

SENATE BILL REPORT

SHB 1169

As Reported by Senate Committee On:
Agriculture & Rural Economic Development, March 15, 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: Passed House: 3/01/11, 90-7.

Committee Activity: Agriculture & Rural Economic Development: 3/15/11 [DP, w/oRec].

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Hatfield, Chair; Shin, Vice Chair; Delvin, Ranking Minority Member; Becker, Haugen, Hobbs and Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senator Honeyford.

Staff: Bob Lee (786-7404)

Background: The Washington State Noxious Weed Control Board (Board) advises the Washington State Department of Agriculture (WSDA) and coordinates and supports activities of 48 county noxious weed control boards and weed districts.

The Board annually adopts a state noxious weed list, which includes:

- Class A weeds, defined as non-native plants of limited distribution or unrecorded in the state, and posing a serious threat to the state. These weeds must be eradicated by landowners throughout the state.
- Class B weeds, similarly defined, but posing a serious threat to a particular region. These weeds must be eradicated by landowners in designated regions.
- Class C weeds, any other noxious weeds, a list currently including more than two dozen species that local noxious weed control boards may optionally select to control in their jurisdictions. However, commercial forest landowners are not required to

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.

control these weeds, except within a 1000 foot buffer strip of adjacent land uses and for within five years after tree harvest.

In November 2010, the Board considered making changes to these weed lists including adding English holly to the class C list.

Summary of 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 and other branches of county or city government are still allowed 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: Available.

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: Several commercial holly growers were very concerned with the proposed listing of English holly as a noxious weed. Their concern was that listing it as a weed may cause a loss of markets and result in economic impact to the industry. The State Weed Board voted to not list the species but there is concern that a proposal will be submitted again in the future. There is support for making this as strong as possible to protect holly growers. Provisions were included that before any species could be again proposed for listing that such a proposal must include data that scientific information about the species and positive economic impacts of the species. There is concern about the Legislature specifically listing what plant species can or cannot be included on the weed list.

Persons Testifying: PRO: Representative Haigh, prime sponsor; Scott Dilley, Washington State Farm Bureau; Robert Bauer, Four B's Farm; Alison Halpren, State Noxious Weed Control Board; Mary Toohey, Department of Agriculture; Naomi Stacy, Confederated Tribes of the Umatilla Reservation.