

Invasive Plant Advisory Committee

March 8, 2016, 8:30 am -- Noon
Turf and Seed Library, MDA
AGENDA

- I. Introductions
- II. Approval of December 2015 minutes APPROVED, no changes
- III. WRAs
 - A. Previously reviewed
Scotch broom (*Cytisus scoparius*) (finetooth combed by D Landau)
Wintercreeper (*Euonymus fortunei*) (ditto)
 - B. New review by IPAC
Amur honeysuckle (*Lonicera maackii*) (and again!)
 - C. Tabled
Heavenly bamboo (*Nandina domestica*)
Requires decision on releasing this assessment for species only or with exempted cultivar
Requires finalized cv protocol

Group determined to forward these four species to Secretary Bartenfelder for inclusion in proposed regulations. We decided to include *Nandina domestica*, even though we anticipate a request to assess at least one cultivar. That assessment cannot be completed until the cultivar assessment (Intraspecific taxon or IFT) protocol is finalized, and it requires more time (see below). See WAY below for the pertinent language about cultivars from the *Nandina* WRA and my proposed change to that language. IPAC is eager to have as many completed species as possible go forward and did not want to hang up the *Nandina* WRA for finalization of the IFT protocol.

IV. Intraspecific taxon assessment protocol

Compare and contrast two versions; address any remaining issues
We had some discussion about the desirability of having the IFT be "parallel," that is, to have only NO (or only YES) answers to the questions result in an IFT getting the same ranking as its species. It became clear that the IFT protocol requires a bit of tweaking in order to be clear and concise, not just for the current IPAC membership, but for future IPACers and for the public. Kerrie will redraft; she, Maile and Sylvan will refine and present a revised version to IPAC for discussion and adoption later this spring. No specific timeline, but we're hoping in April.

V. Disposal of Tier 1 species in local landfills

Review of current MDE regulations and discussion of possible difficulties
NB: We will rearrange agenda if MDE personnel attend the meeting
Dennis presented (by phone!) the results of his research into the regs concerning disposal of Tier 1 plants. The issues include:

- "separately collected" yard waste (collected by a dedicated truck separate from regular household waste) goes to an approved composting facility, and should not present a problem. There is a question about whether something has to be

bagged. Our regs say that Tier 1s must be completely contained, but yard waste is generally NOT permitted to be in bags.

- Yard waste that a resident takes to a county facility or a convenience center can be deposited in a dumpster at the facility. Our regs would require that it be bagged. At issue is whether residents can take Tier 1s to approved facilities in order to compost them. Apparently, different facilities have established rules regarding what material they will take and what not, for composting purposes.
- Residents may put Tier 1s out with their regular trash for collection, as long as it is bagged (our regs). At issue is the situation where a collection entity – a county or city – requires plant material or yard waste to be separated and does not permit its collection with household trash.

Deb suggested designing and providing stick-on signs for bags of Tier 1 plants such as "For Landfill Only." We discussed adding a link on IPAC's webpage to the MDE list of approved facilities. Kerrie will look into finding an intern or volunteer to collect policies of all facilities across the state. This is NOT a burning issue right now, because we don't think disposal facilities will turn away *Iris pseudacorus* for composting or landfilling. But it may become a problem in the future as we add Tier 1 species, and we need to be able to answer the public's questions. This will be one of the topics we address in the FAQs on the website.

VI. Proposed regulations

Overview of comments received

Process for any modification needed and regulation finalization

IPAC reviewed the seven comments MDA received on the proposed regs. Largely, people are concerned that IPAC is not producing WRAs quickly enough. Several commenters suggested adopting already existing lists as regulated species, without assessing them. One comment requested the department to move Tier 2 species automatically to Tier 1 status after one year. The same set of comments raised the point that the proposed regs did not specify the PROCESS by which a plant can be added or subtracted from the list, but simply outlined the process by which someone can REQUEST a change in plant status. We discussed the "trigger" that IPAC would need in such a request to add an unranked species to the assessment list, and the timing.

An incoming comment would be passed from the Secretary to IPAC for consideration. IPAC would determine if the requested species fell within our purview – that is, was produced and marketed through horticultural channels. For species that we would consider, important concerns are 1) has it already been assessed or not; 2) if yes, is there NEW evidence offered in the request that was not included in the original WRA; 3) if no, is there indication of invasivity, supported by documented scientific evidence, to justify adding the species to the assessment queue; and 4) would such requests "jump to the head of the line" for consideration? We did not come to a firm conclusion about how this should work; Kerrie will draft a flow chart with options and send it out for comment. IPAC members are encouraged to give some thought to what constitutes "evidence" that a hitherto unlisted species deserves assessment.

This point, that we do not specify the process by which a request for classification or declassification is to be handled, was deemed to be a big enough deal to require a "substantive revision" of the proposed regs. Carol will thank each commenter individually but refer them all to a generic response to the comments that she and Kim will draft and post on the IPAC webpage. The regs will be delayed by 3 months because of the revision.

VII. Website

FAQs and updates to go with new regs
Item tabled for future meeting.

The meeting was attended by Jonathan Cribbs of the Delmarva Farmer, who had recently received a copy of our agenda.

We adjourned at 11:15 a.m.

Invasive Plant Advisory Committee

Notes from July 12th meeting
MDA, Annapolis MD

Present:

Maile Neel
Kimberly Rice
Deborah Landau
Mike Hemming
Jason Phippen
Kerrie Kyde

Absent:

Sylvan Kaufman
John Peter Thompson
Kevin Wilsey
MDE rep
Dennis Robinson

I. Introductions

Without objection, the committee agreed to operate informally.

II. Approval of March 2016 minutes

In place of formal minutes for the March 8 2016 meeting, the group approved the notes Kerrie sent out June 29th and again on July 11th.

III. Intraspecific taxon assessment protocol (Sylvan, Maile, Kerrie)

The group reviewed and discussed at length the proposed IFT assessment, as revised by Maile, Sylvan and Kerrie. The draft simplified and streamlined the assessment process for cultivars and other forms of a given species. It is parallel in structure; the assignment of a Tier ranking to an IFT the same as that of its parent or species results only from "NO" answers to each of the assessment's questions. We left clarifying language in for each question to further guide the assessor through the process. We determined that the question on effects of climate change on the invasion potential of a plant was not necessary. Climate change models cannot provide detailed enough predictions of how a species might undergo range expansion, and any information that does exist can be covered under Question 6.

We approved this version of the IFT assessment for formal use. We mentioned, but did not assign, the task of redoing assessments of *Nandina cvs* using the approved form.

IV. Proposed regulations comments and approval (Kim)

Kim reported that MDA had relatively little response, positive or negative, to its postcard for licensees explaining the new regulations, other than a couple questions about timing. The regulations have been submitted to MDA's AG's office for final formatting and then will be forwarded to the Governor's review board before being sent to AELR. The review process took about six months with the first set of regs, but we expect these to be finished more quickly, as the Governor's review office is now familiar with the issues.

Note that four more species: *Cytisus scoparius* (Tier 2), *Euonymus fortune* (Tier 1), *Lonicera maackii* (Tier 1) and *Nandina domestica* (Tier 2) are included in this regulatory revision, as well as the process for requesting a change in listing status of a species.

The group also discussed the first request received from the nursery industry for Secretarial approval to grow and sell a Tier 1 plant, *Iris pseudacorus*, out of state. This request came from Lilypons Aquatic Gardens, and they supplied all the information the regulations require in order to receive approval. Further, they supplied additional detail in response to requests from IPAC, in particular, on disposal of unsold plants. We agreed to recommend that the Secretary give approval for this grower to continue selling this plant out of state. In addition, Kim drafted an online application form to request approval to

engage in a non-permitted activity, which we also approved. It will be posted to the IPAC webpage shortly.

V. Disposal of Tier 1 species in local landfills (Kerrie)

Two different volunteers recruited by Kerrie began research into possible county regulations that might contravene state law about invasive plant disposal, following Dennis' first look at state law that might be germane. Neither was able to complete the project. One area of concern uncovered in this preliminary work is that some counties that divide yard waste from the rest of the waste stream send the yard waste to private composting facilities. These facilities may or may not be MDE licensed or approved (if not, they would not be acceptable disposal sites under our regs) and may not use an active composting process sufficient to destroy weed seeds or eliminate vegetative viability. One homeowner query to Kim about how to dispose of *Iris pseudacorus* also points up the possible conflicts here. Although possession of the plant is NOT illegal, the homeowner wanted to remove it and was confused about how to dispose of the plant.

The group agreed that this issue needs to be further explored. Kerrie has one other likely volunteer to examine this issue and will follow up and report any findings to IPAC.

VI. Statewide Eyes training update (Kerrie)

Nine Statewide Eyes trainings have been scheduled and held this spring; over 100 volunteers have been trained. These volunteers are submitting records with increasing frequency. The verification process is still the bottleneck, since there are only four verifiers for the state. There is a huge benefit to having these records uploaded to EDDMapS as soon as possible, as they are invaluable in the assessment process, supplying needed information to complete the Maryland Filter analysis.

VII. Website

Kim has added the downloadable jpgs of the sign required to be displayed with Tier 2 species. The four new WRAs proposed will be posted shortly. We need someone to draft a new section for gardeners.

Additional topics discussed:

VIII. Grant funding assessments

Maile and Kim explained that the USDA Specialty Crop Block Grant that has funded the assessments done up to this point expires at the end of September. We have not spent all the funds, nor have we met our stated quota of completed WRAs. Kim and Maile will determine the exact amount of funding remaining and propose a method of accessing all of it before the grant ends. We must complete at least four more WRAs before the end of the grant period, and we are on target for doing so.

Next meeting date to be determined after more WRAs are ready for IPAC review and discussion.

Meeting adjourned at Noon.

Respectfully submitted,
Kerrie Kyde