

Testimony: HB 72, Natural Resources – Edible Forests and Foraging Program - Establishment

Committee: Environment and Transportation

Hearing Date: February 4, 2026

Position: OPPOSE

Dear Chair Korman, Vice Chair Guyton, and Honorable Members of the Committee,

I am a Maryland resident (20912) and have been an advocate for native ecosystems and natural habitats since 2018. I oppose this bill as written.

Summary

I oppose this bill. The term "edible forest" is misleading, and the bill does not require native plants, which means these projects would not function as healthy ecosystems. Without that requirement, this is just publicly funded non-native orchards. Additionally, the foraging permit program poses serious risks to both habitats and visitors, making the bill's funding mechanism unworkable.

The Problem with "Edible Forests"

The term "edible forest" (more commonly known as "food forest") is misleading. These are not true forests. They are cultivated orchards designed primarily to feed people, not to function as ecosystems. The standard of this permaculture model prioritizes edible *layers* over native habitats. Most "food forests" mix non-native species (Dragon Citrus, Figs, Pomegranate, Comfrey, Methley Plum) with a few natives and call it "ecologically healthy." The ecological claim is based on the unscientific theory that mimicking the vertical structure of a forest (canopy trees, understory, shrubs, ground cover, etc.) automatically creates "a rich, thriving, and resilient ecosystem" (without the need for native plants). But layering non-native plants does not replicate forest ecology. Native insects, birds, and wildlife depend on native plants they co-evolved with, not figs and pomegranates arranged in tiers.

I have first-hand experience with these issues. I spent two years volunteering with a local food forest group, believing they would prioritize native plants. They did not. When I flagged potentially invasive species on their plant lists, they added them to their order list anyway (including an additional 75% non-native tree canopy). The ecology was not their priority. Most food forest groups are made up of horticulturalists, agricultural specialists, business majors, and grant writers, but not actual ecology scientists.

This matters because the word "forest" implies a natural, native habitat. If Maryland is going to put "forests" on public land, they should function as forests (supporting native insects, birds, and wildlife) rather than as multi-layer non-native orchards.

A Missed Opportunity

It is difficult to find examples of food forests that commit to native plants only, because most do not. But it does not have to be this way. The Seattle Arboretum published a guide for designing a native food forest using only regionally native species:

<https://arboretumfoundation.org/2025/09/04/native-food-forest/>

If Maryland required edible forests on state land to use only plants from the Commercial Maryland Native Plant List, this could have been a true pioneer project. Maryland has many native woody species that produce edible fruits and nuts (pawpaws, persimmons, American hazelnuts, serviceberries, elderberries, hackberries, and others). There is no need to import non-native crops or even suggest leaving this open to non-native species.

My Concerns with the Foraging Component

The bill also proposes a foraging permit program on DNR lands. These are my concerns:

- **Poisonous plants:** Even trained foragers can mistake toxic species for edible ones, with potentially deadly consequences. Plant identification is often difficult and can take years to master. Children are likely to see someone foraging and try it themselves with deadly consequences.
- **Chemical conflicts:** Maryland DNR uses herbicides on state lands to control invasive species. A foraging program would complicate these efforts and could expose foragers to recently treated plants, posing serious health risks.
- **Habitat damage:** Foragers who venture off-trail will compact soil, trample plants, and disturb wildlife.
- **Overharvesting:** Populations of target species (especially slow-growing plants like ramps) could be decimated.
- **Enforcement:** Once people become accustomed to foraging, they will likely forage everywhere, not just in designated areas, or they will forage protected species. I don't believe that DNR is funded well enough to enforce these things.
- **Contradiction with existing principles:** Maryland asks visitors to follow "Leave No Trace" guidelines. A foraging program directly undermines this message.

The Broader Problem

I truly believe that effort spent on this bill could be better spent reforming conventional farming rather than establishing hybrid orchards on public land. Our tax dollars already subsidize farms and orchards.

Additionally, the bill's funding mechanism is flawed. Edible forests are funded by foraging permit revenue, but foraging on natural lands poses serious risks to habitats and visitors. If the foraging component is restricted enough to be safe, it likely won't generate enough revenue to sustain the edible forest program. The bill's structure doesn't work.

If edible forests are going to exist on state land despite these issues, they should at minimum be limited to previously disturbed areas (turf, old agricultural fields, abandoned lots) in urban and suburban locations, and they should use exclusively native species.

Thank you for your consideration,

Ellen Marcus
Maryland 20912