



Maryland Native Plant Society

APPRECIATION CONSERVATION EDUCATION

Testimony: SB915, Agriculture - Invasive Plant Species - Regulation

Committee: Education, Energy, and the Environment

Hearing Date: March 5, 2024

Position: FAVORABLE

The Maryland Native Plant Society (MNPS) urges a favorable report on House Bill 915 because of its importance to the health of the environment, humans and animals, and the economy.

MNPS is a 501(c)(3) non-profit that focuses on education and conservation because we care deeply about the health of Maryland's natural communities. These consist of native plants, native animals, and beneficial microbes all working together to provide important ecosystem services, such as pollination, oxygen generation, erosion control during storms, pollution control, cooling and CO₂ absorption. Healthy natural communities help maintain biodiversity and limit climate change. With the State's wild habitats under pressure from many stressors, MNPS would like to see more comprehensive regulation of invasive plants.

I am an advocate working on HB915 as the principal subject-matter expert. Besides serving as Vice President of MNPS and working as a founder and consultant of EcoPlant Consulting, I am a Board member on the Mid-Atlantic Invasive Plant Council, Chair of the Committee on Invasives Lists for the Maryland Invasive Species Council (MISC), and an expert witness on invasive plant legal cases. In addition, I co-authored the 2022 *Plant Invaders of Mid-Atlantic Natural Areas, Field Guide*, the most recent edition of the source used in the 2022 invasive plant bill.

HB915 Supports the MDA, the DNR, and the Green Industry

For years, I have been an onlooker, dismayed that the Maryland Department of Agriculture (MDA) has been unable to perform its job, to fully implement the 2011 and 2022 legislation. The principal issues are budget and various technical aspects of the existing law. Although I am relieved that the proposed FY 2025 budget includes staffing, various components need to be updated so they are easier to implement. We would like to see MDA get the legislative changes it needs to accomplish its goals regarding invasive plants.

The Department of Natural Resources (DNR) has told us that it would like to see HB915 passed. The agency believes that this bill will make it easier for staff to evaluate invasive aquatic plants and manage them better.

We view the green industry as partners. Many local growers and retailers are already transitioning away from invasive plants. Nurseries flourish by changing in response to customer demand. Landscapers and the public increasingly want to get rid of invasives and buy native plants and non-native, non-invasive plants. Plus, plant growers and retailers are good citizens who do not want to contribute to harming Maryland's environment and health.

HB915 Improves the Existing Law by Changing Several Technical Components

HB915 is excellent legislation. It focuses on banning more invasive plants from sale, transport, and propagation in Maryland. At the same time, the bill keeps the intent and most of the workings of the original 2011 and 2022 laws, while changing a number of components, including:

- The 2011 and 2022 laws only cover commercial terrestrial invasive plants that are grown, transported, or sold in Maryland. SB915 expands this to aquatics and plants not currently for sale in Maryland. The rationale is that including non-commercial terrestrial and aquatic species on the prohibited list will keep Maryland nurseries from deciding to sell these species in the future. For example, tree of heaven, which harms the environment and is also a host of the destructive spotted lanternfly, is not currently sold by in-state nurseries but was available in other states in 2023.
- The current assessment process does not keep nurseries from selling plants that have been here at least 50 years or have become widely established, effectively giving up on destructive species like burning bush. SB915 transfers Tier 2 plants, which only require signage at point of sale, onto the Prohibited List if they are assessed as invasive. Tier 2 species are often more established and equally as harmful as Tier 1 prohibited species. After removing a monoculture of Japanese barberry from a natural area, it is very frustrating to see an adjoining property being planted with this harmful shrub.
- Maryland's existing risk assessment tool is very time-consuming and resource intensive. An MDA employee might take as long as a couple of months to complete an assessment for just one plant species, so only get through six species in a year. HB915 replaces this tool with a more efficient status assessment protocol for invasives already present in the State. Maryland needs to address invasive plants more quickly to reduce management costs in the future. The proposed professionally recognized assessment tool is in use and has been proven effective by other Mid-Atlantic states, including Delaware.

HB915 Keeps Important Components of the Existing Law

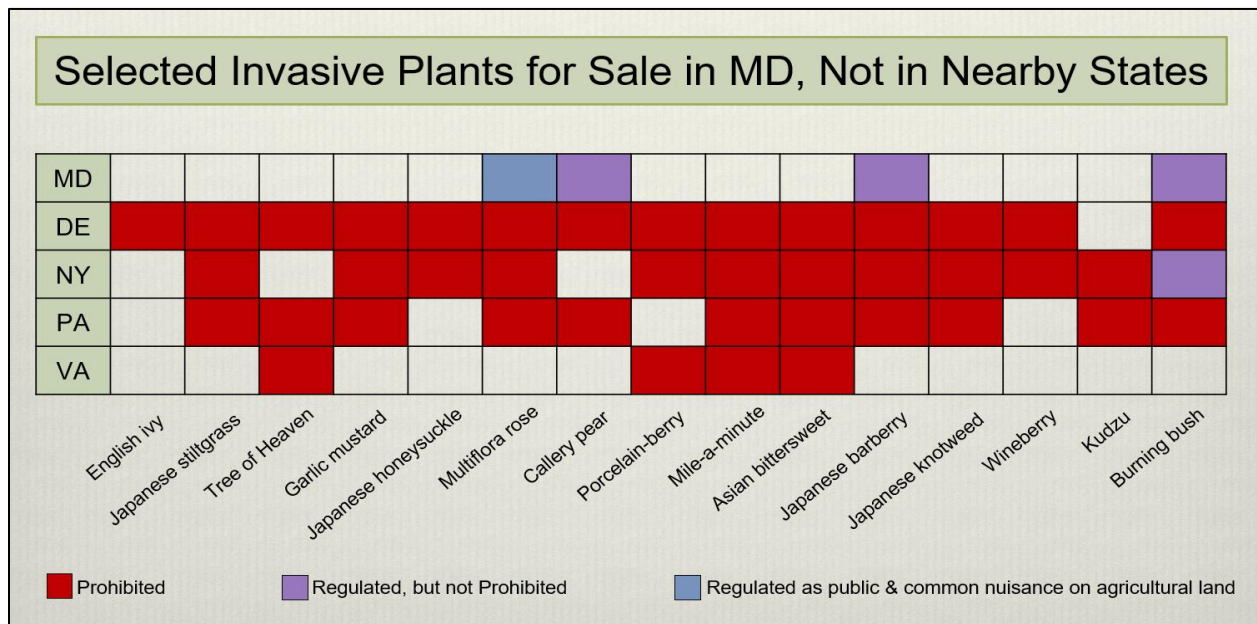
Important components of the 2011 and 2022 laws and regs remain in place, including:

- All suspect plants must undergo professional assessments before being recommended for categorization as invasive species. Someone merely claiming a plant is invasive is not sufficient.
- Once plants are classified as invasive and prohibited from sale and propagation, the nursery trade has a phase-in period. This timing means growers and retailers can sell existing inventory and start replacing invasives with other plant species.
- The Invasive Plant Advisory Council (IPAC) still reviews all assessment reports and determines whether to advise the Secretary of Agriculture to classify plants as invasive.
- "Cultivars" are cultivated plant varieties developed for certain characteristics, such as different colors, sizes, or shapes. Currently, sterile cultivars of an invasive species can be excluded from regulation by submitting data to IPAC that shows a cultivar will not reproduce. However, non-sterile cultivars are regulated because they are as much a threat as the straight species. In fact, cultivar offspring often revert to the straight species.

HB915 Helps Create a United Front with Other States Against Invasive Plants

Plants do not pay attention to political borders. What one state does regarding invasive species has a material effect on neighboring states. In addition to ecological and health impacts, invasives spreading from nearby areas can cost states hundreds of millions of dollars in higher management cost and lower farmer productivity.

Although Maryland was a leader when it passed the 2011 law, the state has fallen behind many neighbors. We currently prohibit sale and propagation of only six invasive plant species, whereas Delaware bans 37, Pennsylvania 20, and New York 69. Below is a table showing that 15 problematic plants are banned by several states but not Maryland. These 15 species were considered the worst invasives in a 2023 Maryland survey with about 1400 responses.



Furthermore, assessing invasiveness with similar tools creates consistency across state lines. The new status assessment method in HB915 is almost identical to the NatureServe-derived protocol used by Delaware. NatureServe-derived protocols are also employed in Pennsylvania, Virginia, New York, and a majority of the 50 states that regulate invasive plant species.

Invasive plants are a major threat to the State, and we need to act now. Delaying improvements to our 2011 and 2022 laws will allow invasive plants to increasingly take over. The Maryland Native Plant Society urges a favorable report on HB915.

Judy Fulton
 Vice President, Maryland Native Plant Society
 Jfulton5@gmail.com