SB915_Habitat Stewards of Overlook Park_EEE_FAV.pd
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Position: FAV

Habitat Stewards of Overlook Park

March 4, 2024

SB915 Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)
Education, Energy and the Environment Committee
FAVORABLE

Dear Chair Feldman, Vice Chair Kagan, and honorable members of the Committee,

As leader of Habitat Stewards of Overlook Park and as a Certified Maryland Master Naturalist, I write in support of SB915, the Biodiversity and Agriculture Protection Act. The bill will enhance the 2011 invasive plant law by allowing more species of invasive plants to be prohibited from sale, including aquatic and non-commercial invasives, updating the invasive plant assessment protocol, and calling for additional staff to enforce the law.

Two years ago, I became a certified Weed Warrior through Baltimore City Recreation and Parks (Baltimore County does not yet have such a program) and formed the volunteer group Habitat Stewards of Overlook Park to rescue the park's trees from non-native invasive vines like English Ivy, Porcelain-berry, Asiatic Bittersweet, and Japanese Honeysuckle that were girdling trunks, blocking sunlight, and weighing down branches at risk for breakage during storms. We have removed many vines and received positive feedback from park users. But volunteers alone are no match for the many invasives growing throughout the park, including on steep stream banks.

Some of the invasives in the park, like Burning Bush and Pachysandra, are commonly planted and may have invaded the park via seeds or root fragments escaping from nearby yards. Burning Bush is allowed to be sold, albeit with a warning label, as a Tier 2 invasive plant under the current law. SB915 would move the Tier 2 invasives to Tier 1, prohibiting them from sale. SB915 will help groups like ours which are valiantly working to restore native plant habitat that our native bees, butterflies, birds, and other wildlife depend on.

Uncontrolled spread of non-native invasive vines and other plants that harm our trees and habitat is not sustainable. Dead trees, strangling vines, and lack of wildlife diminish the experience of park users, including those from nearby underserved communities, who come to the park to relax and be in nature. We ask for a favorable report on SB915 to preserve the biodiversity and beauty of our state and of our public parks.

Respectfully,

Adreon Hubbard

Adreon Hubbard for Habitat Stewards of Overlook Park
1207 Overbrook Rd.
Idlewylde, Maryland 21239

SB 915_Wild Ones_Amanda Wray_ENT_FAV.pdf
Uploaded by: Amanda Wray
Position: FAV

Bill: **SB 915** “Biodiversity and Agriculture Protection Act”
Committee: Education, Energy, and the Environment
Hearing Date: **March 5, 2024**
Position: **FAV**

I am writing this testimony as president of **Wild Ones Greater Baltimore**, and have been active in building awareness through education and community building through my associations with a number of environmental advocacy groups. Wild Ones is a national organization which promotes native landscapes through education, advocacy, and collaborative action.

SB 915, the **Biodiversity and Agriculture Protection Act**, is the result of careful consideration of the impact of decades of mostly unchecked spread of invasive plants, many of which have been brought into our ecosystems by collectors around the world. Selections of these plants end up propagated for mass sales in the nursery trade. Customers purchasing these plants do not realize the harm these plants do to our native plants and wildlife whose co-evolved relationships are essential factors in maintaining functional and sustainable ecosystems. These relationships are being broken by invasive plants, the worst of which should not be available for sale here in Maryland.

Local nurseries and garden centers often stock these plants because they “do so well” for customers, which often amounts to an unchecked spread beyond the backyard garden. They do so well, in fact, that you **cannot get rid of them, and certain invasive plants are so tenacious that specific timed treatments with herbicide over multiple years can be the only remedy**. The concurrent explosion of interest in native plants has created shortages in native plant supply that can be well met if nurseries realize the opportunity this creates and offer more native plants, rather than harmful invasive plants.

I recently was asked to speak at the Chesapeake Green Conference (2024) and my talk covered the potential PR crisis the nursery industry faces following damning results from a study[1] by the University of Massachusetts at Amherst, which ***links sales of invasive plants***

[1]University of Massachussets Amherst, https://www.umass.edu/news/article/study-finds-plant-nurseries-are-exacerbating-climate-driven-spread-80-invasive-species

directly to the spread of these plants into a 13-mile radius and beyond (the typical distance a homeowner drives to the nursery to buy plants).

SB 915 not only streamlines the process of evaluating which plants should be banned from commercial sale in Maryland (so that plants deemed to be emerging threats to our ecosystems can be dealt with more quickly), but will ensure plants that have languished in limbo on the Tier 2 list will finally be able to be deemed invasive and banned from being propagated or sold in Maryland nurseries.

I have spoken with countless nursery people and gardeners in my community and beyond, and the definitive increase in interest in native plants in the last five years shows that people are waking up to the critical importance of not just restoring degraded areas, but to preserve the remaining populations of un-invaded ecosystems that we have left.

Because of the number of people distressed by the amount of invasive plants they see taking over wild areas in Baltimore County, where I live, there is an exploratory group forming to assess the feasibility of emulating the Weed Warrior program in Baltimore City. I have had conversations with county representatives who indicated there was not enough staff or money in their budget to tackle the problem from their end.

People are becoming more aware that the **loss of biodiversity that occurs when invasive plants take over a natural area is almost incalculable—these losses lead to a cascade of severed relationships, oftentimes resulting in extinction** of species that are dependent upon one another for survival: flower to pollinator, pollinator to mammal, and mammal that seeds the next generation.

Throughout Maryland, invasive vines are engulfing trees, resulting in malformed branches, branch die off, and eventually the death of mature native trees, which are champions of providing essential resources to pollinators and needed cooling to surrounding areas. I do my best to free the trees on my property and my neighbor's acreage, but I keep seeing invasive trees, shrubs and flowering plants for sale at neighborhood nurseries and it breaks my heart.

Last summer I asked a neighbor if I could trim the seedheads from her invasive Chinese fountain grasses before the seeds were carried away by the wind. She agreed. Her husband became curious about my trimming, and asked why it was necessary. I mentioned that this plant was spreading aggressively on my property, popping up everywhere, and explained how invasive it was. As my words sank in, I saw expressions of shock, anger, and disillusionment flicker across his face. He asked, "If this plant is so harmful, why are the nurseries selling it?" I replied, "Yes, that is exactly the question."

If the invasive plants deemed to cause the most harm to our ecosystems could be restricted from commercial sale*, our ecosystems might have a chance of recovery***.** There is much work to be done with regard to removal of these plants and restoring the native plants into their native ranges.

Wild Ones Greater Baltimore urges a **favorable report on SB 915** to prevent the spread of damaging invasive plants into our struggling ecosystems.

Amanda "Nan" Wray
President, Wild Ones Greater Baltimore
wildonesbaltimore.org
Member, Maryland Native Plant Coalition
nativeplantconsult@gmail.com

SB 915 3.5.24.pdf
Uploaded by: Barbara Blaylock
Position: FAV

SENATE BILL 915

M4 4lr1721
CF HB 979

By: **Senator Brooks**
Introduced and read first time: February 2, 2024
Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

AN ACT concerning

Agriculture – Invasive Plant Species – Regulation
(Biodiversity and Agriculture Protection Act)

FOR the purpose of altering the regulatory approach for controlling invasive plant species in the State, including repealing certain provisions of law relating to a two–tiered regulatory approach and requiring the Secretary of Agriculture to establish a certain list of prohibited invasive plants by regulation in a certain manner on or before a certain date; establishing certain protocols for assessing certain nonnative plants and determining whether those plants are invasive or whether the plants may be placed on a certain watch list; requiring the Invasive Plants Advisory Committee in the Department of Agriculture to review certain invasive species assessments to advise the Secretary in a certain manner; requiring the Secretary to include on a certain consolidated list certain invasive plants classified as a prohibited invasive plant in a certain manner; requiring the Department of Agriculture and the Department of Natural Resources each to post on its website a certain consolidated list and certain watch list; requiring the University of Maryland Extension to post a link to certain lists on its website; requiring the Department of Agriculture to distribute certain lists to certain nurseries, plant dealers, and plant brokers in a certain manner; and generally relating to the regulation of invasive plant species.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 9.5–101, 9.5–205, 9.5–301, 9.5–302, and 9.5–303
Annotated Code of Maryland
(2016 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 9.5–201
Annotated Code of Maryland
(2016 Replacement Volume and 2023 Supplement)

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

BY adding to
Article – Agriculture
Section 9.5–301.1 and 9.5–301.2
Annotated Code of Maryland
(2016 Replacement Volume and 2023 Supplement)

BY repealing
Article – Agriculture
Section 9.5–304
Annotated Code of Maryland
(2016 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Agriculture

9.5–101.

(a) In this title the following words have the meanings indicated.

(b) **"CLASSIFY AS A PROHIBITED INVASIVE PLANT" MEANS THE SECRETARY IS INCLUDING AN INVASIVE PLANT ON THE CONSOLIDATED LIST OF MARYLAND INVASIVE PLANT SPECIES IN ACCORDANCE WITH §§ 9.5–301 AND 9.5–301.1 OF THIS TITLE.**

(C) "Committee" means the Invasive Plants Advisory Committee.

(D) "CONSOLIDATED LIST OF MARYLAND INVASIVE PLANT SPECIES" MEANS A LIST OF PLANT SPECIES CLASSIFIED AS PROHIBITED INVASIVE PLANTS IN ACCORDANCE WITH §§ 9.5–301 AND 9.5–301.1 OF THIS TITLE.

(E) "EARLY DETECTION RAPID RESPONSE (EDRR) PLANT SPECIES" MEANS A NONNATIVE PLANT SPECIES THAT:

(1) IS NOT YET WIDESPREAD IN THE STATE BUT IS AT RISK OF:

(I) BECOMING ESTABLISHED AS AN INVASIVE SPECIES; AND

(II) CAUSING SIGNIFICANT DAMAGE; AND

(2) (I) HAS BEEN FOUND IN AT LEAST ONE NATIVE SPECIES HABITAT IN THE STATE; OR

(II) HAS NOT YET BEEN FOUND IN THE STATE.

(F) "EXPERT ASSESSOR" MEANS:

(1) AN INDIVIDUAL OR A TEAM WITHIN THE DEPARTMENT OR THE DEPARTMENT OF NATURAL RESOURCES; OR

(2) A QUALIFIED INDEPENDENT ASSESSOR.

[(c)**] (G) (1)** "Invasive plant" means **[**a terrestrial plant species**]** **ANY LIVING PART OF A PLANT SPECIES OR ITS SUBSPECIES** that:

[(1)**] (I)** Did not evolve in the State; and

[(2)**] (II)** If introduced within the State, will cause or is likely to cause, as determined by the Secretary:

[(i)**] 1.** Economic harm;

[(ii)**] 2.** Ecological harm;

[(iii)**] 3.** Environmental harm; or

[(iv)**] 4.** Harm to human health.

(2) "INVASIVE PLANT" INCLUDES A COMMERCIAL OR NONCOMMERCIAL PLANT THAT IS TERRESTRIAL OR AQUATIC AND MEETS THE DEFINITION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(H) "INVASIVE PLANT SPECIES STATUS ASSESSMENT PROTOCOL" MEANS A PROTOCOL BASED ON THE NATURESERVE'S 2004 PROTOCOL ("AN INVASIVE SPECIES ASSESSMENT PROTOCOL: EVALUATING NON–NATIVE PLANTS FOR THEIR IMPACT ON BIODIVERSITY. VERSION 1.").

(I) (1) "INVASIVENESS RANK" MEANS A RANK ASSIGNED TO A NONNATIVE SPECIES TO SIGNIFY ITS LEVEL OF INVASIVENESS BASED ON THE RESULTS OF AN INVASIVE ASSESSMENT PROTOCOL.

(2) "INVASIVENESS RANK" INCLUDES AN INVASIVENESS SIGNIFICANCE RANKING OF HIGH, MEDIUM, LOW, OR INSIGNIFICANT.

[(d)**] (J)** "Landscaping services" includes services for ornamental horticultural design, maintenance, and installation of living plants.

[(e)**] (K) [**"Tier 1**] "PROHIBITED** invasive plant" includes invasive plant species that cause or are likely to cause severe harm within the State.

[(f) "Tier 2 invasive plant" includes invasive plant species that cause or are likely to cause substantial negative impact within the State.**]**

(L) "QUALIFIED INDEPENDENT ASSESSOR" MEANS AN INDIVIDUAL OR A TEAM THAT:

(1) POSSESSES EXTENSIVE FIELD EXPERIENCE IN INVASIVE PLANT SPECIES IN MARYLAND OR IN NEARBY JURISDICTIONS, INCLUDING WASHINGTON D.C., DELAWARE, NEW JERSEY, NEW YORK, PENNSYLVANIA, VIRGINIA, AND WEST VIRGINIA; AND

(2) HAS ASSESSED INVASIVE PLANT SPECIES WITHOUT SUPERVISION FROM THE DEPARTMENT, THE DEPARTMENT OF NATURAL RESOURCES, OR THE COMMITTEE.

(M) "WATCH LIST" MEANS A LIST OF PLANT SPECIES THAT:

(1) HAVE BEEN ASSESSED BY AN EXPERT ASSESSOR IN ACCORDANCE WITH § 9.5–301 OF THIS TITLE;

(2) WERE NOT DETERMINED BY THE ASSESSMENT TO BE ELIGIBLE FOR CLASSIFICATION AS A PROHIBITED INVASIVE PLANT; AND

(3) MAY BE REASSESSED IN THE FUTURE.

9.5–201.

There is an Invasive Plants Advisory Committee in the Department.

9.5–205.

The Committee shall:

(1) Advise the Secretary regarding regulations necessary to carry out the provisions of this title; **[**and**]**

(2) (i) Conduct an annual review of the **[**risk assessment protocol**] ASSESSMENT PROTOCOLS** adopted under § 9.5–301 of this title; and

(ii) Report to the Secretary regarding any proposed changes to the risk assessment protocol **OR A REPLACEMENT OF A PROTOCOL; AND**

(3) REVIEW INVASIVE PLANT SPECIES ASSESSMENTS CONDUCTED IN ACCORDANCE WITH § 9.5–301 OF THIS TITLE TO ADVISE THE SECRETARY ON WHICH PLANTS TO CLASSIFY AS PROHIBITED INVASIVE PLANTS FOR INCLUSION ON THE CONSOLIDATED LIST OF MARYLAND INVASIVE PLANT SPECIES.

9.5–301.

(a) The Secretary, with the advice of **THE SECRETARY OF NATURAL RESOURCES AND** the Committee, shall:

(1) On or before October 1, **[**2012**] 2024**, adopt regulations that:

(i) Establish **[**a science–based risk assessment protocol**]** **PROFESSIONALLY RECOGNIZED ASSESSMENT PROTOCOLS** for invasive plants that:

1. Will serve as a basis for **[**creating a two–tiered**]** **THE** regulatory approach for controlling invasive plants in the State; **[**and**]**

2. Considers the harm, as determined by the Secretary, that invasive plants cause in the State, including:

A. **[**Economic harm;

B.**]** Ecological harm; **AND**

[C.**] B.** Environmental harm; and

3. MAY CONSIDER ADDITIONAL HARM, AS DETERMINED BY THE EXPERT ASSESSOR, THAT INVASIVE PLANTS CAUSE IN THE STATE, INCLUDING:

A. ECONOMIC HARM; AND

[D.**] B.** Harm to human health;

(ii) Govern administrative orders that the Secretary may issue to enforce this subtitle; and

(iii) Establish a procedure for the approval required under § 9.5–302 of this subtitle for activities involving **[**tier 1**] PROHIBITED** invasive plants.

(2) **[**On**] SUBJECT TO § 9.5–301.1 OF THIS SUBTITLE, ON** or before October 1, **[**2013**] 2024**, adopt regulations that:

(i) Establish a list of **[**tier 1**]** **PROHIBITED INVASIVE** plants **[**and tier 2 plants**]** in accordance with **[**the risk**]** **AN** assessment protocol adopted under paragraph (1) of this subsection;

(ii) Establish a procedure for classification or declassification of an invasive plant as a **[**tier 1**]** **PROHIBITED** invasive plant **[**or a tier 2 invasive plant**]**;

(iii) Phase in the implementation of the requirements of this subtitle with consideration of the economic impact of these requirements on nurseries, landscapers, plant wholesalers, plant retailers, and any other industry; **AND**

(iv) Establish a procedure for the disposal of **[**tier 1**]** **PROHIBITED INVASIVE** plants**[**;

(v) Designate the format, size, and content of the sign required under § 9.5–302(b)(1) of this subtitle; and

(vi) Provide for the distribution of a list of tier 2 invasive plants to licensed nurseries, plant dealers, and plant brokers on an annual basis**]**.

(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.

(2) Nothing in this section may be construed as limiting the Secretary's authority to classify as a **[**tier 1**]** **PROHIBITED** invasive plant **[**or a tier 2**]** **AN** invasive plant **[**plants**]** not identified as invasive in the National Park Service's and U.S. Fish and Wildlife Service's Plant Invaders of Mid–Atlantic Natural Areas.

(C) (1) IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, AN EXPERT ASSESSOR SHALL:

(I) ASSESS A NONNATIVE PLANT SPECIES ESTABLISHED IN NATURAL AREAS WITHIN THE STATE;

(II) DETERMINE THE INVASIVENESS RANK OF THE NONNATIVE PLANT SPECIES; AND

(III) 1. NOTIFY THE COMMITTEE THAT THE NONNATIVE PLANT SPECIES IS ASSESSED AS AN INVASIVE PLANT IF THE INVASIVENESS RANK IS HIGH OR MEDIUM; OR

2. NOTIFY THE COMMITTEE THAT THE NONNATIVE PLANT SPECIES MAY BE PLACED ON THE WATCH LIST IF THE INVASIVENESS RANK IS LOW OR INSIGNIFICANT.

(2) IN CARRYING OUT THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, AN EXPERT ASSESSOR SHALL FOLLOW THE INVASIVE PLANT SPECIES STATUS ASSESSMENT PROTOCOL THAT INCLUDES CONSIDERATION OF ECOLOGICAL FACTORS AND ENVIRONMENTAL FACTORS.

(D) (1) IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, AN EXPERT ASSESSOR SHALL:

(I) ASSESS AN EARLY DETECTION RAPID RESPONSE (EDRR) PLANT SPECIES;

(II) DETERMINE THE INVASIVENESS RANK OF THE EDRR PLANT SPECIES; AND

(III) 1. NOTIFY THE COMMITTEE THAT THE EDRR PLANT SPECIES IS ASSESSED AS AN INVASIVE PLANT IF THE INVASIVENESS RANK IS HIGH OR MEDIUM; OR

2. NOTIFY THE COMMITTEE THAT THE EDRR PLANT SPECIES MAY BE PLACED ON THE WATCH LIST IF THE INVASIVENESS RANK IS LOW OR INSIGNIFICANT.

(2) IN CARRYING OUT THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, AN EXPERT ASSESSOR SHALL FOLLOW:

(I) THE INVASIVE PLANT SPECIES STATUS ASSESSMENT PROTOCOL IF:

1. THE EDRR PLANT SPECIES IS PRESENT IN AT LEAST ONE NATIVE SPECIES HABITAT IN THE STATE; AND

2. THE ECOLOGICAL AND ENVIRONMENTAL IMPACT OF THE SPECIES IN THE STATE MAY BE EFFECTIVELY ASSESSED UNDER THE PROTOCOL; AND

(II) AN INVASIVE PLANT RISK ASSESSMENT PROTOCOL IF:

1. THE EDRR PLANT SPECIES IS NOT PRESENT ANYWHERE IN THE STATE; OR

2. A. THE EDRR PLANT SPECIES IS PRESENT IN THE STATE; AND

B. THE ECOLOGICAL AND ENVIRONMENTAL IMPACT OF THE SPECIES IN THE STATE CANNOT BE EFFECTIVELY ASSESSED UNDER THE INVASIVE PLANT SPECIES STATUS ASSESSMENT PROTOCOL.

(E) (1) IN ACCORDANCE WITH § 9.5–205 OF THIS TITLE AND PARAGRAPH (2) OF THIS SUBSECTION, THE COMMITTEE SHALL REVIEW THE INVASIVE PLANT SPECIES ASSESSMENT CONDUCTED BY AN EXPERT ASSESSOR.

(2) IF THE ASSESSMENT IS ACCURATE AND SUFFICIENT AND THE INVASIVENESS RANK IS:

(I) HIGH OR MEDIUM, THE COMMITTEE SHALL ADVISE THE SECRETARY TO CLASSIFY THE PLANT AS A PROHIBITED INVASIVE PLANT; OR

(II) LOW OR INSIGNIFICANT, THE COMMITTEE SHALL PLACE THE PLANT ON THE WATCH LIST.

(3) THE SECRETARY SHALL DETERMINE WHETHER TO CLASSIFY A PLANT SPECIES AS A PROHIBITED INVASIVE PLANT ON REVIEWING THE ADVICE OF THE COMMITTEE.

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 OR TIER 2 INVASIVE PLANT.

(B) IN ADDITION TO THE PROHIBITED INVASIVE PLANTS SET FORTH IN SUBSECTION (A) OF THIS SECTION, THE SECRETARY MAY CLASSIFY, BY REGULATION, A PLANT SPECIES AS A PROHIBITED INVASIVE PLANT IN ACCORDANCE WITH § 9.5–301 OF THIS SUBTITLE.

(C) THE SECRETARY SHALL INCLUDE ON THE CONSOLIDATED LIST OF MARYLAND INVASIVE PLANT SPECIES AN INVASIVE PLANT CLASSIFIED AS A PROHIBITED INVASIVE PLANT IN ACCORDANCE WITH § 9.5–301 OF THIS TITLE AND SUBSECTIONS (A) AND (B) OF THIS SECTION.

9.5–301.2.

(A) (1) THE DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES EACH SHALL POST ON ITS WEBSITE THE CONSOLIDATED LIST OF MARYLAND INVASIVE PLANT SPECIES AND THE WATCH LIST.

(2) THE UNIVERSITY OF MARYLAND EXTENSION SHALL POST A LINK TO THE CONSOLIDATED LIST OF MARYLAND INVASIVE PLANT SPECIES AND THE WATCH LIST ON ITS WEBSITE.

(B) ON AN ANNUAL BASIS, THE DEPARTMENT SHALL DISTRIBUTE THE CONSOLIDATED LIST OF MARYLAND INVASIVE PLANT SPECIES AND THE WATCH LIST TO LICENSED NURSERIES, PLANT DEALERS, AND PLANT BROKERS.

9.5–302.

(a) **[**(1)**]** This **[**subsection**]** **SECTION** does not apply to the transfer, lease, sale, or purchase of real property on which **[**an**]** **A PROHIBITED** invasive plant is located.

[(2)**] (B) (1)** Except as provided in paragraph **[**(3)**]** **(2)** of this subsection and in accordance with regulations adopted by the Secretary, a person may not propagate, import, transfer, sell, purchase, transport, or introduce any living part of a **[**tier 1**]** **PROHIBITED** invasive plant in the State.

[(3)**]** **(2)** A person may conduct an activity prohibited under paragraph **[**(2)**]** **(1)** of this subsection if:

(i) The person receives approval from the Secretary before conducting the activity; and

(ii) The activity is for the purpose of:

1. Disposing of the **PROHIBITED** invasive plant;

2. Controlling the **PROHIBITED** invasive plant;

3. Using the **PROHIBITED** invasive plant for research or educational purposes; or

4. Exporting the **PROHIBITED** invasive plant out of the State.

[(b) In accordance with regulations adopted by the Secretary, a person may not:

(1) Sell or offer for sale at a retail outlet a tier 2 invasive plant unless the retail outlet posts in a conspicuous manner in proximity to all tier 2 plant displays, a sign identifying the plants as tier 2 plants; or

(2) Provide landscaping services to plant or supply for planting a tier 2 invasive plant unless the person provides to its customer a list of tier 2 invasive plants.**]**

9.5–303.

(a) On finding a **[**tier 1**]** **PROHIBITED INVASIVE** plant in violation of **[**§ 9.5–302(a)(2)**]** **§ 9.5–302(B)(1)** of this subtitle, the Secretary may:

(1) Issue a written condemnation seizure order;

(2) Mark or tag the plant in a conspicuous manner; and

(3) Provide written notice to the owner, tenant, or person in charge of the premises.

(b) (1) On notice from the Secretary, a person shall dispose of a **[**tier 1**]** **PROHIBITED INVASIVE** plant in accordance with regulations adopted by the Secretary.

(2) If a **[**tier 1**]** **PROHIBITED INVASIVE** plant is not disposed of in accordance with paragraph (1) of this subsection, the Secretary shall:

(i) Destroy the plant;

(ii) Prepare a statement of facts and a statement of the expense of destruction; and

(iii) Provide copies of the statements to the Attorney General.

(c) (1) The Attorney General shall institute the appropriate proceeding to collect the expenses due to the Secretary.

(2) A copy of the statements prepared under subsection (b)(2) of this section is sufficient evidence to prove a claim under this subsection.

[9.5–304.

(a) If the Secretary finds that a tier 2 plant does not meet the signage requirement under § 9.5–302(b)(1) of this subtitle, the Secretary shall:

(1) Issue a stop sale order; and

(2) Mark or tag the plant in a conspicuous manner.

(b) The Secretary shall give written notice of a finding made under subsection (a) of this section to the owner, tenant, or person in charge of the premises.

(c) A stop sale order issued under this section shall remain in effect until the required signage is posted.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2024.

SB915_BlueWaterBaltimore_EEE_FAV.pdf
Uploaded by: barbara johnson
Position: FAV

March 3rd, 2024

Biodiversity and Agriculture Protection Act (SB 915)

Dear Chairman Feldman and Members of the Education, Energy and Environment Committee:

Blue Water Baltimore's mission is to restore the quality of Baltimore's rivers, streams, and Harbor to foster a healthy environment, a strong economy, and thriving communities. A core part of our work is operating the Herring Run Nursery, which specializes in plants native to Maryland and the Chesapeake Bay watershed. **We write today in favor of the Biodiversity and Agriculture Protection Act (SB915).**

Our non-profit Nursery offers more than 250 native species of trees, shrubs, vines, flowers, and more to retail and wholesale customers alike. Native plants help reduce stormwater pollution entering the Chesapeake Bay by reducing nutrient runoff and requiring fewer chemical inputs than non-native plants. Native plants have deeper root systems than non-natives and are better at stabilizing soils and preventing sediment runoff. Native plants provide critical habitat and food for butterflies, birds, and pollinators. Ecosystem health is increasingly important with rising concerns over climate change and declining pollinator populations. Native plants are an integral part of a healthy and functioning ecosystem.

Since Maryland's initial invasive plant law was passed in 2011, we've only seen 6 plants prohibited from sale with another 13 on the Tier 2 list, meaning they are still permitted to be sold but must have a warning "Plant with Caution" sign. SB 915 will help broaden the invasive plants regulated by the law from only commercial terrestrial plants to terrestrial and aquatic plants, both commercial and non-commercial. In addition, it will eliminate the plant tier system, moving the current Tier 2 plants to Tier 1 (prohibited from sale). The plants on Tier 2 are just as invasive as those on Tier 1 but the "Maryland screen" did not prohibit selling any plant that had been in the state more than 50 years or was widely established.

SB 915 will support the growth of native plants and the native plant industry in Maryland. With the amount of damage from invasive plants we are seeing in our forests, parks, roadsides, and neighborhoods every day, changes in the law are needed. We urge supporting this legislation as it proposes structural changes to bring our laws more in line with the invasive plant laws in neighboring states and will allow us to address invasives that are widely established in our state.

Sincerely,

Barbara Johnson
Community Advocacy Manager
Blue Water Baltimore

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SB 915 Testimony Bradley.pdf
Uploaded by: Bethany Bradley
Position: FAV

University of Massachusetts Amherst

College of Natural Sciences
Department of Environmental Conservation
Bethany Bradley, Professor

March 4, 2024

Testimony: SB915, Agriculture - Invasive Plant Species - Regulation
Committee: Education, Energy, and the Environment
Hearing Date: March 5, 2024
Position: Favorable

Dear Honorable Chairs:

I strongly support SB915 *Agriculture - Invasive Plant Species – Regulation* and request that the committee provide a favorable report on the bill. As a professor of invasion ecology at the University of Massachusetts, Amherst, I am an expert on risk assessment of invasive plants. I also lead the Northeast Regional Invasive Species and Climate Change (RISCC) Network, which was founded in 2016 and aims to reduce the compounding effects of invasive species and climate change by building stronger communities of researchers and practitioners across the Northeast region (including the state of Maryland). This combination of expertise gives me unique understanding of both the science and practice of invasive species management. State regulations that work to stop the ongoing propagation of known invasive plants, like SB915, are a critical first step towards effective, proactive prevention of invasions.

A recent report on non-native invasive species estimated that these species cost the global economy hundreds of billions of dollars each year associated with losses of ecosystem services and agricultural productivity (Roy et al. 2023). Those same invasive species also cause declines in native species and biodiversity (Bradley et al. 2019). Thus, it is imperative that states have regulations to prevent the introduction and spread of known invasive plants.

State regulation of invasive plants is critical because the vast majority of invasive plants are introduced as ornamental plants via the horticulture trade (Reichard & White 2001). Although the ornamental pathway to plant invasion has been well-described for decades, state policies to prohibit invasive plant sales lag far behind. Weak or absent policies in many states lead to the regulation of only a small fraction of known invasive plants (Beaury et al. 2021a). Weak state policies further create a patchwork of invasive plant regulation that can be readily exploited by retailers and online marketplaces, leading to ineffective prevention of invasions. The end result is that over 60% of invasive plants (species that are well-known to be ecologically and economically harmful) are still available for sale across the U.S. (Beaury et al. 2021b).

In addition to the current pool of invasive plants, Maryland is also a hotspot for future plant invasion. With climate change, an increasing number of southerly invasive species will expand their ranges northward, creating additional challenges for managers who will be confronted with a new set of species – often ones that are already part of the ornamental plant trade (Beaury et al. 2023). Yet, these range-shifting invasive species also create an opportunity for success. Stopping an invasive species from being introduced is the only sure means of preventing the ecological and economic damages caused by invasion. Preventing invasions can only be done with effective legislation aimed at stopping the ongoing propagation and sale of invasive plants.

For these reasons, I strongly urge a favorable report on SB915.

Sincerely,

Bethany Bradley
Professor of Environmental Conservation
bbradley@eco.umass.edu

Citations

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Billy Paul Mays - Testimony for Senate.pdf
Uploaded by: Billy Paul Mays
Position: FAV

Committee: Education, Energy, and the Environment
Testimony on: SB915 “Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)”
Position: Favorable
Hearing Date: March 5, 2024

William P. Mays
1322 Emblys Gap Road
Roseland, Va 22967

Dear Senators,

I am William Mays, owner/operator of Beech Spring Farm in Nelson County Va. The farm produces high quality Red Angus/Balancer genetics and includes forest land that produces hardwood timber. This farm has been in our family for almost one hundred years but we have ancestors that owned this farm dating to the late 1700’s. I urge a favorable report on Senate Bill 915.

As a full time farmer and Farm Bureau President for many years I am sharing my personal testimony with you in hopes that it can shed light on the devastating effects certain invasive species have on our working lands. The farm consists of upland pastures/hayfields and forested mountain land situated in the headwaters of several tributaries of the Tye and Piney River watersheds. The land has been productive for generations.

As a young boy growing up on the farm I watched as multi flora rose and kudzu (which were introduced by the government programs in the 1950’s) spread across our property. To this day they are still a problem even after many decades of measures to control them. There are many invasive species that have become established on our acreage since that time. Just to name a few: Chinese Privet, Japanese Honeysuckle , Tree of Heaven, Perillo Mint, Japanese Stiltgrass and Fountaingrass. Of these the most threatening by far is Cenchrus or fountaingrass. While many invasives are non-commercial Cenchrus is commercial and widely distributed in the nursery trade as an ornamental grass. Around ten years ago a neighboring landowner planted a small area in their yard with Cenchrus/purpurascens. From that planting in ten years it has spread onto hundreds of adjoining acres. This grass is a perennial warm season clump grass originating from Asia and will easily out compete any cool-season perennial grass. There are now significant areas of monoculture establishment of this grass which is severely impacting the production of quality forage on our farm. Currently there are no controls for this grass other than round-up herbicide that are labeled for pasture use. So a complete kill and many years of renovation would be needed to eradicate Cenchrus. Since these pastures are uplands and on marginal land that is highly erodible it presents a very difficult problem to mitigate. Aside from the loss of production, cost of renovation, along with the likelihood of losing valuable top soil and releasing years of stored carbon there is a devaluing of our property. All this adds up to be an overwhelming burden on any farmer or landowner facing these problems. At seventy years old and after spending my life working on this acreage it is destined to become a monoculture of a non-native invasive grass species that is worthless and extremely detrimental to the landscape unless I take radical steps to eradicate it. There are many like me with similar stories. The proliferation of these known invasives onto the landscape without regard for the consequences they cause by the nursery industry needs to stop now. I and many others urge a favorable report on SB915.

Respectfully,
William P. Mays

SB0915_FAV_City of Rockville_Ag. - Invasive Plant
Uploaded by: Christine Krone
Position: FAV

Testimony of the Mayor and Council of Rockville
SB 915 – Agriculture – Invasive Plant Species – Regulation
(Biodiversity and Agriculture Protection Act)
SUPPORT

Good afternoon, Chairman Feldman, Vice-Chair Kagan, and members of the Senate Education, Energy, and the Environment Committee. The Mayor and Council of Rockville are thankful for the opportunity to provide written comments on SB 915.

The City of Rockville Mayor and Council unanimously support SB 915. The legislation replaces the existing invasive plants regulatory approach with a new framework that involves the assessment of non-native plant species by expert assessors to determine the invasiveness rank of each species; review of the assessments; and determination by the Secretary of Agriculture whether such species should be classified as "prohibited invasive plants" to be included on a Consolidated List of Maryland Plant Species or a watch list. On an annual basis, the Maryland Department of Agriculture would be required to distribute the list to nurseries, plant dealers, and plant brokers.

SB 915 aligns with Rockville's Climate Action Plan, which seeks to protect and enhance wildlife habitat, encourages the management of non-native invasive species, and increases biodiversity, carbon sequestration, ecosystem health, and resiliency. The legislation recognizes that invasive plant species are destructive to our communities and cause ecological, economic, environmental, and harm to human health.

According to the US Department of Agriculture, the economic and social impacts of invasive species include both direct effects of a species on property values, agricultural productivity, public utility operations, native fisheries, tourism, and outdoor recreation, as well as costs associated with invasive species control efforts. Many of our Rockville residents have expressed concerns about the proliferation of invasive plant species on their properties, the difficulty in removing the plants, and the associated costs.

SB 915 is smart public policy that creates a stronger regulatory framework for controlling non-native invasive plant growth across the State. Proactive invasive plant regulation is critical to building sustainable and biodiverse ecosystems within the City of Rockville and across the State of Maryland. For these reasons, we urge the Committee to provide SB 915 with a favorable report.

MD Testimony Senate.pdf
Uploaded by: Deah Lieurance
Position: FAV

Dr. Deah Lieurance
1133 Old Boalsburg Rd
State College, PA 16801

Committee: Education, Energy, and the Environment
Testimony on: SB915 “Agriculture-Invasive Plant Species-Regulation”
Position: Favorable
Hearing Date: March 5, 2024

Dear Members of the Education, Energy, and the Environment:

I am writing to request your support of SB915. I will be speaking specifically to the provision to establish protocols for assessing the invasion status or risk of nonnative plants to facilitate the proper listing of species for prevention, management, and regulation.

I am an invasion ecologist who specializes in invasive species prevention and management prioritization. I have over 11 years of experience working on risk assessment and invasion status determination. I have worked with state (Florida and Pennsylvania) and federal agencies (USDA, USGS, US DOI) with the development of invasiveness screening tools, updating a widely-used invasive plant status assessment, and leading the nation’s first horizon scan for invasive species threats (Lieurance et al., 2023). I am contributing as a subject matter expert.

It is well established that invasive species are damaging ecosystems, reducing biodiversity, impacting health, and causing annual economic costs in the billions of dollars. In fact, a recent international assessment determined invasive species have contributed to approximately 60% of recorded extinctions, caused approximately $423B in economic losses in just one year, and

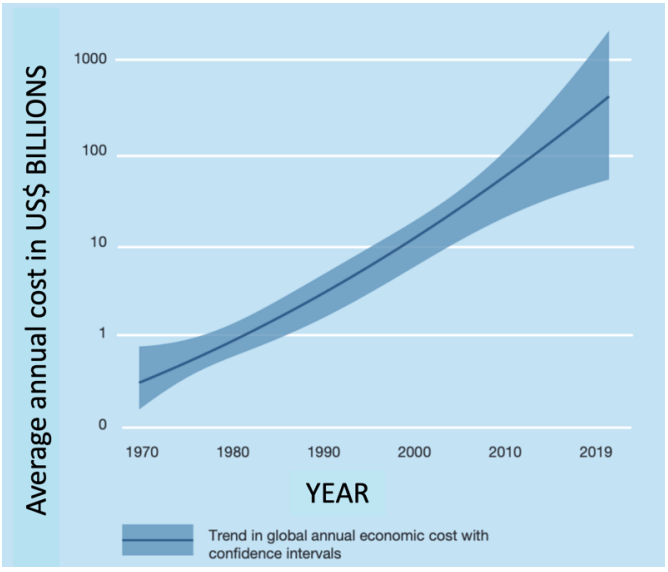

Figure 1. Growth of the documented average annual economic cost of biological invasions (Roy et al., 2023).

Dr. Deah Lieurance
1133 Old Boalsburg Rd
State College, PA 16801

the trajectory of costs will continue to rise (Fig. 1; Roy et al., 2023). In the US, annual invasion costs were $21B from 2010 to 2020 (Fantle-Lepczyk, et al., 2022). Proper identification using the appropriate decision support tools of which species are likely to be invasive and the status of species that are already in the US provide effective guidance for management action and regulation, thus reducing impacts and losses to agriculture, forestry, and the environment.

I have identified two different approaches above—an invasion/weed risk assessment to identify species *at risk to become invasive* (e.g., USDA APHIS PPQ WRA; Koop et al., 2012) and invasive plant status assessment to identify species that are *currently invading* and *causing negative impacts* (e.g., the Natureserve model; Morse et al., 2004). It is crucial to use the correct tool for the task. If the goal is to prevent the introduction of a high-risk species or to identify risk as early as possible for new arrivals, a risk assessment is the proper approach. This can be used to blacklist species from introduction or to make species watch lists. Where a *risk assessment* **is a prediction**, a *status assessment* **is a diagnosis**. It is used for species already in the region to assist with regulation and management prioritization. Status Assessments are designed to be objective and systematic by using specified sets of questions and requiring documentation of the scientific information used to determine each species' rank. **In short, the results provide a transparent, objective, and evidence-based justification for categorizing nonnative plants**.

To my knowledge, the majority of status assessment protocols used in the US are based on the Natureserve model, including the protocol I am developing to be used by 7 invasive plant councils in the Southeastern US. The National Association of Invasive Plant Councils created a checklist for the development and updating of invasive plant lists to include:

- the highest standards for objectivity, scientific rigor, and ecological expertise
- transparent procedures and clear documentation
- consistent methodology to assure comparability across state lists.

While their guidance is directed towards non-regulatory lists, this checklist provides targets to meet when developing a regulatory listing protocol. The Natureserve tool hits the majority of these targets.

The Natureserve tool is comprised of 4 sections with prescreening questions to determine if this is the correct approach. For example, if the plant is not present in the region outside of cultivation, this is not the correct tool, and a risk assessment is the proper approach. The 4 sections are as follows:

- current distribution and abundance
- spread potential[1]
- ecological impacts
- management difficulty.

[1] The only component that is a prediction is the spread potential.

Dr. Deah Lieurance
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The questions can be tailored to address impacts to agriculture and urban systems and questions can be included to determine any compounding effects of climate change. The results from this tool are easy to understand and provide a comprehensive snapshot of the species status including documenting where the plant is, the biological traits contributing to the 'invasiveness' of the plant, impacts to threatened and endangered species, and information about current management techniques.

In summation

1. I encourage the development and adoption of a status assessment protocol to determine the invasion status of plants in Maryland that are under consideration for plant listing.

2. I recommend continued use of an invasion/weed risk assessment tool to assess species that are not yet in Maryland or for those in the state that have not escaped cultivation.

3. I recommend using the Naturserve status assessment tool as a backbone. In doing this, Maryland's assessment process will align with many other regulatory and non-regulatory listing bodies. This can facilitate data sharing and implementing consistent regulation (banning an invasive plant species across state lines) across the region.

4. I would like to emphasize that invasive plant status assessments provide **robust, evidence-based results with greater transparency and objectivity** to support regulatory decisions.

I strongly encourage the committee to submit a favorable report on SB915.

Thank you for your consideration.

Sincerely,
Dr. Deah Lieurance
State College, PA

Dr. Deah Lieurance
1133 Old Boalsburg Rd
State College, PA 16801

Citations

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MD NNI Legilslation testimony Senate final.pdf
Uploaded by: Dorothy Broadman
Position: FAV

6620 Michaels Drive
Bethesda, MD 20817

Committee: Education, Energy, and the Environment
Testimony on: SB915 "Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)"
Position: Favorable
Hearing Date: March 5, 2024

Dear Chairman Feldman and Committee Members:

I respectfully request that you produce a favorable report for the bill cited above. I am writing to you as (1) a member of the Wild Ones Nation's Capital Chapter, (2) a volunteer with the Montgomery County Weed Warrior program, (3) a retiree whose career included federal regulatory policy, and (4) a gardener.

Introduction
The environmental damage done by non-native invasive plants (NNIs) has been well documented by many reliable sources. Perhaps the most visible harm, easily seen throughout the State, is that they kill trees. It is also well documented that trees serve critical functions needed to sustain life; e.g., they reduce flooding and toxic run-off into waterways, clean air and reduce global warming by absorbing CO2, and provide much needed habitat for a vast number of species. NNIs also out-compete native plants needed to provide shelter and food to pollinators and other native wildlife. Some unfortunately even provide especially good habitat for Lyme-carrying ticks.

NNIs spread from ornamental plantings in private and public spaces. This legislation is sorely needed to tame such spreading so that removal efforts can be successful. With only six (6) NNIs currently banned from sales in our State, we are in a woefully inadequate position to manage the destructive behavior of NNIs.

As a Member of Wild Ones Nation's Capital Chapter
The nationwide organization, "Wild Ones: Native Plants, Natural Landscapes" has chapters throughout the Country. Its purpose is to provide education and resources to promote native plant landscaping, necessary to well-functioning ecosystems. The sale of NNIs are a major barrier to this organization's work because they out-compete native plants.

As a Volunteer in the Montgomery County Weed Warrior
With only two paid staff, this is a volunteer-dependent program working to remove the most pernicious NNIs from County parks. We volunteers spend many hours cutting invasive vines that are killing trees and removing other harmful NNIs. Allowing sales of the very same NNIs calls into question our spending time doing this work.

As a Financial Professional who worked in the Regulatory Area
Now retired, my career in banking included working in the area of regulatory policy and compliance. Good regulations are needed to ensure responsible practices and create a level competitive field for businesses. Regarding NNIs, nurseries that don't sell them are put at a competitive disadvantage to those that do. Furthermore, responsible nurseries that would like to stop selling NNIs may be deterred. By banning the sale of these harmful plants, conscientious nurseries can operate within a fair market.

As a Gardener
My yard suffers from a massive amount of harmful NNIs that have spread from areas outside of my property line. I spend a lot of time and money removing them. I am profoundly demoralized when I observe them being sold in nurseries and planted by landscapers. Unfortunately, the great majority of people do not know how harmful they are.

Conclusion
You have an opportunity to address the environmental destruction caused by ongoing sales of NNIs in our State. Please keep those who volunteer in this area motivated to continue the important work by producing a favorable report on this legislation

Thank-you for considering my testimony.

Dorothy Broadman
dbroadman@gmail.com

SB 915 - CBF - FAV.pdf
Uploaded by: Doug Myers
Position: FAV

CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

Senate Bill 915

Agriculture – Invasive Plant Species – Regulation
(Biodiversity and Agriculture Protection Act)

Date:	March 5, 2024	Position:	**Favorable**
To:	Education, Energy, and the Environment Committee	From:	Doug Myers MD Senior Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS** SB 915 which makes several changes to the existing invasive plant species protocols and includes aquatic invasive species.

A functioning ecosystem depends on native plants and animals interacting with the abiotic environment. Non-native species take advantage of disturbances in the landscape and a lack of native predators to expand into new areas, sometimes with catastrophic consequences for agriculture, commerce, and the environment.

CBF participated in a recent status assessment with DNR and Native Plant Society based on these new protocols for 4 invasive aquatic species. While still time-consuming, it is considerably more rapid than the older risk assessment and allows for ranking that acknowledges positive or neutral attributes of non-native species in the ranking (e.g. hydrilla and milfoil as pioneer species for native SAV).

The consolidated list of invasive species determines which species will be prohibited from sale or trade. It does not affect eradication efforts, although, ease or difficulty or eradication is considered in the status assessments. Forbidding the sale and trade of the state's most invasive species is a head start on needed eradication efforts and a crucial step in stemming the tide of new invasive species.

CBF urges the Committee's FAVORABLE report on SB 915.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

SB915_Doug Tallamy_EEE_FAV.pdf
Uploaded by: Doug Tallamy
Position: FAV

UNIVERSITY OF DELAWARE
COLLEGE OF AGRICULTURE AND NATURAL RESOURCES
DEPARTMENT OF ENTOMOLOGY AND WILDLIFE ECOLOGY
250 Townsend Hall
University of Delaware
Newark, Delaware 19716-2160
Ph: 302/831-2526
Fax: 302/831-8889

SB915/HB979
FAVORABLE
Delegate Linda Foley
Maryland House of Delegates
and
Senator Ben Brooks
Maryland State Senate

February 26, 2024

Dear Delegate Foley and Senator Brooks:

I am writing to express my enthusiastic support for banning the sale of invasive plants in the state of Maryland. I have been studying the effects of landscaping with non-native plants over the past 20 years from my position at the University of Delaware as well as the impact invasive plants have had on local ecosystems. To cut to the chase, the impacts have been devastating on biodiversity at all trophic levels. As much as 80% of the landscape plants in residential and public landscapes are now non-native ornamental plants, largely from Asia. Many species, such as Callery pear, burning bush, autumn olive, Norway maple, porcelainberry, privet, Amur honeysuckle, Japanese honeysuckle, multiflora rose, oriental bittersweet, and many more have escaped cultivation in our yards and invaded natural areas, displacing native flora and the animals it supports. Even the species that are not invasive are now the first trophic level, the plants supplying energy to local food webs, in 135 million acres of residential landscapes throughout the U.S.

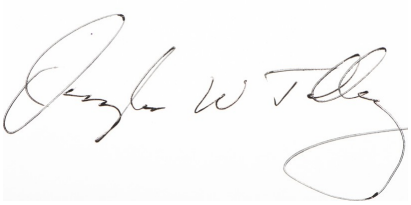
And that is the problem; non-native plants are poor at passing the energy they have harnessed from the sun on to animals. No energy, no animals. No animals, no ecosystem! This is particularly true of insects, the little things that run the world (Wilson 1987). Quite simply, without insects, terrestrial ecosystems would collapse in months, with little surviving such collapses, including humans. To give you figures from just one of our studies, agricultural hedgerows invaded by autumn olive, multiflora rose, Amur honey suckle, and oriental bittersweet support 96% less caterpillar biomass than hedgerows comprised primarily of native plants (Richard et al. 2018). That is 96% less bird food in these invaded habitats.

Our reliance on non-native plants is encouraging the biodiversity crisis and the 6th great extinction event the earth has ever experienced. North America has already lost 3 billion breeding birds and 45% of it is insects. The U.N. predicts that we will lose 1 million species to extinction in the next 20 years if we don't provide the basics: a place to live and something to eat. Thus, the native plant movement, and legislation to ban the sale of plants we already know

are highly invasive. There is no reason why we cannot increase the percentage of productive native plants in our landscapes. The notion that restricting sales of invasive plants will put nurserymen out of business is nonsense. If we put more plants in our landscapes, we will boost the nursery industry, not restrict it.

The public supports the transition from ecologically unproductive non-native plants to productive natives. It now recognizes that plants are more than decorations, and that the future of conservation is going to happen on private property and will be conducted by private citizens. Today the demand for native plants far outstrips the supply. Coordinated state support of native plant growers would help bridge this gap and lead the way to 21st century landscaping. The transition to native plants is happening across the nation and Maryland could be a leader with a state supported Native Plant Program and a ban on the sale of invasives.

Respectfully,



Douglas W. Tallamy
T.A. Baker professor of Agriculture

* Richard, M., D.W. Tallamy and A. Mitchell. 2018. Introduced plants reduce species interactions. Biological Invasions 21(3): 983-992.
* Wilson, E.O. 1987. The little things that run the world (The importance and conservation invertebrates). Conservation Biology 1: 344-346.

SB915 CCLC Written Testimony.pdf
Uploaded by: Elizabeth Ginter
Position: FAV

CCLC
Chesapeake Conservation Landscaping Council

February 26, 2024

To: Maryland Senate Committee on Education, Energy, and the Environment

Re: SB 915

Position: Support

Hearing Date: March 5, 2024

On behalf of the Chesapeake Conservation Landscaping Council (CCLC), I am writing in support of SB915. CCLC is a coalition of individuals and organizations dedicated to promoting conservation-based landscaping practices to benefit the Chesapeake Bay. CCLC educates and supports professionals to implement sustainable landscape and green infrastructure practices for a healthy and resilient Chesapeake Bay watershed. The Chesapeake Bay Landscape Professional (CBLP) certification is CCLC's signature training and education program, through which we have trained over 1500 people since 2016.

Invasive plant species pose a significant ecological threat to Maryland's natural areas in all regions of our state, are a nuisance and an eyesore for landowners, and increasingly require vast investments of time and money to manage. Few private landowners or government agencies have the resources to effectively manage invasive plants. But, left unchecked, invasive plants crowd out native species, provide little or no benefit for wildlife, and reduce biodiversity. We support this proposed legislation which will prohibit harmful invasive plants from being purchased, sold, or propagated in Maryland. This bill includes aquatic invaders that are impacting our streams and rivers and the Chesapeake Bay, and will institute a professionally-recognized status assessment protocol to replace the current approach used in Maryland. These steps will help our state to address invasive plants more quickly and ultimately reduce management costs later.

As an organization that is focused on training across the Chesapeake Bay region, we recognize the important role of trained professionals to assess and manage invasive plant species. Importantly, this legislation will also provide the Maryland Department of Agriculture and the Department of Natural Resources with needed staff to perform regular assessment and inspections so our state can respond rapidly and appropriately to known and future ecological threats from invasive plants.

We urge you to consider this bill favorably to protect Maryland from invasive plants.

Sincerely,

Elizabeth P. Ginter
Executive Director

P. O. Box 3399
Silver Spring, MD 20918

CBLPRO.ORG
CHESAPEAKELANDSCAPE.ORG

SB915 Eric Walker .pdf
Uploaded by: Eric Walker
Position: FAV

February 26, 2024

To: Education, Energy, and the Environment Committee
From: Eric Walker
Re: Support of SB915

I submit this written testimony in support of SB915, the Biodiversity and Agriculture Protection Act, a crucial piece of legislation that amends and improves existing invasive species laws in Maryland.

I am a resident and homeowner in Maryland. I also have seventeen years of professional experience with invasive plant management. I have been involved with invasive plant control projects in over 30 National Park Service (NPS) units with the NPS Exotic Plant Management Team, worked as a noxious weed inspector for King County Noxious Weed Control Program in Washington State, and currently work in the natural resource management field in Maryland. During my time working with invasive plants, I have worked with the federal, state, county, municipalities, private landowners, various environmental groups, and many others to consult, advise, plan, and implement invasive plant control and habitat restoration projects.

Let's all take a walk into a typical forest patch on public land within the greater Baltimore area. As we approach this patch, we notice almost the entire piece of forested land is "edge" habitat. Forest fragmentation during urban development has left us with small stips and mosaic patches of woods. We notice the edge habitat is filled with non-native invasive species- a thicket of woody shrubs including multiflora rose, autumn olive, burning bush, bush honeysuckle. A tangle of invasive vines like Japanese honeysuckle, wintercreeper, and English ivy infuse the edge. Few, if any, native plants are found on these edges. Garlic mustard and stiltgrass carpet what little ground is available under these dense mats of invasive plants.

We make our way into the forest patch and notice a carpet of little yellow flowers throughout the patch- the invasive plant lesser celandine dominates the ground and has outcompeted precious native spring ephemerals like Virginia bluebell and trout lily. We also notice no native tree saplings growing up to replace the older trees- successional trajectories have been altered by invasive plants and deer overpopulation, forest regeneration has stalled in many places. Digging in the dirt reveals casings of invasive Asian jumping worms, which devour leaf litter and permanently alter soil chemistry. Functional ecosystem relationships are broken in this dirt. Native plants in our woodlands have intricate relationships with soil that depend on very specific soil chemistry. Garlic mustard and lesser celandine, among several other of our common invasives are allelopathic- they excrete chemicals into the soil around them that inhibits germination of any other plant species, while providing ideal soil chemistry for themselves. A patch of woody invasive shrubs sets up shop where a tree fell down and left a canopy gap. We notice English ivy completely engulfing and smothering native trees- which will surely be pulled down by these invasive vines in time. When these trees succumb to the vines they will reveal another canopy gap for invasives to occupy. On the forest edge, trees are toppled down by vines, more "edge" is created and the vines move inward looking for more trees to cover.

This legislation would prevent new invasive plants from spreading and establishing in Maryland. If similar legislation were adopted years ago, we likely could have avoided or mitigated the impacts of dozens of escaped ornamental plants. The following are all examples of escaped ornamental plants turned invasive, and just a few of their impacts we are seeing in our forest patches. These impacts are known and published in peer-reviewed academic journals- yet all of these plants are still available to purchase in nurseries in our area:

English ivy kills trees and decreases urban tree canopy. Italian arum has no known effective control methods. Purple loosestrife completely invades and permanently damages wetlands. Burning bush heavily infests woodlands and engulfs the forest floor with thousands of seedlings. Privet shrubs are widespread yet their leaves are not palatable to native insects. Bush honeysuckle alters soil chemistry and forms dense thickets. Leatherleaf mahonia creates deep shade and outcompetes native flora. Deer prefer to browse native viburnum instead of Asian viburnum, decreasing the native population. White mulberry has compromised the genetic integrity of the native Red mulberry, through hybridization. Callery pear, like porcelain-berry, invades and takes over, and is extremely difficult to remove once established. Asian bittersweet vines girdle and pull down trees, and reduce populations of native American bittersweet through hybridization. Wintercreeper, like Vinca, becomes a monocultural groundcover, covering and smothering native plants until they die. . Asian wisteria girdles and chokes native shrubs and trees. Chinese silvergrass grows into dense clumps, pushing out natives through competition.

In any given town in the area, numerous individual bamboo patches continue to slowly expand. Of the several hundred patches of bamboo in my area, many are shared by multiple landowners. Some homeowners either don't know or don't care about the impacts, while others have had their property damaged and devalued from what is often their neighbors' preferred method of privacy screening. Bamboo is incredibly difficult to remove once it's established. Excavating, grinding, and spraying with herbicide, for at least 5-10 years may work to reduce and suppress the bamboo- but permanent removal is not certain and often impossible. If you are a homeowner with a neighbor that has planted bamboo, you already have felt the impact of that mistake, or you will soon. Bamboo infestations will not stop increasing in size, and are nearly impossible to remove once established.

The examples above are just a few of the numerous, serious impacts non-native invasive plants impose on our people and environment in Maryland. If only llegislation like SB915 would have been in place years ago, our natural areas would be healthier, and the high cost of managing these invasives could have been avoided altogether. Yet, we now have a chance to learn from history and avoid repeating the same mistake of not regulating invasive plants. By establishing realistic, common-sense rules, SB915 will save millions of dollars in future management costs and protect our already imperiled natural areas from further damage.

Thank you for taking the lead on setting these practical measures in place.

Eric Walker

SB915_ChesapeakeNatives_EEE_FAV.pdf
Uploaded by: Jane Henderson
Position: FAV

Testimony urging a FAVORABLE report on

SB 915
Agriculture – Invasive Plant Species – Regulation
(Biodiversity and Agriculture Protection Act)

Presented to the Senate Education, Energy and the Environment (EEE) Committee

Senate of Maryland

Hearing: March 5, 2024

From Chesapeake Natives

(Prepared by executive director Jane Henderson)

Dear Chair Feldman, Vice Chair Kagan, and honorable members of the Committee,

Chesapeake Natives' strongly supports SB 915 because it will significantly strengthen Maryland's non-native invasive plant screening system to ban some of the most harmful invasives in our state.

Recent research at the University of Massachusetts Amherst confirms what many of us have long suspected – commercial nurseries play a dominant role in seeding future invasions of destructive non-native invasive plants. "When people think of how invasive plant species spread, they might assume species are moving because of birds or the wind dispersing seeds," says Evelyn M. Beaury, lead author of the paper. "But commercial nurseries that sell hundreds of different invasives are actually **the primary pathway of invasive plant introduction** [emphasis added]."[1] Analyzing data from a case study of 672 nurseries around the U.S. that sell a total of 89 invasive plant species, researchers found that 55% of the invasive species were sold within 13 miles of an observed invasion— the median distance people across the U.S. go to buy landscaping plants.

Beyond the impact of sales, plant nurseries stocking invasives risk them spreading in their immediate environs. As a plant grower, we see how our plants spread in the habitat surrounding our native plant nursery in Rosaryville simply because the plants are there.

But even the heartiest of native plants are under constant threat from invasives. In Rosaryville State Park, the biggest threats come from non-native Wisteria (*Wisteria sinensis, Wisteria floribunda*), Japanese stiltgrass (*Microstegium vimineum*), Wavyleaf basketgrass (*Oplismenus undulatifolius*), Kudzu (*Pueraria montana*), Empress Tree (*Paulownia tomentosa*), Oriental bittersweet (*Celastrus orbiculatus*), and English Ivy (*Hedera helix L.*). **ALL of these plants can**

[1] https://www.greenhousegrower.com/management/are-nurseries-at-fault-for-spreading-invasive-species/

still be sold in Maryland, requiring the nursery to simply post a warning sign to potential buyers.[2]

We know that biodiversity is essential to keeping our planet habitable for human beings. The complex, localized food webs that support life on earth are critically stressed as insect populations plummet. Without insects, most flowering plants and birds will go extinct as food webs collapse. As dire, the biosphere will rot without insects decomposing, leaving inhospitable bacteria and fungi to dominate. Native insects rely on native plants.

Unchecked non-native invasive species threaten native species that are essential to our local food webs. As a grower of local ecotype native species (LENS) of the Chesapeake Bay watershed, we source our seed from local, wild native habitats around the region. Plants whose provenance is local have coevolved with insects in their home ecosystem and so bloom at times best for local populations. Beyond development, non-native species invasion, spurred on by climate change, poses the greatest threat to the native habitats. Filling no niche in our food webs, invasives have the advantage that no one eats them and so can often outcompete native species. SB 915 will also help to preserve LENS populations whose ongoing existence and propagation is essential to local biodiversity.

Please take action today to stop more and more invasives from becoming bigger problems for the next generation. I understand first hand inheriting a 'legacy of invasives.' My dear late mother, an avid gardener, planted Japanese barberry (*Berberis thunbergii*) in 2007 which has steadily invaded the fields and woods surrounding our family home in Upstate New York. An outright ban of Barberry sales in the state would pass eight years later in 2015. She of course bought five bushes at a local nursery, having been sold on their decorative winter berries (which the birds help spread!). Certainly, many in horticulture already understood the invasive nature of Barberry by 2007 but that information never reached my mom, though she was active in her local garden club. As we tackle this particularly thorny invasion, I can't help but wish that New York's ban had been imposed early enough to have prevented it in the first place.

Meanwhile, **Barberry continues to be sold in Maryland** with an ignorable warning sign. So it and other harmful invasive species continue to spread by sale in Maryland and to invade more and more habitat! I urge this committee to act to change this.

Please pass SB 915 and send it on to the full House of Delegates.

Chesapeake Natives's mission is to promote, protect and propagate local ecotype native species (LENS) of the Chesapeake Bay watershed. We extend an **open invitation to members of the Committee** to come and visit our

[2] https://mda.maryland.gov/plants-pests/Documents/Invasive-Plant-List-March-2020.pdf

nursery at historic Mt. Airy in beautiful Rosaryville State Park in Upper Marlboro to learn more about the regenerative power of natives, LENS in particular.

Respectively,
Jane Henderson
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SB915_TOBIAN&DUBOIS_EEE_FAV.pdf
Uploaded by: Jennifer Tobian
Position: FAV

SB915, 2024 Biodiversity and Agriculture Protection Act
EEE Committee
Hearing Date March 5, 2024
Favorable

Dear Maryland Senators,

As trained scientists and science teachers, we are in support of the **2024 Biodiversity and Agriculture Protection Act (**HB979) because invasive plants cost tax payers millions of dollars each year, and many Marylanders are increasingly worried about the degradation of the environment due to invasive plants. Farmers waste time, money and resources ridding their fields of invasive plants to grow our food. Hunting grounds do not support wildlife. Recreation areas—both land and water—are being invaded and degraded. **U.S. losses form invasive plants from 1960 to 2020 was estimated to be $1.13 trillion with annual costs of $21 billion** from 2010 to 2020.[1] Farmers have been impacted the most spending $510 billion, and resource damages and losses are estimated to be $869 billion.[1]

This has become a personal issue for us. We have been trying to remove invasive plants for the past several years in our yards, our children's school, and a Baltimore City Park. At the school, the woods is an ecological treasure with a meandering stream, shady beech trees and forested areas, wet meadow, and holly groves. It, however, has been infested with aggressive invasive plants—lesser celandine, porcelain-berry, multiflora rose, and Asian wisteria, garlic mustard, Japanese silt grass—which are **prohibiting the re-growth of the forest and wet meadow**. The school's woods is not alone. **One recent scientific study found that the forests of only one eastern US National Park (Acadia in Maine) were healthy and likely to regenerate out of 39 sampled.[2]** Intense storms are taking down canopy trees, overabundant deer are eating native saplings, and invasive plants are smothering flora and new seedlings that are present. Unfortunately, the only way to ensure that our forests are able to regenerate now is by managing them—specifically by removing unwanted plants and prohibiting deer when possible. Gone are the days when the wilderness should be left alone—especially in urban areas.[2] Below are some photos which show how the invasive vines totally cover trees (adding extra weight and stress to branches and prohibiting the sun to reach their leaves for photosynthesis) and **creating monocultures in our woods**. We all know biodiversity is important, and we want our forests to be here for our grandchildren which is why a group from the school has been working to manage parts of the woods.

Although invasive plants are still green and photosynthesizing, they do not support wildlife. The work of Doug Tallamy, an entomologist at the University of Delaware, highlights the importance of native plants for native insects and birds. In the U.S., oak trees support over 890 species of caterpillars[3] compared maybe a handful for non-native species such as Japanese maple and Norway maple. Many of our native butterflies and pollinators need specific plants to gather food and reproduce. A well-known example is the monarch butterfly as it must have the milkweed plant to survive. We are learning that birds also rely on native plants. A recent study shows that Carolina chickadees need over 70% native plant biomass to successfully reproduce.[4]

Many of our neighbors and friends love the outdoors and want to help the environment. Many do not realize the problems invasive plants create. Maryland needs to step up and add invasive plants to our current list of prohibited plants from sale and propagation. We only have six with another 13 with a "Plant with Caution" sign at the point of sale![5] **We need to educate the public about the problems associated with invasive plants, ensure they are not being sold, and make the assessment process easier.** Invasive plants grow so densely that they out compete all other spring ephemerals and even prevent other seeds from germinating. Help us reclaim back native Maryland land and stop the invasive spread. Support SB915 Biodiversity and Agriculture Protection Act.

Sincerely,

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Porcelain berry in September 2023 in the school's wet meadow area. Note, we had been cutting vines off of the trees during the late fall, winter and spring of 2022-2023. It's hard to tell because the vines grow so quickly.

General overview of the wet meadow area with invasive vines and one of our volunteers in early autumn 2023. Note the mowed meadow and all the vines in the background.

A sycamore tree in the wet meadow after the Boy Scout project fall 2023. Note the mowed meadow and thick layer of mulch and cardboard around the tree to try to kill the invasive vines. Also note the vines in the background.

Close up of the invasive vines over a native holly.

Picture of Lesser Celandine Spring 2023

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3. Roach M. Why You Should Plant Oaks. The New York Times [Internet]. 2021 Mar 31 [cited 2024 Feb 9]; Available from: https://www.nytimes.com/2021/03/31/realestate/oak-trees-why-you-should-plant.html

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5. List_target_spp_for_assessment_27Feb2023.pdf [Internet]. [cited 2024 Feb 13]. Available from: https://mda.maryland.gov/plants-pests/Documents/List_target_spp_for_assessment_27Feb2023.pdf

Tidd Favorable SB915.pdf
Uploaded by: Jeremy Tidd
Position: FAV

Testimony in favor of SB915
Jeremy Tidd
March 5, 2024

My name is Jeremy Tidd, and I am strongly advocating for the passage of the bill SB915. In my 20 plus years of horticultural industry work, I've witnessed firsthand the detrimental impact invasive plants have on our environment and economy.

During my early years at a conventional plant nursery I saw people's desire to connect with nature. They would come in with the best of intentions to steward their land and often leave with invasive plants in hand. Those customers depended on the nursery to sell them plants that would enhance their property and lives only to leave with plants like english ivy, invasive fountain grass and bamboos that would not only take over their properties but also spread through the community.

As a landscape contractor, I've worked on thousands of gardens. Every single property I've worked on had been negatively impacted in some way by invasive species, whether homeowners inherited these problems or inadvertently caused them. Many clients were overwhelmed or didn't fully grasp the importance of addressing the issue. Others simply couldn't afford fix a problem someone else created. A science-based Maryland state list of invasive plant species would provide a crucial resource for contractors guiding clients towards informed decisions and help mitigate hidden expenses being passed to future property owners.

This isn't just a backyard problem. Far from where these plants are sold you'll find the invasive plant trade carving pieces of our remaining wild spaces. I've been working with the national park near the VA/MD border and seen firsthand how the invasive ivy leaved speedwell is edging out native, at risk Eastern Buttercup, and this is miles away from where retail invasives are being planted.

As an owner of a native plant nursery in Maryland, invasives take my time and divert client's resources before they even come through the door. 50% of the time it takes to establish a new production garden in the nursery goes to removing invasives. Once established, controlling invasives consumes up to 50% of my maintenance budget which significantly impacts retail prices, my ability to scale up my business, and the effectiveness of my efforts to provide native plants.

The passage of this bill is an essential step towards protecting Maryland's environment, economy, and native biodiversity. By banning invasive plants, we can mitigate their harmful effects, preserve native ecosystems, and promote sustainable landscaping practices. I urge you to consider the positive impacts of this legislation and support its enactment for the benefit of present and future generations. Thank you!

SB915_Severn River Association_EEE_FAV.pdf
Uploaded by: jesse iliff
Position: FAV

Severn River ~ASSOCIATION~

It's a New Day at SRA!

Committee: **Senate Education, Energy, and the Environment**

Legislation: **SB 915**

Position: **SUPPORT**

Date: **March 5, 2024**

Dear Chairman Feldman and members of the committee:

The Severn River Association strongly supports SB 915, which will help combat the growing threat of invasive plant species on our native plants and the broader environment.

The Problem

Invasive plants pose many threats to the environment, to our built infrastructure, and to our health. For our part, the Severn River Association is most concerned with the devastating impact these plants can have on ecosystems, including the destruction of critical biodiversity, diminished stormwater infiltration, heating of non-tidal streams, and negative changes to soil chemistry and biology.

Many invasive species are capable of rapidly overwhelming the area in which they take hold, like a valley or floodplain containing tributaries to the Chesapeake Bay. Plants like Japanese Stiltgrass (*Microstegium vimineum*), many species of Bamboo (*Phyllostachys spp.*), Autumn Olive (*Elaeagnus umbellata*), Japanese Knotweed (*Reynoutria japonica*), Common Privet (*Ligustrum vulgare*) and many others have already destroyed native plant communities and displace the animals that rely on them in countless areas of the State.[1] When invasive species like these become dominant, in addition to losing biodiversity, we also suffer from decreased stormwater infiltration and increased pollution to our rivers and the Bay.

Invasive creeping vines such as English Ivy (*Hedera helix*), Japanese Honeysuckle (*Lonerica japonica*), Oriental Bittersweet (*Celastrus orbiculatus*), Mile-a-minute (*Persicaria perfoliata*) and Kudzu (*Pueraria montana*) have already killed hundreds of thousands of trees throughout the State by strangling the trees, overloading their branches causing breakage, introducing disease, and preventing the trees from photosynthesizing. The death of these trees in turn prevents their infiltration of

[1] See, e.g., Maryland's top invasive plant species import harm to natives, https://www.marylandmatters.org/2023/05/16/marylands-top-invasive-plant-species-import-harm-to-natives/; Forest Pests https://dnr.maryland.gov/forests/Pages/programapps/pests.aspx; Taking on Maryland's Invasive Species, https://www.nature.org/en-us/about-us/where-we-work/united-states/maryland-dc/stories-in-maryland-dc/maryland-invasive-species-taking-on-the-invaders-of-maryland/.

stormwater, which increases pollution from stormwater runoff, the fastest growing source of pollution to the Bay.[2] The State is already spending hundreds of millions of dollars to combat water pollution.[3] We simply cannot afford to allow these trees to die and lose their stormwater capturing services, when even a single medium-sized tree can capture thousands of gallons of stormwater each year.[4]

Moreover, trees shade our non-tidal streams, helping to offset the impacts of increasing temperatures in freshwater tributaries. Many species of freshwater aquatic life like trout and the benthic invertebrates they consume require cool and cold water to survive. As temperatures continue to increase globally, the shading effect of trees on freshwater streams becomes more critical to the survival of these species, and to the overall water quality of a warming Chesapeake Bay. Warmer water holds less oxygen, making the Bay's dead zone increase as temperatures go up. Shading the tributaries is one of the most effective means of keeping rising temperatures in check and holding down the Bay's annual dead zone.[5]

Finally, invasive plant species actually alter the chemistry and biology of our soils, making it harder for them to capture and store stormwater, and exacerbating the problems of excessive stormwater pollution described above. Several studies have shown that invasive plants can alter soil chemistry and the biological communities of bacteria and fungi that make up soil.[6] Invasive species of plants can reduce soil's capacity to absorb stormwater, make it more vulnerable to erosion, and contribute more sediment and nutrient pollution to our streams, rivers and Chesapeake Bay.

The Solution

University of Delaware ecology professor Doug Tallamy uses a metaphor to describe the problem of invasive species, and the puzzling fact that any such plants are still being sold in nurseries and other stores and planted in our yards.

> Our environmental boat has sprung a leak. Many of us are trying to repair the leak; others are bailing to keep us afloat until the leak is plugged. What is baffling, though, is that far too many of us are dumping new buckets of water into our boat, as if sinking it will not be a problem for them. At this point, each of us must decide what role we will play in the future: Will you be a bailer or a dumper? Your choice of plants in your yard will determine what role you have chosen.[7]

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[2] https://www.chesapeakebay.net/issues/threats-to-the-bay/stormwater-runoff
[3] https://news.maryland.gov/mde/2021/11/05/mde-issues-stormwater-permits-for-large-md-jurisdictions-advances-climate-resiliency-and-equity/
[4] https://www.fs.usda.gov/psw/topics/urban_forestry/products/CUFR_182_UFfactsheet4.pdf
[5] https://www.chesapeakebay.net/issues/whats-at-risk/stream-buffers
[6] See, e.g. Direct and Indirect Effects of Invasive Plants on Soil Chemistry and Ecosystem Function, *Journal of Chemical Ecology,* Vol. 36, pp.59-69 https://link.springer.com/article/10.1007/s10886-009-9735-0; Plant Invasion and Soil Processes: A Mechanistic Understanding, *Plant Invasions and Global Climate Change*, pp. 227-246.
[7] Douglas W. Tallamy, Nature's Best Hope 123 (Timber Press 2019).

SB915 will prevent the continued sale of invasive plant species in Maryland. Unfortunately, many of the species that kill so many trees are still being sold in stores in Maryland (e.g. English Ivy[8], bamboo[9], and Japanese honeysuckle[10]). The current process for identifying and prohibiting invasive plant species in Maryland takes too long and requires more study and documentation than is necessary to establish the risk posed by these plants. The process established in 2011's requires a plant risk assessment, which requires considerable time and expense because it requires consideration of many potential future scenarios related to invasive plants, as opposed to the status assessment called for in SB915, which evaluates the invasiveness of nonnative species that currently occur in Maryland and focuses on the impact that these plants have now. The status assessment approach is quicker, cheaper, and more effective at removing dangerous plants from the marketplace.

Conclusion

Since 2011's system of invasive species review and regulation was put in place, only 6 plants have been prohibited from sale, despite clear understanding of the problems these species cause. Thirteen years of continued sale of species we know cause serious harm to our environment is too long. Senate Bill 915 will change this paradigm, and the Severn River Association urges a favorable report.

Respectfully submitted,

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[8] https://gardengoodsdirect.com/products/english-ivy
[9] https://www.homedepot.com/p/Brighter-Blooms-3-Gal-Golden-Bamboo-Tree-BAM-GOL-34-3/312730903
[10] https://www.lowes.com/pd/Proven-Winners-Yellow-Honeysuckle-Flowering-Shrub-in-1-Quart-In-Pot-With-Soil/5014250459

Audubon testimony invasivesSB915.pdf
Uploaded by: Jim Brown
Position: FAV

Audubon | MID-ATLANTIC

Maryland Office
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Baltimore, MD 21214

March 4, 2024

To: Chair Feldman and members of the Maryland Senate Committee on Education, Energy and the Environment

From: Audubon Mid-Atlantic

Subject: Favorable Testimony for Maryland Senate Bill 915 Invasive Plant Regulation (Biodiversity and Agriculture Act)

Audubon Mid-Atlantic submits this testimony in support of Senate Bill 915. Audubon Mid-Atlantic is the regional office of National Audubon Society, representing over 35,000 Marylanders who advocate for the protection of birds, bird habitat, and policies aiming to protect both birds and human communities in the face of increasing environmental challenges, habitat loss, pollution, and climate change. We work with partner organizations, government agencies, and local communities to protect birds and the places they need to survive now, and into the future. SB 915 will help the state of Maryland take the important step of limiting harmful, invasive plants from being propagated, purchased or sold in the state.

Invasive plants overrun our native habitats making them less diverse, more genetically unstable, and inhibiting the ability of indigenous plants to reproduce. Birds rely on Maryland's healthy native ecosystems, from forests to marshes to urban parks, for food, shelter, and nesting. We can prevent new infestations of invasive plants by maintaining and routinely monitoring a single Prohibited List and removing them from the ornamental trade, thereby preserving the survival of Maryland's birds, and maintaining their ability to perform the many ecosystem services on which we rely.

Invasive plants are one of the most significant threats to birds, both because of the habitat they impair and the impact they have on birds' most important food source: insects. 96% of terrestrial bird species eat insects at some point in their life cycle, and 90% of herbivorous insects are specialists, only able to eat one type of plant with which they coevolved. When invasive plants outcompete native plants, they hinder the ability of insects to find their host plant, resulting in the decimation of insect populations over the last 50 years. The result is a loss of 2.9 billion North American birds in that time, 86% of which are migratory, including our beloved Baltimore oriole. Birds require these specialist insects – up to 9,000 caterpillars to raise one brood of chicks, for example – as an essential source of protein. The carotenoids in caterpillars – twice as abundant as in other insects – are responsible for the pigmentation in birds' feathers … the blue in our Eastern bluebirds, the scarlet in our scarlet tanagers and the gold in our American goldfinches. Without native plants, we won't have insects, and therefore we won't have the beautiful birds that live, breed, and stopover in Maryland during their migration.

In addition to the loss of insects caused by invasive plants, migratory birds also suffer from the inadequate nutritional value provided by invasive berry-producing plants. For example, multiflora rose and Japanese honeysuckle, both invasive, have less than 1% fat in their berries. Compare that to the 40%, 48%, and 50% average fat content in the berries of native species of dogwood, viburnum, and

bayberry, respectively. This fat helps fuel birds' fall migration. Trace amounts of cyanide in the berries of invasive *Nandina domestica* have also been linked to mass deaths of migrating cedar waxwings, among others. *Nandina domestica*, or heavenly bamboo, is a common ornamental shrub.

From our Atlantic shoreline and Chesapeake Bay marshes to our urban parks and western Maryland mountains, birds in Maryland are under threat. They all travel through or live in areas under threat from invasive plants. SB 915 will create the groundwork for reducing these threats. The law will hold Mayland up as a leader in conservation planning for healthy ecosystems, protecting birds now and into the future.

Audubon Mid-Atlantic respectfully urges a favorable review of this legislation.

Thank You,

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Erin Reed Miller
Senior Coordinator of Bird-Friendly Communities
Audubon Mid-Atlantic

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Uploaded by: Jimmy Rogers
Position: FAV

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Committee: Education, Energy, and the Environment

Testimony on: SB915 "Agriculture - Invasive Plant Species – Regulation (Biodiversity and Agriculture Protection Act)"

Position: Favorable

Hearing Date: March 5, 2024

Laurel for the Patuxent strongly supports SB915. We ask that the committee report favorably on the bill.

Laurel for the Patuxent ("L4P") is a small, dedicated group of Laurel residents who try to protect our stretch of the Upper Patuxent River and the surrounding watershed. We are perhaps best known in town for our vine clearing days, where we travel up and down Riverfront Park to remove English Ivy from the trees along the riverbanks. It's tough work, as we need to sort out which plants are which, cut through woody vines, and avoid damaging the trees. Each year new vines make their way back up the trees, so our task never ends. However, the more ivy we can remove, the fewer trees will be killed or dragged down in our beautiful park.

Another invasive species threatening our riverbanks is Japanese Knotweed. It grows quickly and crowds out other plants. If a small piece breaks off and floats down the river, a new colony can readily form. As a result, we have multiple areas of dense knotweed along the Upper Patuxent. We tried partnering with a biologist at Patuxent Research Refuge to "cut and paint" with herbicides, but the project proved ineffective in controlling the spread.

English Ivy and the Japanese Knotweed are both invasive species introduced to the US for ornamental purposes. The bill will help us and other organizations around Maryland better manage the spread of invasive species in two ways:

1. Banning the sale of these plants at nurseries, which helps reduce their spread from residential gardens back into our wild places.
2. Speeding up the rate at which new species can be classified as invasive, which will help stop emerging invasive species from getting a foothold, no matter their curb appeal.

I help create new wildlife-friendly gardens both with L4P directly and in partnership with non-profits and homeowners around the City of Laurel. Most of the novice gardeners I meet are constantly surprised by the number of invasive plants that were in the ground when they bought their homes and the number of invasive plants that they bought themselves from garden centers they thought they could trust. Please help rid our nurseries of these plants that harm our forests, and help new gardeners find more beneficial plants instead. A favorable report on this bill will be an important step in that direction.

Jimmy Rogers
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MNPS Fulton Testimony, Invasive Plant Species (SB9
Uploaded by: Judith Fulton
Position: FAV

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 CO_2 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

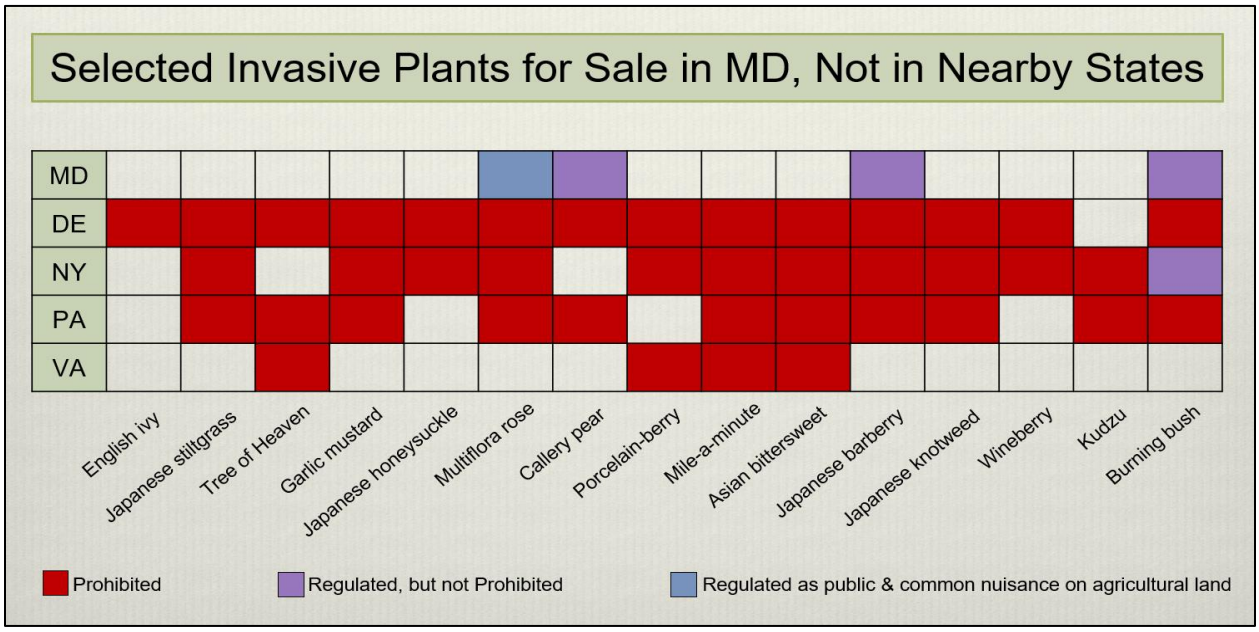
Important components of the 2011 and 2022 laws and regs remain in place, including:

- 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 nursey 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

Senate - testimony SB915.pdf
Uploaded by: Kathleen Reilly
Position: FAV

Dear Senate Committee Chair Feldman and EEN Committee Members,
I ask you to please provide a favorable report on SB915, the Invasive Plant Species Bill.

I am writing to you as a Columbia resident who learned the hard way about the destructive power of invasive plants. Twenty years ago, my husband and I unwittingly purchased a home near what was a quaint little grove of bamboo next to a stream on adjacent Columbia Association Open Space. We loved the privacy it gave us and the adventures it gave to our children who played in it. For the first few years it was fine, but the grove began to grow exponentially and soon every year became a months-long battle with thick bamboo canes sprouting in our yard and closer and closer to our home, growing unimaginably taller every day. Eventually the bamboo grew up and down both sides of the streambanks and came to occupy and destroy well over half an acre of woodland. Our neighbor on the other side of the stream and bamboo forest had already had their house completely engulfed on three sides by this bamboo, so we knew we had to fight to protect our home and our property.

For years we appealed for help from Columbia Association, while we endlessly sawed down 60-foot-tall canes and stacked them longwise in towering piles in the bamboo forest. There was nowhere else to put the immense amount of dead vegetation from cutting down such tall bamboo.

We finally received help 17 years after we purchased our home, when Columbia Association stepped in to begin cleaning up what had begun as a small ornamental clump in someone else's backyard, and which had come to threaten the property of six homes, penetrate and crack open our sewer pipes, and destroy a full half acre of woodland. This photo shows a large forestry mulcher grinding a path through the bamboo during the first cut. I don't know how many tens of thousands of dollars this single bamboo grove has cost Columbia Association, but I know that after three years they are still working to remove it, and I am still cutting back sprouts and attempting to keep it from resurging, which it could do with lightning speed if left unmanaged.

Living next to this invasive plant – and the 20 years we've spent in an ongoing attempt to stave it off and protect our property – has been a nightmare. You can prevent similar nightmares in the future by your favorable report today on the Invasive Plant Species Bill to *stop the sale of invasive plants in Maryland*.

Thank you for your attention,
Kathleen Reilly
10046 Cotton Mill Ln
Columbia MD 21046

SB915 - Garrett Park Mayor Joanna Welch - Fav.pdf
Uploaded by: Kayla Buker
Position: FAV

Town of Garrett Park

Incorporated 1898

March 4, 2024

Dear Senators:

I write in my personal capacity as Mayor of the Town of Garrett Park, Maryland, to support the 2024 Biodiversity and Agriculture Protection Act (HB979/SB915). In 1977, the Town made itself, by law, into an arboretum. To the best of our knowledge, no other town has made itself into an arboretum.

We are extremely proud of our Town tree canopy and our diverse variety of specimens as well as our nearly 50 years of work as a Town to maintain our Arboretum. Our Town ordinances specifically incorporate protections for trees and shrubs on Town property. We have an active Arboretum Committee to advise the Town Council, Mayor, and town administration on matters relating to Town trees. We employ a Town Arborist to provide expert guidance and undertake or direct our Arboretum-related efforts.

In 2019, the Town Council approved a professionally developed Comprehensive Arboretum Plan to guide future management of our Arboretum. Our consultants developed a comprehensive database of Town trees, available online to our residents and the general public, which we regularly update. We engage in Town tree-planting efforts twice annually to ensure our Arboretum remains resilient and vibrant. As a Town, we have dedicated significant resources to the planting, protection, maintenance, and replacement of trees planted in the Town right-of-way as well as Town public spaces. Our Arboretum provides not only significant aesthetic and recreational benefits to our residents and visitors, but also combats climate change and storm-related stormwater and siltation runoff, to name but a few critical ecosystem services.

In recent years, we have had to dedicate an increasing percentage of our Arboretum-related budgetary expenditures to the control and removal of non-native invasive plants on Town rights-of-way and other public property that threaten the health of our Arboretum plantings, including but not limited to bamboo, Japanese honeysuckle, English ivy, porcelain berry, and Japanese knotweed. It is clear that many if not most of these plants spread from residential plantings. None of these plants are currently prohibited for sale by Maryland commercial nurseries as Tier 1 invasive plants. As a general estimate of Town funds expended on invasive removal efforts just over the two most recent fiscal years, we have spent about $48,000 (not including salary/benefits costs of Town employees assisting in removal efforts) and anticipate having to continue to expend Town funds on invasive control in the future to protect our Arboretum.

A significantly strengthened legal regime such as the 2024 Biodiversity and Agriculture Protection Act to expand the State's program for prohibiting non-native invasive plants will significantly benefit the Town of Garrett Park's interests in conserving our Arboretum (and our fiscal resources) for our residents and the general public to enjoy now and into the future. I urge you to support this Act and to work to enact it into law this legislative session.

Thank you for considering my comments.

Sincerely,

Joanna Welch
Mayor, Town of Garrett Park

SB915_Green Towson Alliance_EEE_FAV.pdf
Uploaded by: Kirsten Hoffman
Position: FAV

GREEN TOWSON ALLIANCE

SB915 Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)
Education, Energy and the Environment Committee
Hearing March 5, 2024
FAVORABLE

Dear Chair Feldman, Vice Chair Kagan, and honorable members of the Committee,

The Green Towson Alliance writes in support of SB915, which updates and strengthens Maryland's invasive plant laws to better respond to the extensive environmental and economic damage invasive plants are causing to our state. Since Maryland's initial invasive plant law was passed in 2011, only 6 invasive plants have been prohibited from sale and propagation with another 13 on the "Tier 2" list which may still be sold and propagated but must have a warning "Plant with Caution" sign at the point of sale.

To better understand which invasive plants Maryland citizens are most concerned with, the Maryland Native Plant Coalition prepared a survey asking respondents to identify their top 25 most problematic invasive plants. In just a few weeks' time, we received over 1400 responses from a public that is incredibly frustrated with the destruction they are seeing from invasive plants. Survey respondents came from all regions of our state, from home gardeners to foresters, Weed Warriors to landscape professionals. They all had similar sentiments, namely, they are spending significant time and money to deal with out-of-control invasive plants where they live, work and recreate.

The frustration of our survey respondents was evident in the many comments they shared:

> *I can't begin to estimate the time and energy that I spend trying to remove these plants from my property…If only they had been prohibited sooner so they hadn't become so widespread. - Home gardener, Central Maryland*
>
> *Japanese barberry is taking over the mountains. -Trained Weed Warrior, Western Maryland*
>
> *As a hiker that frequents Maryland trails, the quantity of invasives found far from the nearest house or garden, overrunning the native flora, is despair-inducing. Especially since many are still sold in garden stores. -Home gardener, Capital region*
>
> *English Ivy - how is this still legally sold!!!??? -Landscape professional, Central Maryland*
>
> *Thank you for any help in getting these plants from being sold. They are killing our local ecosystems. -Invasive plant professional, Capital region*

The most problematic invasive plant according to our survey respondents is English ivy, which climbs trees both newly planted and mature and will eventually smother and kill a tree if not removed. In fact, 6 of the top 15 invasives in our survey were vines. These vines are causing

great destruction in our forests, overwhelming all the layers of the forest and even carpeting the forest floor so new seedlings can't germinate.

Recent studies are showing that the combined effects of forest fragmentation with the rising temperatures due to climate change are like a one-two punch to our forests with these conditions favoring the vines over the trees. As Maryland has the stated goal of increasing our forest canopy, we will fail if we cannot control invasive vines.

Japanese barberry, a Maryland Tier 2 invasive, was the second most mentioned plant in our survey. In addition to creating dense thickets which displace native plants, Japanese barberry can be hazardous to human health. This shrub's dense growth creates a humid, shady microhabitat that increases survival of the black-legged tick that carries the Lyme disease pathogen. The more Japanese barberry in an area, the higher the amount of Lyme disease carrying ticks.

Volunteer "Weed Warriors" from all over Maryland are working hard to remove invasives and restore forested areas. We must stop selling some of the very plants they are working so hard to remove. This legislation will move that effort forward by first reevaluating current Tier 2 plants for invasiveness and moving them to the prohibited from sale list as appropriate. Invasive plants required for assessment by 2022's HB15/SB7 will be assessed with a new status assessment protocol to more efficiently determine whether these plants should be added to the prohibited list.

Many of our survey respondents asked if we could please help stop the sale of the most problematic invasive plants, and with your help, the answer is YES.

We ask for a favorable report on SB915.

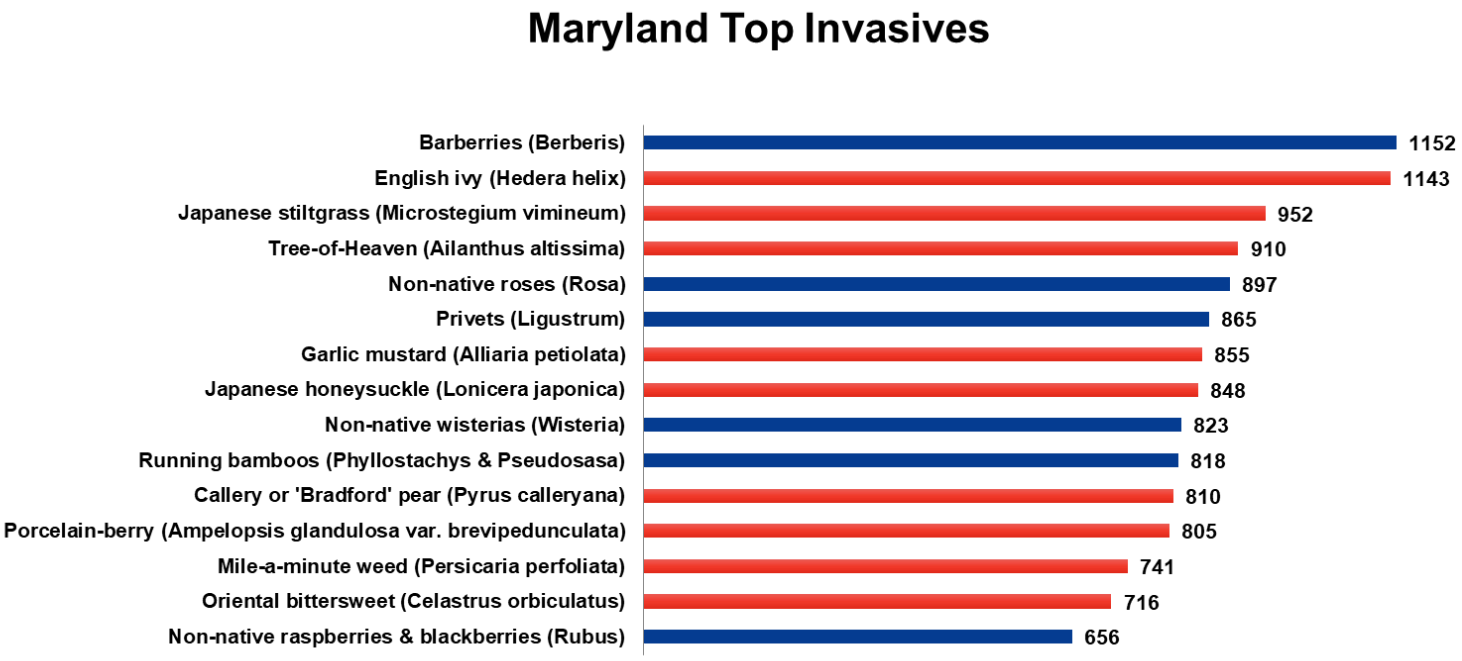
Respectfully,
Kirsten Hoffman for the Green Towson Alliance
701 West Joppa Road
Towson, Maryland 21204

The Green Towson Alliance unites Towson area environmentalists to create a greener, healthier and more beautiful community through collaboration and activism.

Attachments:
2023 Maryland Invasive Plant Survey, Statewide Results
2023 Maryland Invasive Plant Survey, Plants in Top 15/Tier 2
2023 Maryland Invasive Plant Survey, Respondents by Type

Maryland Native Plant Coalition 2023 Invasive Plant Survey

The Maryland Native Plant Coalition conducted a survey asking respondents to list their top 25 most problematic invasive plants. The following charts summarize the results from over 1400 responses from all regions of our state.



Note: Blue lines indicate more than one invasive species in a genus. For example, “Barberries” is a combination of Japanese barberry and Common barberry. Red lines indicate a single species.

Tier 2 Species appearing in Top 15 Most Problematic Invasive Plants

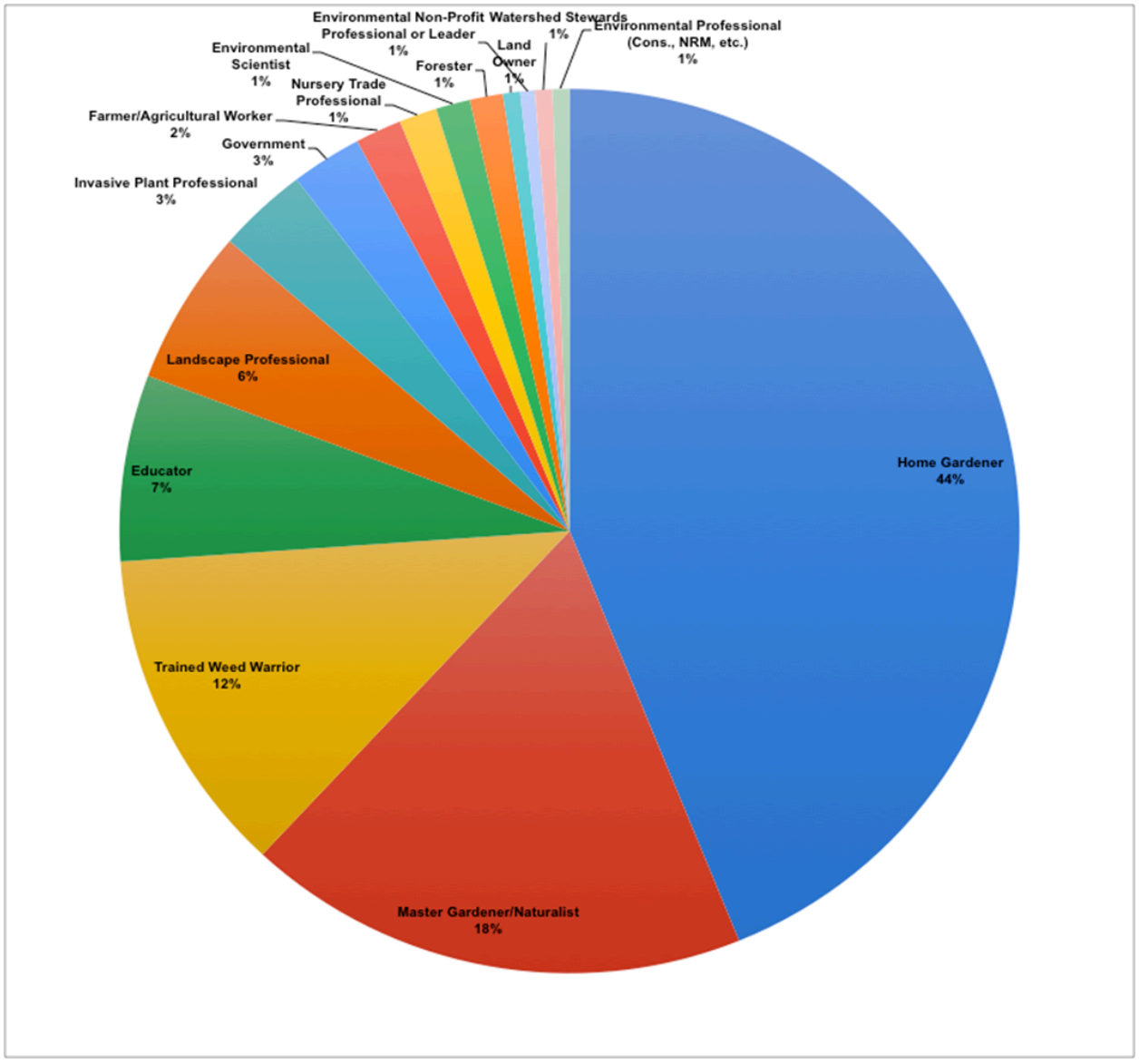
Maryland currently has 13 invasive plants listed as Tier 2. Tier 2 status recognizes that the plant is highly invasive, but it may still be sold with a warning sign, “Plant with Caution”, at the point of sale. Ten of the thirteen invasive species on the Tier 2 list were in the Top 15 most problematic plants in our survey.

Japanese barberry *(Berberis thunbergii)*
Burning bush *(Euonymous alatus)*
Border privet *Ligustrum obtusifolium)*
Nandina *(Nandina domestica)*
Golden bamboo *(Phyllostachys aurea)*
Yellow groove bamboo *(Phyllostachys aureosulcata)*
Callery pear *(Pyrus calleryana)*
Japanese wisteria *(Wisteria floribunda)*
Chinese wisteria *(Wisteria sinensis)*
floribunda x sinensis hybrid *(Wisteria x Formosa)*

Maryland Native Plant Coalition 2023 Invasive Plant Survey

Respondents by Type

Home gardeners	44%
Master Gardeners/Naturalists	18%
Trained Weed Warriors	12%
Educators	7%
Landscape professionals	8%
Invasive plant professionals	3%
Farmers/agricultural workers	2%
Foresters	2%
Other respondents	3%



MOS SB9015 Invasive Plant Species Feb 2024.pdf
Uploaded by: Kurt Schwarz
Position: FAV

MARYLAND ORNITHOLOGICAL SOCIETY

February 28, 2023

Committee: Education, Energy, and the Environment

Testimony on: SB0915 Agriculture-Invasive Plant Species -Regulation (Biodiversity and Agriculture Protection Act

Position: Support SB0915

The Maryland Ornithological Society (MOS) strongly supports HB0979, and urges the Committee to issue a favorable report. This bill would prohibit the sale of several non-native, invasive plant species in Maryland, and establish protocols for listing additional prohibited invasive species.

MOS supports this bill because invasive species are one of the causes of the decline of our native bird species. North America has lost 29% of its birds since 1970[1], with invasive plant species as one of the causes.

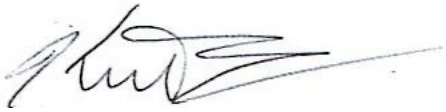
Non-native, invasive species, lacking predators, can crowd out native plant species. Furthermore, they have not evolved with native fauna, so have fewer and less diverse insect communities. In one case, a study done in Maryland showed that as non-native plants increased both the availability of insects and population growth of Carolina Chickadees declined. Sustainable populations would disappear if non-native plants exceed 30% of biomass.[2] Native berries, fruits, seeds, and the insects that eat those plants are all food sources needed by our birds. Abundant, digestible caterpillars from native oaks and cherries are fed to countless nestlings every spring. Native flowering plants also support pollinators, such as butterflies, moths, and bees. Monarch butterfly, which depends on native milkweeds as a host plant, is also in steep decline.

The Maryland Invasive Species Council (MISC) in 2018 listed 249 species of non-naïve invasive terrestrial plants in the State of Maryland. MISC noted that the species environmental or economic harm in Maryland or the wider Mid-Atlantic region. The Biodiversity and Agriculture Protection Act would also put limits on several aquatic plant species.

The preservation of our biodiversity, birds, and other wildlife depends on limiting the impact of non-native plant species. This bill would be an important step in combatting non-native plant species.

MOS requests that the Committee issue a favorable report on SB0915.

Sincerely,



Kurt R. Schwarz
Conservation Chair Emeritus
Maryland Ornithological Society
www.mdbirds.org

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[1] Rosenberg, Kenneth V. et al, Decline of the North American avifauna, Science, VOL 366, NO. 6451, 19 September 2019, https://www.science.org/doi/10.1126/science.aaw1313?adobe_mc=MCORGID%3D242B6472541199F70A4C98A6%2540AdobeOrg%7CTS%3D1707754028

[2] Desiree L, Narango, Douglas W. Tallamy, and Peter Marra, Nonnative plants reduce population growth of an insectivorous bird, PNAS, Vol. 115, No. 45, October 22, 2018, https://www.pnas.org/doi/10.1073/pnas.1809259115

SB915 support letter.pdf
Uploaded by: Lisa Caprioglio
Position: FAV

Testimony: SB915, Agriculture - Invasive Plant Species - Regulation

Committee: Education, Energy, and the Environment

Hearing Date: March 5, 2024

Position: Favorable

I am a native-plant landscape designer based in Montgomery County. Residents contact me hoping to make their backyards pollinator friendly with native plants. When I visit, I find that nearly every yard has invasive plants deliberately planted for their ornamental value. Homeowners are dismayed to learn that the plants they purchased from reputable nurseries are harmful to the environment. Removing invasive plants for sale will help well meaning gardeners make better plant choices. I request a favorable report on SB915.

Lisa Caprioglio
Takoma Park, MD

National Aquarium - SB 915 - Favorable.pdf
Uploaded by: Maggie Ostdahl
Position: FAV

NATIONAL AQUARIUM®

Date: March 5, 2024
Bill: SB 915 - Biodiversity and Agriculture Protection Act
Position: Support

Dear Chair Feldman and Members of the Committee:

The National Aquarium respectfully requests a favorable report for **Senate Bill 915 - Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act),** which will take important steps to prohibit harmful invasive plants from being propagated, purchased, or sold in Maryland.

Native plant species have grown naturally in our region for thousands of years and are well adapted to our soil conditions and our climate. Native plants help improve water quality because, unlike nonnative counterparts, they do not rely on additional watering, fertilizers and pesticides to thrive. Native plants also support local wildlife and migratory species. On the other hand, non-native and invasive plant species often lack natural controls to limit their spread and compete with native plants for available sunlight, water and nutrients. This can lead to the disappearance of native plants along with the support system they provide to local ecosystems and wildlife.

In 2011, the state of Maryland created a two-tier classification system identifying invasive plant species. In 2021, the state prohibited the use of state funds to purchase or plant invasive species. The impact of these actions was limited because since the 2011 law was passed, only 19 invasive plants have been classified under the two-tier system, and only six of those plants have been prohibited for sale in Maryland.

In 2022, the state sought to address this shortcoming by passing legislation to expand the number of plants classified as invasive species. Unfortunately, the state has had challenges implementing that law because the current assessment required to classify invasive species is time consuming and does not allow the state to keep pace with ecological threats. There are over 80 generally recognized invasive plant species in Maryland compared to the 19 invasive plants that are currently classified. This bill addresses the problem by instituting a new professionally recognized status assessment protocol for assessing whether a plant should be considered invasive in Maryland. This new assessment will reduce the amount of time it takes to classify invasive species.

SB 915 also eliminates the outdated two-tier classification system for invasive plant species. Instead, a list of prohibited plants will be developed using the new assessment protocol, which will also allow creation of a watch list for species that score below a certain threshold but should be monitored for future risk. The number of prohibited plants will more accurately reflect what species are doing the most harm in the state.

This legislation is an opportunity for Maryland to build on existing efforts to better address the environmental and economic costs of terrestrial and aquatic invasive species. **We urge the Committee to issue a favorable report on SB 915.**

Contact:
Ryan Fredriksson
Vice President, Government Affairs
410-385-8276
rfredriksson@aqua.org

Maggie Ostdahl
Sr. Conservation Policy Manager
410-385-8275
mostdahl@aqua.org

SB915_ Sierra Club_FAV_EEE.pdf
Uploaded by: MARIE LAPORTE
Position: FAV

SIERRA CLUB

P.O. Box 278
Riverdale, MD 20738

Committee: Education, Energy, and Environment
Testimony on: SB915 "Biodiversity and Agriculture Protection Act"
Position: Favorable
Hearing Date: March 5, 2024

The Maryland Chapter of the Sierra Club urges a favorable report on SB915, which will improve the process to prohibit the propagation, purchase, and sale of invasive plants that are harming our state. Since Maryland passed its first law in 2011 to address invasive plants, only six of nearly 300 (2%) invasive plants tracked by the Maryland Invasive Species Council have been prohibited. This bill will also address invasive aquatic species, which are increasingly harming our waterways.

While native plants are always the best choice to protect Maryland's wildlife and plants, relatively few non-natives (6% globally)[1] become invasive. However, for the plants that do become invasive, their impact is frequently devastating to our biodiversity and costly to agriculture, property owners, and local governments. Invasive non-native species "have contributed solely or alongside other drivers of change to 60 percent of recorded global animal and plant extinction."[2] Further, due to increased global trade, human travel, and climate change, the spread of invasive plants is accelerating.

These plants frequently crowd out native plants, on which our native wildlife depends. Some vines like kudzu, porcelain berry, wisteria, Japanese honeysuckle, English ivy, and Oriental bittersweet can completely cover all that comes in their path.[3] Over time, they girdle and weigh down healthy trees, eventually killing them. These vines absorb water, sunlight, and soil nutrients that native plants previously utilized.

Some invasive plants, like barberry and Japanese stiltgrass, put toxins into the soil and change the soil pH, which kills native plant species. When these invasive plants crowd out native plants, the wildlife that depends on these plants becomes threatened. Maryland wildlife has co-evolved with our native plants over millennia. Most do not adapt when their food and habitat is eradicated within a few decades.

A growing challenge is invasive aquatic plants, which are not controlled with existing legislation. As noted by University of Maryland experts: "Hydrilla is an aquatic plant that alters ecosystem structure by establishing dense surface mats that shade out the native vegetation below. The mats are so dense that they impede water flow, resulting in zones of low oxygen and accompanying fish kills. Surface areas of stagnant water provide ideal habitat for mosquito larvae. Hydrilla hosts bacteria that poison aquatic birds that consume it. This poison can move up

[1] Roy, Helen et al., Thematic Assessment Report on Invasive Alien Species and their Control of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), December 11, 2023
[2] Ibid
[3] University of Maryland Extension, https://extension.umd.edu/resource/introduction-invasive-plants-maryland/

the food chain, as documented when some bald eagles in Georgia ate poisoned water birds and died."[4] Hydrilla also impedes boat traffic and fishing, thus impacting recreation and commerce.

While the loss of species is incalculable, there are concrete costs that impact all Marylanders. Maryland's DNR is estimated to have spent roughly $1 million to manage hydrilla in Deep Creek Lake since 2014. That's just managing one species at one location. Our national, state and local parkland is also filled with invasive species. In nearby Shenandoah National Park, for example, 28% of the park is infested with invasive plants. By one estimate, it would take $27M to get the invasive plants under control with ongoing costs to maintain; however, nearly the entire park budget of $20M is committed to running the park.[5] Frequently park budgets do not provide sufficient funds to control or eradicate these species. Recognizing the invaders more quickly and prohibiting their sale earlier follows the adage "an ounce of prevention is worth a pound of cure."

Home and commercial property owners also regularly labor and spend significant sums for landscapers to treat their properties to reduce or eradicate invasive species. Trees lost to invasive vines cost thousands to remove, reduce property values, and exacerbate summer heat.

Agricultural yields are reduced by 12% due to invasive plants[6] despite the $6 billion spent annually on pesticides, which are harmful to workers and to the environment. Reduced yields and increasing pesticides drive up food and healthcare costs. Our existing noxious weed ordinances address some of these harmful plants, but many others are not addressed. Over three-fourths of crop weeds are invasive and 95% of corn and soybeans are grown with herbicides.[7] [8]

While most invasive plants were introduced through nurseries, a study by Mt. Cuba Center found only 4% of the plants sold in Mid-Atlantic nurseries are invasive.[9] They are a small segment of business for most Maryland nurseries, but a major cost for farmers, property owners, and government. More quickly prohibiting the invasive plants that are causing harm and addressing invasive aquatic plants will ultimately save everyone a lot of money down the road.

We respectfully request a favorable report on SB915.

Marie LaPorte
Natural Places Committee
marielaporte@verizon.net

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

[4] Ibid
[5] Milbank, Dana. How I learned to love toxic chemicals, *Washington Post*, June 30, 2023,
[6] Pimentel, David, Lori Lach, Rodolfo Zuniga, Doug Morrison, Environmental and Economic Costs of Nonindigenous Species in the United States, *BioScience*, Volume 50, Issue 1, January 2000, p. 58
[7] Ibid
[8] ERS.USDA.GOV, Charts of Note, May 2, 2016.
[9] Coombs, George, Denise Gilchrist and Patricia Watson, An assessment of the native and invasive horticultural plants sold in the mid-Atlantic region, *Native Plants Journal,* March 2020

Support - Written - SB915 - Biodiversity and Agric

Uploaded by: Marisa Olszewski

Position: FAV

MARYLAND LEAGUE OF CONSERVATION VOTERS

March 5, 2024

SUPPORT: SB 915 - Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)

Chairman Korman and Members of the Committee:

Maryland LCV supports SB915 - Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act) and we thank Sen. Brooks for his leadership in addressing this growing threat to the health of our ecosystems.

Both the 2019 Global Assessment report from the United Nations and a 2020 World Wildlife Fund report, describe invasive species as one of the top five threats to biodiversity. Invasive species cause ecological and economic harm, and they also threaten human health. Maryland has experienced both the negative effects and the cost of managing invasive species. In particular, Maryland's forest ecosystems, vital for many reasons, not least of which is their contribution to the health of the Chesapeake Bay, are under threat, in large part due to invasive plant species. In 2023, a group of researchers published a study on the health of the forests in National Parks from Maine to Virginia. The study characterized the status of all of those forests in Maryland as either "imminent" or "probable" failure due to invasive plants, which block a forest's ability to naturally regenerate its tree canopy over time.[1]

Additionally, ecosystems dominated by invasive plants have been found to support the spread of disease vectors, like the ticks that spread Lyme disease and other viruses of human health concern. Numerous studies of forest ecosystems dominated by two invasive shrubs, including those common in Maryland, have found where invasive shrubs are more prevalent, so too is the abundance of disease-causing ticks.

Some of those same plants wreaking havoc on our forest ecosystems are still legally offered for sale in nurseries in Maryland. SB915 will ensure we are no longer allowing the sales of plants known to be invasive. This action is truly the least we can do as we address this environmental challenge. Additionally SB915 establishes a system by which species can be categorized as invasive as they are discovered to have detrimental effects on native ecosystems in Maryland.

Invasive species cause ecological and economic harm to our state. Halting invasive plant sales is an important step to take in addressing the challenges they cause. Maryland LCV supports SB915 and urges a favorable report on this bill.

[1] Catherine R. Henry, Michael B. Walters, Tree species size class patterns portend compositional shifts and low resilience in managed northern hardwood forests, Ecosphere, 10.1002/ecs2.4621, 14, 7, (2023).

MFF_SB915.pdf
Uploaded by: Megan Carr
Position: FAV

Maryland Forestry Foundation
124 South Street #3
Annapolis, MD 21401

Phone : 301-717-1579
Website : www.marylandforestryfoundation.org

February 26, 2024

Dear Chair and members of the Education, Energy, and the Environment Committee,

In keeping with the Maryland Forestry Foundation's mission to protect and conserve forest cover in Maryland, we fully support HB979 and SB915. Maryland's forest ecosystems are vital habitats for plant and wildlife communities, mitigate against the negative impacts of climate change, and offer recreational opportunities for residents and visitors. Invasive species threaten all of these benefits; non-native vines reduce the capacity for forests to regenerate after disturbance by killing young trees, and non-native trees and shrubs displace native vegetation necessary to support native wildlife, reducing biodiversity in these ecosystems. Dense thickets of thorny invasive shrubs can impede access to and usability of recreational trails, as well as reduce visibility and diminish scenic views. Management of these species creates a significant but necessary burden for land managers. The continued sale of plant species known to cause environmental, ecological, and economic harm adds to that burden through the continued re-introduction of invasive species into native landscapes.

The revision of the weed risk assessment process outlined in HB979/SB915 is scientifically sound, professionally recognized, and has been demonstrated as successful in Delaware. The changes proposed in these bills will slow the continued spread of species known to be harmful and allow Maryland's regulators to more quickly and appropriately respond to the environmental threats posed by invasive species. Recognizing the importance of the horticultural industry, we support the reasonable transition time outlined in these bills to minimize impacts on trade. Adoption of these bills will support Maryland's forest owners and land managers in effectively stewarding these critical landscapes and help to safeguard the resilience of our forested ecosystems for the benefit of future generations. We hope that the committee will provide a favorable report on this important bill.

Sincerely,

Gary G. Allen
President, Maryland Forestry Foundation
Info@marylandforestryfoundation.org

SB 915 Agriculture – Invasive Plant Species - Regu
Uploaded by: Michelle Dietz
Position: FAV

The Nature Conservancy
Protecting nature. Preserving life.

The Nature Conservancy
Maryland/DC Chapter
425 Barlow Pl., Ste 100
Bethesda, MD 20814

tel (301) 897-8570
fax (301) 897-0858
nature.org

Tuesday, March 5, 2024

TO: Brian Feldman, Chair of the Senate Education, Energy and Environment Committee, and Committee Members
FROM: Deborah Landau, PhD, The Nature Conservancy, Director of Ecological Management; Michelle Dietz, The Nature Conservancy, Director of Government Relations
POSITION: Support SB 915 Agriculture – Invasive Plant Species – Regulation (Biodiversity and Agriculture Protection Act)

The Nature Conservancy (TNC) supports SB 915 offered by Senator Brooks Foley. TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In Maryland, our work focuses on delivering science-based, on-the-ground solutions that secure clean water and healthy living environments for our communities, reducing greenhouse gas emissions and increasing resilience in the face of a changing climate. We are dedicated to a future where people and nature thrive together.

Maryland has almost 300 known invasive plant species. In 2011, Maryland legislators enacted the state's first law to regulate the sale of terrestrial invasive plans. This legislation established a two-tier system, with the prohibition of Tier 1 plants and warning signage for Tier 2 plants. In the years since the original legislation was enacted, only 6 plants have been prohibited and listed under Tier 1, and 13 listed under Tier 2, despite the growing impact of invasive plants on Maryland's ecosystems and biodiversity, parks, private property, and agricultural lands. Staff from The Nature Conservancy worked to pass the original legislation on invasive plants. The bill was crafted with good intentions to lead to actual change in invasive species management in Maryland; however, in practice, this bill's implementation has proven to be an arduous process. The evaluation process to list plant species as invasive is lengthy and has become cumbersome. Due to state agency staffing capacity challenges, species that are known to be invasive have yet to be assessed.

SB 915 would work to streamline invasive plants' regulation and create a process that will result in more harmful invasive plants being identified in Maryland. The bill will increase the number of Tier 1 species that are prohibited from sale and propagation by expanding the regulatory process to include aquatic vegetation and requiring Tier 2 species to be transferred to the Prohibited List with a reasonable transition time as to minimize impacts to nursery trade and sellers. This adjustment will ensure that destructive species that are widely established, like English ivy and running bamboo, are included in sale prohibitions. And finally, the bill will replace the state's existing and time-consuming risk assessment tool with a more efficient status assessment protocol. Maryland needs to address invasive plants more quickly to reduce eradication and management costs in the future. The proposed assessment tool is in use and has been proven effective by other Mid-Atlantic states, including Delaware.

The Nature Conservancy thanks Senator Brooks for introducing SB 915 which will help to protect Maryland's natural areas, including our state's rare and threatened native species, by adjusting the process in which invasive plant species are assess and regulated in the state.

Therefore, we urge a favorable report on SB 915.

2024 SOT Support for SB915_FINAL.pdf
Uploaded by: N Virginia Woolridge
Position: FAV

Written Testimony in support of HB979/SB915
February 24, 2024
Submitted by Save Our Trees

Save Our Trees, a program of The Anne Arundel County Watershed Stewards (WSA), originated in 2022 to help save our community's tree canopy from the widespread scourge of English ivy and other invasive vines. We have rescued well over 3000 trees and our efforts are broadening as we engage more residents and communities. Invasive plants of all sorts, including invasive vines, are severely damaging Maryland's ecosystems. Shockingly, under current nursery regulations, English ivy remains available for sale in the state.

Marylanders Do Not Expect Nurseries to Sell Invasive Plants.
When Marylanders invest time and money to landscape their properties, they do not expect nurseries to sell them plants that will harm their trees, take over their gardens or reduce bird life in their yards. They assume that the state is controling the sale of harmful vegetation, so they can choose plants without concern. We recognize that restricting the sale of invasive plants will involve initial financial expenditures; however, the problem is only becoming more widespread and damaging with costs rising the longer we wait.

Our Support

We applaud the scientific, efficient, overdue and comprehensive approach used in HB979/SB915 for removing harmful invasive flora. Since the existing law went into place in 2011, only six invasive plants have been removed from commerce. (The MD Invasive Species Council lists 300 invasive flora species.)

Specific improvements that will increase the number of invasive plants removed from commerce include:

- Establish a streamlined, science-based process for the identification of invasive plants. Time is of the essence. We cannot wait another 13 years for the identification and removal from the nursery trade of an additional six plants. The problem will only become more expensive and more widely destructive if it is not addressed now.
- Move current Tier 2 plants to the list of prohibited plants; the Tier 2 plants are well recognized as invasive.
- Replace the Tier 2 category with a more practical (if properly supported) early warning system.
- Include aquatic plant invaders and plants that are not common in commercial sales, including Internet sales.

The Problem
Invasive plants are significantly diminishing the quality and health of our tree canopy and other ecosystems. In many cases, large mature trees succumb to these vines and take out other trees when they fall. The increasing intensity of storms has exacerbated this problem. Over the last 20 years, the problem has exploded and now affects a large proportion of our county's forests.

Invasive plants often carpet the forest floor. Native understory plants and tree seedlings cannot grow due to the competition from these plants. This situation bodes poorly for the long-term succession of our forests since the canopy is not regenerating. This situation will have cascading effects on our state's ecosystems. Critically, native wildlife, including birds, depend on native plants for their survival.

This dramatic escalation of invasive plant spread is a local, regional, and even worldwide, issue. It affects roadways, parks, and public and private property and diminishes our air and water quality. Ultimately, every Maryland resident's quality of life and welfare will be affected if we lose our native tree canopy and associated ecosystems.

ChesapeakeTrees.net noted that in just five years (2013 – 2018), Anne Arundel County alone has experienced a net loss of 1,815 acres of tree cover on developed land. Each year, the remaining tree cover removes 12.8 million pounds of pollutants (saving $20 million), reduces storm water by 1.3 billion gallons (saving $11.2 million) and sequesters 206,000

tons of carbon (saving $38.6 million). Tree conservation is not simply an aesthetic, cultural and habitat issue; it is also an economic one.

The Science Behind the Problem

- Invasive plants outcompete our native flora.
- Many invasive plants leaf out in spring before our natives, vying for sunlight, water and nutrients.
- Deer generally favor native plants over non-natives, accelerating the growth of invasives.
- Invasive vines trap moisture against tree trunks and create ideal conditions for disease, fungus and harmful insects, ultimately harming or killing the trees.
- Most of our beneficial insect larvae cannot eat non-native plants. These larvae are crucial, life-sustaining nutrition for baby birds. One chickadee nest requires 6,000 to 10,000 caterpillars for the baby birds to fledge. www.smithsonianmag.com/science-nature/meet-ecologist-who-wants-unleash-wild-backyard-180974372/
- The North American bird population has declined by nearly 30% since the 1970s. Invasive plantrob our native wildlife (including pollinators) of food and shelter. www.scientificamerican.com/article/silent-skies-billions-of-north-american-birds-have-vanished/
- Worldwide, invasive plants are a major cause of biodiversity loss. In Maryland, our ecosystems are significantly altered, threatening human welfare. About 42% of American species on the "Threatened or Endangered" species lists are at risk, primarily due to alien invasive species.[1.]
- Locally and regionally, our forests are not regenerating due to invasive flora, climate change, overpopulation of deer, invasive insects and diseases. dcist.com/story/23/12/20/dc-local-forests-failing-tree-regeneration/
- Unregulated, invasive plant nursery sales contribute significantly to the invasive flora issue www.umass.edu/natural-sciences/news/plant-nurseries-invasive-species

The Economic Cost of the Problem (*MD Invasives Species Council 12/2023)*

- Invasive species cost Americans an estimated $137 billion annually in 2000[2] (approximately $239 billion in today's dollars).
- Control of invasive plants requires incalculable labor hours for property owners, local government employees and hundreds of trained volunteers across the county.
- No cost estimate on biodiversity loss is truly possible; biodiversity is priceless, vital and surely underestimated.

The Human Scope of the Problem

- Mature trees provide benefits that reduce societal healthcare costs: Air cleansing, water purification, temperature cooling, wind reduction and anxiety moderation.
- Management of invasive plants frequently requires the use of costly and harmful pesticides that contaminate our drinking water, watersheds and ecosystems while exposing humans, pets and wildlife to dangerous toxic substances.
- Street trees reduce the heat island effect significantly.
- Neighborhoods with trees have a lower incidence of crime.
- Property values rise with the presence of mature healthy trees.
- Energy costs and usage decline with well-located trees.

Sources:

1. David Pimental, L. Lach, R. Zuniga, D. Morrison, Environmental and Economic Costs of Nonindigenous Species in the United States, *BioScience*, v. 50, Issue 1, Jan. 2000, pp 53–65.
2. Ibid, p. 53

www.saveourtreestogether.org

SB915 testimony .pdf
Uploaded by: Robert Soreng
Position: FAV

Robert Soreng, 5506 Uppingham St., Chevy Chase, MD 20815. sorengrj@gmail.com

Committee: **Committee: Education, Energy, and the Environment**
Testimony on: **SB915 "Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)"**
Hearing Date: March 5, 2024
Position: **Favorable**
By: Dr. Robert Soreng

I am a research botanist trained in plant ecology, wildland management, taxonomy, and biodiversity: BS (1978) and MS in Rangeland Science (1980), PhD Biology (1986), Research Associate, Department of Botany, United States National Herbarium, Smithsonian Institution, member of the Botanical Society of Washington and of the Washington Biologists' Field Club (WBFC).

A case study of plant invasions: When the WBFC began their long-term research on Plummers Island (Mather Gorge, Potomac River, Montgomery Co., Maryland) in 1901, the founding concept of their research activity was to follow transformations through time of the island's flora and fauna from an agrarian pasture and woodlot system that was relatively recently cleared of much of the original natural forest communities. The successional transition was predicted to return to natural forest communities of native plants and animals similar to, and of comparable diversity to, pre-agrarian status. Over the years, researchers made over 40,000 collections of specimens, many observations, and published over 400 scientific papers, documenting some 4000 species on this 12.25 acre island (known as "The most thoroughly studied Island in North America" https://wbfc.science/). What the club's founders did not anticipate were incursions and dominance of invasive species from other parts of the World. However, our research has documented the first occurrences and spread of hundreds of invasive organisms over the ensuing 123 years as forest communities reestablished. Japanese and Amur honeysuckles, Asian Bittersweet, Gill-over-the-ground, and various knotweeds are so pervasive on the island that removing them would be impossible. **These crowd-out and outcompete native species**, many of which are rare in the region. These invasions could have been prevented had society understood the impacts of introductions in advance. Numerous other invasive species are in early stages of colonization of the island and we discover newcomers almost every year. But we have seen what they can do where they have had more time to establish. Fig Buttercup and Japanese Stiltgrass are notable for carpeting forest floors and open spaces around Maryland over the last 2 decades. Invasive plant management is hugely expensive and overwhelming agencies' and private property owners' capacities to control or eliminate the invasions. Asian Foxtail Fountian grass is still being planted along our roadsides and is now spreading rampantly. Older introductions of English Ivy, Pachysandra, Periwinkle , and Wintercreeper have also cover our urban and suburban forest floors and parks.

The lessons learned from our research on Plummers Island teach us that we need to do everything we can to limit the spread of known and potentially invasive species.
Time to take action: HB979 provides a model framework for halting the sale, nursery production, and commercial landscaping use of invasive plant species in Maryland.

I urge the committee to provide a favorable report on the bill.

Rasnake Favorable SB0915_030424.pdf
Uploaded by: Roger Rasnake
Position: FAV

Environment and Transportation Committee
Bill SB0915 – Invasive Plant Species Bill

Dear Committee Members:

My name is Roger Rasnake, and I live at 11616 Flints Grove Lane in North Potomac MD 20878.

I favorably support bill SB0915, and I do so strongly. The increase in the number and variety of invasive species in Maryland has brought severe consequences to the ecosystems and wildlife habitats throughout our state. As a Maryland Master Naturalist and a board member of the Muddy Branch Alliance, I have come to understand the detrimental impacts of invasive species on biodiversity, endangered species, and, especially, native plants.

- Invasive species outcompete native species for resources – nutrients, sunlight, moisture, and space – and alter the balance of local habitats. They may smother other vegetation and produce chemicals that inhibit the growth of native plants, degrading wildlife habitats.
- Invasive species contribute significantly to the decline of native biodiversity. Studies show that 42% of endangered and threatened species have been negatively affected by invasives. This disruption leads to population declines and even extinction of plant species and wildlife.
- Conserving native plants is crucial. Their millennial adaptation to local environments means they provide essential ecosystem services – soil stabilization, water purification, and pollination, among others – where they grow. Native plants support a wide range of wildlife, including insects, birds, and mammals, and are integral to the overall functioning of a sustainable environment.

Invasive species disrupt the delicate web of interactions that sustains ecosystems, affecting everything from soil microbes to larger animals. The Invasive Plant Species will provide the Departments of Agriculture and of Natural Resources with important tools needed to help citizens combat the introduction and proliferation of damaging invasive species.

Sincerely yours,

Roger Rasnake

SB915_Roland Oehme Landscape Architecture_FAV_EEE.

Uploaded by: Roland Oehme

Position: FAV

ROLAND OEHME
LANDSCAPE ARCHITECTURE

February 22, 2024

SB915 Agriculture – Invasive Plant Species – Regulation
SB915: Senate Education, Energy and the Environment Committee
SB915: Hearing March 5, 2024
FAVORABLE

Dear Chair Feldman, Vice Chair Kagan, and honorable members of the Committee,

I am in support of SB915, which would make it more efficient to assess which plants are invasive and add highly invasive plants to the state's prohibited from sale list. This bill is necessary since invasive plants are a silent epidemic that has been slowly overtaking our state and has now reached a critical mass that must be stopped.

In my job as a landscape architect, I specialize in designing native plant gardens. I am highly attuned to the trends in garden design and what plants are growing in our yards, parks, and natural areas. In the last ten or more years, I have become alarmed of the fact that invasive plants are everywhere and are increasing in number at an alarming rate. Typically, when I start a new garden design project, the first steps involve removing invasive plants that are choking my clients' landscape. This adds an extra cost for my clients that usually the previous owner(s) had installed. Most homeowners have very little knowledge about invasive plants and why it is so important to plant native plants. The reasons are many, but chiefly because native plants support our native insects and wildlife, and invasive plants don't. A big problem with invasive plants is that once planted, they never leave, and in fact, they will continue spreading to adjoining properties and into natural areas unless corrective action is taken.

I enjoy visiting the local Cromwell Valley Park in Towson, and I am dumbfounded by the quantity of invasive plants growing for decades in the meadows, forests, and along streams. I am frankly shocked that the state or county does nothing to remove these invasive plants. There is only one volunteer organization that makes a minor dent in removing invasive plants from this park but simply does not have the resources to remove them from the whole park. This park is a small microcosm of what is happening all over our state.

The most rampant invasive plants I have seen are Autumn Olive, Border Privet, Bradford or Callery Pear, Burning Bush, Bush Honeysuckle, Butterfly Bush, Chinese Silvergrass, Chinese and Japanese Wisteria, English Ivy, Garlic Mustard, Japanese Honeysuckle, Japanese Barberry, Japanese Knotweed, Japanese Stiltgrass, Kudzu, Lesser Celandine, Mile A Minute Vine, Multiflora Rose, Nandina, Norway Maple, Oriental Bittersweet, Porcelain Berry, Princess Tree, Running Bamboo, Tree of Heaven, Vinca, Wavyleaf Basketgrass, Wineberry, and Winter Creeper.

Roland Oehme
700 Seabrook Court, Towson, MD 21286
P 443.824.4856 Email: la@RolandOehme.com
www.RolandOehme.com/la

ROLAND OEHME
LANDSCAPE ARCHITECTURE

Passing this bill and placing more invasive plants on the prohibited list is necessary to stop this incursion into our state. If we don't, eventually invasive plants will take over our state, and we will have lost our identity. This bill is also needed to help educate the public and increase awareness that there are many invasive plants out there that are doing a great deal of harm to our environment. I ask for a favorable report on SB915.

Respectfully,

Roland Oehme, RLA
Landscape Architect
Roland Oehme Landscape Architecture
700 Seabrook Court
Towson, MD 21286

SB0915.bidiv.invs.SRLT.FAV.2.26.2024.pdf
Uploaded by: Sarah Knebel
Position: FAV

SCENIC RIVERS LAND TRUST
PROTECTING ANNE ARUNDEL COUNTY'S LAND AND WATER

March 4, 2024

The Honorable Brian J. Feldman
Chair, Education, Energy, and Environment
Maryland Senate
2 West
Miller State Office Building
Annapolis, MD 21401

The Honorable Cheryl C. Kagan
Vice Chair, Education, Energy, and Environment
Maryland Senate
2 West
Miller State Office Building
Annapolis, MD 21401

Regarding: SB – 0915 – Agriculture – Invasive Plant Species – Regulation (Biodiversity and Agriculture Protection Act)

Position: FAVORABLE

Dear Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and Environment Committee,

On behalf of Scenic Rivers Land Trust, I write to urge your support for the Biodiversity and Agriculture Protection Act (SB 915) which will improve the process to prohibit the propagation, purchase, and sale of invasive plants that are harming our state. While most non-native plant species sold in Maryland never become invasive, the few that do cause incredible damage to our ecosystems.

Scenic Rivers Land Trust strongly supports this bill as it is critical to addressing the growing invasive species problem within many natural habitats and farms in Maryland. Too many invasive plant species are still able to be sold in Maryland, damaging our precious forests, neighborhoods, waterways, and farms. Only six (2%) of the nearly 300 invasive plant species have been prohibited since Maryland first passed an invasive plant prohibition law in 2011.

Our mission is to conserve the natural and scenic areas within Anne Arundel County, and we have placed conservation easements on thousands of acres of forest land. While we have peace of mind that these special and biodiverse places are forever protected from overdevelopment, they are not safe from infestations of invasive species. More and more we are witnessing our conserved forests and wetlands face destruction from invasive plant species that are still allowed to be sold in Maryland. We are effectively "adding fuel to the fire" for these out-of-control plants.

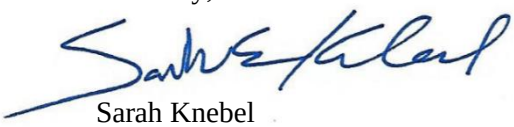
To help our conserved forests, we have launched a Healthy Forests Program to engage volunteers and professional restoration companies to assist in removing invasive plant species from conserved forests. Most of this work occurs in Bacon Ridge Natural Area in Crownsville, MD. Oriental bittersweet and Japanese honeysuckle are killing the trees while autumn olive, multiflora rose, Japanese barberry, wavyleaf basket grass and Japanese stiltgrass carpet the forest floor so densely that the forest will not be able to regenerate on its own. This deadly and suffocating mix of invasives will eventually reduce this beautifully diverse forest with a multitude of plant and animal species (and home to miles of trails) to a dense thicket of just these few invasive species. Of the 630-acre Bacon Ridge Natural Area under easement, over 90 acres are already infested with the invasive species listed above.

Our Healthy Forests Program is honorable work, but it is not enough— we need these harmful terrestrial and aquatic invasive plants to be prohibited from being propagated, purchased, or sold in Maryland.

We believe this bill's proposed status assessment protocol that will more rapidly place invaders on the prohibited list is critical to this effort, as well as MDA and DNR staffing to assess invasive plant threats. Over $150,000 has been spent at Bacon Ridge Natural Area to control invasives species. Maryland's DNR is estimated to have spent roughly $1 million to manage hydrilla in Deep Creek Lake since 2014. Recognizing invaders more quickly and prohibiting their sale earlier follows the adage "an ounce of prevention is worth a pound of cure."

Passing the Biodiversity & Agriculture Protection Act is crucial for the well-being of Maryland's forests, agriculture, and native plant species. I urge you to support this legislation and contribute to the ongoing efforts to combat the invasive plant problem in our state.

Sincerely,



Sarah Knebel
Executive Director
Scenic Rivers Land Trust

Invasive leg. SB915--Van Hyning testimony.pdf
Uploaded by: Victoria Van Hyning
Position: FAV

Harper's Choice CARES
Victoria Van Hyning
Advisory Board Member
Columbia, MD 21044
vvh@umd.edu

March 4, 2024

Committee: Education, Energy, and the Environment
Testimony on: SB915 "Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)"

Position: Favorable
Hearing Date: March 5, 2024

I write to lend my support for SB915. I believe that the bill is sound; provides a clear path to measurably improving the natural environment in the State of Maryland, and the watershed we share with many other states and flora and fauna too.

I am an assistant professor of library and information science at the University of Maryland College Park. I have ten years of experience working to build and improve citizen science and public participation platforms such as Zooniverse.org and By the People at the Library of Congress. These platforms invite volunteers to donate their time to further human knowledge in many forms. I am also a citizen scientist and volunteer in my own time, serving as a 'Weed Warrior' in my village in Columbia, MD, and a founding member and advisory board member for the Harper's Choice village Climate Action Research and Education group.[1]

Along with passionate neighbors and volunteers from Columbia and neighboring communities, I spend hundreds of hours every year removing invasive plants in my area and teaching people how to do the same. We remove invasive plants such as English ivy, Japanese Barberry, Multiflora rose, Amur honeysuckle, lesser celandine and many of the plants listed in this bill. Together, my fellow 'Weed Warriors', Master Gardeners, Watershed Stewards and others spend thousands of hours voluntarily undertaking education, and in-the-field work to battle the plants that are eroding the natural environment and literally causing the death of thousands of native

[1] https://columbiaassociation.org/news/your-guide-to-cas-weed-warriors/ ; https://columbiaassociation.org/open-space/cas-adopt-a-spot-program-helping-columbias-ecosystem-thrive/

plants, animals, and insects by displacing the vital food sources they (and we) all require to thrive or indeed just survive.[2]

Every time we tackle a spot of land and rehabilitate it by removing invasives and planting natives, I see the positive impacts within a year to 18 months. Volunteer native goldenrods, viburnum, hollies and oaks sprout up where vinca, English ivy and winged euonymus previously choked the earth. With these returns we see native insects return, and improved health in other species that rely on them–especially on the larva of lepidoptera (moths). These seeds are in the seed bank and waiting for the right conditions and resources to thrive.

At times the sheer weight of invasives in our environment seems overwhelming and beyond hope, but I keep pulling because I know that just as unchecked invasives lead to exponential growth (literally in the case of some species), pulling plants also checks that growth and the future generations it would lead to. **So it is galling that many of the very plants we pull are also still available for sale.** I believe that most people plant these plants with no idea of the harm they cause or the benefits that natives can render in the landscape. There are also numerous natives that perform the same functions as the invasives, and would satisfy the needs of users of residential or commercial properties and the landscapers that serve them.

Native plants are often beautiful and highly functional, just as many invasives are beautiful and highly functional in the environments in which they originated. I want to make it clear that this bill and those who advocate for native plants are doing so out of xenophobia. Rather, this is about understanding the deep and complex relationships that develop between insects, plants and animals (as well as fungi and bacteria) over millennia. These relationships are like complex games of Go or chess, in which the plants and insects or animals develop offensive and defensive moves against each other in an effort to survive. These adaptations are genetically honed over time and, until relatively recently, have evolved in relatively narrow environmental niches. These relationships easily fall out of shape when we move species to places where they did not originate. It's a new game, and the new plant, insect or animal might now have an advantage and can wreak havoc if left unchecked.

Imagine if in a game of chess your opponent could add new pieces every time you won a piece from them. That's what it feels like to be a Weed Warrior and a concerned citizen trying to pull these plants while they remain on the market. So let's change the rules and give ourselves, this land, and future generations plants and animals (ourselves included) the opportunity to play a fair game. We have a tough enough set of opponents without a constant supply of reinforcements of non-native plants.

This bill is timely. It is also overdue. Please do not delay this vital action any further. Give us all a fighting chance.

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[2] This is one of many Tallamy books written for a general audience, but of course there is a mountain of relevant research behind his work, and cited therein. Tallamy, Douglas W. *Nature's Best Hope: A New Approach to Conservation That Starts in Your Yard*. Portland, Oregon: Timber Press, 2020.

Sincerely,
Victoria Van Hyning, PhD

SB915_Brooks.pdf
Uploaded by: Benjamin Brooks
Position: FWA

Benjamin Brooks
Legislative District 10
Baltimore County

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 T. Brooks

Benjamin Brooks

24 MaGIC_SB915__Invasives_FWA.pdf
Uploaded by: Lindsay Thompson
Position: FWA

Maryland Green Industries Council
118 Dundee Ave, Chester, MD 21619
Lindsay.mdag@gmail.com (p) 443-262-8491

Date: March 5, 2024

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.

SB 915 - Letter of Support.docx (1).pdf
Uploaded by: Rachel Jones
Position: FWA

Maryland
Department of Agriculture
Office of the Secretary
Wes Moore, Governor
Aruna Miller, Lt. Governor
Kevin M. Atticks, Secretary
Steven A. Connelly, Deputy Secretary

Agriculture | *Maryland's Leading Industry*
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Maryland Department of Agriculture

Legislative Comment

Date: February 28, 2024

BILL NUMBER: **SB 915**/HB 979

SHORT TITLE: Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)

MDA POSITION: LETTER OF SUPPORT

Invasive species can harm the environment by encroaching on the food source or natural habitat of native plants and animals. The Maryland Department of Agriculture (MDA) Plant Protection and Weed Management unit regulates native and invasive plants.

SB 915 would alter the regulatory approach for controlling invasive plant species in the State, including repealing certain provisions of law relating to a two-tiered regulatory approach and requiring the Secretary of Agriculture to establish a list of prohibited invasive plants by regulation in a certain manner on or before October 1, 2024; establishing certain protocols for assessing certain nonnative plants and determining whether those plants are invasive or whether the plants may be placed on a certain watch list.

A qualified independent assessor has been clearly defined in the bill. It will require an assessor to have at least 2 years of extensive field experience. Additionally, this field experience must have been completed in Maryland or nearby jurisdictions, including Washington D.C., NJ, NY, PA, VA and WV. Assessors will be reviewed and approved by the Secretary of Agriculture and DNR along with IPAC. All assessors will be required to notify IPAC of a plants invasiveness rank and allow the committee to review assessment. IPAC shall notify the Secretary of the plant's placement, and the Secretary shall determine if the plant should be classified as a prohibited plant or placed on the watch list, determined by the committee. IPAC involvement reduces the fiscal responsibility at MDA.

All plants presently on the Tier 2 list will be reassessed to determine their placement either on the Prohibited plants list or the watch list. The plants listed in the Plant Invaders of Mid-Atlantic Natural Areas will also be assessed using the NatureServe's 2004 protocol. All plants will be

added to the regulations as either prohibited or added to the watch list. Any plants on the watch list may be reassessed in the future.

MDA and DNR shall post on their websites the Consolidated List of Maryland Invasive Plant Species and the Watchlist including terrestrial and aquatic, both commercial and non-commercial species. MDA will regulate all terrestrial plants, DNR will regulate all aquatic plants on the prohibited plant list. University of Maryland Extension shall post a link to this list on their website.

The bill provides for the distribution of the Consolidated List of Maryland Invasive Plant Species and the Watchlist to licensed nurseries, plant dealers, and plant brokers on an annual basis. MDA finds that the bill would reduce the number of available invasive species for purchase and reduce encroachment on native plants and animals. We appreciate the consideration of the Committee.

If you have additional questions, please contact Rachel Jones, Director of Government Relations, at Rachel.Jones2@maryland.gov or (410) 841-5886.

Support with Amendment - SB915 Agriculture - Invas

Uploaded by: Tyler Hough

Position: FWA

Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035
410-922-3426 | www.mdfarmbureau.com

March 4th, 2024

To: Senate Education, Energy, and the Environment Committee

From: Maryland Farm Bureau, Inc

RE: **Support with Amendment – SB915 Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)**

On behalf of the member families of the Maryland Farm Bureau, I provide informational testimony on SB915 - Agriculture - Invasive Plant Species – Regulation. The membership of the Maryland Farm Bureau is diverse and includes many involved in traditional agriculture, but also members who are involved in the nursery and greenhouse industries. This bill would alter the regulatory approach for controlling invasive plant species in the State, including repealing certain provisions of law relating to a two-tiered regulatory approach and requiring the Secretary of Agriculture to establish a list of prohibited invasive plants by regulation in a certain manner on or before October 1, 2024. The bill would also establish certain protocols for assessing certain nonnative plants and determining whether those plants are invasive or whether the plants may be placed on a watch list.

Maryland farmers are faced with challenges handling noxious weeds, two of the most challenging being Amaranthus palmeri (Palmer Amaranth) and Ailanthus (Tree of Heaven). The Tree of Heaven has been especially detrimental to vineyards in the state, as it is the preferred home of the Spotted Lantern Fly. This insect has been responsible for large areas of damage for the fruit producers in the state. The opportunity for both species to be placed on the invasive plant species regulation would be beneficial to farmers in the state.

For those member families involved in the nursery and greenhouse industries, there are concerns with the quick implementation date of October 2024, and the clarity of the plant species that would be included on the list. Maryland Farm Bureau supports the amendments that were discussed by the House Sponsor that would add clarity to these concerns.

MDFB Policy: We urge the state to eliminate from the list those species (threatened or endangered) that might have limited numbers in Maryland but are common elsewhere. We strongly urge the Maryland Department of Agriculture to have phragmites, Rosa multiflora (multi-flora rose) (except when used as rootstock by the nursery industry), Microstegium vimineum (Japanese stilt grass), Amaranthus palmeri (Palmer Amaranth), Asiatic tearthumb (mile-a-minute vine or kudzu), Celastrus orbiculatus (Asiatic bittersweet vine) and Ailanthus (Tree of Heaven) placed on the noxious weed list. We urge the SHA to submit a realistic fiscal impact statement related to adding palmer amaranth to the noxious weed list.

Tyler Hough
Director of Government Relations

SB915 Undecided.pdf
Uploaded by: John Marshall
Position: UNF

SB915 - Undecided

Economic Impact/Lost Sales for Legislation SB915 as originally written
Marshalls' Riverbank Nurseries, Salisbury, MD

	2023		2022		2021		3 Year Total	
	QTY	Gross Sales	QTY	Gross Sales	QTY	Gross Sales	QTY	Gross Sales
Barberry	9944	$ 142,156.57	8580	$ 128,380	8067	$111,351	26591	$381,888
Euonymus alatus	1202	$ 28,204.80	1531	$ 42,187	944	$18,215	3677	$88,607
Nandina	14286	$ 280,118.51	13641	$ 250,020	8628	$152,497	36555	$682,635
		$ 450,479.88		$ 420,587		$282,063		$1,153,130

National Park Service "Plant Invader" Recommendations

	2023		2022		2021		3 Year Total	
	QTY	Sales	QTY	Sales	QTY	Sales	QTY	Sales
Spiraea jap.	19827	$280,172	17800	$265,011	18450	$255,271	56077	$800,455
Ligustrum ovalifolium	7513	$195,251	4458	$101,768	3249	$65,113	15220	$362,131
Vinca Minor	3265	$17,638	1076	$5,846	3627	$17,305	7968	$40,788
		$475,423		$366,779		$320,384		$1,162,585

National Park Service "Watch" List

	2023		2022		2021		3 Year Total	
	QTY	Sales	QTY	Sales	QTY	Sales	QTY	Sales
Miscanthus	12503	$ 145,921	9898	$ 119,105	9337	$ 107,928	31738	$372,954
Mahonia	491	$ 9,695	1042	$ 23,548	996	$ 22,242	2529	$55,485
Buddleia	6711	$ 106,349	3808	$ 65,091	5237	$ 80,360	15756	$251,800
		$ 261,965		$ 207,744		$ 210,531		$680,239

	2023		2022		2021		3 Year Total	
Gross Sales		$1,187,867.28		$995,109.60		$812,977.68		$2,995,955

The Bill, before Amendments, would significantly impact our business economically.
Specifically the bill proposes to end production of 6 species (multiple cultivars) we produce.
3 species we grow are Tier 2 in current Maryland IPAC program

1) Berberis thunbergii aka Japanese Barberry, we produce 8 cultivars.
2) Euonymus alatus aka burning bush, 1 cultivar. We have ordered transplants of a selection of a sterile Euonymus alatus that is new to the market and is patented/trademarked.
3) Nandina domestica aka heavenly bamboo, 11 cultivars.

3 add't species we grow are in the "National Park Service's and U.S. Fish and Wildlife Service Plant Invaders of Mid-Atlantic Natural Areas" booklet would add other species

1) Ligustrum ovalifolium
2) Spiraea japonica, 12 cultivars
3) Vinca minor, 1 cultivar

And 3 more species are listed on National Park Service "Plants to Watch" list

1) Buddleia davidii, 12 cultivars
2) Mahonia bealei, 2 cultivars
3) Miscanthus sinensis, 9 cultivars

Spreadsheet shows # of plants and gross $ sales of species in current Maryland Tier 2 list, in Park Service's current Mid Atlantic list, and Park Service's "Watch" list.
Of the items in Tier 2, Berberis thunbergii (Japanese Barberry) and Nandina are more important to Marshalls' economically, though Euonymus alatus is still an asked for plant as well.
That said, there does need to be a process to allow production/sale of cultivars of banned species that are proven to be sterile, non reproducing (as such are non invasive) cultivars.
Berberis thunbergii (Japanese Barberry) as an example have had much work done to create cultivars that do not produce viable seed and therefore are not invasive. Pennsylvania has approved 4 "sterile" cultivars to be sold as exemptions to the Barberry ban? Delaware has approved 3 of the same cultivars of Barberry that Pennsylvania exempted from their Invasive Plant List, but one from PA. did not make the Delaware list. New York has has approved the same 4 cultivars of Barberry as Pennsylvania and 1 add't cultivar that is not listed by Pennsylvania or Delaware?
So I think the details of the amendments to SB915 of how will Maryland determine, for example, which Barberry are assessed and which are allowed to be grown in Maryland will be critical as to whether this is a good bill or a bad bill for the nursery industry.

The rest of the list of proposed plants and Plants to Watch from the "National Park Service" are very concerning to me as a producer as well.
Buddleia (butterfly bush), Ligustrum, Miscanthus and Spiraea, much like Nandina, are significant plant groups in the industry and important to our customers and to us as well.
We certainly do not want to lose these species as they are plants our customers continue to ask for.
Mahonia and Vinca minor, while less important to us economically, are still plants that I question the necessity of being banned.

As to the financial impact going forward, the proposal of banned species of Berberis thunbergii, Buddleia(butterfly bush), Euonymus alatus, Ligustrum, Mahonia, Nandina and Spiraea we have in all stages of production, specifically:

1) Propagation, which are transplants waiting to be planted into larger containers later in 2024
2) Young Plant Production, plants that were in propagation this time last year and have been transplanted to larger containers and are anywhere from as little as 4 months and as long as 3 years to reach a mature, marketable size.
3) Finished containers, these are one year older than Young Plants and 2 years older than propagation transplants and should be sold this Spring and Summer.

If we stopped now and did not propagate any new plants, it would take approx. 3-4 years to sell through the production we have started at this time.
Proposed banned species of Miscanthus and Vinca are quicker crops and we could move through the inventory we have in 12-18 months.

The most important part of this bill to our business at Marshalls' has not been addressed, and that is the production in Maryland of the "Invasive" species for sale outside of Maryland.
To lose the revenue of selling these high demand plants in other states would be very detrimental financially to Marshalls' Riverbank Nurseries.
Almost $1.2 million dollars in lost sales (just under 8% of our gross sales) would be hard to replace and changes would have to be made that would likely include reduction of expenses, including our payroll, meaning potentially fewer employees, and likely less capital re investment back into our business.

I would estimate over 2/3 of our production is sold outside of Maryland. So the production of "invasive plant species" related to sale in Maryland versus sale of same plants out of state is a very important issue to us, and to other Maryland nursery producers as well.

I think possibly there would potentially be a larger impact than the almost 8% loss of sales associated with the proposed banned items . And that is the loss of other "non invasive" plant sales that I think would likely occur if our out of state customers cannot source as many items from us as they do now. Much like us going to shop at the grocery store, and not having items you want, if we are out of certain items our customers need/want, they may need to find other suppliers (in other states) who can supply the items they want. No Butterfly Bush, no Spiraea, well I will just to go suppliers who have all of what I need. That is a concern with this bill, that is other nursery producers/competitiors in other states around us being only too happy to supply what we can no longer grow and their taking some other additional business from us.

Depending on the amendments relating to sale of Maryland produced nursery plants and their sale outside of Maryland, then I will be able to decide whether to support this bill or not.

John Marshall
Marshalls' Riverbank Nurseries Inc
Salisbury, MD 21801

SB0915 - SHA - Agriculture - Invasive Plant Specie

Uploaded by: Nora Corasaniti

Position: INFO

March 5, 2024

The Honorable Brian J. Feldman
Chair, Senate Education, Energy, and the Environment Committee
2 West, Miller Senate Office Building
Annapolis MD 21401

RE: Letter of Information – Senate Bill 915 – Agriculture – Invasive Plant Species – Regulation (Biodiversity and Agricultural Protection Act)

Dear Chair Feldman and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following information on Senate Bill 915 for the Committee's consideration.

Senate Bill 915 alters the regulatory approach for controlling invasive plant species in the State and includes a repeal of certain provisions of law that established a two-tiered regulatory approach in favor of a single classification of invasive plant species. Under Senate Bill 915, the Secretary of Agriculture must establish a consolidated list of prohibited invasive plants on or before October 1, 2024, as well as protocols for assessing nonnative plants and determining whether those plants are invasive or should be placed on a watch list. All terrestrial plants classified by regulation before January 1, 2024 as a tier 1 or tier 2 invasive plant will be classified as a prohibited invasive plant under the revised regulatory framework.

The State Highway Administration (SHA) manages approximately 50,000 acres of land outside of the paved roadways, along roadsides, and at administrative facilities operated by the Administration. SHA's Office of Environmental Design manages the control of noxious weed species as identified by the Maryland Department of Agriculture (MDA) according to State law and MDA regulation. The existing program to manage noxious weeds represents longstanding efforts, and the programmatic costs associated with this management are significant.

The SHA understands and appreciates that Senate Bill 915 does not require the control or disposal of invasive plant species located on lands under its control. However, by repealing the two-tiered designation system for invasive plants, SHA interprets the bill to require the Administration to seek MDA approval of control and disposal activities for invasive species formerly designated as "tier 2." Further, because current law requires the control and disposal of tier 1 invasive plants subject to MDA regulation, the control and disposal of former tier 2 invasive plants will be subject to heightened regulatory control once these two groupings are collapsed into a single category of "prohibited invasive plants."

The current list of tier 1 plants is very limited; however, inclusion of tier 2 plants will result in increased delay in the execution of control and disposal activities for this vegetation, as well as increased costs to be incurred by SHA. Current regulations require a permit and additional transportation and disposal considerations for the tier 1 species invasive plants. Expanding the list would require SHA to institute new practices for many species of plants that are common along State highways, including Callery Pear, bamboo, and barberry. Plant material from these activities would either need to be left on-site, which is not always possible depending on the location, or disposed of in an approved facility with specific controls during transport. It is difficult to quantify fiscal impacts tied to these new standards, as 1) needs can vary among sites and 2) some of SHA's disposal operations are location dependent. However, SHA estimates there could be a 15% to 25% increase in costs for vegetation management operations involving the newly classified "prohibited invasive plants" standard if House Bill 979 is enacted into law. As currently drafted, the added costs and approval processes may result in further proliferation of invasive species on State right-of-way, as the process would make it harder to implement controls.

The SHA has met with the sponsor and appreciates the continued dialogue on the bill and the impacts to the Administration. The Administration thanks the sponsor for suggesting alternative language that will maintain the strength and goals of Senate Bill 915 while limiting overall impact to SHA vegetation management activities. SHA will continue to work with the sponsor to craft language that will address SHA's concerns with the bill as drafted.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating Senate Bill 915.

Sincerely,

Matthew Mickler
Deputy Director (Acting)
Office of Policy and Research
Maryland State Highway Administration
410-545-5629

Pilar Helm
Director
Office of Government Affairs
Maryland Department of Transportation
410-865-1090

MD State Letter 2024.pdf
Uploaded by: Sydney Langeler
Position: INFO

February 26, 2024

To Whom It May Concern:

On behalf of Chesapeake Nurseries, a wholesale container nursery founded in 1962, consisting of over 1200 greenhouses on 600 acres of production space, we are writing to express our concerns regarding Bills HB979 and SB915, which we feel would pose a significant negative impact on our business. As a dedicated cultivator and provider of a wide range of ornamental plants to not only Maryland, but much of the Mid Atlantic and Northeastern United States, our commitment to enhancing the natural beauty and biodiversity of our region has always been at the forefront of our operations. It is with this dedication in mind that we felt compelled to reach out.

While we fully understand and support the government's intention to protect our local ecosystems from potentially invasive species, we must also consider the impact of bans on certain species to not only our business, but that of the industry at large. In addition to the economic impact of these proposed bills, it is also our belief that there is a lack of specificity and consideration for ongoing efforts within our industry as it relates to the development of sterile cultivars of certain species.

Berberis thunbergii and Euonymous alatus, both potentially banned by these bills, have both had a considerable amount of work done in the development of certified sterile cultivars. These efforts, aimed at mitigating the risk these plants may pose to our ecosystems without eliminating their availability and benefits to our communities would be severely undermined by a blanket ban on many of these species. As it stands, bills HB979 and SB915 do not take into account these industry advancements. A blanket ban would not only undermine these efforts, but have a disproportionately negative impact on our business and the nursery and landscape industries in Maryland as a whole.

We currently grow 21 cultivars across 5 species which are potentially affected by this bill including; Berberis, thunbergii, Euonymus alatus, Spirea japonica, Nandina and Buddleia davidii which represent roughly $1.73 million dollars in active inventory across various production stages of these crops and roughly one million dollars per year in planned production to meet the demands of our customers. It should be noted, that while these crops are important to us, they are a smaller portion of our overall production than is the case for many businesses in our industry who would be financially impacted even more strongly; many of these specific crops are industry staples in Maryland and across the country, especially in the retail garden center world.

The implementation of the proposed bans would have far-reaching implications beyond our industry. The economic repercussions for nurseries, landscapers and the ancillary businesses that depend on our industry cannot be overstated. This ban would limit the variety of plants available to our customers, impacting the aesthetic diversity of our landscapes by removing plants that in their sterile form, and/or with proper care, pose no threat.

We urge you to consider a more nuanced approach to this issue. Collaboration between the government and industry experts can lead to the development of regulations that protect our environment while also supporting the economic health and scientific progress within the nursery and landscaping

industries. Such an approach would ensure that policies provide a balanced solution that benefits both our ecosystems and the economy.

We respectfully request that the proposed bill, in its current form not be passed, and a re-evaluation with more careful consideration of its impact be undertaken.

Thank you for your attention to finding a solution that safeguards our environment while also preserving the vitality of Maryland's Nursery Industry. To that end, our team is ready to provide information or assistance needed to support this process. We look forward to the opportunity to contribute to a solution.

Sincerely,

Chesapeake Nurseries Ownership and Management