

Chapter 16-752 WAC

NOXIOUS WEED CONTROL

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16-752-120	Noxious weeds grant program—Forms. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-120, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.		

- 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.
- 16-752-200 Emergency noxious weeds grant program—Purpose. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-200, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
- 16-752-201 Emergency noxious weeds grant program—Allotment. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-201, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
- 16-752-202 Emergency noxious weeds grant program—Application. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-202, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
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- 16-752-204 Emergency noxious weeds grant program—Payment. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-204, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
- 16-752-325 Duration. [Statutory Authority: Chapter 17.10 RCW. 89-24-090, § 16-752-325, filed 12/6/89, effective 1/6/90.] Repealed by 91-03-045 (Order 2069), filed 1/11/91, effective 2/11/91. Statutory Authority: Chapter 17.10 RCW.

WAC 16-752-001 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

"Department" means the Washington state department of agriculture.

"Director" means the director of agriculture of this state, or a duly authorized representative.

"Hay" means the harvested herbage of forage plants, including but not limited to grasses, legumes, sedges and rushes.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-001, filed 9/3/09, effective 10/4/09. Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-001, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-001, filed 1/29/88. Statutory Authority: RCW 17.10.235(2), 86-19-060 (Order 1907), § 16-752-001, filed 9/16/86.]

WAC 16-752-005 Noxious weed—Tansy ragwort in hay. The director finds that tansy ragwort, a noxious weed which is poisonous to livestock, is known to infest hay fields in Washington state. Under the authority of RCW 17.10.235, the following applies to the selling of hay in the state of Washington containing tansy ragwort (*Senecio jacobaea*) plants and parts thereof:

No person shall knowingly sell hay containing:

(1) Any viable tansy ragwort seed; or

(2) Greater than one-half of one percent of tansy ragwort by weight. Provided, That this section shall not be construed as establishing a safe level of tansy ragwort in hay for livestock consumption.

[Statutory Authority: RCW 17.10.235(2), 86-19-060 (Order 1907), § 16-752-005, filed 9/16/86.]

WAC 16-752-010 Tansy ragwort in hay—Penalties. All violations of WAC 16-752-005 are punishable under RCW 17.10.230.

[Statutory Authority: RCW 17.10.235(2), 86-19-060 (Order 1907), § 16-752-010, filed 9/16/86.]

YELLOW NUTSEDGE QUARANTINE

WAC 16-752-300 Yellow nutsedge—Establishing quarantine. Yellow nutsedge (*Cyperus esculentus L.*) is a herbaceous perennial that is one of the most serious noxious weeds of agronomic crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. It is highly invasive and its unchecked spread would entail great economic loss to the agricultural industries of the state. It is a class B noxious weed designated for control in Thurston County (WAC 16-750-011 (49)(a)). Yellow nutsedge infests a plant nursery site at the Port of Olympia in Tumwater, Washington. Movement of material from this site initiates additional infestations. RCW 17.10.210 provides that either the director or the county noxious weed control board or a weed district may issue an order for quarantine and restriction or denial of access to land determined to be so seriously infested that control measures cannot be undertaken without quarantine of the land. The director has determined:

(1) That the identified site is so seriously infested as to require quarantine; and

(2) That the movement of contaminated materials from this site presents an immediate threat of infestation to the rest of the county agricultural and nonagricultural areas; and

(3) That the restriction of such spread is critical to control efforts.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-300, filed 9/3/09, effective 10/4/09; 03-16-038, § 16-752-300, filed 7/30/03, effective 8/30/03. Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-300, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-300, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-300, filed 12/6/89, effective 1/6/90.]

WAC 16-752-305 Yellow nutsedge—Quarantine area. The quarantine area shall encompass the Port of Olympia, located at the Olympia Airport, Tumwater, Washington, and more particularly described as follows:

County of Thurston, state of Washington:

Parcel number 12711230000 - a portion of this parcel containing twenty-two acres of nursery production, more or less and three access roads one of which begins at 85th Avenue SW, the other two begin at Old Highway 99 SW.

A tract of land in Section 11, Township 17 north, Range 2 west of the Willamette Meridian, more particularly described as follows:

A portion of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, Section 11, Township 17 North, Range 2 West, W.N. [W.M.], Thurston County, Washington.

Beginning at the South Quarter corner of Section 11; thence north 01°53'09"E, along the center of the section line 77.6 feet to the southerly edge of the infestation, said point being 75 feet northerly of the center of taxiway 5 and the point of beginning; thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 1254.2 feet to coordinate pair N 604966 E 1043268 North American Datum 83/91, Washington State Lambert projection South Zone; thence north

01°32'43"E parallel to and 75 feet westerly of taxiway 5, 256.1 feet (N 605222 E 1043275); thence north 74°44'42"W, parallel to and 200 feet southerly of runway 8-26, 2031.7 feet (N 605757 E 1041315); thence south 12°53'58"W, parallel to and 75 feet easterly of taxiway 4, 744.6 feet (N 605031 E 1041148); thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 866.5 feet to the point of beginning. TOGETHER WITH: Two (2) 50 foot easements for ingress and egress described as follows: Beginning at the centerline of Old Highway 99 at coordinate pair N 605688 E 1044159; thence south 62°13'04"W, 337 feet (N 605531 E 1043861); thence south 37°34'07"W, 66 feet (N 605479 E 1043821); thence south 15°34'51"W, 432 feet (N 605063 E 1043705); thence south 56°50'31"W, 90 feet (N 605014 E 1043630); thence north 73°42'21"W, 135 feet (N 605052 E 1043500); thence south 73°31'23"W, 47 feet (N 605031 E 1043429).

Beginning at the coordinate pair N 605479 E 1043821; thence north 10°18'17"W, 78 feet (N 605556 E 103807); thence north 52°23'38"W, 93 feet (N 605613 E 1043733); thence north 74°34'40"W, 331 feet (N 605701 E 1043414); thence north 24°31'11"W, 63 feet (N 605758 E 1043388); thence north 0°58'36"W, 352 feet (N 606110 E 1043382).

Beginning at the end of 85th Avenue SE; thence north 14°36'57"W, 44 feet; thence north 1°44'13"E, 103 feet; thence north 1°44'13"E, 122 feet; thence north 4°2'36"E, 103 feet; thence north 1°44'13"E, 140 feet; thence north 3°31'10"E, 134 feet; thence north 1°44'13"E, 146 feet; thence north 6°43'41"W, 141 feet; thence north 6°3'35"W, 92 feet; thence north 1°44'13"E, 128 feet; thence north 15°58'50"W, 96 feet; thence south 85°33'49"W, 113 feet; thence north 88°15'39"W, 100 feet; thence north 85°38'49"W, 133 feet; thence north 88°15'36"W, 137 feet; thence north 85°28'20"W, 125 feet; thence south 89°35'45"W, 162 feet; thence north 88°15'32"W, 129 feet; thence north 88°15'30"W, 200 feet; thence north 88°15'28"W, 150 feet; thence north 85°43'23"W, 137 feet; thence north 88°38'45"E, 113 feet; thence north 83°56'12"W, 242 feet; thence north 40°38'52"W, 25 feet; thence north 40°6'3"W, 25 feet.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-305, filed 9/3/09, effective 10/4/09; 03-16-038, § 16-752-305, filed 7/30/03, effective 8/30/03. Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-305, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-305, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-305, filed 12/6/89, effective 1/6/90.]

WAC 16-752-310 Yellow nutsedge—Articles whose movement is restricted. The movement of all plants and parts of plants of yellow nutsedge and soil contaminated with propagules of the plant, including soil in nursery pots, is restricted. The movement of all balled and burlap nursery stock is restricted.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-310, filed 9/3/09, effective 10/4/09. Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-310, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-310, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-310, filed 12/6/89, effective 1/6/90.]

(9/3/09)

WAC 16-752-315 Yellow nutsedge—Regulations. Use of the property identified in WAC 16-752-305 is restricted as follows:

(1) All removal of sand or soil, potted nursery plants and other plants from the quarantine site, except as provided in subsection (6) of this section, is prohibited without a permit from the Thurston County noxious weed control board that details the end use and exact geographic destination.

(2) All land disturbing operations including excavation, utilities work, and similar activities require a one time, no fee permit from the weed board that obligates the operator to thoroughly hose down all equipment before leaving the quarantine area and record the next two areas where the equipment is used after leaving the quarantine area.

(3) All off-road vehicles are banned in the quarantine area without the written permission of the Thurston County noxious weed control board, except in designated parking areas.

(4) All weed control measures and irrigation practices in the quarantine area are to be conducted at the direction of the Thurston County noxious weed control board.

(5) Yellow nutsedge control shall take precedence over all other land uses in the quarantine area.

(6) The Thurston County noxious weed control board may designate and clearly mark portions of the site as free from infestation and allow removal of sand or soil from these areas without specific permit to nonagricultural sites: Provided, That adequate precautions are taken to prevent commingling of infested and noninfested soils and equipment used in the infested area is thoroughly cleaned before use in the area designated as uninfested.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-315, filed 9/3/09, effective 10/4/09; 03-16-038, § 16-752-315, filed 7/30/03, effective 8/30/03. Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-315, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-315, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-315, filed 12/6/89, effective 1/6/90.]

WAC 16-752-320 Yellow nutsedge—Costs of quarantine. The costs of serving the notice required by RCW 17.10.210(2) shall be borne by the department. The costs of control work shall be borne by the landowner unless otherwise determined by the Thurston County noxious weed control board or the director in consultation with the Washington state noxious weed control board.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-320, filed 9/3/09, effective 10/4/09; 03-16-038, § 16-752-320, filed 7/30/03, effective 8/30/03. Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-320, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-320, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-320, filed 12/6/89, effective 1/6/90.]

WAC 16-752-330 Yellow nutsedge—Violation and penalty. Any person who violates this quarantine shall have committed a civil infraction and shall be subject to the provisions of RCW 17.10.310 and 17.10.350 and WAC 16-750-020 which provides monetary penalties of up to one thousand dollars per infraction.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-330, filed 9/3/09, effective 10/4/09. Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-330, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-330, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-330, filed 12/6/89, effective 1/6/90.]

LYTHRUM QUARANTINE

WAC 16-752-400 Establishing quarantine. The *Lythrum* genus (Purple loosestrife) is an aggressive, semi-aquatic, herbaceous perennial weed that has infested wetlands in the state of Washington causing serious harm to native plants and destroying habitat for birds and small mammals. Some varieties of loosestrife are cultivated and sold as nursery stock in the horticultural industry. The director of agriculture, pursuant to the powers provided in chapter 17.24 RCW and RCW 17.10.074 (1)(c), and chapter 15.13 RCW, has determined that the regulation and exclusion of this plant, plant parts, and seeds is necessary to preserve Washington wetlands from further infestation.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-400, filed 9/3/09, effective 10/4/09. Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-400, filed 7/18/90, effective 8/18/90.]

WAC 16-752-405 Lythrum quarantine—Regulated articles. The following are regulated articles:

(1) All plants and plant parts of the *Lythrum* species, *Lythrum salicaria* and *Lythrum virgatum*, and any hybrid cross thereof. This includes, but is not limited to, purple loosestrife and plants with horticultural names: The beacon, fire candle, brightness, lady sackville, Mr. Robert, Robert's, happy, roseum superbum, purple spire, rose queen, the rocket, morden pink, morden gleam, morden rose, dropmore purple, and tomentosum.

(2) All seeds of plants of the *Lythrum* species *Lythrum salicaria* and *Lythrum virgatum*.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-405, filed 7/18/90, effective 8/18/90.]

WAC 16-752-410 Lythrum quarantine—Prohibited acts. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or seeds of the species *Lythrum salicaria* or *Lythrum virgatum* into or within the state of Washington. It is further prohibited to transplant wild plants and/or plant parts of these species in the state of Washington.

This prohibition shall not apply to plants or seeds collected for herbariums, research in control methods, creation of pressed specimens for educational or identification purposes and other scientific activities: Provided, That all activities requiring live plants and/or viable seed, except pressed specimens, are conducted under a permit from the director and are conducted so as to ensure that no infestation is created.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-410, filed 7/18/90, effective 8/18/90.]

WAC 16-752-415 Disposition of regulated articles. Any plants, plant parts or seeds transported, bought, sold, offered for sale, or planted in violation of this order shall be subject to destruction or shipment back out-of-state if the director determines that such shipment does not present a danger of infestation.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-415, filed 7/18/90, effective 8/18/90.]

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WAC 16-752-420 Penalties. Any person who violates the terms of this quarantine shall be guilty of a misdemeanor and for each subsequent violation, shall be guilty of a gross misdemeanor. The director may also impose a civil penalty in an amount not more than one thousand dollars for each violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this chapter and may be subject to the civil penalty.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-420, filed 7/18/90, effective 8/18/90.]

WETLAND AND AQUATIC WEED QUARANTINE

WAC 16-752-500 Establishing wetland and aquatic weed quarantine. Washington waters and wetlands are threatened by nonnative, aggressive weeds that destroy the commercial, aesthetic, fish and/or wildlife habitat, and recreational value of these areas. These rooted or freely floating plant species, when established, form dense stands or mats that clog irrigation systems and waterways, displace native species, alter fish and wildlife habitat, and/or seriously impact recreational use of the waterways.

Several species of *Spartina*, generally known as cord-grasses, are nonnative, highly aggressive weeds that have invaded salt water estuarine areas on the Washington coast, displacing native species and threatening bird and mammal habitats and the shellfish industry.

The director of agriculture, pursuant to the powers provided in chapters 17.10, 15.13 and 17.24 RCW, finds that the regulation and exclusion of these plants and plant parts are necessary to preserve Washington waters and wetlands, both fresh water and estuarine, from new or additional infestation. These requirements and restrictions, contained in WAC 16-752-500 through 16-752-525, are in addition to the requirements contained in WAC 232-12-271, "Criteria for planting aquatic plants and releasing wildlife," administered by the Washington state department of fish and wildlife.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 04-19-004, § 16-752-500, filed 9/2/04, effective 10/3/04. Statutory Authority: Chapters 17.24, 17.10, and 15.13 RCW. 01-01-014, § 16-752-500, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-500, filed 3/10/92, effective 4/10/92.]

WAC 16-752-505 Wetland and aquatic weed quarantine—Regulated articles. All plants and plant parts of the following are regulated articles under this chapter:

Scientific Name	Common Name
<i>Butomus umbellatus</i>	flowering rush
<i>Cabomba caroliniana</i>	fanwort
<i>Crassula helmsii</i>	Australian swamp stonecrop
<i>Egeria densa</i>	Brazilian elodea
<i>Epilobium hirsutum</i>	hairy willow herb
<i>Glossostigma diandrum</i>	mud mat
<i>Gyneria maxima</i>	reed sweetgrass, tall manna grass
<i>Hydrilla verticillata</i>	hydrilla
<i>Hydrocharis morsus-ranae</i>	European frog-bit
<i>Lagarosiphon major</i>	African elodea
<i>Ludwigia hexapetala</i>	water primrose
<i>Ludwigia peploides</i>	floating primrose-willow

Scientific Name	Common Name
<i>Lysimachia vulgaris</i>	garden loosestrife
<i>Murdannia keisak</i>	marsh dew flower, Asian spiderwort
<i>Myriophyllum aquaticum</i>	parrotfeather
<i>Myriophyllum heterophyllum</i>	variable-leaf milfoil
<i>Myriophyllum spicatum</i>	Eurasian watermilfoil
<i>Najas minor</i>	slender-leaved naiad, brittle naiad
<i>Nymphoides peltata</i>	yellow floating heart
<i>Sagittaria graminea</i>	grass-leaved arrowhead
<i>Sagittaria platyphylla</i>	delta arrowhead
<i>Schoenoplectus mucronatus</i>	ricefield bulrush
<i>Spartina alterniflora</i>	smooth cordgrass
<i>Spartina anglica</i>	common cordgrass
<i>Spartina densiflora</i>	dense-flowered cordgrass
<i>Spartina patens</i>	salt meadow cordgrass
<i>Stratiotes aloides</i>	water soldier
<i>Trapa natans</i>	water chestnut, bull nut
<i>Trapa bicornus</i>	water caltrap, devil's pod, bat nut
<i>Utricularia inflata</i>	swollen bladderwort

This list is comprised of the most recent and accepted scientific and common names of the quarantine plant species. Regulated status also applies to all synonyms of these botanical names.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-505, filed 9/3/09, effective 10/4/09. Statutory Authority: Chapters 17.24 and 34.05 RCW. 05-21-028, § 16-752-505, filed 10/11/05, effective 11/11/05. Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 04-19-004, § 16-752-505, filed 9/2/04, effective 10/3/04. Statutory Authority: Chapters 17.24, 17.10, and 15.13 RCW. 01-01-014, § 16-752-505, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-505, filed 3/10/92, effective 4/10/92.]

WAC 16-752-507 Wetland and Aquatic weed quarantine—Quarantine area. The area under the wetland and aquatic weed quarantine includes all counties within the state of Washington and all states, territories, and districts of the United States.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-507, filed 3/10/92, effective 4/10/92.]

WAC 16-752-510 Wetland and aquatic weed quarantine—Prohibited acts. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or plant parts of the regulated plants, listed in WAC 16-752-505, into or within the state of Washington. It is further prohibited to intentionally transplant wild plants and/or plant parts of these species within the state of Washington.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-510, filed 3/10/92, effective 4/10/92.]

WAC 16-752-515 Wetland and aquatic weed quarantine—Exemptions. The prohibition on transporting plants or plant parts in WAC 16-752-510 shall not apply to plants or plant parts collected for herbariums, research in control methods, creation of pressed specimens for educational or identification purposes and other scientific activities. However, all activities requiring live plants, except pressed specimens,

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must be conducted under permit from the director and must be conducted in such a way that no infestation is created. No permit is required to transport plants or plant parts, as a part of a noxious weed control activity, to a sanitary landfill, to be burned, or otherwise for disposition, if such activities are conducted under the supervision of an official weed control agency or other public agency with management responsibilities for the control efforts and are conducted in such a manner that seed dispersal or dispersal of propagative materials to uninfested areas is prevented.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-515, filed 9/3/09, effective 10/4/09. Statutory Authority: Chapters 17.24, 17.10, and 15.13 RCW. 01-01-014, § 16-752-515, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-515, filed 3/10/92, effective 4/10/92.]

WAC 16-752-520 Wetland and aquatic weed quarantine—Disposition of regulated articles. Any plants or plant parts transported, bought, sold, offered for sale, or planted in violation of this order shall be subject to destruction or shipment out-of-state if the department determines that such shipment may be done without danger of infestation. Any action will be at the expense of the owner or the owner's agent and without compensation.

[Statutory Authority: Chapters 17.24, 17.10, and 15.13 RCW. 01-01-014, § 16-752-520, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-520, filed 3/10/92, effective 4/10/92.]

WAC 16-752-525 Wetland and aquatic weed quarantine—Penalties. Any person who violates the terms of this quarantine, as provided in WAC 16-752-500 through 16-752-520, or who aids and abets in such violation, shall be subject to criminal and/or civil penalties provided by law.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-525, filed 3/10/92, effective 4/10/92.]

NOXIOUS WEED SEED AND PLANT QUARANTINE

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.

[Statutory Authority: Chapters 17.24, 17.10 RCW. 00-24-021, § 16-752-600, filed 11/28/00, effective 12/29/00; 92-07-025, § 16-752-600, filed 3/10/92, effective 4/10/92.]

WAC 16-752-605 Noxious weed seed and plant quarantine—Quarantine area. The area under the noxious weed seed and plant quarantine includes all counties within the state of Washington and all states, territories, and districts of the United States.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-605, filed 3/10/92, effective 4/10/92.]

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
<i>Abutilon theophrasti</i>	velvetleaf
<i>Alliaria petiolata</i>	garlic mustard
<i>Amorpha fruticosa</i>	indigobush, lead plant
<i>Anchusa officinalis</i>	common bugloss, alkanet, anchusa
<i>Anthriscus sylvestris</i>	wild chervil
<i>Brachypodium sylvaticum</i>	false brome
<i>Carduus acanthoides</i>	plumeless thistle
<i>Carduus nutans</i>	musk thistle, nodding thistle
<i>Carduus pycnocephalus</i>	Italian thistle
<i>Carduus tenuiflorus</i>	slenderflower thistle
<i>Centaurea calcitrapa</i>	purple starthistle
<i>Centaurea diffusa</i>	diffuse knapweed
<i>Centaurea jacea</i>	brown knapweed, rayed knapweed, brown centaury horse-knobs, hardheads
<i>Centaurea jacea x nigra</i>	meadow knapweed
<i>Centaurea biebersteinii</i>	spotted knapweed
<i>Centaurea macrocephala</i>	bighead knapweed
<i>Centaurea nigra</i>	black knapweed
<i>Centaurea nigrescens</i>	Vochin knapweed
<i>Chaenorrhinum minus</i>	dwarf snapdragon
<i>Crupina vulgaris</i>	common crupina
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	wild carrot, Queen Anne's lace
<i>Echium vulgare</i>	blueweed, blue thistle, blue devil, viper's bugloss, snake flower
<i>Euphorbia esula</i>	leafy spurge
<i>Euphorbia oblongata</i>	eggleaf spurge
<i>Galega officinalis</i>	goatsrue
<i>Geranium lucidum</i>	shiny geranium
<i>Helianthus ciliaris</i>	Texas blueweed
<i>Heracleum mantegazzianum</i>	giant hogweed, giant cow parsnip
<i>Hibiscus trionum</i>	Venice mallow, flower-of-an-hour, bladder ketmia, modesty, shoo-fly
<i>Hieracium aurantiacum</i>	orange hawkweed, orange paintbrush, red daisy flameweed, devil's weed, grim-the-collier

Scientific Name	Common Names
<i>Hieracium caespitosum</i>	yellow hawkweed, yellow paintbrush, devil's paintbrush, yellow devil, field hawkweed, king devil yellow devil hawkweed
<i>Hieracium floribundum</i>	
<i>Hieracium pilosella</i>	mouseear hawkweed
<i>Hieracium sabaudum</i>	European hawkweed
<i>Impatiens glandulifera</i>	policeman's helmet
<i>Isatis tinctoria</i>	dyers' woad
<i>Kochia scoparia</i>	kochia, summer-cyprus, burning-bush, fireball, Mexican fireweed
<i>Lepidium latifolium</i>	perennial pepperweed
<i>Leucanthemum vulgare</i>	oxeye daisy, white daisy, white-weed, field daisy, marguerite, poorland flower
<i>Linaria dalmatica</i> spp.	Dalmatian toadflax
<i>dalmanica</i>	
<i>Mirabilis nyctaginea</i>	wild four o'clock, umbrella-wort
<i>Onopordum acanthium</i>	Scotch thistle
<i>Polygonum cuspidatum</i>	Japanese knotweed
<i>Polygonum polystachyum</i>	Himalayan knotweed
<i>Polygonum sachalinense</i>	giant knotweed
<i>Polygonum x bohemicum</i>	Bohemian knotweed, Japanese and giant knotweed hybrid
<i>Proboscidea louisianica</i>	unicorn-plant
<i>Pueraria montana</i> var. <i>lobata</i>	kudzu
<i>Salvia aethiopsis</i>	Mediterranean sage
<i>Salvia pratensis</i>	meadow clary
<i>Salvia sclarea</i>	clary sage
<i>Senecio jacobaea</i>	tansy ragwort
<i>Silybum marianum</i>	milk thistle
<i>Solanum elaeagnifolium</i>	silverleaf nightshade
<i>Solanum rostratum</i>	buffaloburr
<i>Soliva sessilis</i>	lawnweed
<i>Sorghum halepense</i>	johnsongrass
<i>Spartium junceum</i>	Spanish broom
<i>Tamarix ramosissima</i>	saltcedar
<i>Thymelaea passerina</i>	spurge flax
<i>Torilis arvensis</i>	hedgearsley
<i>Ulex europaeus</i>	gorse, furze
<i>Zygophyllum fabago</i>	Syrian bean-caper

This list is comprised of the most recent and accepted scientific and common names of the quarantine plant species. Regulated status also applies to all synonyms of these botanical names.

[Statutory Authority: Chapters 17.10, 17.24, and 34.05 RCW. 09-19-006, § 16-752-610, filed 9/3/09, effective 10/4/09; 04-19-004, § 16-752-610, filed 9/2/04, effective 10/3/04. Statutory Authority: Chapters 17.24, 17.10, 15.13 RCW. 02-12-030, § 16-752-610, filed 5/29/02, effective 6/29/02. Statutory Authority: Chapters 17.24, 17.10 RCW. 00-24-021, § 16-752-610, filed 11/28/00, effective 12/29/00; 98-13-008, § 16-752-610, filed 6/4/98, effective 7/5/98. Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-610, filed 3/10/92, effective 4/10/92.]

WAC 16-752-620 Noxious weed seed and plant quarantine—Prohibited acts. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or plant parts of the regulated species listed in WAC 16-752-610 into or within the state of Washington or to sell, offer for sale, or distribute seed packets of the seed, flower seed blends, or wildflower mixes of these regulated species into or within the state of Washington.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-620, 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 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, as long as all such activities 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 disposal under the supervision of a noxious weed control agency.

[Statutory Authority: Chapters 17.24, 17.10 RCW. 00-24-021, § 16-752-630, filed 11/28/00, effective 12/29/00; 92-07-025, § 16-752-630, filed 3/10/92, effective 4/10/92.]

WAC 16-752-640 Noxious weed seed and plant quarantine—Permits. The director may allow the movement of materials, otherwise prohibited, by special permit. Such permit shall specify the terms and conditions under which movement is allowed.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-640, filed 3/10/92, effective 4/10/92.]

WAC 16-752-650 Noxious weed seed and plant quarantine—Disposal of regulated articles. Any plants, plant parts, or seed packets transported, bought, sold, or offered for sale in violation of 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 will be at the expense of the owner or the owner's agent and without compensation.

[Statutory Authority: Chapters 17.24, 17.10 RCW. 00-24-021, § 16-752-650, filed 11/28/00, effective 12/29/00; 92-07-025, § 16-752-650, filed 3/10/92, effective 4/10/92.]

WAC 16-752-660 Noxious weed seed and plant quarantine—Penalties. Any person who violates the terms of the noxious weed quarantine, as provided in WAC 16-752-600 through 16-752-650, or who aids or abets in such violation, shall be subject to the civil and/or criminal penalties provided in chapter 17.24 RCW.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-660, filed 3/10/92, effective 4/10/92.]

PURPLE NUTSEDGE QUARANTINE

WAC 16-752-700 Establishing quarantine for purple nutsedge. Purple nutsedge (*Cyperus rotundus*) is a highly invasive, herbaceous perennial and is commonly considered

one of the most serious noxious weeds in agronomic crops in the world. Purple nutsedge propagates by seed, rhizomes, bulbs and nutlets. Soil containing nutlets is the primary mode by which purple nutsedge spreads. The establishment of purple nutsedge in Washington would cause reduction in native vegetation and great economic loss to the agricultural industries of the state. The director of agriculture, pursuant to authorities in chapter 17.24 RCW, RCW 17.10.074 (1)(c) and chapter 15.13 RCW, has determined that the regulation and exclusion of purple nutsedge and its parts, seeds, rhizomes, bulbs and nutlets is necessary to protect the environmental quality and agricultural crops of the state of Washington.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-700, filed 12/29/99, effective 1/29/00.]

WAC 16-752-705 What articles are regulated under the quarantine of purple nutsedge and what do you need to ship regulated articles into Washington? (1) All plants or plant parts, including seeds and propagules, of purple nutsedge (*Cyperus rotundus*).

(2) Any of the following articles entering the state of Washington from the states of Alabama, Arizona, Arkansas, California, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas and Virginia, the territories of Puerto Rico and the Virgin Islands, and any other state, territory or district of the United States where purple nutsedge is found are regulated under this quarantine as hosts or possible carriers of purple nutsedge:

- (a) All plants with roots, including planting medium and containers, except house plants;
- (b) Soil, humus, compost or manure, except for commercially packaged products;
- (c) Sod;
- (d) Plant crowns, tubers or roots for propagation; and
- (e) Any other article or means of conveyance, when it is determined by the department to present a hazard of spreading live purple nutsedge due to infestation or exposure to infestation.

(3) Shipment of the regulated articles described in subsection (2) of this section into or within the state of Washington must be accompanied by a certificate of inspection issued by an authorized state or federal regulatory authority from the state or entity of origin. The certificate of inspection must certify that the regulated article(s) has been inspected and found free of purple nutsedge and its plant parts, seeds, rhizomes, bulbs and nutlets.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-705, filed 12/29/99, effective 1/29/00.]

WAC 16-752-710 Acts prohibited by this purple nutsedge quarantine. (1) Except under the terms of a compliance agreement with the department, the movement into or within the state of Washington of the following is prohibited:

- (a) All purple nutsedge plants and purple nutsedge plant parts, including seeds and propagules; and
- (b) Soil, humus, compost, bark, sawdust, ground wood products or manure contaminated with purple nutsedge seed, rhizomes, bulbs or nutlets.

(2) Planting or propagation of purple nutsedge is prohibited.

(3) Shipment of any of the regulated articles described in WAC 16-752-705(2) into or within the state of Washington without a certificate of inspection issued in accordance with WAC 16-752-705(3) is prohibited.

(4) The department may issue permits allowing actions otherwise prohibited under this section subject to the department's conditions and provisions necessary to prevent the introduction, escape or spread of purple nutsedge as prescribed in the permits.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-710, filed 12/29/99, effective 1/29/00.]

WAC 16-752-715 Disposal of articles regulated under this purple nutsedge quarantine. Any regulated articles that are in violation of this purple nutsedge quarantine are subject to destruction, shipment out-of-state or other disposition in a manner prescribed by the department. Any such action will be at the expense of the owner or owner's agent and without compensation.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-715, filed 12/29/99, effective 1/29/00.]

