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Education, Energy, and the  
Environment Committee  
Energy Subcommittee

Chair, Joint Electric Universal  
Service Program Workgroup



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**TESTIMONY IN SUPPORT OF SB915**  
**Agriculture - Invasive Plant Species – Regulation**  
**(Biodiversity and Agriculture Protection Act)**

Education, Energy and the Environment Committee  
March 5, 2024

Chair Feldman, Vice-chair Kagan and Members of the Committee,

Thank you for the opportunity to testify before you on SB915: the Biodiversity and Agriculture Protection Act. The purpose of this bill is to increase the number of invasive plant species banned from sale and propagation in the State by streamlining the process for assessing them.

In 2011, the State enacted HB831 to control the spread of invasive plants in Maryland. These non-indigenous plants are assessed under a two-tiered system. Tier 1 plants are deemed prohibited, while Tier 2 plants require a warning label at the time of sale. Despite the rapid spread of invasives in the State, there has not been an invasive plant assessment since 2019 and only 6 plants have been prohibited under Tier 1, and 13 have been listed under Tier 2. Moreover, this 2011 law also did not address aquatic plants or species not considered commercial in Maryland. These gaps are jeopardizing Maryland's ecosystem and it is crucial that we rectify these issues with SB915.

The intent of the bill is to:

1. Prohibit harmful invasive plants from being propagated, purchased, or sold in Maryland.
2. Adopt a more rapid status assessment protocol to minimize eradication and management costs incurred by the state later.
3. Combine a two-tiered system of classifying invasive plants into a single Prohibited List after plants have been reassessed. The bill, as amended, codifies the existing reasonable transition period to minimize economic impact to the nursery trade.
4. Add aquatic plants to invasive plants regulations.

As amended, we have addressed the concerns of stakeholders including the Department of Agriculture, State Highway Administration (SHA), Department of Natural Resources (DNR), and Maryland nurseries. The Governor's budget also contains funding for 3 additional Agriculture Department staff positions specifically assigned to this program to carry out the

existing law. The additional staffing, combined with the streamlined assessment process, will allow Maryland the opportunity to address these nuisance plants efficiently and effectively.

Working with the Maryland Green Industries Council, which represents nursery growers, we have added amendments to clarify that the plants on these invasive lists must be evaluated based on the status assessment. Moreover, the amendments also clarified that the Invasive Plant Advisory Committee and the Secretary of Agriculture maintains the authority to recommend their placement on the Prohibited Plants List. Additionally, the amendments allow them to deregulate sterile cultivars. Further, the amendments address the fiscal concerns raised by the State Highway Administration by allowing the Secretary of Agriculture and the SHA to collectively agree on how to dispose of banned plants.

Overall, invasive plants have a huge impact on our state's economy, agriculture and the health and well-being of our constituents.

The economic impact of invasive plant species in Maryland is substantial, thus significantly reducing productivity in key business sectors and requiring huge sums for ongoing efforts to manage and mitigate these impacts. For example, the DNR has spent approximately \$1 million dollars since 2014 to control one invasive species, hydrilla, in one location, Deep Creek Lake.

Invasive plants also have a serious impact on agriculture. Crop yields are reduced by 12% due to invasive plants despite the \$6.6 billion spent annually on pesticides, which are harmful to workers and to the environment. Finally, a Virginia farmer has submitted compelling testimony that a neighbor's ornamental planting of the invasive fountain grass has spread over his 225 acres of pastureland, where he raises Angus cattle. In just a few years, it has covered 25-30% in his fields. He is now facing the possibility of closure due to this nuisance grass invasive.

Some invasive plants have a direct impact on human health and healthcare costs. Japanese barberry is a host for mice and blacklegged ticks that carry Lyme disease. Where there is greater infestation of barberry, there is a greater spread of this infection, which impacts human, equine and canine health, as well as livestock. In fact, the Department of Defense even considers this to be a threat to military readiness.

The first step to protect Maryland's native species and our biosphere is to prohibit those plants, which impact the health and existence of critical pollinators and flora. SB915 will accomplish this and help farmers, winemakers, and the recreational industry. The bill will also bring much needed relief to public and private property owners and managers. Despite expending greater labor and costs each year, they struggle to contain these invasive plants on private property and in our parks. It is imperative that we enact an updated invasive species assessment protocol to manage and control invasive plant species in Maryland effectively. Considering these fundamental and costly biodiversity concerns to both the environment and economy, I strongly urge a favorable report on SB915.

With kindest regards,



Benjamin Brooks