
**Agriculture & Natural Resources
Committee**

HB 3073

Brief Description: Establishing a program for forage and mulches used in federal wilderness areas and on forest service lands.

Sponsors: Representatives Warnick, Blake, Kretz, Hinkle, Kessler and McCune.

Brief Summary of Bill

- Authorizes the State Noxious Weed Control Board, in conjunction with interested county weed boards and weed districts, to formulate and coordinate a certification program pursuant to the new federal requirements adopted by the United States Forest Service for certification of forage and mulches used in federal wilderness areas that go into effect January 1, 2009.

Hearing Date: 1/31/08

Staff: Colleen Kerr (786-7168).

Background:

Effective January 1, 2007, commercially processed feed pellets and/or certified weed-free straw and feed is now required within all wilderness areas and adjacent trailheads in our Pacific Northwest National Forests, managed by the United States Forest Service (USFS). On January 1, 2009, this requirement will be in effect for all USFS lands.

Invasive plants, including noxious weeds, are a threat to natural areas. They outcompete native plants, degrade wildlife habitat, and reduce soil and water quality. They can also cause economic losses in natural areas by reducing both aesthetics as well as recreational opportunities.

These weeds can be extremely difficult to remove once they've established anywhere: cropland, rangeland, yards, abandoned lots; but are especially hard to detect and then eradicate in wilderness areas. The USFS passed new requirements in order to help prevent the introduction of new weed seeds into designated wilderness areas.

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

Under the new requirements, hay, hay cubes, straw, grain, and other crop or mulch product must be certified weed-free using North American Weed management Association (NAWMA) standards, regardless of how they are used.

Commercially processed feed pellets and steamed, rolled grains are considered weed-free feed and do not need additional certification. The processes by which they are made effectively destroys most viable seeds. Non-certified products may also be transported through national forest lands, as long as they are not unloaded or used while in the designated wilderness areas and around nearby trailheads.

Currently, the Washington State Department of Agriculture does not have a statewide, weed-free certification program for hay or crop products. Interested County Noxious Weed Control Boards may have employees trained to certify weed-free hay and crop products under NAWMA standards in March, 2008 for the upcoming growing season.

Summary of Bill:

The State Noxious Weed Control Board, in conjunction with interested county weed boards and weed districts, is authorized to formulate and coordinate a certification program pursuant to the new federal requirements adopted by the USFS for certification of forage and mulches used in federal wilderness areas that go into effect January 1, 2009.

For the purposes of this act, forage certified under this section shall be referred to and designated as wilderness forage. Wilderness forage may not be treated with any postharvest fumigants or insecticides. The authority of the state noxious weed control board under this section does not apply to hay, straw, or mulches exported to markets outside of the United States.

The State Noxious Weed Control Board, in conjunction with county noxious weed control boards and weed districts, shall enter into a memoranda of agreement to implement a program for the 2008 forage season that meets the minimum requirements established by the USFS. This authority shall continue for subsequent forage seasons until a rule is adopted.

The State Noxious Weed Control Board shall work with representatives of county noxious weed control boards and weed districts, the USFS, forage grower associations, weed management associations, horse owners' associations, and other interested parties to develop a rule in accordance with statute to design a permanent program. The board shall review and evaluate the rules pertaining to similar forage and mulch certification programs adopted in neighboring states, including those adopted by Idaho.

The state noxious weed control board shall develop and coordinate a uniform program for use within the state that meets the USFS prevention standards 3 and 4 from the Pacific Northwest Region Invasive Plant Program record of decision applicable to forage and mulches for use in wilderness and backcountry areas that includes the following components:

- Allows county weed boards and weed districts to provide a certification service on a voluntary basis, upon request, by forage and mulch producers that confirms that their forage and mulches meet USFS requirements that apply to forage and mulches used in wilderness and backcountry areas;
- Coordinates the training for participating county noxious weed control boards' and weed districts' staff or contract employees on certification standards and procedures;

- Purchases, stores, and distributes specifically colored twine, identification tags, and other materials required to designate that the forage or mulch meets certification standards;
- Provides educational material to interested forage and mulch producers; and
- Provides a list of producers in Washington State from which certified products are available for posting on appropriate web sites.

If certification services for wilderness forage are not available to a forage or mulch producer from the county noxious weed control board in which the producer's land is located, the producer may request certification from an adjacent county's noxious weed control board, or from the Washington State Crop Improvement Association, only if the certification is performed in accordance with the same standards and procedures as those performed under this chapter by other county noxious weed control boards.

The State Noxious Weed Control Board shall provide a report to the appropriate committees of the Legislature by December 1, 2008, regarding the activities taken under this act and the progress and issues encountered in formulating a permanent program.

Appropriation: None.

Fiscal Note: Requested on January 30, 2008.

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