

# SENATE BILL REPORT

## SB 5087

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As Reported by Senate Committee On:  
Agriculture & Rural Economic Development, February 14, 2011

**Title:** An act relating to noxious weed lists.

**Brief Description:** Regarding noxious weed lists.

**Sponsors:** Senators Sheldon, Honeyford, Hatfield and Shin.

**Brief History:**

**Committee Activity:** Agriculture & Rural Economic Development: 1/20/11, 2/14/11 [DPS].

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### SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 5087 be substituted therefor, and the substitute bill do pass.

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

**Staff:** Bob Lee (786-7404)

**Background:** The State Noxious Weed Control Board (SNWCB) is the entity that classifies noxious weeds into three classes. Class A weeds are defined as non-native plants that are of limited distribution, or are unrecorded in a region that poses a serious threat to the state. Class A weeds are required to be eradicated by landowners throughout the state.

Class B weeds are similarly defined except they must pose a serious threat to a particular region. Class B weeds are required to be controlled by landowners in particular designated regions.

Class C weeds are those weeds that have been placed on the weed list by the SNWCB, and have been selected for control by a county weed board. Landowners are required to control class C weeds in the areas designated for control by the county weed board. However, commercial forest landowners are not required to control class C weeds designated for control by county weed boards except within a one thousand foot buffer strip of adjacent land uses and for within five years after tree harvest.

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*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.*

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

**Summary of Bill (Recommended Substitute):** The SNWCB is to adopt guidelines by rule for placing plants on the state noxious weed list. The guidelines must include criteria for reconsideration of proposed new species that were not adopted by the SNWCB, including the need for the SNWCB to be presented with additional data from scientific sources before taking action for reconsideration.

English holly may not be included on the state noxious weed list. However, nothing in this chapter limits a county weed board or other branch of county or city government from conducting education, outreach, or other assistance regarding plant species not included or eligible to be included on the state list if it causes localized risk or concern.

**EFFECT OF CHANGES MADE BY AGRICULTURE & RURAL ECONOMIC DEVELOPMENT COMMITTEE (Recommended Substitute):** A provision was added that requires the SNWCB to adopt guidelines by rule for placing plants on the state noxious weed list. The guidelines must include criteria for reconsideration of proposed new species that were not adopted by the SNWCB, including the need for the SNWCB to be presented with additional data from scientific sources before taking action for reconsideration.

The original bill prohibited any plant that is grown as an agricultural crop from being placed on the state noxious weed list. The substitute bill provides that English holly not be included on the state noxious weed list.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Original Bill:** PRO: The proposal to list English holly as a class C noxious weed raised concerns with commercial holly growers who export English holly to other states. Though the listing was rejected, there is concern that the proposal will continue to come up. English holly has been grown in the state for 120 years and is exported from the state largely during the holiday season. The concern is that if holly is listed as a noxious weed, that public perception will result in loss of sales. Holly growers do not agree that holly poses a threat in forested areas.

CON: The bill as written has unintended consequences. A few of the noxious weeds on the list were originally a commercially produced crop or ornamental plant that found a favorable environment and later became a problem. Some aspects of the bill have merit but need additional work.

OTHER: Preventing the listing of plants that are grown as commercial crops will result in unintended consequences. There are aquarium plants that are commercially produced that

have the potential of becoming established in the natural environment. Spartina, a non-native plant for which there is an eradication program, was once proposed to be commercially produced. To avoid unintended consequences, alternative bill language will be proposed.

**Persons Testifying:** PRO: Scott Dilley, Ken Bajema, Bob Bower, Washington Farm Bureau.

CON: Alison Halpren, State Noxious Weed Control Board.

OTHER: Mary Toohey, Department of Agriculture; Heather Hansen, WA State Nursery and Landscape Assn.