

HB90_MDSierra_Club_fav 28March23.pdf

Uploaded by: Carolyn Parsa

Position: FAV



P.O. Box 278
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Committee: Education, Energy and the Environment

Testimony: HB90 “Local Government - Regulatory Powers - Control of Invasive Bamboo”

Position: Support

Hearing Date: March 28, 2023

The Maryland Chapter of the Sierra Club urges the Committee’s support of HB90 as amended. The bill authorizes governing bodies of counties and municipalities to adopt ordinances to regulate invasive bamboo; and generally relating to the regulation of invasive bamboo. The bill defines invasive bamboo as “bamboo that is characterized by aggressive spreading behavior, including bamboo species in the genus *Phyllostachys*.” The bill allows for “the governing body of a county or municipality, by ordinance, [to] regulate invasive bamboo, including by prohibiting a person from: 1) selling invasive bamboo; 2) planting invasive bamboo; and 3) allowing invasive bamboo to grow on the property of the person without proper upkeep and appropriate containment measures, including barriers or trenches.” The bill also allows for “the governing body of a county or municipality [to] provide for the enforcement of an ordinance” and generally outlines the enforcement.

Bamboo is often used in gardens or on properties as a natural privacy screen or hedge. However, uncontrolled invasive bamboo can spread quickly and indefinitely via underground rhizomes or stems that run horizontally. Two of the running bamboo species – *Phyllostachys aurea* and *Phyllostachys aureosulcata* – have been identified by the Maryland Department of Agriculture as Tier 2 Invasive Plants. The rapid growth of bamboo can displace other plants, including natives. Additionally, bamboo rhizomes can cause damage by pushing through building foundations and above ground structures. Once established, invasive bamboo can be very expensive and difficult to eradicate because new plants can grow from rhizome fragments with nodes. Without ordinances, property owners might have little recourse other than suing if invasive bamboo infringes on their property.

Other states, including Virginia and Connecticut, and local jurisdictions have passed legislation to encourage responsible use of running bamboo and to protect adjacent property owners from the invasion of a property owner’s running bamboo.

The new language to prohibit the selling and planting of invasive bamboo strengthens the bill. This addition can help prevent landscapers and property owners not familiar with invasive bamboo’s aggressive and harmful characteristics from inadvertently planting it.

We support the bill as currently amended and urge a favorable report on HB90.

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Invasive running bamboo stalk coming through asphalt from a rhizome (horizontal underground stem) that grew horizontally underneath the pavement from an adjacent bamboo grove



Stalks of invasive running bamboo coming up from underneath tennis court surface from rhizomes spreading underground from bamboo grove



Stalks of invasive running bamboo sprouting into a crawlspace from underground rhizomes that spread horizontally in the soil from a bamboo grove



Invasive bamboo stalk growing behind sheathing and siding on a building



Running bamboo leaves emerging from behind sheathing and siding

HB0090-EEE_MACo_SUP.pdf

Uploaded by: Dominic Butchko

Position: FAV



House Bill 90

Local Government - Regulatory Powers - Regulation of Invasive Bamboo

MACo Position: **SUPPORT**

To: Education, Energy, and the Environment
Committee

Date: March 28, 2023

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** HB 90. This bill would provide additional powers to local jurisdictions for the regulation and control of bamboo overgrowth.

As an invasive species, uncontrolled bamboo can present a threat to the health of Maryland's ecosystem. Depending on the species, bamboo can grow up to roughly three feet per day, quickly overwhelming natural landscapes, destroying private property, and negatively altering communities. While counties respect a homeowner's right to transform the landscape of their property within certain limits, it is critical that nonnative plant species be controlled from spreading beyond areas which they were intended.

HB 90 establishes a commonsense system whereby counties can regulate and penalize property owners for the unwelcome spread of bamboo overgrowth to both adjoining properties and within public rights-of-way.

HB 90 gives counties a necessary tool to control the unwelcome spread of bamboo within local communities. As such, MACo urges the Committee to issue a **FAVORABLE** report on HB 90.

Final senate testimony on bamboo containment HB 90

Uploaded by: Linda Foley

Position: FAV

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Legislative District 15
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Environment and Transportation
Committee

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THE MARYLAND HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND 21401

Testimony: HB90 – Local Government—Regulatory Powers—Control of Running Bamboo

Committee: Education, Energy and Environment

Hearing Date: March 28, 2023

Position: Favorable

I am Delegate Linda Foley, and I am asking for your support of HB 90, enabling legislation that grants local governments regulatory powers to control the planting and sale of invasive running bamboo.

This bill, as amended, would enable any locality in the state of Maryland to adopt an ordinance requiring proper containment and barriers when planting running bamboo to prohibit its spread from a landowner's property, or to prohibit its sale. The ordinance could include civil penalties of up to \$50 for a first violation and not to exceed \$200 for subsequent violations within 12 months. To be clear, this bill authorizes ordinances to require the containment of invasive running bamboo planted after the effective date of this bill; it does not call for the remediation of already planted bamboo.

The University of Maryland Extension identifies two variants of bamboo, clumping and running. Clumping bamboo is non-invasive, since it does not have a running rhizome structure -- meaning this variety has root systems that are extremely dense and compact. Its growth behavior is to create a bamboo clump, and therefore it's slow spreading. Clumping bamboos **don't encroach into neighboring yards, push up driveways or cement foundations, or require heavy digging equipment if they grow out of control. Thus, this bill does not address the clumping variety.**

This bill addresses the bamboo variety that most gardens encounter, i.e., running bamboo, which is considered invasive and is not native to Maryland. (Some bamboos are native to Maryland like the *Arundinaria*, a genus of bamboo in the grass family which is referred to generally as **cane**.) Invasive running bamboo has an expansive rhizome root system that can quickly create a bamboo forest. Quick growth and expansion are usually the reason this type of bamboo is preferred and planted because it can create an inexpensive barrier in lieu of more expensive options, such as a privacy screen or fence. However, these bamboo variants degrade natural areas, displace native plants and even uproot physical cement structures.

SOURCE: The University of Maryland Extension ([LINK](#))

In Maryland, invasive bamboos belong to four genera: *Phyllostachys*, *Pleioblastus*, *Pseudosasa*, and *Bambusa*. The Maryland Department of Agriculture currently classifies two species of the *Phyllostachys* genera of running bamboo as tier 2 invasive plants Golden Bamboo (*Phyllostachys aurea*) and Golden Groove Bamboo (*Phyllostachys aureosulcata*) and requires that signage be placed near retail displays to warn of the dangers to deter distribution. Additionally, the Ag department stated that “invasive plants threaten native plant health and biodiversity in both agricultural and natural systems in Maryland.” The severity of running bamboo must not be ignored.

SOURCE: Maryland Department of Agriculture ([LINK](#))

In 2018, the Virginia General Assembly enacted Senate Bill 964 (*Running bamboo; cutting by localities; ordinance prohibiting spread; designation of certain plants*) designating running bamboo as a noxious weed and provided localities the authority to adopt regulations concerning proper upkeep to prohibit the spread of running bamboo from a landowner’s property. The bill passed swiftly without any opposition in either chamber. Virginia’s largest county, Fairfax County, passed an ordinance that went into effect this year. Prince William ([LINK](#)) And Fauquier Counties ([LINK](#)) in Virginia also adopted regulations to control bamboo.

SOURCE: Fairfaxcounty.gov ([LINK](#))

My bill, HB 90, characterizes running bamboo as a species with aggressive spreading behavior in the genus *Phyllostachys*. This bill enables local governing bodies to prohibit growing running bamboo without appropriate containment. The flexibility presented ensures counties and municipalities can fashion their ordinances based on their unique characteristics.

The enactment of this bill is a step towards protecting our state’s plant biodiversity and environment in general. It is time for Maryland to join the Commonwealth of Virginia and set an example for other states. I urge a favorable vote for HB 90. Thank you. I’m happy to answer any questions

THE FOLLOWING PAGES PROVIDE BACKGROUND INFORMATION

BACKGROUND INFORMATION

Running Bamboo vs Clumping Bamboo Via The University of Maryland Extension

SOURCE: <https://extension.umd.edu/resource/containing-and-removing-bamboo>

- **Pachymorph** is the term for types of bamboo that clump.
 - **Clumping bamboo is considered non-invasive**
 - Their slow-spreading rhizomes have culms spaced closely together, and their root systems are extremely dense and compact.

Clumping Bamboo



“Growth behavior is to create a bamboo clump (non-invasive)”

- **Leptomorph** is the term for types of bamboo that spread or “run.”
 - **Running bamboo has proven invasive in the U.S.**
 - Their fast-spreading rhizomes have culms spaced further apart. Mature colonies of running bamboo create forests of growth. Rhizomes can run indefinitely unless damaged at the growing tip, at which point they stop producing new culms.



“Growth is to create a bamboo forest (invasive)”

Several species of running bamboo have proven invasive in the U.S.

- Colonizing uncultivated lands
- Spreading into neighbor’s yards outside of where it was planted.

MARYLAND DEPARTMENT OF AGRICULTURE'S TAKE

In Maryland, invasive bamboo belongs to four genera: **Phyllostachys**, **Pleioblastus**, **Pseudosasa**, and **Bambusa**.

- Two of these species are regulated as Tier 2 invasive plants by the Maryland Department of Agriculture
- Source: <https://mda.maryland.gov/plants-pests/Documents/Invasive-Plant-List-March-2020.pdf>"

Tier 2 Plants – Plant may be sold, Tier 2 <u>sign required</u> after effective date.			
Species Name	Common Name	Tier	Regulations Effective Date
<i>Nandina domestica</i>	Nandina, sacred bamboo	2	5/14/2017
<i>Phyllostachys aurea</i>	golden bamboo	2	7/24/2018
<i>Phyllostachys aureosulcata</i>	yellow groove bamboo	2	7/24/2018

The Maryland Department of Agriculture already sets restrictions for Tier 2 plants:

- A person may not sell or offer for sale Tier 2 invasive plants at a retail outlet unless the retail outlet posts in a conspicuous manner in proximity to all Tier 2 plant displays, a sign identifying the plants as Tier 2 plants. Required insignia can be found under Information for Nursery & Landscape Professionals on the right-hand side of this page.
- A person may not provide landscaping services to plant or supply for planting a Tier 2 invasive plant unless the person provides a list of Tier 2 invasive plants to its customer.
- Source: https://mda.maryland.gov/plants-pests/Pages/maryland_invasive_plants_prevention_and_control.aspx

“Invasive plants threaten native plant health and biodiversity in both agricultural and natural systems in Maryland.”

- SOURCE: [Maryland Department of Agriculture](#)

Maryland lawmakers propose choking off invasive running bamboo



by **Capital News Service** February 2, 2023



A volunteer trims bamboo at Glen Hills Local Park in Rockville,

Maryland, on Weed Warriors Workday, June 25, 2022. (Ed Wondoloski/Montgomery Parks, M-NCPPC)

By Dorothy Hood, Capital News Service

Running bamboo grows so fast and is so invasive that it's rooting up headstones in cemeteries, crossing neighborhood property lines and becoming a "major issue" in Maryland parks.

Bamboo overgrowth was so bad for one Maryland resident that the constituent contacted Del. Linda Foley, D-Montgomery, for help with a neighbor's bamboo crossing the property boundary. Now Foley, a member of the Environment and Transportation Committee, has introduced a bill to regulate the invasive species.

"They came to me because they had a problem and they wanted me to resolve it as their representative," Foley told Capital News Service. "They had a real problem with bamboo from their neighbor's yard invading their yard."

Foley said she hopes this bill will educate people about the invasive nature of bamboo and encourage gardeners to take appropriate measures before they decide to plant it.

The bill, HB 0090, Control of Running Bamboo, would prohibit property owners from allowing running bamboo to grow on their property without proper upkeep, or allowing it to spread to the adjoining properties or a public right-of-way.

Violations would carry a fine of up to \$50 for a first offense. A second offense would be subject to a fine not exceeding \$200. Maximum fines could not exceed \$3,000 under the bill.

According to Foley, the Department of Agriculture has already put two species of running bamboo – golden bamboo and yellow groove bamboo – on the tier-two invasive plant species list. This listing means that the plants cannot be offered for sale unless they are conspicuously marked as tier-two invasive species.

According to the website for Lewis Bamboo, a nursery located in Alabama dedicated solely to the production of bamboo, running bamboo is going to “take over the world” because of its aggressive rooting.

Ryan Colliton, Montgomery County Parks principal natural resources specialist, said the parks focus on native biodiversity and high-quality habitats, trying to maintain or restore them. Running bamboo in the parks, he said, is a major obstruction in that mission.

“It comes into the parks, or it is established in the parks and spread to neighboring yards,” Colliton said.

Regulating these invasive plants, Colliton said, is a three-year investment, with cost depending on the size of the bamboo patch. One of the projects they are doing now is in Willard Avenue Neighborhood Park in Bethesda, Colliton said. It is estimated that the cost of managing the growth is around \$8,000, split between the initial treatment of cutting the growth, and any additional treatment within the investment time frame.

“Typically, the easiest way, unfortunately for us to control it, is the use of herbicides,” Colliton said.

Park personnel first try to control the bamboo by cutting it, which exhausts the roots, cutting the taps and allowing regrowth, which weakens the root system. The herbicides come into play when small growths spurt out of the ground, keeping it controlled at the start.

Many Maryland properties use bamboo as boundary barriers. For example, Foley said that Moses Morningstar Cemetery, a historic cemetery along the Beltway in Montgomery County, planted bamboo to shield the graves from traffic.

“The bamboo is so invasive that it’s getting into the headstones and into the burial plots themselves,” Foley said.

Controlling bamboo is the goal, since the spread is so rapid it seems to be a constant issue for landowners, said Daniel Root, a natural resource planner who manages the forest health program and the Forestry Legacy program for the Maryland Forest Service, a part of the Maryland Department of Natural Resources.

“We have done treatments of controlling bamboo in Sandy Point,” Root said.

Sandy Point State Park is located in Anne Arundel County and sits on 736-acres along the northwestern shore of the Chesapeake Bay.

“Bamboo grows through rhizomes underneath (the soil) and spreads ... so they have to dig trenches depending on what the landowner’s

objective is,” Root said about local contractors that the DNR works with to contain the species.

Bamboo structures are tall and dense, and usually blanket the area in which they inhabit, which could cause the loss of habitat for some wildlife. Parks in Maryland see some issues with wildlife when they cut down the plants.

“There may occasionally be birds that will use it as nesting. One of the unfortunate critters that like to use bamboo is the non-native rats,” Colliton said.

Colliton said with bamboo, and all invasive species, it displaces the natives. If the parks replace bamboo with native plants, it is going to be better for nesting birds, insects, and other wildlife.

This bill is scheduled for a hearing on Tuesday in the Environment and Transportation Committee.