

# HOUSE BILL REPORT

## HB 1707

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**As Reported by House Committee On:**  
Agriculture & Natural Resources

**Title:** An act relating to establishing a review process before the state noxious weed control board may list certain agricultural crops as noxious weeds.

**Brief Description:** Establishing a review process before the state noxious weed control board may list certain agricultural crops as noxious weeds.

**Sponsors:** Representatives Dent and Dye.

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 2/14/25, 2/18/25 [DPS].

**Brief Summary of Substitute Bill**

- Requires guidelines for including plants on the State Noxious Weed List to restrict the listing of certain crops as noxious weeds before the State Noxious Weed Control Board receives work group recommendations.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Reeves, Chair; Morgan, Vice Chair; Dent, Ranking Minority Member; Engell, Assistant Ranking Minority Member; Bernbaum, McClintock, Orcutt, Schmick and Springer.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Nance and Richards.

**Staff:** Rebecca Lewis (786-7339).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Background:**

Noxious weeds are plants that when established are highly destructive, competitive, or difficult to control by cultural or chemical practices. The State Noxious Weed Control Board (Board) must annually adopt a State Noxious Weed List and guidelines for placing plants on the list.

There are three classes of noxious weeds:

1. Class A noxious weeds are noxious weeds not native to Washington and of limited distribution, or are unrecorded in Washington, but could cause a serious threat if established.
2. Class B noxious weeds are nonnative plants of limited distribution in a region of the state that could cause a serious threat in that region.
3. Class C weeds are all other noxious weeds.

The guidelines for placing plants on the State Noxious Weed List must include criteria for reconsidering proposed new species not adopted by the Board, including any need for additional scientific data regarding invasive and noxious qualities of the proposed new species and from existing positive economic benefits, before taking action. Once a State Noxious Weed List is adopted, County Weed Boards must select weeds identified on the state list for inclusion on the local noxious weed list for that county.

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**Summary of Substitute Bill:**

The guidelines for listing plants on the State Noxious Weed List that the State Noxious Weed Control Board (Board) adopts annually must restrict the listing of agricultural crops as noxious weeds before the Board receives recommendations from a work group convened by the Department of Agriculture, and may provide for exceptions in noxious weed listings. At a minimum, the work group must include affected agricultural producers and one member of the Board.

**Substitute Bill Compared to Original Bill:**

The guidelines for placing plants on the State Noxious Weed List must restrict, instead of prohibit, the listing of agricultural crops as noxious weeds until receiving work group recommendations. The guidelines may provide for exceptions in noxious weed listings. The requirement that the State Noxious Weed Control Board convene a public hearing is removed. The Department of Agriculture may convene work groups as needed.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Sometimes laws have unintended consequences, and it is important to be careful when putting commercially cultivated crops on the noxious weed list. Sometimes weeds on the list are not properly controlled. This is a good government bill. Holly has been in the crosshairs of the Noxious Weed Control Board (Board) several times, but the Board has not demonstrated reasons to list it as a noxious weed. Sometimes plants are listed without input from the people who grow the plant as a crop. This bill will ensure that the proper stakeholders are included.

(Opposed) This bill creates a redundant public hearing requirement to a process that is already very thorough and empowers the people most directly affected to have a say. It will not accomplish the intended goal and will cause unnecessary delay. The majority of Board members are agricultural producers. Most invasive species are introduced as commercial crops. There is a current report on holly. Listing a plant as a noxious weed doesn't necessarily mean that growing the plant is prohibited. For example, English ivy and baby's-breath are noxious weeds, but are still cultivated in Washington. Proposed guidelines do not acknowledge the needs of tribes. The qualifications of Board members causes the Board to be tilted in favor of agriculture.

(Other) The intent to increase transparency in the process of listing noxious weeds is appreciated. There is already a public hearing process when adopting the list, so an amendment to remove the additional hearing requirement and streamline the process would be appreciated. The Board already collects information, holds a public hearing, and votes on proposed changes to the State Noxious Weed List, and Board members do not take this responsibility lightly. The bill could be amended to require additional considerations for commercially cultivated crops and where they are grown, if placed on the State Noxious Weed List.

**Persons Testifying:** (In support) Representative Tom Dent, prime sponsor; and Robert Bower, Four B's Farm.

(Opposed) Dylan Mendenhall, Chair of Kitsap County Noxious Weed Control Board, testifying as private citizen; Cathy Lucero; Allen Evenson; Christina St. John; David Allen; and Shaheen Page.

(Other) Kenneth Bajema; Randy Johnson, Clallam County Commissioner; Alison Halpern, Washington Department of Agriculture; and Mary Fee, Washington Noxious Weed Control Board.

**Persons Signed In To Testify But Not Testifying:** None.