



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

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Concise Explanatory Statement
for amendments to
Chapter 16-752 WAC
Noxious Weed Seed and Plant Quarantine

On June 24, 2025, the Washington State Department of Agriculture held a virtual hearing to accept testimony on its proposal to amend chapter 16-752 WAC by adding additional species to the noxious weed seed and plant quarantine. These species include:

- Common (English) Ivy (*Hedera helix*);
- Atlantic/Boston Ivy (*Hedera Hibernica*);
- Spotted Touch Me Not (*Impatiens capensis*);
- Cape Pondweed (*Aponogeton distachyos*);
- Hanging Sedge (*Carex pendula*, *Carex pendula* subsp. *pedula* and *Carex pendula* subsp. *agastachys*);
- Green Alkanet (*Pentaglottis sempervirens*);
- Common Fennel (*Foeniculum vulgare* (except bulbing fennel, *F. vulgare* var. *azoricum*));
- European Coltsfoot (*Tussilago farfara*);
- Herb-Robert (*Geranium robertianum*);
- Houndstongue (*Cynoglossum officinale*);
- Sulfur Cinquefoil (*Potentilla recta*);
- Wild basil/basil savory (*Clinopodium vulgare*);
- Yellow Nutsedge (*Cyperus esculentus*);
- Camelthorn (*Alhagi maurorum*);
- Russian Knapweed (*Rhaponticum repens*);
- Puncturevine (*Tribulus terrestris*);
- Rough Chervil (*Chaerophyllum temulum*);
- Turkish Thistle (*Carduus cinereus*); and
- Palmer's Amaranth (*Amaranthus palmeri*).

This proposal also clarifies that the *Daucus carota* subspecies *sativus*, is not included in the noxious weed seed and plant quarantine.

Reasons for Adopting the Rule

As a result of multiple petitions received, the department is amending WAC 16-752 by adding additional species to the noxious weed seed and plant quarantine, which prohibits their sale and distribution. Adding these species to the list of regulated articles helps Washington state meet the primary legislative directive set out in chapters 17.10 and 17.24 RCW, of protecting

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Washington's environmental and agricultural resources by using quarantines to provide a strong system for the exclusion of plant pests.

The intrusion and spread of invasive, non-native, weed species into Washington state continues to concern land managers, both public and private, and places economic well-being at risk for agriculture, forests, horticulture, and floriculture industries, as well as the environment and natural resources. The rule amendment prevents the sale and importation of the plants listed as nursery plants and seeds. The "escape" of these plants has resulted in large public and private expenditures by landowners and land managers, weed boards, and weed districts to control. Initiating quarantines for these plants, forbidding entry or distribution of them gives a critical tool to control and prevent infestation.

The quarantine prohibits the transport, buying, selling, offering for sale, or distribution of these plants, seed, or plant parts, into or within the state of Washington, either in person or online. Businesses could no longer sell or distribute the listed plants, and the department would require the business to destroy the plants, return them to an out of state source, or dispose of the plants in a manner sufficient to avoid infestation.

Summary of Comments and the Department's Response

The public comment period ran from May 7, 2025, until the close of business on June 24, 2025. A public hearing was held remotely at 8:30 AM on June 24, 2025. During that time, twenty-two written comments were received regarding the proposed amendments. Seven oral comments were received.

The feedback from the public, as well as comments from stakeholders such as local weed boards and other state-level organizations, expressed overwhelming support and appreciation of WSDA's efforts to address the introduction and spread of the proposed invasive plant species.

The comments supporting the proposed amendments—and largely for the inclusion of English Ivy (*Hedera Helix*) and its cultivars—were provided from the following individuals/entities:

- Marinda Graham on behalf of Native Plants;
- Laurel Baldwin on behalf of Whatcom County Noxious Weed Control Board;
- Kristi Park on behalf of BioDesign Studio;
- Cullen Brady & Andrew Fraser on behalf of Bainbridge Island Land Trust;
- Georgina Armstrong;
- Bill Derry;
- Jesse Langdon on behalf of the Edmonds Stewards;
- Pauline Black;
- Basil Mayhan;
- Sabrina Beers;
- Mary Ferm;
- Leonard Vaughn;
- Brittany Dean on behalf of the Edmonds Stewards;
- Greg Ferguson on behalf of the Edmonds Stewards;
- Mikael Ohman on behalf of the Edmonds Ivy League;
- Rebecca Wagner;
- Joie Goodman;
- Mark Gedosch;

- Lisa Villanueva;
- Debora Ashland;
- Ben Peterson on behalf of King County Noxious Weed Control Program; and
- Meredith Foster
- Joshua Morris on behalf of Birds Connect Seattle;
- Stephen Burke on behalf of King County Noxious Weed Board/Program;
- Debora Morris;
- Jill Silver on behalf of 10000 Years Institute;
- Michael Feerer on behalf of Whatcom Million Trees Project; and
- Kathy Furtado.

In addition to the widespread support received regarding the inclusion of English Ivy (*Hedera Helix*) and the other proposed species to Chapter 16-752 WAC, the Department also received feedback concerning additional species that were not included in the proposed amendments. While these suggestions were considered, some species could not be added due to regulatory, scientific, or procedural limitations, or simply because they are not currently available for sale in Washington state.

Specifically, multiple requests were made to add English holly (*Ilex aquilifolium*) to Chapter 16-752 WAC. WSDA is not considering adding English holly to this quarantine. In 2024, the Washington State Noxious Weed Control Board (WSNWCB) received several proposals to add English holly as a Class C noxious weed to the 2025 noxious weed list, which is separate from the WSDA plant quarantine. The WSNWCB delayed taking action in November 2024 and instead voted to list common holly, *Ilex aquifolium*, as a Class C noxious weed except where commercially grown. The WSNWCB is using the common name "common holly" to distinguish invasive populations of this species that has escaped from landscaping and abandoned holly plantations from the deliberately cultivated "English holly", which is still grown by a small number of farmers in western Washington. A Holly Working Group was recently formed, and its goal is to support Washington's few legacy English holly growers while supporting the control and removal of invasive, escaped common holly. Adding *Ilex aquifolium* to the quarantine list would prevent active English holly growers from selling their foliage directly to consumers or to businesses that use English holly in wreaths, garlands, and table arrangements and would disproportionately affect small businesses. Moreover, the nursery industry has indicated that this species is not commonly sold.

The individuals/entities listed below also provided input on species that were not included in the proposal to amend the Noxious Weed Seed and Plant Quarantine at this time:

- Ben Peterson on behalf of King County Noxious Weed Control Program commenting for inclusion of Fragrant Water Lily (*Nymphaea Odorata*);
- Jesse Langdon on behalf of Edmonds Stewards commenting for inclusion of English Laurel, English Holly, and Himalayan Blackberry;
- Leonard Vaughn commenting for inclusion of English Holly and English Laurel;
- Brittany Dean on behalf of Edmonds Stewards commenting for inclusion of English Laurel, English Holly, and Himalayan Blackberry;
- Greg Ferguson on behalf of Edmonds Stewards commenting for inclusion of English Laurel, English Holly, and Himalayan Blackberry;
- Mikael Ohman on behalf of Edmonds Ivy League commenting for inclusion of English Holly;
- Rebecca Wagner commenting for inclusion of English Holly; and

- Joie Goodman commenting for inclusion of English Holly;

In summary, the comments received by the Department regarding the proposed amendments to Chapter 16-752 WAC were overwhelmingly positive. Most commenters expressed appreciation and strong support for the proposed inclusions, particularly English Ivy (*Hedera Helix*) and its cultivars. While some commenters suggested additional species for consideration that were not granted during this rulemaking, the overall feedback demonstrated broad endorsement of the Department's efforts to strengthen the Noxious Weed Seed and Plant Quarantine regulations. No negative comments regarding the proposal were received.

Differences Between the Proposed and Adopted Rule

A clerical correction was made to the spelling of Green Alkanet.