

MARYLAND REGISTER

**Proposed Action on Regulations**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	08/29/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 9/30/2016**

**2. COMAR Codification**

<b>Title</b>	<b>Subtitle</b>	<b>Chapter</b>	<b>Regulation</b>
15	06	04	06

**3. Name of Promulgating Authority**

Department of Agriculture

<b>4. Name of Regulations Coordinator</b>	<b>Telephone Number</b>
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**Title 15**  
**DEPARTMENT OF AGRICULTURE**  
**Subtitle 06 PLANT PEST CONTROL**

**15.6.4 Regulation of Invasive Plants**

Authority: Agriculture Article, §9.5-301, Annotated Code of Maryland

**Notice of Proposed Action**

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The Secretary of Agriculture proposes to amend Regulation .06 under COMAR 15.06.04 Regulation of Invasive Plants.

**Statement of Purpose**

The purpose of this action is to include two plants to the existing list of tier 1 invasive plants and two to the list of tier 2 invasive plants in accordance with the risk assessment protocol. This action further defines the procedure for the classification or the declassification of a tier 1 invasive plant or a tier 2 invasive plant. This action also clarifies that landscapers who plant or supply for planting a tier 2 invasive plant must provide their customers a list of tier 2 invasive plants.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Kimberly Rice, Program Manager, Plant Protection and Weed Management, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Maryland 21401, or call (410) 841-5920, or email to [kimberly.rice@maryland.gov](mailto:kimberly.rice@maryland.gov), or fax to (410) 841-5835. Comments will be accepted through November 14, 2016. A public hearing has not been scheduled.

## Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2017

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used: No cost will be incurred.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly: The plants that are being added to the Tier 1 invasive plant list are not widely sold or traded in the nursery industry. The required plant lists will not be extensive or costly to reproduce.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

No economic impact.

G. Small Business Worksheet:

Attached Document:

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# Title 15 DEPARTMENT OF AGRICULTURE

## Subtitle 06 PLANT PEST CONTROL

### 15.06.04 Regulation of Invasive Plants

Authority: Agriculture Article, §9.5-301, Annotated Code of Maryland

#### **.01 Scope.**

(text unchanged)

#### **.02 Definitions.**

A. –B. (text unchanged)

(1) – (6) (text unchanged)

#### **.03 Risk Assessment Protocol for Invasive Plants.**

(text unchanged)

#### **.04 Tier 1 Prohibitions and Approvals.**

A. –E (text unchanged)

#### **.06 Tier 1 and Tier 2 Invasive Plants.**

A. *The following plants are classified as Tier 1 invasive plants upon adoption of this regulation (see Department's website for adoption date* [<http://mda.maryland.gov/Pages/Proposed-Regulations.aspx>]

[http://mda.maryland.gov/plants-pests/Pages/maryland\\_invasive\\_plants\\_prevention\\_and\\_control.aspx](http://mda.maryland.gov/plants-pests/Pages/maryland_invasive_plants_prevention_and_control.aspx):

(1) (text unchanged)

(2) *Geranium lucidum* (shining cranesbill); [and]

(3) *Iris pseudacorus* (yellow flag iris);

(4) *Euonymus fortune* (wintercreeper); and

(5) *Lonicera maackii* (Amur honeysuckle).

B. (text unchanged)

C. *The following plants are classified as Tier 2 invasive plants upon adoption of this regulation (see Department's website for adoption date [<http://mda.maryland.gov/Pages/Proposed-Regulations.aspx>])*  
*[http://mda.maryland.gov/plants-pests/Pages/maryland\\_invasive\\_plants\\_prevention\\_and\\_control.aspx](http://mda.maryland.gov/plants-pests/Pages/maryland_invasive_plants_prevention_and_control.aspx):*

(1) – (3) (text unchanged)

(4) *Wisteria floribunda* (Japanese wisteria); [and]

(5) *Wisteri[u]a xormosa* (floribunda x sinensis hybrids);

(6) *Cytisus scoparius*, (Scotch broom); and

(7) *Nandina domestica* (heavenly bamboo).

D. (text unchanged)

E. (text unchanged)

(1) A person who requests the classification or declassification of a plant as a Tier 1 or Tier 2 invasive plant, shall submit a written request to the Secretary that includes the name of the requestor, contact information, scientific name of the plant, and a justification for the request.

(2) *Upon receipt of the request the Secretary, in consultation with the Invasive Plant Advisory Committee, shall make a determination, considering:*

(a) *Whether the plant is or could potentially be sold or marketed in the state;*

(b) *If the plant has already been assessed pursuant to regulation .03 of this Chapter, whether new, science-based information is available that could change the species' Tier ranking; and*

(c) *If the plant has not been assessed pursuant to regulation .03 of this Chapter, whether the justification for the request, including documented scientific evidence of economic, ecological, or environmental harm, or harm to human health, necessitates formal weed risk assessment.*

(3) *The Secretary shall notify the requestor of the final decision regarding the request.*

F. Distribution of the list of Tier 2 invasive plants [by the Department to licensed nurseries, plant dealers, and plant brokers on an annual basis].

(1) – (2) (text unchanged)

(3) *A person in the business of providing landscaping services who plants or supplies for planting a Tier 2 invasive plant shall provide to the customer requesting the service the list of Tier 2 invasive plants.*

G. (text unchanged)

(1) – (2) (text unchanged)

#### **.07 Required Retail Signage for Tier 2 Plants**

(text unchanged)

A. – C. (text unchanged)

JOSEPH BARTENFELDER  
Secretary of Agriculture