

WSR 25-20-021
PROPOSED RULES
NOXIOUS WEED
CONTROL BOARD

[Filed September 22, 2025, 3:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-15-007.

Title of Rule and Other Identifying Information: Chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties. The Washington state noxious weed control board (NWCB) is proposing to amend pronouns and the state noxious weed list for 2025.

Hearing Location(s): On November 4, 2025, at 1:00 p.m., at the Wenatchee Valley Chamber of Commerce, 137 North Wenatchee Avenue, Suite 101, Wenatchee, WA 98801; or virtually via Zoom at <https://us02web.zoom.us/j/7061977054?omn+89518665665>.

Date of Intended Adoption: November 5, [2025].

Submit Written Comments to: Mary Fee, NWCB, P.O. Box 42560, Olympia, WA 98504-2560, email mfee@agr.wa.gov or noxiousweeds@agr.wa.gov, fax 360-902-2053, beginning September 22, 8:00 a.m., by Monday, November 3, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Mary Fee, phone 360-561-4428, fax 360-902-2053, TTY 800-833-6388, email mfee@agr.wa.gov or noxiousweeds@agr.wa.gov, by Friday, October 31, at 5:00 p.m.

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 NWCBs and other entities. It also provides guidelines for the state NWCB. This proposal updates the noxious weed list, pronouns, and 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 NWCB.

Updates to the noxious weed list:

WAC 16-750-005 Class A noxious weed additions.

- Waterhemp (*Amaranthus tuberculatus*)
- Delta arrowhead (*Sagittaria platyphylla*)

WAC 16-750-015 Class C noxious weed additions.

- Black locust (*Robinia pseudoacacia*)
- Norway maple (*Acer platanoides*), except for sterile cultivars

Reasons Supporting Proposal: Under RCW 17.10.080, the Washington state NWCB 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 state NWCB 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.

The proposed addition of waterhemp, *Amaranthus tuberculatus*, and delta arrowhead, *Sagittaria platyphylla*, as class A noxious weeds is intended to keep them from spreading from their very limited distribution to new locations within Washington state. Noxious weeds are very invasive species that when left uncontrolled outcompete agricultural crops and native species. Noxious weed infestations negatively impact both terrestrial and aquatic habitats, as well as farming and grazing lands.

The proposed addition of black locust, *Robinia pseudoacacia*, and Norway maple, *Acer platanoides*, as a [class] C noxious weed species is intended to help control black locust and Norway maple in wilderness, ecosystems, and habitats and to limit its distribution to uninfested areas.

Statutory Authority for Adoption: RCW 17.10.070 and 17.10.080.

Statute Being Implemented: Chapter 17.10 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state NWCB, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Mary Fee, 1111 Washington Street S.E., Olympia, WA 98504, 360-561-4428.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state NWCB is not one of the agencies listed in this section.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. Approximately 3,500 businesses were queried with 31 responding to an online survey emailed to licensed nurseries and agricultural industry associations.

Two businesses (6.45 percent) reported selling class A proposed waterhemp, *Amaranthus tuberculatus*, but zero businesses (zero percent) indicated the listing would have no impact on their business due to loss of sales, revenue, or jobs.

No businesses (zero percent) reported selling class A proposed delta arrowhead, *Sagittaria platyphylla*, and none indicated the listing would have no impact on their business due to loss of sales, revenue, or jobs.

Six businesses (19.35 percent) reported selling class C proposed black locust, *Robinia pseudoacacia*, and two businesses (6.4 percent) indicated the listing would have indirect impacts on their business due to loss of sales, revenue, or jobs.

Six businesses (19.35 percent) reported selling class C proposed Norway maple, *Acer platanoides*, but zero businesses (zero percent) indicated the listing would have indirect impacts on their business due to loss of sales, revenue, or jobs.

This rule would require the control of class A noxious weed species. The additions of delta arrowhead and waterhemp will help protect areas from becoming infested and require control of limited infestations.

Black locust and Norway maple are being proposed as class C additions. These listings will help to prioritize these species in conservation efforts in riparian areas, ecosystems, and green spaces. These additions helps protect other areas of limited distribution. Class C noxious weed species are not designated for required control at the state level.

An analysis of the direct economic effects of the proposed rule amendments indicates that the direct costs to businesses would be negligible or none at all. The two new class A noxious weed additions are required for control throughout Washington state but are very limited in distribution. The new class C noxious weed additions are not required for control by the state. Businesses should not be faced with more-than-minor costs to control those noxious weeds. Limited distri-

bution is typically defined as less than 100 infested acres within a county.

Based upon the above analysis, the state NWCB concludes that direct minor costs, if any, imposed would affect less than 10 percent 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 state NWCB concludes that businesses will not be disproportionately impacted, nor would the proposed rule changes impose more than a minor cost on businesses in an industry. Therefore, we conclude that a formal small business impact statement is not required.

A copy of the detailed cost calculations may be obtained by contacting Mary Fee, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-561-4428, fax 360-902-2094, TTY 800-833-6388, email mfee@agr.wa.gov.

September 22, 2025
 Mary Fee
 Executive Secretary

RDS-6691.1

AMENDATORY SECTION (Amending WSR 24-23-085, filed 11/19/24, effective 1/1/25)

WAC 16-750-005 State noxious weed list—Class A noxious weeds.

Common Name	Scientific Name
broom, French	<i>Genista monspessulana</i>
broom, Spanish	<i>Spartium junceum</i>
common crupina	<i>Crupina vulgaris</i>
cordgrass, common	<i>Spartina anglica</i>
cordgrass, dense-flowered	<i>Spartina densiflora</i>
cordgrass, salt meadow	<i>Spartina patens</i>
cordgrass, smooth	<i>Spartina alterniflora</i>
<u>delta arrowhead</u>	<u><i>Sagittaria platyphylla</i></u>
dyer's woad	<i>Isatis tinctoria</i>
eggleaf spurge	<i>Euphorbia oblongata</i>
false brome	<i>Brachypodium sylvaticum</i>
floating primrose-willow	<i>Ludwigia peploides</i>
flowering rush	<i>Butomus umbellatus</i>
garlic mustard	<i>Alliaria petiolata</i>
giant hogweed	<i>Heracleum mantegazzianum</i>
goatsrue	<i>Galega officinalis</i>
hydrilla	<i>Hydrilla verticillata</i>
Johnsongrass	<i>Sorghum halepense</i>
knapweed, bighead	<i>Centaurea macrocephala</i>
knapweed, Vochin	<i>Centaurea nigrescens</i>

Common Name	Scientific Name
kudzu	<i>Pueraria montana</i> var. <i>lobata</i>
meadow clary	<i>Salvia pratensis</i>
oriental clematis	<i>Clematis orientalis</i>
Palmer amaranth	<i>Amaranthus palmeri</i>
purple starthistle	<i>Centaurea calcitrapa</i>
reed sweetgrass	<i>Glyceria maxima</i>
ricefield bulrush	<i>Schoenoplectus</i> <i>mucronatus</i>
round leaf bittersweet	<i>Celastrus orbiculatus</i>
sage, clary	<i>Salvia sclarea</i>
sage, Mediterranean	<i>Salvia aethiopsis</i>
silverleaf nightshade	<i>Solanum elaeagnifolium</i>
small-flowered jewelweed	<i>Impatiens parviflora</i>
South American spongeplant	<i>Limnobiium laevigatum</i>
Syrian bean-caper	<i>Zygophyllum fabago</i>
Texas blueweed	<i>Helianthus ciliaris</i>
thistle, Italian	<i>Carduus pycnocephalus</i>
thistle, marsh	<i>Cirsium palustre</i>
thistle, milk	<i>Silybum marianum</i>
thistle, slenderflower	<i>Carduus tenuiflorus</i>
thistle, Turkish	<i>Carduus cinereus</i>
variable-leaf milfoil and hybrids	<i>Myriophyllum</i> <i>heterophyllum</i> <i>Myriophyllum</i> <i>heterophyllum</i> x <i>Myriophyllum hippuroides</i>
<u>waterhemp</u>	<u><i>Amaranthus tuberculatus</i></u>
wild four o'clock	<i>Mirabilis nyctaginea</i>

AMENDATORY SECTION (Amending WSR 25-08-024, filed 3/25/25, effective 4/25/25)

WAC 16-750-015 State noxious weed list—Class C noxious weeds.

Common Name	Scientific Name
absinth wormwood	<i>Artemisia absinthium</i>
Austrian fieldcress	<i>Rorippa austriaca</i>
babysbreath	<i>Gypsophila paniculata</i>
beach grass, European, American, and hybrids	<i>Ammophila arenaria</i> , <i>A.</i> <i>breviligulata</i> , and <i>A.</i> <i>arenaria</i> x <i>breviligulata</i>
black henbane	<i>Hyoscyamus niger</i>
blackberry, evergreen	<i>Rubus laciniatus</i>
blackberry, Himalayan	<i>Rubus bifrons</i>
blackgrass	<i>Alopecurus myosuroides</i>
<u>black locust</u>	<u><i>Robinia pseudoacacia</i></u>
buffalobur	<i>Solanum rostratum</i>
cereal rye	<i>Secale cereale</i>

Common Name	Scientific Name
common barberry	<i>Berberis vulgaris</i>
common catsear	<i>Hypochaeris radicata</i>
common groundsel	<i>Senecio vulgaris</i>
common holly	<i>Ilex aquifolium</i> , except where commercially grown
common St. Johnswort	<i>Hypericum perforatum</i>
common teasel	<i>Dipsacus fullonum</i>
curly-leaf pondweed	<i>Potamogeton crispus</i>
English hawthorn	<i>Crataegus monogyna</i>
English ivy 4 cultivars only:	<i>Hedera hibernica</i> 'Hibernica' <i>Hedera helix</i> 'Baltica' <i>Hedera helix</i> 'Pittsburgh' <i>Hedera helix</i> 'Star'
Eurasian watermilfoil hybrid	<i>Myriophyllum spicatum</i> x <i>M. sibiricum</i>
field bindweed	<i>Convolvulus arvensis</i>
fragrant water lily	<i>Nymphaea odorata</i>
green alkanet	<i>Pentaglottis sempervirens</i>
hairy whitetop	<i>Lepidium appelianum</i>
hoary cress	<i>Lepidium draba</i>
Italian arum	<i>Arum italicum</i>
Japanese eelgrass	<i>Nanozostera japonica</i>
jointed goatgrass	<i>Aegilops cylindrica</i>
jubata grass	<i>Cortaderia jubata</i>
lawnweed	<i>Soliva sessilis</i>
longspine sandbur	<i>Cenchrus longispinus</i>
Medusahead	<i>Taeniatherum caput-medusae</i>
nonnative cattail species and hybrids	Including, but not limited to, <i>Typha angustifolia</i> , <i>T. domingensis</i> and <i>T. x glauca</i>
<u>Norway maple</u>	<u><i>Acer platanoides</i></u>
old man's beard	<i>Clematis vitalba</i>
oxeye daisy	<i>Leucanthemum vulgare</i>
pampas grass	<i>Cortaderia selloana</i>
perennial sowthistle	<i>Sonchus arvensis</i> ssp. <i>arvensis</i>
reed canarygrass	<i>Phalaris arundinacea</i>
Russian olive	<i>Elaeagnus angustifolia</i>
scentless mayweed	<i>Tripleurospermum inodorum</i>
smoothseed alfalfa dodder	<i>Cuscuta approximata</i>
spikeweed	<i>Centromadia pungens</i>
spiny cocklebur	<i>Xanthium spinosum</i>
spotted jewelweed	<i>Impatiens capensis</i>
Swainsonpea	<i>Sphaerophysa salsula</i>
thistle, bull	<i>Cirsium vulgare</i>

Common Name	Scientific Name
thistle, Canada	<i>Cirsium arvense</i>
tree-of-heaven	<i>Ailanthus altissima</i>
ventenata	<i>Ventenata dubia</i>
white cockle	<i>Silene latifolia</i>
wild carrot (except subs. sativus where grown commercially or for food)	<i>Daucus carota</i>
yellow flag iris	<i>Iris pseudacorus</i>
yellow toadflax	<i>Linaria vulgaris</i>