

SENATE BILL REPORT

SB 6676

As of February 15, 2008

Title: An act relating to forage and mulches.

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

Sponsors: Senators Rasmussen, Schoesler, Jacobsen, Morton, Haugen, Shin, Swecker and Hatfield.

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 1/31/08.

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Staff: Bob Lee (786-7404)

Background: The U.S. Forest Service (USFS) has adopted a requirement that requires forages and mulches used on their lands within Washington State be either pelletized or certified as weed free. The purpose of this requirement is to minimize the introduction of invasive weed species in wilderness areas and on other forest service lands. This requirement went into effect for designated Wildernesses and trailheads on January 1, 2007, and becomes effective on all USFS lands as of January 1, 2009.

Straw is used as a mulch to minimize soil erosion in selected burned over areas affected by wildfires. Hay or pellets are used by horse and pack animal owners at trail heads and while doing volunteer maintenance work and engaging in recreational activities. Currently, one county noxious weed control board is offering a weed free forage certification program.

Summary of Bill: Authority is provided to the State Noxious Weed Control Board (Board), in conjunction with county noxious weed control boards, to enter into an memorandum of agreement to implement a program that meets minimum requirements of the USFS for the 2008 forage season. This authority must continue for subsequent forage seasons until rules are adopted.

The Board is directed to work with county noxious weed control boards, the USFS, forage grower associations, weed management associations, horse owner associations, and other interested parties to develop a rule for a permanent program.

The forage certified under this section must be referred to and designated as wilderness forage. Wilderness forage may not be treated with any post-harvest fumigants or

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insecticides. The authority of the Board must not apply to hay, straw, or mulches exported to markets outside of the United States.

The Board is to develop and coordinate a uniform program for use within the state that meets the requirements of the USFS that includes the following components:

- allows county weed boards to provide a certification service on a voluntary basis upon request by the forage or mulch producer;
- coordinates the training for participating county noxious weed control boards staff or contract employees on certification standards and procedures;
- purchasing, storage, and distribution of specifically colored twine, identification tags, and other materials required to designate that the forage or mulch meets certification standards; and
- provides a list of producers in Washington State that are certified producers for posting on appropriate websites.

Appropriation: None.

Fiscal Note: Requested on January 23, 2008.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The Back Country Horsemen support a voluntary program where those hay growers who want to have their hay certified as weed free hay can do so. There has been frustration with deliberate delay tactics that haven't allowed this certification program to move forward. The Washington Trails Association spends hundreds of hours in the back country doing trail maintenance work. Supplies for this work are carried in by volunteer horse organizations. If the horse organizations are unable to comply with the weed free forage requirements of the Forest Service, this volunteer work will be placed in jeopardy.

OTHER: The Washington State Hay Growers ask that this measure be tabled as they are not in full support as of yet. Hay is a \$400 million industry. Work with noxious weed control boards has been ongoing for some time. Straw producers have been working with the Washington State Crop Improvement Association to get their straw to meet the Forest Service's requirements. The Washington State Noxious Weed Control Board feels it is too early to implement statutes, and feels that a pilot program is the direction to go. They have been working on this for two and a half years and have 24 counties interested in offering a program. Training of inspectors is planned for this spring.

Persons Testifying: PRO: Robert Brooke, Darrell Wallace, Back Country Horsemen; James Thode.

OTHER: William Wamsley; Lewis County Weed Board; Shawn Clausen, Washington State Hay Growers Association; Ray Fann, Washington State Noxious Weed Control Board; Heather Hansen, Washington Assn. of Wheat Growers.