



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

Agency: Agriculture

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** : This rulemaking order amends chapter 16-752 WAC – Noxious Weed Seed and Plant Quarantine by adding butterfly bush (*Buddleia davidii*), except for accepted sterile cultivars; yellow archangel (*Lamium galeobdolon*); lesser celandine (*Ficaria verna*); all nonnative hawkweed species and hybrids (nonnative *Hieracium spp.*); Senegal tea plant (*Gymnocoronis spilanthoides*); and Australian water clover (*Marsilea mutica*) to the noxious weed seed and plant quarantine, prohibiting their sale and distribution in Washington State. Regulated status also applies to all synonyms of these botanical names and interspecies hybrids if both parents are regulated species. Adding these species to the quarantine to ensure these plants are not being sold through the nursery trade may be critical to their exclusion or control.

In addition to adding species, WSDA is adding language clarifying the fees charged for compliance agreements and defining what are 'regulated articles'.

The quarantine is being amended as a result of a petition submitted by the Washington State Noxious Weed Control Board and the Washington State Department of Ecology.

**Citation of existing rules affected by this order:**

Repealed:

Amended: WAC 16-752-600, 610, 640

Suspended:

**Statutory authority for adoption:** RCW 17.10.074, 17.24.011, 17.24.041

**Other authority :** Chapter 34.05 RCW

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 16-10-100 on May 4, 2016 (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: phone ( ) \_\_\_\_\_

Address: fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

**Date adopted:** June 23, 2016

**NAME (TYPE OR PRINT)**

Kirk Robinson

**SIGNATURE**

**TITLE**

Deputy Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: June 23, 2016**

**TIME: 7:32 AM**

**WSR 16-14-003**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	3	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	3	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	<u>2</u>	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	<u>3</u>	Repealed	_____

AMENDATORY SECTION (Amending WSR 14-07-040, filed 3/12/14, effective 4/12/14)

**WAC 16-752-600 Establishing the noxious weed seed and plant quarantine.** Washington agriculture, environmental quality and natural resources, including waters and wetlands, are threatened by nonnative, aggressive species of noxious weeds. A number of these noxious weeds are transported and sold within the state of Washington both as nursery plants and as seeds in packets of flower seeds or "wildflower mixes." Subsequent "escape" of these ornamentals has been a documented source of a number of infestations and has resulted in large public and private expenditures by landowners and land managers, weed boards, and weed districts and the department of agriculture to achieve the control mandated in chapter 17.10 RCW. The director of agriculture, pursuant to the powers provided in chapters 17.10 and 17.24 RCW, finds that regulation of the sale of these seed packets and plants as "regulated articles" is necessary to protect Washington agriculture and natural resources and to prevent public and private costs of control.

((Note: For rules prescribing the limits of prohibited and restricted noxious weed seeds as contaminants in certified seed, see WAC 16-300-010 through 16-300-025.))

AMENDATORY SECTION (Amending WSR 14-07-040, filed 3/12/14, effective 4/12/14)

**WAC 16-752-610 Regulated articles.** All plants, plant parts, and seeds in packets, blends, and "wildflower mixes" of the following listed species are designated as regulated articles under the terms of this noxious weed seed and plant quarantine. This list is comprised of the most recent and accepted scientific and common names of the quarantine plant species. Regulated status also applies to all synonyms of these botanical names and interspecies hybrids if both parents are regulated species:

<b>Scientific Name</b>	<b>Common Names</b>
<i>Abutilon theophrasti</i>	velvetleaf
<i>Alliaria petiolata</i>	garlic mustard
<i>Amorpha fruticosa</i>	indigobush, lead plant
<i>Anchusa officinalis</i>	common bugloss, alkanet, anchusa
<i>Anthriscus sylvestris</i>	wild chervil
<i>Arundo donax</i> (except variegated cultivars)	giant reed
<i>Brachypodium sylvaticum</i>	false brome
<u><i>Buddleia davidii</i></u> (except accepted sterile cultivars)	<u>butterfly bush</u>
<i>Butomus umbellatus</i>	flowering rush
<i>Cabomba caroliniana</i>	fanwort
<i>Carduus acanthoides</i>	plumeless thistle

<b>Scientific Name</b>	<b>Common Names</b>
<i>Carduus nutans</i>	musk thistle, nodding thistle
<i>Carduus pycnocephalus</i>	Italian thistle
<i>Carduus tenuiflorus</i>	slenderflower thistle
<i>Centaurea calcitrapa</i>	purple starthistle
<i>Centaurea diffusa</i>	diffuse knapweed
<i>Centaurea jacea</i>	brown knapweed, rayed knapweed, brown centaury horse-knobs, hardheads
<i>Centaurea jacea x nigra</i>	meadow knapweed
<i>Centaurea stoebe</i>	spotted knapweed
<i>Centaurea macrocephala</i>	bighead knapweed
<i>Centaurea nigra</i>	black knapweed
<i>Centaurea nigrescens</i>	Vochin knapweed
<i>Chaenorrhinum minus</i>	dwarf snapdragon
<i>Clematis orientalis</i>	oriental clematis
<i>Crassula helmsii</i>	Australian swamp stonecrop
<i>Crupina vulgaris</i>	common crupina
<i>Cyperus rotundus</i>	purple nutsedge
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	wild carrot, Queen Anne's lace
<i>Echium vulgare</i>	blueweed, blue thistle, blue devil, viper's bugloss, snake flower
<i>Egeria densa</i>	Brazilian elodea
<i>Epilobium hirsutum</i>	hairy willow herb
<i>Euphorbia esula</i>	leafy spurge
<i>Euphorbia oblongata</i>	eggleaf spurge
<i>Ficaria verna</i>	<u>lesser celandine</u>
<i>Galega officinalis</i>	goatsrue
<i>Genista monspessulana</i>	French broom
<i>Geranium lucidum</i>	shiny geranium
<i>Glossostigma diandrum</i>	mud mat
<i>Glyceria maxima</i>	reed sweetgrass, tall manna grass
<i>Gymnocoronis spilanthoides</i>	<u>Senegal tea plant</u>
<i>Helianthus ciliaris</i>	Texas blueweed
<i>Heracleum mantegazzianum</i>	giant hogweed, giant cow parsnip
<i>Hibiscus trionum</i>	Venice mallow, flower-of-an-hour, bladder ketmia, modesty, shoo-fly
<i>(Hieracium aurantiacum)</i>	<del>orange hawkweed, orange paintbrush, red daisy flameweed, devil's weed, grim-the-collier</del>

<b>Scientific Name</b>	<b>Common Names</b>
<i>Hieracium caespitosum</i>	yellow hawkweed, yellow paintbrush, devil's paintbrush, yellow devil, field hawkweed, king devil
<i>Hieracium floribundum</i>	yellow devil hawkweed
<i>Hieracium pilosella</i>	mouseear hawkweed
<i>Hieracium sabaudum</i>	European hawkweed))
<u><i>Hieracium</i> spp. All nonnative species and hybrids</u>	<u>nonnative hawkweeds</u>
<i>Hydrilla verticillata</i>	hydrilla
<i>Hydrocharis morsus-ranae</i>	European frog-bit
<i>Impatiens glandulifera</i>	policeman's helmet
<i>Isatis tinctoria</i>	dyers' woad
<i>Kochia scoparia</i>	kochia, summer-cyprus, burning-bush, fireball, Mexican fireweed
<i>Lagarosiphon major</i>	African elodea
<u><i>Lamiastrum galeobdolon</i></u>	<u>yellow archangel</u>
<i>Lepidium latifolium</i>	perennial pepperweed
<i>Leucanthemum vulgare</i>	oxeye daisy, white daisy, whiteweed, field daisy, marguerite, poorland flower
<i>Linaria dalmatica</i> <i>spp. dalmatica</i>	Dalmatian toadflax
<i>Ludwigia hexapetala</i>	water primrose
<i>Ludwigia peploides</i>	floating primrose-willow
<i>Lysimachia vulgaris</i>	garden loosestrife
<i>Lythrum salicaria</i>	purple loosestrife
<i>Lythrum virgatum</i>	wand loosestrife
<u><i>Marsilea mutica</i></u>	<u>Australian water clover</u>
<i>Mirabilis nyctaginea</i>	wild four o'clock, umbrella-wort
<i>Murdannia keisak</i>	marsh dew flower, Asian spiderwort
<i>Myriophyllum aquaticum</i>	parrotfeather
<i>Myriophyllum heterophyllum</i>	variable-leaf milfoil
<i>Myriophyllum spicatum</i>	Eurasian watermilfoil
<i>Najas minor</i>	slender-leaved naiad, brittle naiad
<i>Nymphoides peltata</i>	yellow floating heart
<i>Onopordum acanthium</i>	Scotch thistle
<i>Polygonum cuspidatum</i>	Japanese knotweed
<i>Polygonum polystachyum</i>	Himalayan knotweed

<b>Scientific Name</b>	<b>Common Names</b>
<i>Polygonum sachalinense</i>	giant knotweed
<i>Polygonum x bohemicum</i>	Bohemian knotweed, Japanese and giant knotweed hybrid
<i>Proboscidea louisianica</i>	unicorn-plant
<i>Pueraria montana var. lobata</i>	kudzu
<i>Sagittaria graminea</i>	grass-leaved arrowhead
<i>Sagittaria platyphylla</i>	delta arrowhead
<i>Salvia aethiopsis</i>	Mediterranean sage
<i>Salvia pratensis</i>	meadow clary
<i>Salvia sclarea</i>	clary sage
<i>Schoenoplectus mucronatus</i>	ricefield bulrush
<i>Senecio jacobaea</i>	tansy ragwort
<i>Silybum marianum</i>	milk thistle
<i>Solanum elaeagnifolium</i>	silverleaf nightshade
<i>Solanum rostratum</i>	buffaloburr
<i>Soliva sessilis</i>	lawnweed
<i>Sorghum halepense</i>	johnsongrass
<i>Spartina alterniflora</i>	smooth cordgrass
<i>Spartina anglica</i>	common cordgrass
<i>Spartina densiflora</i>	dense-flowered cordgrass
<i>Spartina patens</i>	salt meadow cordgrass
<i>Spartium junceum</i>	Spanish broom
<i>Stratiotes aloides</i>	water soldier
<i>Tamarix ramosissima</i>	saltcedar
<i>Thymelaea passerina</i>	spurge flax
<i>Torilis arvensis</i>	hedgearsley
<i>Trapa natans</i>	water chestnut, bull nut
<i>Trapa bicornus</i>	water caltrap, devil's pod, bat nut
<i>Ulex europaeus</i>	gorse, furze
<i>Utricularia inflata</i>	swollen bladderwort
<i>Zygophyllum fabago</i>	Syrian bean-caper

~~((This list is comprised of the most recent and accepted scientific and common names of the quarantine plant species. Regulated status also applies to all synonyms of these botanical names and interspecies hybrids if both parents are regulated species.))~~

AMENDATORY SECTION (Amending WSR 14-07-040, filed 3/12/14, effective 4/12/14)

**WAC 16-752-640 Compliance agreements.** The director may allow activities prohibited under this chapter by compliance agreement. Such

compliance agreement shall specify the terms and conditions under which such activities are allowed. A fee may be charged for these services under ((~~chapter 16-470~~)) WAC 16-401-027 or 16-470-912 and 16-470-921.