HB979_Habitat Stewards of Overlook Park_ENT_FAV.pd

Uploaded by: Adreon Hubbard

Position: FAV

Habitat Stewards of Overlook Park

February 26, 2024
HB979 Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)
Environment and Transportation Committee
FAVORABLE

Dear Chair Korman, Vice Chair Boyce, 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 HB979, 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. HB979 would move the Tier 2 invasives to Tier 1, prohibiting them from sale. HB979 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 HB979 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

HB 979_Wild Ones_Amanda Wray_ENT_FAV.pdf
Uploaded by: Amanda Wray
Position: FAV

Bill: **HB 979** “Biodiversity and Agriculture Protection Act”
Committee: **Environment and Transportation**
Hearing Date: **February 28, 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.

HB 979, 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).

HB 979 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 HB 979** 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

HB979_BlueWaterBaltimore_ENT_FAV_1.pdf
Uploaded by: barbara johnson
Position: FAV

February 26, 2024

Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act) (HB 979)
Position: FAVORABLE

Dear Chair Korman, Vice Chair Boyce, and Members of the Environment and Transportation Committee:

Blue Water Baltimore's mission is to protect and 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 restoration strategy is operating our 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 (HB979).**

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 less 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. The plants listed as Tier 1 and Tier 2 do not meet these criteria and are neither integral, nor a healthy part of our Chesapeake Bay ecosystem.

Since Maryland's initial invasive plant law was passed in 2011, only 6 plants have been prohibited from sale with another 13 on the Tier 2 list, meaning they are still permitted to be sold but must have a warning sign stating, "Plant with Caution". HB 979 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.

HB 979 will decrease the number of invasive plant species in Maryland, while supporting the growth of local ecotype native plants and the native plant industry. With the amount of damage from invasive plants we are seeing in our forests, parks, waterways, roadsides, and neighborhoods every day, changes in the law are needed. This legislation 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. **For these reasons, we urge the committee to issue a favorable report on HB 979.**

BLUE WATER BALTIMORE
CLEAN WATER. STRONG COMMUNITIES.

1801 E. Oliver St. • Baltimore, MD 21213 • 410.254.1577 • www.bluewaterbaltimore.org

Sincerely,

Barbara Johnson
Community Advocacy Manager
Blue Water Baltimore

HB979 - Garrett Park Mayor Joanna Welch - Fav.pdf
Uploaded by: Barbara Matthews
Position: FAV

Town of Garrett Park

Incorporated 1898

February 26, 2024

Dear Delegates:

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

Billy Paul Mays - Testimony for HB979.pdf
Uploaded by: Billy Paul Mays
Position: FAV

Committee: Environment and Transportation
Testimony on: HB979 “Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)”
Position: Favorable
Hearing Date: February 28, 2024

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

Dear Delegates,

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 House Bill 979.

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 HB979.

Respectfully,
William P. Mays

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

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

Committee: Environment and Transportation
Testimony on: HB979 "Agriculture-Invasive Plant Species-Regulation (Biodiversity and Agriculture Protection Act)"
Position: Favorable
Hearing Date: February 28, 2024

Dear Members of the Environmental and Transportation Committee:

I am writing to request your support of HB979. 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

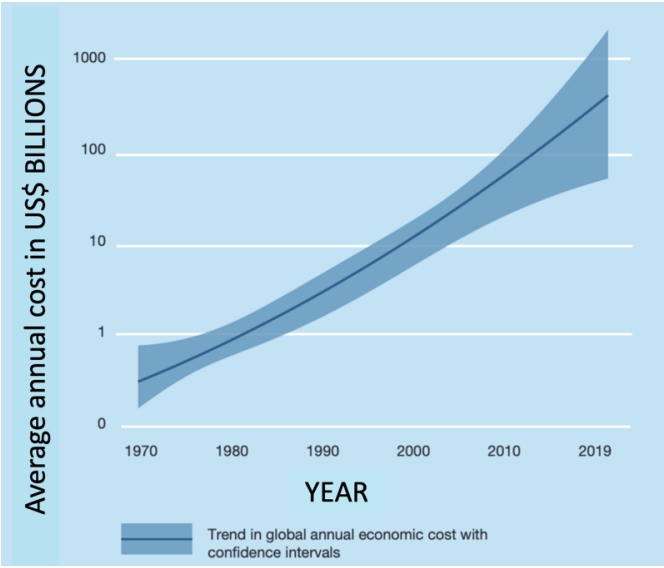

Figure 1. Growth of the documented average annual economic cost of biological invasions (Roy et al., 2023).

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
1133 Old Boalsburg Rd
State College, PA 16801

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 HB979.

Thank you for your consideration.

Sincerely,
Dr. Deah Lieurance
State College, PA

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

Citations

Fantle-Lepczyk, J.E., Haubrock, P.J., Kramer, A.M., Cuthbert, R.N., Turbelin, A.J., Crystal-Ornelas, R., Diagne, C. and Courchamp, F. 2022. Economic costs of biological invasions in the United States. *Science of the Total Environment*, *806*, p.151318.

Koop, A.L., Fowler, L., Newton, L.P. and Caton, B.P. 2012. Development and validation of a weed screening tool for the United States. *Biological invasions*, *14*(2), pp.273-294.

Lieurance, D., Canavan, S., Behringer, D.C., Kendig, A.E., Minteer, C.R., Reisinger, L.S., Romagosa, C.M., Flory, S.L., Lockwood, J.L., Anderson, P.J. and Baker, S.M. 2023. Identifying invasive species threats, pathways, and impacts to improve biosecurity. *Ecosphere*, *14*(12), p.e4711.

Morse, L.E., J.M. Randall, N. Benton, R. Hiebert, and S. Lu. 2004. *An Invasive Species Assessment Protocol: Evaluating Non-Native Plants for Their Impact on Biodiversity. Version 1.* NatureServe, Arlington, Virginia.

Roy, H.E., Pauchard, A., Stoett, P., Truong, T.R., Bacher, S., Galil, B.S., Hulme, P.E., Ikeda, T., Sankaran, K., McGeoch, M.A. and Meyerson, L.A. 2023. IPBES Invasive Alien Species Assessment: Summary for Policymakers. *IPBES*.

Support of HB0979.pdf
Uploaded by: Diana Colangelo
Position: FAV

Dear Environment and Transportation Committee,

I urge you to support HB0979, the Biodiversity and Agriculture Protection Act, which will protect our state from the further spread of non-native invasive plants that are destructive to Maryland's ecosystems and wildlife, as well as the agricultural sector.

According to the US Forest Service, invasive species have contributed to the decline of 42% of U.S. endangered and threatened species, and for 18% of U.S. endangered or threatened species, invasives are the main cause of their decline.

Invasive plants are highly destructive to our terrestrial and aquatic ecosystems and compete directly with native species for moisture, sunlight, nutrients, and space, often out-competing natives and taking over their niches and habitat, to the detriment of native wildlife and ecosystems.

Invasive plants are now more widely distributed in the U.S. than native plants, and this is thanks not only to their original introduction, but to the fact that we continue to willingly and knowingly reintroduce invasive species on a regular basis by allowing them to be sold in local nurseries.

Why would we knowingly sell products that are destroying our local ecosystems and environment? There is a simple solution here. Simply prohibit their sale. There is no reason that people need to decorate their yards with invasive plants. There are hundreds if not thousands of beautiful native plants that can do the same job while nourishing local wildlife and ecosystems.

Given the immensity of the biodiversity crisis we face and the alarming decline of our wildlife by 70% since 1970, we must prevent non-native invasive species from being propagated by Maryland nurseries and sold by Maryland garden centers. Let's protect and nourish what's left of our precious native plants and animals.

Please vote in favor of HB0979.

Sincerely,
Diana Colangelo
North Bethesda
20852

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

6620 Michaels Drive
Bethesda, MD 20817

Committee: Environment and Transportation Committee
Testimony on: HB979 “Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)”
Position: Favorable
Hearing Date: February 28, 2024

Dear Chairman Korman 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

HB 979 - CBF - FAV.pdf
Uploaded by: Doug Myers
Position: FAV

CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 979

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

Date:	February 28, 2024	Position:	**Favorable**
To:	House Environment and Transportation Committee	From:	Doug Myers MD Senior Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS** HB 979 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 HB 979.

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

HB979 CCLC Written Testimony.pdf
Uploaded by: Elizabeth Ginter
Position: FAV

CCLC
Chesapeake Conservation Landscaping Council

February 26, 2024

To: Maryland House Committee on Environment and Transportation

Re: HB 979

Position: Support

Hearing Date: February 28, 2024

On behalf of the Chesapeake Conservation Landscaping Council (CCLC), I am writing in support of HB979. 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

2024 Testimony IN FAVOR of HB950 (Invasive Plant B

Uploaded by: Jane Henderson

Position: FAV

Testimony urging a FAVORABLE report on

HB979
Agriculture – Invasive Plant Species – Regulation
(Biodiversity and Agriculture Protection Act)

Presented to the House Environment and Transportation Committee

House of Delegates of Maryland

Hearing: Feb, 28, 2024

From Chesapeake Natives

(Prepared by executive director Jane Henderson)

Dear Chair Korman, Vice Chair Boyce, and honorable members of the Committee,

Chesapeake Natives' strongly supports HB979 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 t**he 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 they 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 still be sold in Maryland,** requiring the nursery to simply post a warning sign to potential buyers.[2]

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[1] https://www.greenhousegrower.com/management/are-nurseries-at-fault-for-spreading-invasive-species/
[2] https://mda.maryland.gov/plants-pests/Documents/Invasive-Plant-List-March-2020.pdf

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. HB979 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 active in her local garden club, planted the barberry 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. 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 HB979 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 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
240-338-2579, jane@chesapeakenatives.org

HB979_TOBIAN&DUBOIS_ENT_FAV.pdf
Uploaded by: Jennifer Tobian
Position: FAV

HB979, 2024 Biodiversity and Agriculture Protection Act
ENT Committee
Hearing Date February 28, 2024
Favorable

Dear Maryland Representatives,

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 HB979 Biodiversity and Agriculture Protection Act.

Sincerely,

Jennifer Tobian, PhD
Maryland Master Naturalist
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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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2. Miller KM, Perles SJ, Schmit JP, Matthews ER, Weed AS, Comiskey JA, et al. Overabundant deer and invasive plants drive widespread regeneration debt in eastern United States national parks. Ecological Applications. 2023;33(4):e2837.

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

4. Biodiversity for the birds [Internet]. [cited 2024 Feb 9]. Available from: https://www.udel.edu/udaily/2018/october/non-native-plants-birds-insects-washington-chickadee-desiree-narango-doug-tallamy/

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 HB979 testimony.pdf
Uploaded by: Jeremy Tidd
Position: FAV

Testimony in favor of HB979
Jeremy Tidd
February 28, 2024

Hello, My name is Jeremy Tidd, and I am strongly advocating for the passage of the bill HB979. My support for this bill has been informed by over 20 years of horticultural industry work, where I've witnessed firsthand the detrimental impact invasive plants have on our environment and economy.

One of my first jobs was working at a conventional retail nursery. At that nursery I was able to witness daily people's desire to connect and nurture nature. They would come in with the best of intentions to steward their land and leave with invasive plants in hand. Those customers walked into that business thinking they would leave with something to enhance their property only to leave having been sold 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 worked on thousands of properties. 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, and they balked at the cost of thorough invasive removal. A science-based Maryland state list of invasive plant species would provide a crucial resource for contractors guiding clients towards informed decisions and home owners seeking concise resources.

This isn't just a backyard problem. Far from where these plants are sold you'll find the invasive plant trade taking a bite out of our remaining wild spaces. I've been working with the national park near the VA/MD border and I've seen firsthand how the invasive ivy leaved speedwell is edging out the 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, I face an uphill battle every day combatting invasives. For instance, 50% of the time it takes to establish a new production garden bed is dedicated to removing invasives. Once it's established it's a continual resource drain to keep invasives out, requiring up to 50% of my maintenance time and budget. Thos extra efforts significantly impact retail prices, my ability to scale up my business, and the effectiveness of my efforts to restore Maryland's ecosystems.

In conclusion, the passage of this bill is imperative to protect 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 significant implications of this legislation and support its enactment for the benefit of present and future generations. Thank you for your attention and consideration.

HB979_Severn River Association_ENT_FAV.pdf
Uploaded by: jesse iliff
Position: FAV

Severn River ~ASSOCIATION~

It's a New Day at SRA!

Committee: **House Environment & Transportation**

Legislation: **HB 979**

Position: **SUPPORT**

Date: **February 28, 2024**

Dear Chairman Korman and members of the committee:

The Severn River Association strongly supports HB979, 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).

HB 979 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 HB979, 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. House Bill 979 will change this paradigm, and the Severn River Association urges a favorable report.

Respectfully submitted,

Jesse L. Iliff
Executive Director
Severn River Association
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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 Invasives HB979.pdf
Uploaded by: Jim Brown
Position: FAV

Audubon | MID-ATLANTIC

Maryland Office
2901 E. Baltimore St
Baltimore, MD 21214

February 26, 2024

To: Chair Korman, Vice-Chair Boyce and members of the Maryland House Committee on Environment and Transportation

From: Audubon Mid-Atlantic

Subject: Favorable Testimony for Maryland HB 979 Invasive Plant Regulation (Biodiversity and Agriculture Act)

Audubon Mid-Atlantic submits this testimony in support of House Bill 979. 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. HB 979 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. HB 979 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,

Jim Brown
Policy Director
Audubon Mid-Atlantic

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

HB979_Jimmy Rogers_ENT_FAV.pdf
Uploaded by: Jimmy Rogers
Position: FAV

Laurel for the Patuxent
329 Prince George St
Laurel, MD 20707
laurelforpatuxent@gmail.com

Committee: Environment and Transportation

Testimony on: HB979 "Agriculture - Invasive Plant Species – Regulation (Biodiversity and Agriculture Protection Act)"

Position: Favorable

Hearing Date: February 28, 2024

Laurel for the Patuxent strongly supports HB979. 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
Garden Projects Manager, Laurel for the Patuxent
magicscientist@gmail.com

MNPS Fulton Testimony, Invasive Plant Species (HB9

Uploaded by: Judith Fulton

Position: FAV

Maryland Native Plant Society

APPRECIATION CONSERVATION EDUCATION

Testimony: HB979, Agriculture - Invasive Plant Species - Regulation
Committee: Environment and Transportation
Hearing Date: February 28, 2024
Position: FAVORABLE

The Maryland Native Plant Society (MNPS) urges a favorable report on House Bill 979 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 HB979 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.

HB979 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 HB979 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.

HB979 Improves the Existing Law by Changing Several Technical Components

HB979 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. SB979 expands this to aquatics and plants not currently sold 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 is not 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. SB979 transfers Tier 2 plants, which only require signage at point of sale and Tier 1 prohibited species, into a single Prohibited List. Tier 2 species are often more established and equally as harmful as Tier 1. After removing a monoculture of Japanese barberry in a natural area, it is very frustrating to see a homeowner planting the harmful shrub along the property line.
- 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. HB979 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.

HB979 Keeps Important Components of the Existing Law

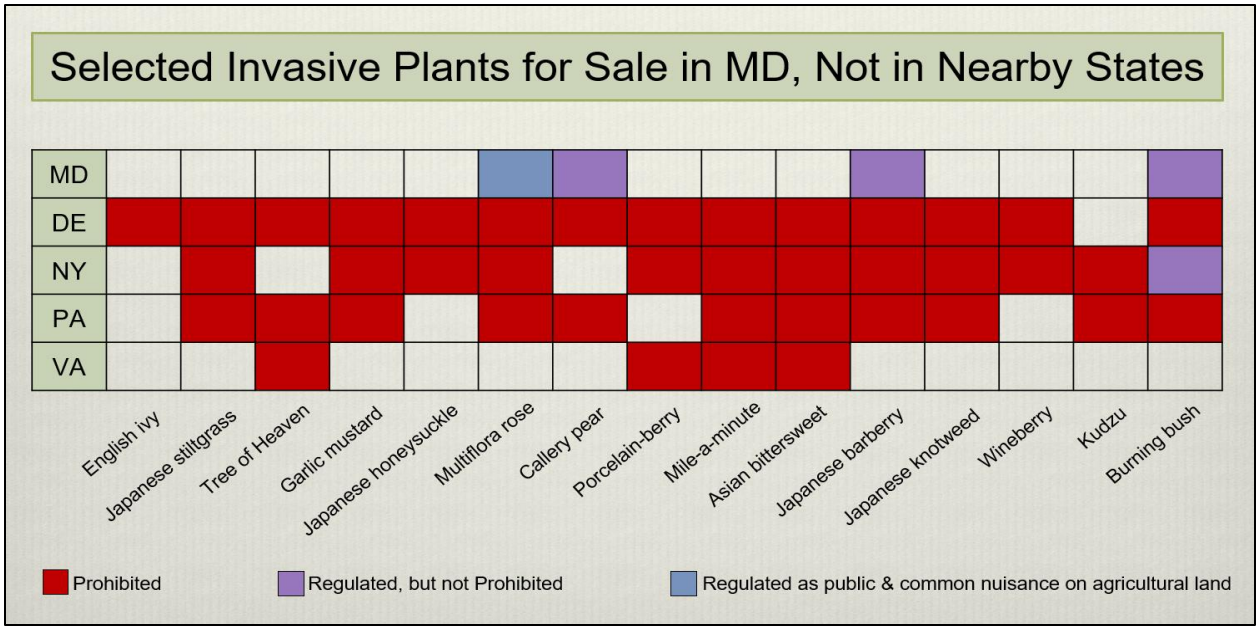
Important components of the 2011 and 2022 laws and regs remain in place, including:

- 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.
- 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.
- Once plants are classified as invasive and prohibited from sale and propagation, the nursey trade has a phase-in period that enables growers and retailers to sell existing inventory.
- "Cultivars" are cultivated plant varieties developed for certain characteristics, such as different colors, sizes, or shapes. Currently, sterile cultivars of an invasive plant 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.

HB979 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 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 HB979 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 HB979.

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

House testimony HB 979.pdf
Uploaded by: Kathleen Reilly
Position: FAV

Dear House Committee Chair Korman and ENT Committee Members,

I ask you to please provide a favorable report on HB979, 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

HB979_Doug Tallamy_ENT_FAV_2024.pdf
Uploaded by: Kirsten Hoffman
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

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

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.

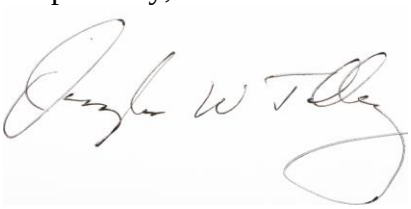
And that is the problem; non-native plants are poor at passing the energy they have harnessed from the sun on to animals. No energy, no animals. No animals, no ecosystem! This is particularly true of insects, the little things that run the world (Wilson 1987). Quite simply, without insects, terrestrial 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.

HB979_Green Towson Alliance_ENT_FAV.pdf
Uploaded by: Kirsten Hoffman
Position: FAV

GREEN TOWSON ALLIANCE

HB979 Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)
Environment and Transportation Committee
Hearing Date February 28, 2024
FAVORABLE

Dear Chair Korman, Vice Chair Boyce, and honorable members of the Committee,

The Green Towson Alliance writes in support of HB979, 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 about, 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 moving current Tier 2 plants to the prohibited from sale list and going forward modifies the invasive plant assessment protocol to more efficiently assess the invasive plant species required for assessment in 2022's HB15/SB7.

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 HB979.

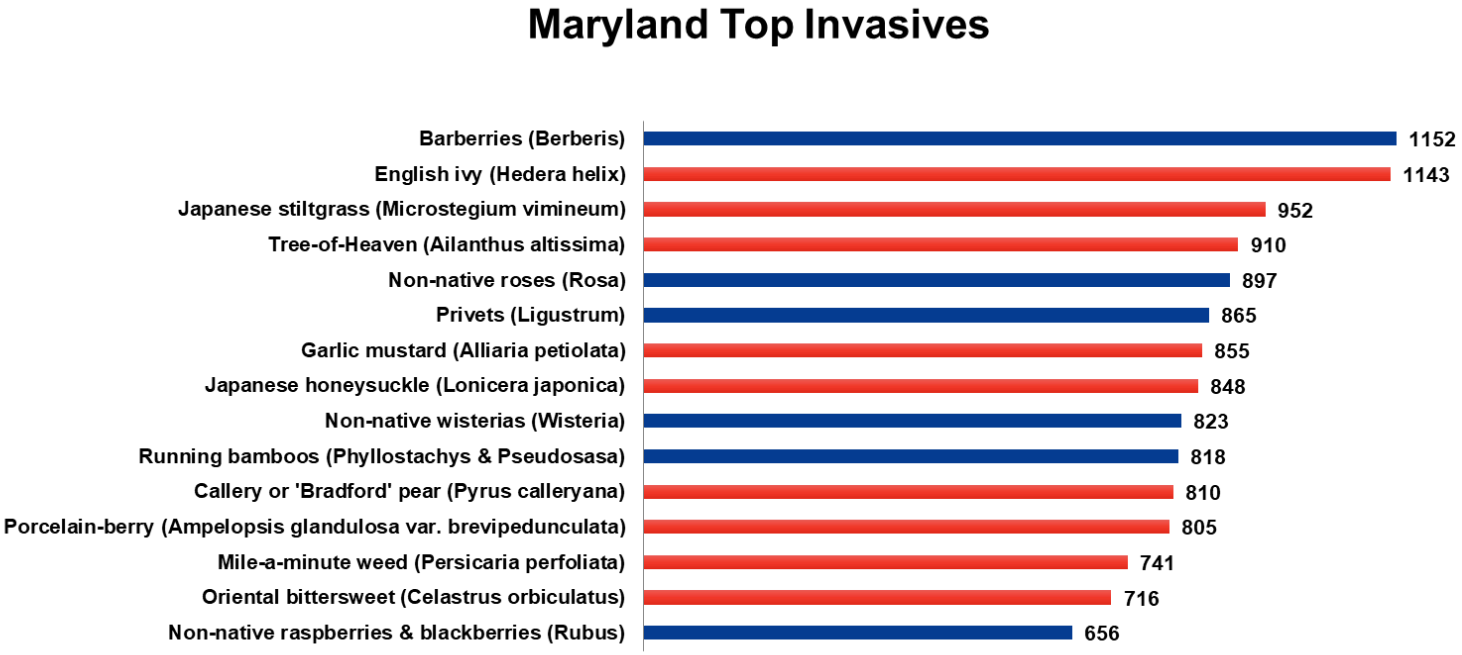
Respectfully,
Kirsten Hoffman for the Green Towson Alliance
701 West Joppa Road
Towson, Maryland 21204

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

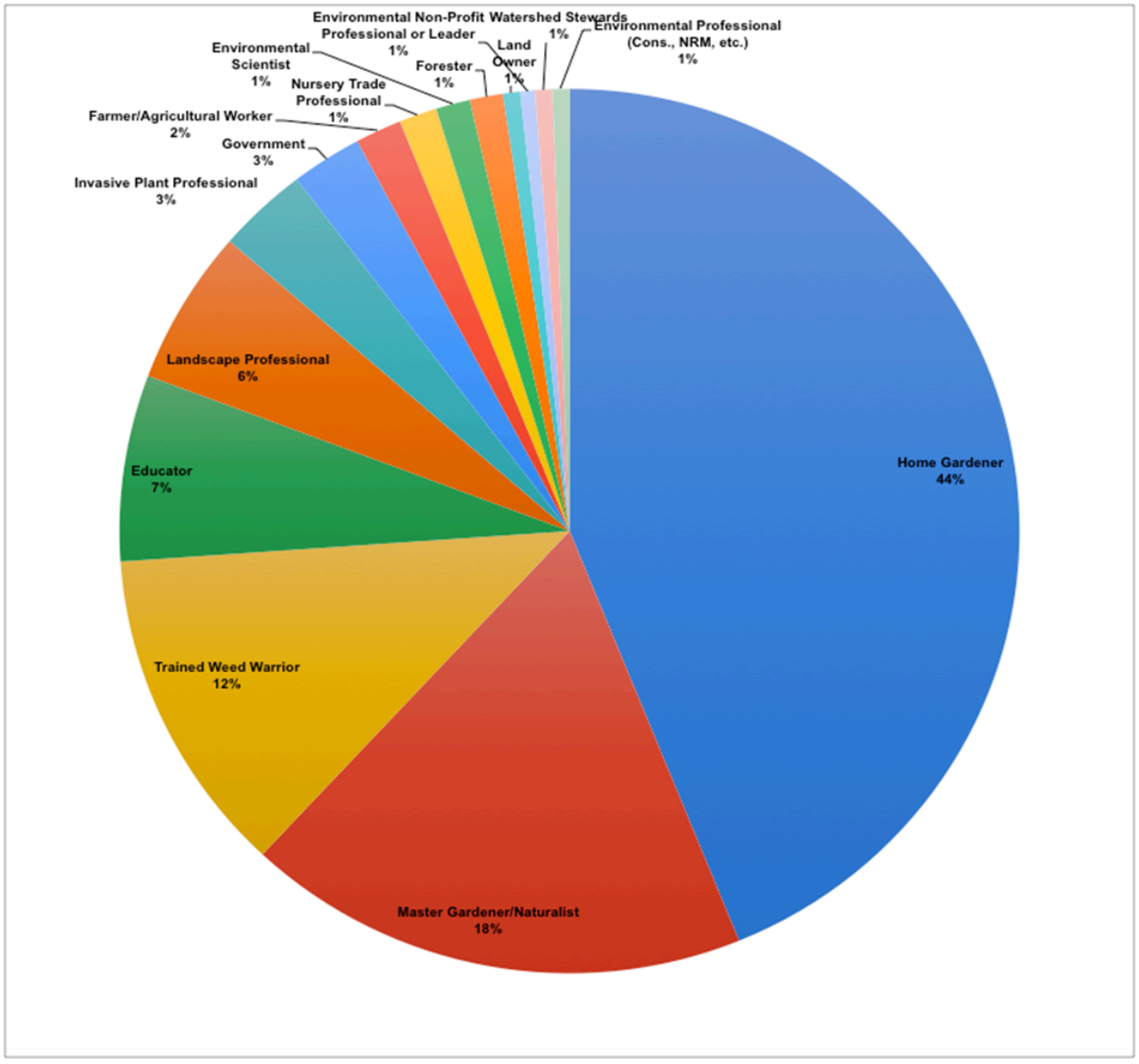
Maryland currently has 13 invasive plants listed as Tier 2. Tier 2 status recognizes that the plant is highly invasive, but it may still be sold with a warning sign, “Plant with Caution”, at the point of sale. Ten of the thirteen invasive species on the Tier 2 list were in the Top 15 most problematic 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 HB0979 Invasive Plant Species Feb 2024.pdf
Uploaded by: Kurt Schwarz
Position: FAV

MARYLAND ORNITHOLOGICAL SOCIETY

February 28, 2023

Committee: Environment and Transportation

Testimony on: HB0979 Agriculture-Invasive Plant Species -Regulation (Biodiversity and Agriculture Protection Act

Position: Support HB0979

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.

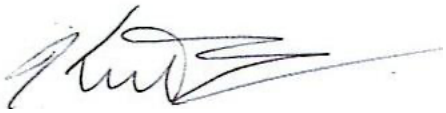
Non-native, invasive species, lacking predators, can crowd out native plant species. Furthermore, they have not evolved with native fauna, so have fewer and less diverse insect communities. In one case, a study done in Maryland showed that as non-native plants increased both the availability of insects 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 HB0979.

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

Final HB 979 Foley Written Invasive Plant Species

Uploaded by: Linda Foley

Position: FAV

Linda Foley
Legislative District 15
Montgomery County

Environment and Transportation Committee

The Maryland House of Delegates
6 Bladen Street, Room 220
Annapolis, Maryland 21401
410-841-3052 • 301-858-3052
800-492-7122 *Ext.* 3052
Linda.Foley@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND 21401

Testimony: HB 979, Agriculture - Invasive Plants Species - Regulation

Committee: Environment and Transportation

Hearing Date: February 28, 2024

Position: FAV

HB979, the Biodiversity and Agriculture Protection Act, is necessary legislation to control the unchecked spread of terrestrial and aquatic invasive species and protect Maryland's natural heritage. This bill would streamline and accelerate the assessment protocol used to determine and prohibit invasive plant species. HB979 represents a crucial step in protecting our native ecosystems, biodiversity, agricultural interests and Maryland's crown jewel, the Chesapeake Bay.

The goals of this bill include prohibiting harmful invasive plants from being propagated, purchased, or sold in Maryland, and adopting a more rapid status assessment protocol to minimize eradication and management costs incurred by the state later. Furthermore, this proposal will combine Tier 2 plants, that are often more established and equally as harmful as Tier 1 prohibited species and which only require signage at point of sale, and Tier 1 plants, which are currently banned, into a single Prohibited List. The measure offers a reasonable transition period to minimize economic impact to the trade.

Based on the proposed FY 2025 Budget, both the Department of Agriculture (MDA) and the Department of Natural Resources (DNR) will have sufficient staff for regular assessment and inspection of invasive plants so that the state can effectively respond to ecological threats on land and water. Additionally, while current legislation only includes terrestrial invasive plants, this bill would expand to include aquatic invasive plants, as well as cover plants that are not currently sold in Maryland but could be in the future unless banned.

Background of Invasive Species Law in Maryland

In 2011, Maryland enacted its first law regulating commercially sold terrestrial invasive plants. The 2011 law established a two-tier system, with some plants being prohibited (Tier 1) and others requiring warning signage at the point of sale (Tier 2). In the 13 years since the original 2011 legislation was enacted, only six plants have been prohibited under Tier 1, and thirteen have been listed under Tier 2, despite the rapid spread of invasives in the state jeopardizing Maryland ecosystems, biodiversity, private property, park land, and farmlands. Variegated porcelain berry, which smothers and kills our trees and other plants, is considered non-commercial,

but is sold on the Walmart website and could presently be offered at any Maryland nursery. The 2011 law did not address aquatic plants or species not considered commercial in Maryland, both of which this proposal does.

In 2022, legislation was passed that required the assessment of over 60 plants listed in the *Plant Invaders of the Mid-Atlantic Natural Areas* guide. The 2022 fiscal note specified the need for a staff increase in MDA's Plant Protection and Weed Management Program, which oversees the control of invasive species. Even so, not a single plant has been assessed since 2019 as staffing is only being made available in the FY 2025 Governor's budget.

Now with three new staffers being budgeted, Tier 1 and 2 combined into prohibited, and a streamlined assessment process in the new bill, the 2022 law can finally be more effectively implemented. Moreover, more invasive plants can be added to the list, enabling greater protection of Maryland's natural resources with less negative financial impact on Maryland in the long run.

Why is it Important to Control Invasive Species

Invasive species are nonnative terrestrial or aquatic plants, introduced intentionally or accidentally, that cause damage to the environment by outcompeting and directly harming native plants, animals, and ecosystems. The nonregulatory Maryland Invasive Species Council has a partial list of nearly 300 invasive plant species, and while prior regulations have been enacted, more significant action is necessary.

As we witness the unregulated proliferation of invasive plants within our state, we are confronted with the profound ecological disruptions inflicted upon our local ecosystems and the economic harm within our own communities. Invasive species are a major driver of biodiversity loss, significantly altering Maryland's ecosystems and threatening human welfare. Around 42% of North American species on the federal "Threatened or Endangered" species list are at risk primarily due to invasive species.

Invasive Species have a Substantial Economic Impact on Maryland

The economic impact of invasive species in Maryland is substantial, significantly reducing productivity in key business sectors and requiring huge sums for ongoing efforts to manage and mitigate these impacts. The net effect within Maryland could easily be in the billions of dollars, although comprehensive research is not available. Invasive terrestrial and aquatic plants produce agriculture and fishery losses as invasive species have no natural predators or diseases and outcompete native species. Invasives damage critical infrastructure by spreading rapidly and damaging roads, bridges, buildings, and power lines and by impeding boat traffic and fishing. And they disrupt ecosystems and reduce pollinators like birds and native bees—that are the crucial pollinators for our crops and ensure biodiversity—to the point of detracting from tourism and recreation.

Besides the displacement of native species, loss of biodiversity, altered ecosystem functions, and a negative impact on agriculture and forestry, there is another major cost to the state of Maryland. Controlling and managing invasive species can be expensive and resource intensive. Governments, land managers, and conservation organizations often need to invest significant time and money to control the spread of invasive species and mitigate their impact.

Invasive Species have a Damaging Effect on Agriculture

For example, the Maryland Department of Natural Resources has spent approximately $1 million dollars since 2014 to control one invasive species, hydrilla, in one location, Deep Creek Lake. Invasive plants have a serious impact on agriculture. Agricultural 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. Three-fourths of the weeds impacting cropland are invasive plants. Reduced yields and increased pesticide use drive up food and healthcare costs.

The invasive planthopper spotted lanternfly is another example. This invasive's host is another terrestrial invasive species, "Tree of Heaven". These insects significantly damage crops, leading to reduced yields and increased costs for farmers. The spotted lanternfly particularly targets grapes, devastates vineyards unless expensive measures are taken to control the insects, and can significantly damage Maryland winemaker profits, even making these business non-viable. Because the spotted lantern fly is damaging mid-Atlantic agriculture, the MDA is putting a focused and expensive effort into dealing with this insect. This proposal would ensure that Tree of Heaven is listed as prohibited and may not be commercially sold in this state.

As for livestock producers, a Virginia farmer has submitted 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. Because this invasive grass is incredibly difficult and expensive to eradicate from pastures, he is now facing the possibility that sometime in the not-too-distant future he will have to close down his livestock business. Other mid-Atlantic states have either significantly strengthened invasive species regulations or plan to follow suit.

What is the Impact on Nurseries

It is important to note that invasive plants represent just 4% of the nursery trade, according to research conducted by Delaware's Mt. Cuba Center. HB979 contains important Maryland Green Industries Council approved protections that will provide plenty of time for growers and retailers to sell off existing Tier 2 inventory of plants and to start growing replacement plants that purchasers want. Although some businesses will need to modify their product offerings, nurseries will not be unduly restricted by this legislation and will still be able to offer a broad selection of plants to gardeners and landscapers. Furthermore, nursery customers are starting to become aware of the harm that even a single invasive plant species, like English ivy, can cause, and they are shifting to digging up invasives and replacing them with species that are good for the environment. Much of the green industry is considering current market trends and are transitioning to non-natives that are not invasive and to native species.

What is the Impact on Human and Animal Health and on Healthcare Costs?

Some invasive plants impact our health and healthcare costs. Japanese barberry is a host for mice and blacklegged ticks that carry Lyme disease. According to scientific research "several invasive plant species such as Japanese honeysuckle and barberry have been definitively shown to harbor and enhance tick, host, and pathogen populations by enhancing microhabitat and survival." Where there is greater infestation of barberry, there is a greater spread of Lyme disease, which impacts human, equine and canine health, as well as livestock. Concerns are so significant that the Department of Defense considers this to be a threat to military readiness on military property. According to Invasive Species Advisory Council research, public-land managers report that

ticks and tick-borne diseases originating on public lands can have serious adverse consequences to employees, other public-land users, and wildlife.

What is Biodiversity and Why is it Important

Within ecosystems, diverse species keep each other in check, preventing any one species from dominating and causing imbalances. Biodiversity supports industries such as agriculture, fisheries, and tourism. In almost all crops, native insects are the primary pollinators, or they significantly supplement the activity of honeybees. Ensuring we have the native plants that our native insects depend on helps ensure we have food to eat. Healthy ecosystems provide us with food, medicine, materials for manufacturing, and recreational opportunities. Biodiverse ecosystems provide essential natural services like pollination, water purification, soil fertility, and climate regulation. These services are often taken for granted but are vital for human well-being.

Preserving biodiverse ecosystems is as critical for the health of the planet as reducing greenhouse gas emissions. It's not just about saving individual species; it's about preserving the intricate web of life—the variety of plants, animals, fungi, and microorganisms that make up our critical ecosystems—that sustains us all. Losing native terrestrial or aquatic plants to invasive plants which outcompete them, means losing the habitat for critical pollinators—birds, bees, and other insects— leading to the extinction of native species and disrupting the balance of ecosystems.

The first step in protecting Maryland's native species is by prohibiting those plants that impact the health and existence of critical pollinators and flora in the state of Maryland. This bill would help farmers, winemakers, and the recreational industry, and it would also bring much needed relief to public and private property owners and managers, who are struggling to contain these invaders on private property and in our parks, despite expending greater labor and costs each year. 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 because of the lack of adequate invasive species regulations, I strongly urge a favorable report on HB979.

Sponsor Amendments

I am proposing six sponsor amendments based on discussions with the Department, DNR and the Maryland Green Industry Council (MaGIC), who have proven to be an excellent partner in developing this bill.

1. Adds language regarding whether to declassify a "cultivar", "selection" or "infraspecific hybrid" of a prohibited plant.
2. Clarifies that species in Plant Invaders of Mid-Atlantic Natural Areas will be assessed using the process described in the bill for other invasive plants.
3. Deletes language that would automatically classify all current Tier 2 plants.
4. Adds language that would ensure all current Tier 2 plants are assessed by December 31, 2025, and if they are determined to be an invasive plant shall be classified as prohibited, otherwise they will be placed on the Watch List.
5. Provides more definition to qualified independent assessor.
6. Clarifies that DNR has enforcement authority and responsibility for all aquatic plants.

HB_979_SponserAmendment_323327
Uploaded by: Linda Foley
Position: FAV

HB0979/323327/1

AMENDMENTS PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES

28 FEB 24
11:43:13

BY: Delegate Foley
(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 979
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "assessments" insert "and data"; and in line 12, after "manner;" insert "requiring the Committee to review the qualifications of a qualified independent assessor;".

AMENDMENT NO. 2

On page 4, in line 7, strike "**EXTENSIVE**" and substitute "**AT LEAST 2 YEARS OF**"; and in line 29, strike "**AND**".

On page 5, in line 1, strike "**REVIEW**" and substitute "**(I) IN CONSULTATION WITH THE SECRETARY AND THE SECRETARY OF NATURAL RESOURCES, REVIEW THE QUALIFICATIONS OF THE QUALIFIED INDEPENDENT ASSESSOR; AND**

(II) REPORT TO THE SECRETARY ANY PROPOSED CHANGES TO THE QUALIFICATIONS OF THE QUALIFIED INDEPENDENT ASSESSOR;

(4) REVIEW";

and in line 4, after "**SPECIES**" insert "**; AND**

(5) (I) REVIEW ANY DATA SUBMITTED TO THE COMMITTEE THAT INDICATES A CULTIVAR, SELECTION, OR INFRA–SPECIFIC HYBRID OF A PROHIBITED INVASIVE PLANT IS NOT INVASIVE; AND

(II) IF THE DATA SUBMITTED UNDER ITEM (I) OF THIS ITEM IS DEEMED ACCURATE AND SUFFICIENT, ADVISE THE SECRETARY TO DECLASSIFY OR PREEMPTIVELY NOT CLASSIFY THE CULTIVAR, SELECTION, OR INFRA–SPECIFIC HYBRID AS A PROHIBITED INVASIVE PLANT".

On page 6, in line 17, after "Areas" insert "**IF THE PLANT IS ASSESSED AS AN INVASIVE PLANT SPECIES IN ACCORDANCE WITH SUBSECTIONS (C) AND (D) OF THIS SECTION**".

On page 8, in line 19, strike "**OR TIER 2**"; after line 20, insert:

"**(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 OF THIS SUBTITLE BY DECEMBER 31, 2025, AND SHALL BE:**

(1) IF THE RESULTS OF THE ASSESSMENT DETERMINE THE PLANT IS AN INVASIVE PLANT, CLASSIFIED AS A PROHIBITED INVASIVE PLANT UNDER THE REGULATIONS ADOPTED UNDER § 9.5–301 OF THIS SUBTITLE; OR

(2) IF THE RESULTS OF THE ASSESSMENT DETERMINE THE PLANT IS NOT AN INVASIVE PLANT, PLACED ON THE WATCH LIST.";

and in lines 21 and 25, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively.

HB_979_SponserAmendment_593325
Uploaded by: Linda Foley
Position: FAV

HB0979/593325/1

AMENDMENTS PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES

27 FEB 24
16:53:52

BY: Delegate Foley
(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 979
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, after the semicolon insert "authorizing the State Highway Administration to conduct certain activities related to controlling and disposing of invasive plant species under certain circumstances and in a certain manner;".

AMENDMENT NO. 2

On page 9, in line 13, strike "paragraph" and substitute "**PARAGRAPHS (2) AND**"; in the same line, strike the second set of brackets; in the same line, strike "**(2)**"; in line 14, strike "and in accordance with regulations adopted by the Secretary"; in line 17, after "may" insert "**, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT,**"; and after line 27, insert:

"**(3) (I) NOTWITHSTANDING PARAGRAPH (2)(I) OF THIS SUBSECTION AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE STATE HIGHWAY ADMINISTRATION MAY CONDUCT AN ACTIVITY PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE PURPOSE OF CONTROLLING OR DISPOSING OF A PROHIBITED INVASIVE PLANT ALONG STATE HIGHWAYS WITHOUT PRIOR APPROVAL OF THE SECRETARY.**

(II) THE STATE HIGHWAY ADMINISTRATION SHALL CONTROL OR DISPOSE OF PROHIBITED INVASIVE PLANTS ALONG STATE HIGHWAYS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN A MANNER CONSISTENT WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

(III) THE DEPARTMENT SHALL NOTIFY THE STATE HIGHWAY ADMINISTRATION OF ANY CHANGES TO REGULATIONS ADOPTED BY THE DEPARTMENT THAT IMPACT THE CONTROL OR DISPOSAL OF PROHIBITED INVASIVE PLANTS.".

HB979 support letter.pdf
Uploaded by: Lisa Caprioglio
Position: FAV

Committee: Environment and Transportation

Testimony on HB 979 Biodiversity and Agricultural Protection Act

Position: Favorable

Hearing Date: February 28, 2024

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 HB 979.

Lisa Caprioglio
Takoma Park, MD

HB979_ Sierra Club_FAV_ENT.pdf
Uploaded by: MARIE LAPORTE
Position: FAV

SIERRA CLUB

P.O. Box 278
Riverdale, MD 20738

Committee: Environment and Transportation
Testimony on: HB979 "Biodiversity and Agriculture Protection Act"
Position: Favorable
Hearing Date: February 28, 2024

The Maryland Chapter of the Sierra Club urges a favorable report on HB979, 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 (2%) of nearly 300 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, porcelainberry, wisteria, Japanese honeysuckle, English ivy, and Asian 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.

Japanese barberry kills native plants by altering the soil and hosts mice and blacklegged ticks which spread lyme disease, a serious health threat. 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 HB979.

Marie LaPorte
Natural Places Committee
marielaporte@verizon.net

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

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[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 HB979 - Biodiversity and Agricultu

Uploaded by: Marisa Olszewski
Position: FAV

MARYLAND LEAGUE OF CONSERVATION VOTERS

February 26, 2024

SUPPORT: HB 979 - Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)

Chairman Korman and Members of the Committee:

Maryland LCV supports HB 979 - Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act) and we thank Del. Foley for her 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. HB 979 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 HB 979 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 HB979 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_HB979.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 Environment and Transportation 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

HB979_McDonagh_ENT_FAV.pdf
Uploaded by: Meredith McDonagh
Position: FAV

Committee: Environment and Transportation
Testimony on: HB979 – "Biodiversity and Agriculture Protection Act"
Submitted by: Meredith McDonagh for local garden clubs
Position: Favorable
Hearing Date: February 28, 2024

Meredith McDonagh
710 Hampton Lane
Towson, MD 21286
meredy@comcast.net

Dear Environment and Transportation Committee,

I respectfully urge you to please support HB 979, whose purpose supports the efforts of previously enacted legislation and whose current consideration and passage will help address the overwhelming number and amount of Invasives that is continuing to "eat up" our landscape to the ultimate detriment of human beings as the critical native flora/fauna struggle to survive the tsunami of foreign plants.

I am a Baltimore County Master Gardener (8 years) and a member of Halten Garden Club, Inc. (23 years) currently serving as my club's Conservation Chair. I am a Gardening Study Master Consultant through Federated Garden Clubs of MD. In addition, I am currently the Zone VI (MD and DC) Conservation and National Affairs and Legislation Representative with the Garden Club of America. I have had a lot of education on all sorts of environmental issues. I observe my landscape and community carefully as I move through it.

Drastic change has and is occurring on my Towson property over the past 30 years. The landscape looks very different, unhealthy, which makes me feel sad and frustrated, often defeated. I calculate that more than half of our 9 acres is covered in very aggressive Invasive plants with several that are either impossible to get rid of or near impossible. I have many types of Invasives; I will describe the three worst culprits.

Lesser Celandine (LC, Ficaria verna): likely washed onto our property from the stream that crosses through it. I did not plant it; I did not want it. Over the years it has marched all over the property, covering entire flower beds, under trees, in the vegetable garden and enmeshed itself in grass. It grows in all soil, light, and moisture conditions. I see it competing with, and easily "winning" over Spring native plants and any other plant material in its path. One example of collateral damage are violets (Viola sororia) which are host plants for a large variety (30) of fritillary butterflies, bees, flies, and food sources of pollen and nectar as well as seeds for small mammals and birds (Xerces Society). Even larger perennials are disturbed by the thick mats of Lesser Celandine that encircle and smother it, their leaves and buds deformed. This means that there is a drastic reduction in flowering plants including trilliums, claytonia spp. {Spring Beauties} and Sanguinaria canadensis (Bloodroot) for pollinators. Deer do not eat it. And while I wish they did, it underscores the "food desert" that occurs when invasives take most of the available real estate.

It is nearly impossible to completely eradicate LC because the bulbils and tuberous roots drop off in the soil. Three times I dug up plants, and thoroughly sifted the soil, but in just one season it was back again, and the season after that, back again with vengeance. Furthermore, I now know that I have unwittingly spread it elsewhere on my property when moving plants to a new bed. That is maddening. Thankfully this plant is Tier 1 now, but the damage here just continues, exponentially. I implore you to expand Tier 1 so that there is a chance that other invasives' spread is curtailed.

Houttuynia cordata (HC- Chameleon Plant): I bought this out-of-control plant at a nursery. I had no idea about the nightmare that was to ensue. Furthermore, I cannot believe it is still sold and do believe this is grossly irresponsible. This plant spreads rapidly, in all growing conditions, and inserts itself among existing plants. The rhizomes break off very easily, meaning that the plant will live regardless, and the root systems thrive 18 inches below soil level so digging it out successfully is unlikely. I covered a small, infested area for 3 years with plastic. Unearthed last year, finally, the bed appeared to look okay, but I know that there is more HC in the soil, and therefore it is returning.

It is futile to use herbicides on these plants; they do not work and who wants more chemicals in our groundwater? I have spent HOURS and HOURS trying to eradicate this and much money paying someone to help remove invasives on our property (barberry, raspberry, mahonia, and more included). The cost is REALLY, REALLY, high – in terms of bio-diversity loss, money, effort. It feels like a losing battle, but legislation would help stop adding more invasives into our landscape and hopefully "cut off at the pass" newer threats before they too become out-of-control.

Japanese Stilt Grass (Microsegium vimineum): dominates about 3 acres of declining woods, trees fallen due to aggressive BGE "pruning" and increased rain, leaving open areas where Stilt Grass takes hold, then proceeds to invade all over the woods in short order. You cannot safely walk in the woods for fear of tripping over smothered fallen trees; I don't how foxes and rabbits navigate this fog.

Also and even if not typically sold in nurseries, I believe the public needs more education on the detriments of **all** invasives, so they choose wisely when, say, ordering plants online across state borders, participating in plant swaps that spread invasives (often unknowingly), introducing English Ivy into a suburban garden where it then infests adjacent farm and park land (=spread by humans, not birds eating the seed).

Will the trees covered in vines along roadways and on homeowners' properties become the recognizable/typical look of Maryland? Are they now? Trees covered in ivy and other Invasives are increasing in number and smothering larger proportions of the bio-mass, to the point of death. These areas are eyesores. They do nothing to enhance Maryland's attraction to visitors and homebuyers, decreasing property value. Along roadways it is sickening to see a struggling Oak or River Birch (natives) choking with vines and then embellished with litter. These trees are cleaning the car fumes, holding soil, etc. and should be adding to local beauty, not to decay.

Please vote favorably on this bill to effect real change and save Marylanders the cost, both economic and health-wise, by addressing the devastation. According to Yale Climate Opinion Maps, 78% of Marylanders say 'Yes, Climate Change is real'- and Invasives are a part of this.

Thank you, and for all you do for our environment,

Meredith McDonagh,
For and on behalf of these Garden Clubs: Amateurs, Catonsville, Chevy Chase, Twenty, Georgetown, Green Spring Valley, Guilford, Halten, Hardy, Perennial, St. Georges, Talbot County, Trowel.

HB0909_Invasive_Plants.pdf
Uploaded by: Michael Loll
Position: FAV

HB0909 - Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)

Testimony before the Maryland House Committee for Environment and Transportation

February 28, 2024

Position: Favorable

Mr. Chair, Ms. Vice Chair and members of the committee, my name is Michael Loll. I am a member of the Columbia Association Weed Warriors group, and a homeowner in Columbia, MD. In both roles, I have seen how invasive plant species have spread through our forests, our farms, and our yards, harming all of them. I provide written testimony today in ***strong support of HB0864***.

This is an example of a grove of trees near my home being strangled by invasive shrubs (probably Multiflora rosa) and vines. I am sure you have seen similar scenes driving along roads in our state and elsewhere. Invasive species kill trees badly needed for greenhouse gas absorption and wildlife habitat. Non-native invaders compete with, and often overcome, native plants that provide food and shelter for pollinators and birds. Farmers struggle to rid their fields of weeds originating from overseas. In short, invasive non-native plants degrade our environment and impose significant costs on the American farmer. Taxpayers often are left to pay the costs for removing these species where possible, and providing subsidies to those harmed by their profligate spread.

I am glad to see provisions in your measure that phase in a ban on harmful plants. Landscapers, nurseries, and other plant professionals need some protection in making a transition to using and selling safer plants. I think they will find that there are plenty of attractive non-native and native plants which do not spread aggressively which would be suitable for their various needs.

I encourage a favorable report.

Thank you for your time and attention.

Michael Loll

HB 979 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

Wednesday, February 28, 2024

TO: Marc Korman, Chair of the House Environment and Transportation 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 HB 979 Agriculture – Invasive Plant Species – Regulation (Biodiversity and Agriculture Protection Act)

The Nature Conservancy (TNC) supports HB 979 offered by Delegate 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.

HB 979 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 Delegate Foley for introducing HB 979 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 HB 979.

2024 Support for HB979_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

HB979_PattyMochel_ENT_FAV.pdf
Uploaded by: Patty Mochel
Position: FAV

7819 Chelsea St.
Towson, MD 21204

February 26, 2024

I am writing in support of the 2024 Biodiversity and Agriculture Protection Act (HB 979). I currently lead a group of volunteers who are cutting down invasive vines from the trees growing around the Roland Run Stream in Riderwood, Baltimore County. I began doing this volunteer work in 2017.

It's a horrible feeling to drive along just about any roadway in Maryland and see literally thousands of trees being choked to death by these invasive vines. Just as horrifying is the sight of literally hundreds of invasive miscanthus plants (known as silvergrass, plants that originated in Asia) lining Harford Rd. north of the Beltway in Balitmore County. Bradford pear is another plant that has taken over formerly open areas south of Baltimore. I have worked diligently for ten years to dig up and remove English ivy from my property, and just this week paid thousands of dollars to a landscaping company to root out the English ivy that has proliferated in my lawn. This is spread by birds who eat the berries. I continually must patrol my yard to seek out the tiniest ivy plants that pop up on my lawn. It's insidious and has cost me a lot of money and time to try to remove it.

It's a travesty that these plants are allowed to be sold in garden centers across Maryland. There's really no reason they are allowed to be sold. I am working with friends and colleagues to help educate the public about the link between native plants and our local ecosystem. I chair the Towson Native Garden Contest (nativegardencontest.com), which we will run for the fourth time this year. Once gardeners realize that the plants and trees they choose to put in their own yards have an enduring positive effect on the environment, they want to buy native plants. Garden centers that pay attention can prosper by offering native plants to the gardening public.

Thank you very much.

Best Regards,

Patty Mochel

TESTIMONY.pdf
Uploaded by: Robert Kulp
Position: FAV

From: Robert Kulp (resident of Howard County)
Address: 10226 Green Clover Dr, Ellicott City, MD
Phone: 4106084142
Subject: Written Testimony for HB979 and SB915

FOR HOUSE TESTIMONY
Committee: Environment and Transportation
Testimony on: HB979
"Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act"

Position: Favorable

Hearing Date:
February 28, 2024

FOR SENATE TESTIMONY
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

The purpose of this letter is to underline the necessity and urgency as well as the simple logic and common sense of passing the "Biodiversity and Agriculture Protection Act." I would like to express my favor for both HB979 and SB915 over the following 3 points:

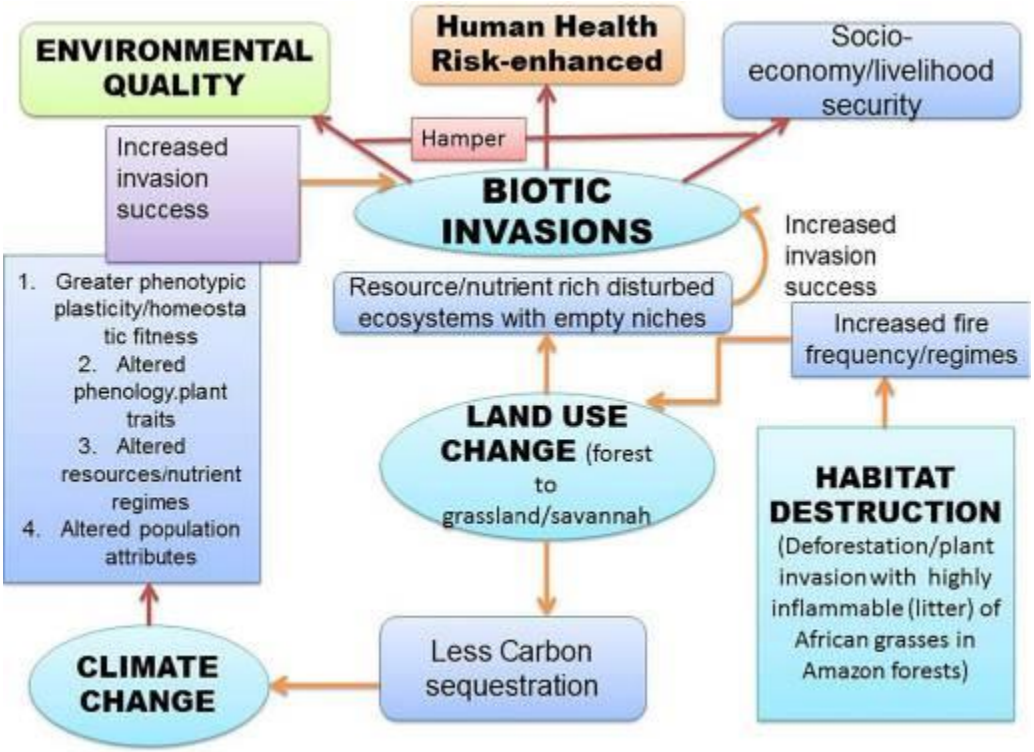
Point 1: Personal Experience

As a long-time resident of Howard County (40 years), I can personally attest to the encroachment of numerous plant species that have impacted my gardening efforts (spanning 2 properties and about 1.5 acres). Not only has the encroachment of numerous invasive species (e.g., Chinese Wisteria, English Ivy, Asian Bittersweet, Japanese Honeysuckle, Multiflora Rose, etc.) constrained my capacity to fully use my property but it has required significant expenses over the years in a continuous attempt to mitigate the invasive plant species while also degrading the appearance (and potentially value) of the properties. In addition, I have noticed while walking through the Patapsco State Park as well as driving past undeveloped areas near the park (e.g., River Rd in Baltimore County, Bonnie Branch Rd in Howard, etc.) the steady encroachment of several invasive species that appear to be clearly displacing native plants, at the expense of the enjoyment of experiencing the park both by virtue of the decrease in the natural beauty but also by virtue of concern over the long term impact on both animal and plant species that once thrived in the park.

Point 2: Addressing this Issue is Clearly Necessitated from a Global Perspective

Numerous articles (including those found in the peered reviewed literature) have analyzed the potential impact of invasive plant species. In particular, Kumar et al. (Kumar Rai P, Singh JS. Invasive alien plant species: Their impact on environment, ecosystem services and human health. Ecol Indic. 2020 Apr;111:106020. doi: 10.1016/j.ecolind.2019.106020. Epub 2020 Jan 9. PMID: 32372880; PMCID: PMC7194640) have determined that invasive plant species are currently having a profound impact on the viability of ecosystems with corresponding impacts on human health and corresponding socio-economic effects. The figure below (from Kumar et al.) illustrates the complex interrelations between

invasive plant species and both the natural eco-system and the human/societal ecosystem (which is rally a subset of the natural ecosystem). It is clearly not only prudent but also a resounding necessity to address this issue in a timely, decisive, and effective manner.



Point 3: Addressing this Issue is Clearly Necessitated from a Local Perspective

While Maryland faces the same potential dire consequences of invasive plant species as the world as a whole, it must be acknowledged Maryland has distinctive aspects of this problem by virtue of its unique and geographically variable set of ecosystems as well as its unique and geographically variable pattern of development and human habitations. In other words, the process of resolving the problem in Maryland must account for invasive plant propagation driven by urbanization. This bill clearly addresses this dimension of the problem by curtailing the public access to problematic plant species in a timely manner. However, it must be recognized that this is merely an essential initial step. Any ultimate solution must engage the public awareness of this issue; this bill in part does this by opening an additional avenue for informing the public of importance of this bill in the context of the choices people make in their own lives. Additional avenues for engaging public awareness in the educational system would also seem prudent. The proliferation of invasive species in the public parks or in formerly forested areas should also be addressed. For example, Angela Discoll ("The effect of treefall gaps on the spatial distribution of three invasive plants in a mature upland forest in Maryland," The Journal of the Torrey

Botanical Society, 143(4): 349-358) has determined that gaps in the forest canopies in Maryland provide opportunistic footholds for invasive plant species. Perhaps follow-on legislation could address this issue specifically using, for example, air-borne technologies for identifying these areas and responding accordingly to prevent further propagation of invasive plants and further degradation of the ecosystems.

In summary, I feel that the lack of addressing the problem of invasive species by passing this bill would be an unfortunate lost opportunity for providing vital stewardship of our state and demonstrate an ignominious insensitivity the future lives of our children. It also makes economic sense now, in the short term, and in the long term from all perspectives.

HB979 testimony .pdf
Uploaded by: Robert Soreng
Position: FAV

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

Committee: **Environment and Transportation**
Testimony on: **HB979 "Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)"**
Hearing Date: February 28, 2024
Position: **Favorable**
By: Dr. Robert Soreng

I am a research botanist trained in plant ecology, wildland management, taxonomy, and biodiversity issues: 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. 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.

HB979_Roland Oehme Landscape Architecture_FAV_ENT.

Uploaded by: Roland Oehme

Position: FAV

ROLAND OEHME
LANDSCAPE ARCHITECTURE

February 22, 2024

HB979 Agriculture – Invasive Plant Species – Regulation
HB979: House Environment and Transportation Committee
HB979: Hearing Feb, 28, 2024
FAVORABLE

Dear Chair Korman, Vice Chair Boyce, and honorable members of the Committee,

I am in support of HB 979, 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
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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 HB979.

Respectfully,

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

National Aquarium - HB979 - Favorable.pdf
Uploaded by: Ryan Fredriksson
Position: FAV

Date: February 28, 2024
Bill: HB 979 - Biodiversity and Agriculture Protection Act
Position: Support

Dear Chair Korman and Members of the Committee:

The National Aquarium respectfully requests a favorable report for **House Bill 979 - 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.

HB 979 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 invasive species. **We urge the Committee to issue a favorable report on HB 979.**

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

HB979.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

February 26, 2024

The Honorable Marc Korman
Chair, Environment and Transportation
Maryland House of Delegates
251 Taylor House Office Building
Annapolis, MD 21401

The Honorable Regina T. Boyce
Vice Chair, Environment and Transportation
Maryland House of Delegates
251 Taylor House Office Building
Annapolis, MD 21401

Regarding: HB 979 – Agriculture – Invasive Plant Species – Regulation (Biodiversity and Agriculture Protection Act)

Position: FAVORABLE

Dear Chair Korman, Vice Chair Boyce, and members of the Environment and Transportation Committee,

On behalf of Scenic Rivers Land Trust, I write to urge your support for the Biodiversity and Agriculture Protection Act (HB 979) 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

HB979_IndivisibleHoCo_FAV_Ann Coren.pdf
Uploaded by: Virginia Smith
Position: FAV

HB979

Agriculture-Invasive Plant Species - Regulatory

(Biodiversity And Agriculture Protection Act)

Testimony before House Environment and Transportation Committee

Hearing February, 28, 2024

Position: Favorable

Dear Chair Korman and Vice-Chair Boyce, and members of the committee, our names are Ann Coren and Virginia Smith, and we represent the 700+ members of Indivisible Howard County. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members). We are providing written testimony today **in support of Bill HB979**, which would alter the regulatory approach for controlling invasive species in the State.
Invasive species are a growing problem in Maryland. They can monopolize natural resources by outcompeting native plants. Human health is put at risk by creating habitat that increases the spread of disease, such as Lyme Disease. Human health is also put at risk by the extensive use of herbicides to attempt to control invasive species on farms and in yards.

Invasive species cost the State a significant amount of money. In 2000, it was estimated that invasive species cost the US $137 billion annually (which is $239 billion in today's dollars). Volunteers spend endless hours in the State and County Parks, and homeowners spend undue time in their yards removing invasive species. The time and money could be better spent.

Invasive species weaken our State forest's resilience to the Climate Crises as native species are put under stress and we lose the genetic biodiversity that resilient forests require.

For these reasons and more, **HB979** is a must pass bill this session. This bill would increase the number of plant species that are prohibited for sale in Maryland, as well as allow for the prohibition of aquatic invaders impacting our waterways and of plants not currently available for sale at local retailers. Finally, it would also replace Maryland's existing, time-consuming risk assessment tool with a more efficient status assessment protocol.

Thank you for your consideration of this important legislation.

We respectfully urge a favorable report for HB979.

Ann Coren
Columbia, MD 21044

Virginia Smith
Columbia, MD 21044

24 MaGIC_HB979__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: February 28, 2024

House Bill 979 - Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)

Committee: Environment & Transportation

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 House Bill 979 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.

MaGIC respectfully requests your favorable with amendments reports on House Bill 979.

MD HB 979 Testimony_NALP.pdf
Uploaded by: Terence Stovall
Position: FWA

February 26th, 2024

Chairman Marc Korman
House Environment and Transportation Committee
Room 251
House Office Building
Annapolis, Maryland 21401

Landscape Industry Comments on HB 979: Agriculture - Invasive Plant Species - Regulation (Biodiversity and Agriculture Protection Act)

The National Association of Landscape Professionals (NALP) is the national trade organization representing the $3.7 billion landscape industry employing over 35,000 employees in the state of Maryland. Member companies specialize in lawn care, landscape maintenance, tree care, irrigation, and water management. Landscape professionals throughout the nation work daily performing essential services to homes and businesses to maintain their landscapes, sustain the environment, and enhance and maintain healthy and safe green spaces.

We are writing to provide testimony on Maryland HB 979, which proposes regulations that could have a significant impact on growers and nurseries in our state. This bill, if enacted, would potentially subject cultivars to prohibition without adequate assessment, posing a serious concern for the livelihoods of those in the horticultural industry.

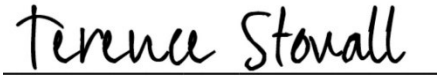
First, it's imperative to allow for thorough assessment before any cultivars are prohibited. Any decision to restrict or prohibit cultivars should be based on scientific evidence demonstrating their harmful or invasive nature. Rushing into such prohibitions without proper assessment could have detrimental effects on growers and nurseries, leading them to experience financial losses and disruptions in their operations.

Furthermore, we advocate for a compromise that allows sufficient time for the assessment of cultivars and for growers and nurseries to transition to alternative plants. Abrupt changes in regulations could pose significant challenges for businesses, particularly small-scale operations that may lack the resources to adapt quickly. Providing a reasonable transition period will enable growers and nurseries to adjust their practices accordingly and minimize potential adverse impacts on their businesses.

We urge the committee and bill sponsor to continue collaboration with stakeholders in developing regulations that strike a balance between environmental protection and the economic interests of growers and nurseries. Such collaboration is crucial in ensuring that any measures implemented are practical, effective, and fair.

In closing, we support efforts to safeguard Maryland's environment from harmful and invasive species, but we urge legislators to regulations that could disproportionately affect growers and nurseries. By working together with stakeholders and allowing for adequate assessment and transition periods, we can achieve a balanced approach that protects both our environment and the livelihoods of those in the horticultural industry.

Sincerely,



Terence Stovall
Manager, State and Local Affairs

terence@landscapeprofessoinals.org

HB979,SB915 Marshalls Economic Impact.pdf
Uploaded by: John Marshall
Position: UNF

HB 979/SB915 – Not in Favor

Economic Impact/Lost Sales for Proposed Legislation HB979/SB915
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 Comp	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
Buddelia	6711	$ 106,349	3808	$ 65,091	5237	$ 80,360	15756	$251,800
		$ 261,965		$ 207,744		$ 210,531		$680,239
	2023		2022		2021			
Gross Sales		$1,187,867.28		$995,109.60		$812,977.68		$680,238.86

I am not frequenter of Annapolis but I assume bill's approach, "altering the regulatory approach for controlling invasive plant species" will be debated as to whether change is even needed?
Is there some problem with current system other than Delegate Foley's/Senator Brooks want to change it?
The Bill 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 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.

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

Attached is information related to our sales, showing # 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 proposed list.
Two of these items, Berberis thunbergii and Euonymus alatus, have been placed an many invasive species lists and while they will impact us financially, this has been coming for a while and we can accept their being banned.
That being 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 and Euonymus alatus have had much work done to create cultivars that do not produce viable seed and therefore are not invasive.
I believe some other states do have programs that allow selected non reproducing cultivars of "invasive" plants to be produced?

Nandina is different. We feel strongly that this plant should not be banned from sale in our state.
I reached out to an active bird enthusiast (he is also a gardener and ornamental plant enthusiast) that I know to get his thoughts, and to help me see if I am wrong in my thoughts about Nandina.
My birder/gardener friend feels Nandina berries are not typically eaten by the birds.
And I have to say my experience is the same, that in my landscape the berries typically persist until they fall off the plant.
He told me he is much more concerned with impact of windmills (and even tall buildings as he worked for many years in a 5 story building in Salisbury and during migration times would find dead and stunned birds on his way into work) on our bird population than Nandina.

The list of proposed plants on the "National Park Service" are very concerning to me as well.
Ligustrum 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 2 species.
Vinca minor, while less important to us economically, according to Park Service booklet, has "no fruits or seeds typically". So this only spreads where it has been planted? I question this plant being banned.

Certainly, as stated above, researched and tested varieties that are non reproducing should be considered and allowed through some type of selection process.
Most Nandina cultivars seed very little in comparison to the species, but again, the seeds in my experience are not typically ingested and spread.
I do not know of or have not seen volunteer Nandina plants in our area as volunteers in the landscape and unintended areas.

We have Berberis thunbergii, Buddleia, Euonymus alatus, Ligustrum, Mahonia, Nandina and Spiraea in all stages of production, specifically
Propagation, transplants waiting to be planted in to larger containers later in 2024
Young Plant Production, plants that were in propagation this time last year and are in larger containers and are anywhere from as little as 4 months and as long as 3 years to reach a mature, marketable size

Finished containers, these are one year older than Young Plants and 2 years older that propagation 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.
Miscanthus and Vinca are quicker crops and we could move through the inventory we have in 12-18 months.

Overall, I am not in favor of changing our current program to regulate Invasive Plants.
Maryland has a process in place, why change to another process?
Additionally, the impact of nearly $1,200,000 in lost sales on our business, not a small amount.
And it is not likely that our neighboring states will adopt similar restrictions, meaning many of proposed banned plants will still be available in Mid Atlantic, only with Maryland nurseries losing out economically.

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 important issue to Maryland nursery producers as well.

John Marshall
Marshalls' Riverbank Nurseries Inc
Salisbury, MD 21801

HB0979 - SHA - Agriculture - Invasive Plant Specie

Uploaded by: Pilar Helm

Position: INFO

February 28, 2024

The Honorable Marc Korman
Chair, House Environment and Transportation Committee
251 House Office Building
Annapolis MD 21401

RE: Letter of Information – House Bill 979 – Agriculture – Invasive Plant Species – Regulation (Biodiversity and Agricultural Protection Act)

Dear Chair Korman and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following information on House Bill 979 for the Committee's consideration.

House Bill 979 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 House Bill 979, 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 House Bill 979 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 House Bill 979 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 House Bill 979.

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

INFO_MDA_HB_979
Uploaded by: Rachel Jones
Position: INFO

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

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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 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.

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

Informational - HB979 Agriculture - Invasive Plant

Uploaded by: Tyler Hough

Position: INFO

Maryland Farm Bureau

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

February 26, 2024

To: House Environment and Transportation Committee

From: Maryland Farm Bureau, Inc

RE: **Informational HB979 - 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 HB979 - 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 larges 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 would support amendments to page 6 lines 15-17 that specify if plant species is assessed as an invasive plant species in accordance with 9.5-301 (C) and (D), and on page 8 lines 20 & 21 extending the implementation date to the year 2026 or later.

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