



Maryland Department of Agriculture

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Maryland Department of Agriculture

Legislative Comment

Date: February 28, 2024

BILL NUMBER: HB 979/SB915

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

MDA POSITION: LETTER OF INFORMATION

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.

HB 979 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 plant's 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.

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