

HOUSE BILL REPORT

SHB 1169

As Passed House:
March 1, 2011

Title: An act relating to noxious weed lists.

Brief Description: Regarding noxious weed lists.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Haigh, Chandler, Blake, Kristiansen, Taylor, Rivers, Finn and Shea).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/28/11, 2/4/11, 2/15/11 [DPS].

Floor Activity:

Passed House: 3/1/11, 90-7.

Brief Summary of Substitute Bill

- Directs the State Noxious Weed Board to adopt rules specifying how plants will be considered for addition to the state noxious weed list, including requirements for additional data to be presented with petitions for reconsideration.
- Permits county noxious weed control boards to conduct education, outreach, or other assistance regarding plant species not included on the state noxious weed list.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Blake, Chair; Stanford, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Hinkle, Kretz, Lytton, Orcutt and Rolfes.

Minority Report: Do not pass. Signed by 3 members: Representatives Dunshee, Pettigrew and Van De Wege.

Staff: Jason Callahan (786-7117).

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.

Background:

A noxious weed is a plant that, when established, is highly destructive, competitive, or difficult to control. The state maintains an active list of noxious weeds present in Washington and categorizes the plants on the list into one of three categories. These categories are designated as Class A, Class B, and Class C.

Class A weeds are those noxious weeds that are not native to Washington and are of limited distribution or are unrecorded in Washington yet could cause a serious threat if established. Class B weeds are non-native plants that are of limited distribution in a region of the state but could cause a serious threat in that region. Class C weeds are all other noxious weeds.

Noxious weeds are identified and listed by the State Noxious Weed Control Board (Board). The Board is required to adopt a statewide noxious weed list at least once a year following a public hearing. Once a state noxious weed list is adopted, county noxious weed control boards must select weeds identified on the state list for inclusion on the local noxious weed list for that county. Each county is empowered to have a noxious weed control board within its jurisdiction.

Once a weed is included on a county's weed list, certain responsibilities apply to landowners within that county. Landowners are responsible for eradicating all Class A weeds as well as controlling the spread of Class B and Class C weeds listed on the county list. The enforcement of violations of these duties is the responsibility of the county weed boards.

Summary of Substitute Bill:

The Board is directed to adopt rules regarding how the Board will select species for listing on the noxious weed list. Included in these rules must be criteria for the listing of species that have been previously rejected for listing by the Board. The listing must include a requirement that additional scientific data be presented to the Board regarding the invasive or noxious qualities of the plant in question, along with information about the plant's economic benefits.

County noxious weed control boards are still permitted to conduct education, outreach, or other assistance regarding plant species not included, or eligible for inclusion, on the state noxious weed list if the county determines that a plant species causes a localized risk or concern.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) The maintenance of a noxious weed list is important and is a process that needs support. However, when a commercial crop is proposed for listing, significant negative impacts on the agriculture industry can occur that affect the agriculture economy and farm families.

A higher standard should apply when a commercial crop is proposed for listing. Commercial growers should have some protection against having to spend time and money defending their crops from being listed as a weed. As it is, just a proposed listing shifts the burden of proving that a crop is not a weed onto the growers and attaches a negative stigma to the plant. Public perception matters greatly when a crop is marketed. A Washington listing affects perception of a crop even beyond state borders.

English holly was proposed for listing as a weed even though experts concluded that the plant does not qualify under the definition of a noxious weed and there was no science or economic analysis showing that English holly was a problem.

(Neutral) There could be some unforeseen consequences if all commercial crops are prohibited from being included on the weed list.

(Opposed) Many current plants on the state weed list were originally cultivated as commercial crops. There are new plants always being explored for market value, and it is impossible to predict the future and know which crops that may be cultivated in the future will become problems. This could affect the ability to protect agricultural and natural resources industries.

Listing a plant on the weed list does not mean that someone cannot cultivate the crop or grow the plant commercially. The Board does take into consideration economic consequences and has rejected plant listings on those grounds in the past.

Persons Testifying: (In support) Representative Haigh, prime sponsor; Scott Dilley, Washington Farm Bureau; Kenneth Bajema, Columbia Gorge Holly Farms; and Robert Bower, Four B's Farm.

(Neutral) Jack Field, Washington Cattlemen's Association.

(Opposed) Allison Halpern, State Noxious Weed Control Board; Allison Halpern, State Noxious Weed Control Board; and Jane Vanderhoof, West Wind Farm.

Persons Signed In To Testify But Not Testifying: None.