



Maryland Green Industries Council
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Senate Bill 915 - Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)

Committee: Education, Energy & Environment

MGPA Position: Support with Amendments

The Maryland Green Industries Council represents the Maryland Nursery, Landscape & Green House Association, Maryland Arborist Association, Maryland Association of Green Industries and the Frederick Area Landscape Contractors.

MaGIC supports Senate Bill 915 with the sponsor amendments being offered. MaGIC is supportive of the intent of the legislation and appreciates the sponsors working with us to ensure that this transition happens smoothly without undue harm to the nurserymen growing these plants and landscapers utilizing them. The amendments are as follows:

Page 5 between lines 4 and 5 – **“Cultivar” Addition:**

9.5-205 THE COMMITTEE SHALL . . .

(4) REVIEW DATA SUBMITTED BY ANY PERSON THAT INDICATES A CULTIVAR, SELECTION, OR INFRASPECIFIC HYBRID OF A PROHIBITED INVASIVE PLANT IS NOT INVASIVE. THIS DATA MAY COME FROM THE STATE OR ANOTHER MID-ATLANTIC STATE. IF THE COMMITTEE DETERMINES THAT THE SUBMITTED DATA IS ACCURATE AND SUFFICIENT, THE COMMITTEE SHALL ADVISE THE SECRETARY TO DECLASSIFY OR PREEMPTIVELY NOT CLASSIFY THE CULTIVAR, SELECTION, OR INFRASPECIFIC HYBRID AS A PROHIBITED INVASIVE PLANT.

2. Page 6 Lines 15-17 – **“Assessment for *Plant Invaders Book*” Addition:**

9.5–301. (b) (1) The Secretary shall classify as a [tier 1] **PROHIBITED** invasive plant [or a tier 2 invasive plant] each plant identified as invasive in the National Park Service’s and U.S. Fish and Wildlife Service’s *Plant Invaders of Mid–Atlantic Natural Areas* **IF THE PLANT SPECIES IS ASSESSED AS AN INVASIVE PLANT SPECIES IN ACCORDANCE WITH 9.5-301 (c) AND (d).**

3. Page 8 Lines 17 - 20 – **“Assessment for Tier 2” Deletion:**

9.5-301.1 (A) THE REGULATIONS ADOPTED UNDER § 9.5–301 OF THIS SUBTITLE SHALL CLASSIFY AS PROHIBITED INVASIVE PLANTS ALL TERRESTRIAL PLANTS CLASSIFIED BY REGULATION BEFORE JANUARY 1, 2024, AS A TIER 1 [] INVASIVE PLANT.

4. Page 8 Lines between lines 20 and 21 – “Assessment for Tier 2” Addition:

9.5-301.1 (B) EACH TERRESTRIAL PLANT CLASSIFIED BY REGULATION BEFORE JANUARY 1, 2024, AS A TIER 2 INVASIVE PLANT SHALL BE ASSESSED IN ACCORDANCE WITH § 9.5-301. IF THE ASSESSMENT RESULTS DETERMINE THAT THE PLANT IS AN INVASIVE PLANT, THE REGULATIONS ADOPTED UNDER § 9.5-301 OF THIS SUBTITLE SHALL CLASSIFY THE PLANT AS A PROHIBITED INVASIVE PLANT. OTHERWISE, THE PLANT SHALL BE PLACED ON THE WATCH LIST. ALL TIER 2 PLANTS SHALL BE ASSESSED BY DECEMBER 31, 2025.

These amendments collectively address issues brought forth by the nursery growers who were concerned that the Mid-Atlantic Plant Invaders List and Tier 2 Invasive Plant list would be automatically consolidated on to the Prohibited Plants List. The amendments clarify that the plants on these lists must be evaluated based on the risk assessment and that the authority to recommend their placement on the Prohibited Plants List still lies with the Invasive Plant Advisory Committee and the Secretary of Agriculture.

Automatic consolidation is a concern because many nursery growers are planting and selling cultivars of plants on the Tier 2 list that would be banned by the bill as written. This would represent an over \$1M loss to these growers per year if they were unable to continue growing these cultivars. There is a process through the infra-taxon evaluation to de-regulate sterile cultivars and these amendments would allow the time to do so. Additionally, by requiring the assessment by December 31, 2025; if a Tier 2 plant is prohibited at that time, growers would still have 1-2 years depending on the type of plant, to sell off existing stocks.

MaGIC respectfully requests your favorable with amendments reports on Senate Bill 915.