powers provided in chapters 17.10 and 17.24 RCW, finds that regulation of the sale of these seed packets and plants is necessary to protect Washington agriculture and natural resources and prevent public and private costs of control.

Note: For rules prescribing the limits of prohibited and restricted noxious weed seeds as contaminants in certified seed, see WAC 16-300-010 through 16-300-025.

AMENDATORY SECTION (Amending WSR 98-13-008, filed 6/4/98, effective 7/5/98)

**WAC 16-752-610 Noxious weed seed and plant quarantine-- Regulated articles.** All plants, plant parts, and seeds in packets, blends, and "wildflower mixes" of the following listed species are regulated under the terms of this noxious weed seed and plant quarantine:

Scientific Name	Common Names
<u>Abutilon theophrasti</u>	<u>velvetleaf</u>
<u>Alliaria petiolata</u>	<u>garlic mustard</u>
Amorpha fruticosa	indigobush, lead plant
Anchusa officinalis	common bugloss, alkanet, anchusa
Anthriscus sylvestris	wild chervil
Carduus acanthoides	plumeless thistle
Carduus nutans	musk thistle, nodding thistle
<u>Carduus pycnocephalus</u>	<u>Italian thistle</u>
<u>Carduus tenuiflorus</u>	<u>slenderflower thistle</u>
<u>Centaurea calcitrapa</u>	<u>purple starthistle</u>
Centaurea diffusa	diffuse knapweed
Centaurea jacea	brown knapweed, rayed knapweed, brown centaury horse-knobs, hardheads

Scientific Name	Common Names
<u>Centaurea jacea x nigra</u>	<u>meadow knapweed</u>
Centaurea (( <del>maeulosa</del> )) <u>biebersteinii</u>	spotted knapweed
Centaurea macrocephala	bighead knapweed
Centaurea nigra	black knapweed
Centaurea nigrescens	Vochin knapweed
Chaenorrhinum minus	dwarf snapdragon
(( <del>Chrysanthemum</del> <del>leucanthemum</del>	<del>oxeye daisy, white daisy, whiteweed,</del> <del>field daisy, marguerite, poorland</del> <del>flower))</del>
<u>Crupina vulgaris</u>	<u>common crupina</u>
Cytisus scoparius	Scotch broom
Daucus carota	wild carrot, Queen Anne's lace
Echium vulgare	blueweed, blue thistle, blue devil, viper's bugloss, snake flower
<u>Euphorbia esula</u>	<u>leafy spurge</u>
<u>Euphorbia oblongata</u>	<u>eggleaf spurge</u>
<u>Galega officinalis</u>	<u>goatsrue</u>
<u>Helianthus ciliaris</u>	<u>Texas blueweed</u>
Heracleum mantegazzianum	giant hogweed, giant cow parsnip
Hibiscus trionum	Venice mallow, flower-of-an-hour, bladder ketmia, modesty, shoo-fly
Hieracium aurantiacum	orange hawkweed, orange paintbrush, red daisy flameweed, devil's weed, grim- the-collier
(( <del>Hieracium pratense</del>	<del>yellow hawkweed, yellow paintbrush,</del> <del>devil's paintbrush, yellow devil, field</del> <del>hawkweed, king devil))</del>
<u>Hieracium caespitosum</u>	<u>yellow hawkweed, yellow paintbrush,</u> <u>devil's paintbrush, yellow devil, field</u> <u>hawkweed, king devil</u>
<u>Hieracium floribundum</u>	<u>yellow devil hawkweed</u>
<u>Hieracium pilosella</u>	<u>mouseear hawkweed</u>
<u>Impatiens glandulifera</u>	<u>policeman's helmet</u>
Isatis tinctoria	dyers' woad
Kochia scoparia	kochia, summer-cyprus, burning-bush, fireball, Mexican fireweed
<u>Lepidium latifolium</u>	<u>perennial pepperweed</u>
<u>Leucanthemum vulgare</u>	<u>oxeye daisy, white daisy, whiteweed,</u> <u>field daisy, marguerite, poorland flower</u>
Linaria (( <del>genistifolia</del> )) <u>dalmatica</u> spp.dalmatica	Dalmatian toadflax
(( <del>Lepidium latifolium</del>	<del>perennial pepperweed))</del>
Mirabilis nyctaginea	wild four o'clock, umbrella-wort
Onopordum acanthium	Scotch thistle
Proboscidea louisianica	unicorn-plant
Salvia (( <del>aethiopsis</del> )) <u>aethiopsis</u>	Mediterranean sage
<u>Salvia pratensis</u>	<u>meadow clary</u>
<u>Salvia sclarea</u>	<u>clary sage</u>
<u>Senecio jacobaea</u>	<u>tansy ragwort</u>
Silybum marianum	milk thistle
<u>Solanum elaeagnifolium</u>	<u>silverleaf nightshade</u>
<u>Solanum rostratum</u>	<u>buffaloburr</u>
<u>Soliva sessilis</u>	<u>lawnweed</u>
<u>Sorghum halepense</u>	<u>johnsongrass</u>

<u>Scientific Name</u>	<u>Common Names</u>
<u>Spartium junceum</u>	<u>Spanish broom</u>
<u>Tamarix ramosissima</u>	<u>saltcedar</u>
<u>Thymelaea passerina</u>	<u>spurge flax</u>
Torilis arvensis	hedgearsley
Ulex europaeus	gorse, furze
Zygophyllum fabago	Syrian bean-caper

AMENDATORY SECTION (Amending WSR 92-07-025, filed 3/10/92, effective 4/10/92)

**WAC 16-752-630 Noxious weed seed and plant quarantine--**  
**Exceptions.** The prohibition on transporting of plants and plant parts (~~shall~~) established in WAC 16-752-620 does not apply to plants or plant parts collected for herbariums, research in control methods, creation of pressed specimens, or for educational or identification purposes and other scientific activities (~~Provided, That~~) , as long as all such activities (~~requiring live plants~~) are conducted in such a manner as to prevent infestation. In addition, plants or plant parts may be transported, as a part of a noxious weed control activity, to a sanitary landfill, to be burned, or otherwise for (~~disposition~~) disposal under the supervision of a noxious weed control agency.

AMENDATORY SECTION (Amending WSR 92-07-025, filed 3/10/92, effective 4/10/92)

**WAC 16-752-650 Noxious weed seed and plant quarantine--**  
**(Disposition) Disposal of regulated articles.** Any plants, plant parts, or seed packets transported, bought, sold, or offered for sale in violation of (~~this noxious weed quarantine shall be~~) WAC 16-752-600 through 16-752-650 are subject to destruction or shipment out-of-state or other disposition in a manner prescribed by the director to prevent infestation. Any such action (~~shall~~) will be at the expense of the owner or the owner's agent and without compensation.