

**REPORT OF THE VIRGINIA DEPARTMENTS OF
CONSERVATION AND RECREATION AND
AGRICULTURE AND CONSUMER SERVICES**

**Study on the Sales in Retail, Landscape,
Greenhouse, and Nursery Industries of
Invasive Plants and Measures to Reduce or
Eliminate the Sale and Use of Invasive
Plant Species in the Commonwealth and
Promotion of the Sale and Use of Native
Plants (HJR 527, 2021 SSI)**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 7

**COMMONWEALTH OF VIRGINIA
RICHMOND
2022**

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JANUARY 2022

PUBLICATION YEAR 2022

DOCUMENT TITLE

Study on the Sales in Retail, Landscape, Greenhouse, and Nursery Industries of Invasive Plants and Measures to Reduce or Eliminate the Sale and Use of Invasive Plant Species in the Commonwealth and Promotion of the Sale and Use of Native Plants

AUTHOR

Virginia Department of Conservation and Recreation
Virginia Department of Agriculture and Consumer Services

LEGISLATIVE MANDATE

HJ527 of the 2021 Acts of Assembly

EXECUTIVE SUMMARY

House Joint Resolution 527 (HJ527) of the 2021 Acts of Assembly directed the Virginia Department of Conservation and Recreation (DCR), jointly with the Virginia Department of Agriculture and Consumer Services (VDACS) to study the sale and use of invasive plant species and that the study focus on sales in the retail, landscape, and nursery industries and consider measures to reduce or eliminate the sale and use of invasive plants species in the Commonwealth and promote the sale and use of native plants.

The report includes suggestions from the workgroup related to development of signage for display at retail nurseries which provide information to consumers regarding invasive plants, allocation of retail taxes on nursery stock for various mitigation efforts against invasive plant species, establishment of a workgroup to define “commercially viable” which would enable the listing of certain plants on DCR’s Invasive Plant Species List and other species for which DCR or VDACS risk assessment has been conducted, provide an exemption for the permit requirement to move certain noxious weeds, increase education and outreach focusing on consumers, localities, government agencies and the green industry, and support for funding for various programs to increase the use of native species.

HJ527 WORKGROUP AUTHORIZATION

HJ527 provided that DCR and VDACS may establish a workgroup to examine measures to reduce, mitigate, and eliminate the continued sale and use of invasive species as identified in the list of Virginia invasive plant species maintained by the DCR. Measures to be evaluated by the workgroup included:

- i. Labeling plants as invasive plant species at the point of sale;
- ii. Taxing the sale of invasive plant species and applying revenues to the removal of invasive plant species or the restoration of sites for native habitat;
- iii. Adding invasive plant species currently being offered for sale to the list of plants declared to be noxious weeds by the Board of Agriculture and Consumer Services through regulations adopted pursuant to Chapter 8 (§ **3.2-800** et seq.) of Title 3.2 of the Code of Virginia (the Noxious Weed List);
- iv. Supporting education and outreach, including state partnerships with nonprofit organizations dedicated to the preservation of Virginia's natural heritage, regarding the reduction of the use of invasive plant species and the promotion of the use of noninvasive or native plant species as substitutes; and
- v. Introducing measures to increase the use of native plants on properties and projects owned by localities or the Commonwealth.

WORKGROUP MEMBERS

Virginia Department of Forestry	Ed Zimmer
Virginia Department of Transportation	Martin Krebs
Virginia Department of Wildlife Resources	Steve Living
Virginia Native Plant Society	Jim Hurley
Blue Ridge PRISM (Partnership for Regional Invasive Species Management)	Rod Walker
Audubon Society of Northern Virginia	Glenda Booth
Virginia Nursery and Landscape Association	Neal Beasley
Virginia Nursery and Landscape Association	Christopher Brown
Virginia Agribusiness Council	Beck Stanley
Virginia Farm Bureau Federation	Ben Rowe
Virginia Chapter of the American Society of Landscape Architects	David Lisowski
Virginia Tech, School of Plant and Environmental Sciences	Scott Douglas

Virginia Association of Counties

Chris McDonald

AmericanHort

Craig Regelbrugge

The Nature Conservancy

Alex Fisher

Fairfax County

John Burke

Virginia Forestry Association

Corey Conners

Garden Club of VA

Carla Passarello

Alternates:

Virginia Department of Forestry

Lori Chamberlin

Department of Wildlife Resources

Ernie Aschenbach

Audubon Society of Northern Virginia

Elizabeth Martin

AmericanHort

Shellie Archer

The Nature Conservancy

Zachary Sheldon

Fairfax County

Erin Stockshlaeder

Staff:

Virginia Department of Conservation and Recreation

Nathan Burrell

Virginia Department of Agriculture & Consumer Services

Larry Nichols

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Background

The term “invasive plant” refers to those plant species which have been intentionally or accidentally introduced into an ecosystem in which they did not evolve and can cause economic or environmental harm, or harm to human health. Invasive plants typically exhibit rapid growth, prolific seed production, the ability to outcompete native species, rapid population/patch spread and are costly to control. Some invasive plants have been intentionally planted for specific purposes, such as erosion control or landscape plants, and the invasive characteristics were unknown at the time they were planted. Once introduced into an area, invasive plants may become established through the inadvertent movement of plants or plant seeds, or naturally spread by the wind, animals, etc.

Invasive plants can be found throughout the Commonwealth. As natural enemies (e.g. plant pathogens, native herbivorous insects, other foraging animal species) of invasive plants are limited, invasive plant populations can increase and spread rapidly, choking out native plant populations, and permanently changing and decreasing habitat values of natural communities. Invasive plants have caused economic and ecological harm which has resulted in significant costs associated with management and eradication efforts.

NOXIOUS WEEDS LAW

Virginia’s Noxious Weeds Law (Va. Code §3.2-800 *et seq.*) defines a “noxious weed” as “any living plant, or part thereof, declared by the Board through regulations under this chapter to be detrimental to crops, surface waters, including lakes, or other desirable plants, livestock, land, or other property, or to be injurious to public health, the environment, or the economy, except when in-state production of such living plant, or part thereof, is commercially viable or such living plant is commercially propagated in Virginia.”

The Noxious Weeds Law prohibits the movement of listed noxious weeds without a permit issued by VDACS (Va. Code §3.2-804) and establishes a process by which plants are recommended for listing as noxious weeds (Va. Code §3.2-802(A)).

NOXIOUS WEEDS REGULATION

Virginia’s *Regulations for the Enforcement of the Noxious Weeds Law* (2 VAC 5-317) (Regulation) lists those plants which have been declared noxious weeds and prescribes the conditions for movement of listed noxious weeds. In addition, the Regulation prescribes the process by which a committee (Noxious Weeds Advisory Committee) shall provide recommendations on plants for listing as noxious weeds. Amendments to the Regulation must be approved by the Board of Agriculture and Consumer Services and comply with Virginia's Administrative Process Act.

The Noxious Weeds List in the Regulation currently includes 14 plants. The plants are designated as Tier 1, Tier 2, or Tier 3 noxious weeds and this designation is based on the definitions below:

- Tier 1 noxious weed - any noxious weed that is not known to be present in the Commonwealth;
- Tier 2 noxious weed - any noxious weed that is present in the Commonwealth and for which successful eradication or suppression is feasible;
- Tier 3 noxious weed - any noxious weed (i) that is present in the Commonwealth, (ii) whose spread may be slowed by restrictions on its movement, and (iii) for which successful eradication or suppression is not feasible.

No person shall move, transport, deliver, ship, or offer for shipment into or within the Commonwealth any of the 14 noxious weeds listed in the Regulation, unless the person has obtained a permit issued by VDACS (Va. Code §3.2-804).

INVASIVE PLANT SPECIES LIST

The Department of Conservation and Recreation (DCR) maintains the Virginia Invasive Plant Species List, which currently includes 90 plant species. DCR's list includes the degree of invasiveness for each plant and the geographical region in which each plant occurs. Inclusion of plants on this list is based on a scientific assessment developed by DCR and approved by the Virginia Invasive Species Working Group. The focus of the list is on species that impact ecological processes on natural areas and direct threats to natural heritage resources, therefore agricultural and lawn and garden weeds are less represented. As there are no regulatory requirements for DCR's list, it is considered to be an advisory list. Adding plants to DCR's Invasive Plant Species List is not subject to requirements of Virginia's Administrative Process Act. DCR's Invasive Plant Species List can be found at <https://www.dcr.virginia.gov/natural-heritage/invspdflist>.

PLANT AND PLANT PRODUCTS INSPECTION LAW

Virginia's Plants and Plant Products Inspection Law (Va. Code §3.2-3800 *et seq.*) regulates the sale of nursery stock in Virginia. Section 3.2-3803 of the Plants and Plant Products Inspection Law requires a license for a nurseryman (production nursery) or nursery dealer (retail nursery) to "offer for sale, sell, deliver or give away nursery stock." Section 3.2-3803 also requires nursery stock which is to be sold to be inspected prior to the issuance of a nurseryman license. Nursery stock that will be sold is inspected at the production nursery. Nursery stock sold at retail is not required to be inspected since this nursery stock was inspected at the production nursery.

WORKGROUP FEEDBACK

In conducting the study of the sale and use of invasive plants, HJ527 provided that a workgroup may be convened by DCR and VDACS. The HJ527 workgroup established by the agencies met six times from June 9, 2021 - November 10, 2021. As directed by HJ527, the workgroup focused on measures to reduce, mitigate, and eliminate the continued sale and use of invasive species as identified in the list of Virginia invasive plant species maintained by the Department of Conservation and Recreation, including (i) labeling plants as invasive plant species at the point of sale; (ii) taxing the sale of invasive plant species and applying revenues to the removal of invasive plant species or the restoration of sites for native habitat; (iii) adding invasive plant species currently being offered for sale to the list of plants declared to be noxious weeds by the Board of Agriculture and Consumer Services through regulations adopted pursuant to Chapter 8 (§ **3.2-800** et seq.) of Title 3.2 of the Code of Virginia (the Noxious Weed List); (iv) supporting education and outreach, including state partnerships with nonprofit organizations dedicated to the preservation of Virginia's natural heritage, regarding the reduction of the use of invasive plant species and the promotion of the use of noninvasive or native plant species as substitutes; and (v) introducing measures to increase the use of native plants on properties and projects owned by localities or the Commonwealth.

The workgroup meetings focused on statutory changes and evaluation of measures to reduce, mitigate, and eliminate the continued sale of invasive plants in Virginia through consideration of (i) labeling recommendations, (ii) tax recommendations, (iii) adding invasive species to the current Noxious Weeds List, (iv) education and outreach, and (v) increasing the use of native plants on state or local properties.

The information below summarizes discussions of the workgroup. Where applicable, the statutory or regulatory changes discussed by the workgroup are provided. As many of the statutory and regulatory changes were not supported by the entire workgroup, the report indicates where there was consensus on the proposed changes.

LABELING

Consumers may be unaware that certain plants have invasive characteristics or require extensive management and labor to prevent those plants from spreading.

Workgroup members voiced concerns regarding consumers' lack of awareness of the invasive characteristics of certain plants. The workgroup discussed the need to provide information regarding the invasive characteristics of plants to consumers as they may not be aware of these invasive characteristics until after the plant has been planted and is spreading rapidly. Providing information to consumers would allow them to make informed decisions and possibly choose

another plant which is not invasive or have the information needed to effectively manage the plant so that it does not spread.

Informing consumers could be in the form of a label on each invasive plant that provides information about that plant's invasive characteristics or signage in the retail nursery which informs consumers about the invasive properties of certain plants.

The workgroup discussed requiring the labeling of plants as "invasive" at retail nurseries as a means of informing consumers of the invasive characteristics of the plant. Workgroup members further discussed a labeling requirement for all plants listed on DCR's Invasive Species Plant List. Some workgroup members supported a requirement for the labeling of invasive plants as a means of ensuring that consumers are aware of the invasive characteristics of plants, prior to the purchase of the plants.

Workgroup members acknowledged that labeling plants at retail could be costly and this cost would likely be passed on to the nursery industry. In addition, many nursery retailers would likely be reluctant to attach a label to a product that conveyed a negative message. The implementation of a required label could prove problematic in regards to consistency and enforcement. Therefore, standards for labeling and/or communication via signage, with practical flexibility, may be warranted.

Many large production nurseries that sell nursery stock in numerous states, including Virginia, have labeling requirements which restrict or prohibit additional information from being added to the label of their plants, when their plants are resold. As a result, Virginia nurseries that purchase nursery stock for resale from these nurseries may not be allowed to add information, related to invasive characteristics of the plant, to the label. If nursery stock in Virginia is required to be labeled as invasive, such labeling would likely prevent certain plants from these nurseries from being sold in Virginia.

In Virginia, there are 266 production nurseries which were licensed and inspected in FY2021 and 2,282 retail nurseries were licensed in FY2021. Enforcing the invasive plant labeling requirement would result in a significant cost to VDACS as the agency would have to inspect all licensed retail nurseries to ensure compliance with the labeling requirement. In addition, a labeling requirement for online plant sales would be difficult to enforce.

Labeling could include signage at the retail level which provides general information to the consumer regarding invasive plants. The workgroup proposed the use of a model sign, to be developed by VDACS, and made available to nurseries. The model sign would include information related to the value of native plants and the harm caused by invasive plants. The model sign could be optional or mandated through a statutory requirement. Concern was expressed regarding the cost to nurseries for such model signs, should the signs become a statutory requirement and

funding was not made available to VDACS to develop and distribute the signs to retail nurseries. If invasive plants cannot be grouped, together for retail sales, a mandatory requirement for placement of this sign near all invasive plants at the retail nursery could result in numerous signs placed throughout the nursery.

Statutory Changes Discussed by the Workgroup

- Amend Virginia's Noxious Weeds Law or Plants and Plant Products Inspection Law to require VDACS to develop a sign regarding invasive plants and make this sign available to Virginia's retail nurseries for use on a volunteer basis. There was consensus by the workgroup for this statutory change.
- Amend Virginia's Noxious Weeds Law or Plants and Plant Products Inspection Law to require VDACS to develop a sign regarding invasive plants and require Virginia's retail nurseries to post this sign near invasive plants which are being sold. There was no consensus by the workgroup for this statutory change. Some workgroup members opposed mandating signage as this could be costly to the nursery industry and result in numerous signs throughout the retail nursery. Some workgroup members supported a requirement for the signage as a means of ensuring that consumers are aware of the invasive characteristics of plants, prior to the purchase of the plants.
- Amend Virginia's Noxious Weeds Law or Plants and Plant Products Inspection Law to require a label on each plant that identifies the plant as possessing invasive characteristics or as being listed on DCR's Invasive Plant Species List. There was no consensus by the workgroup for this statutory change. Some workgroup members opposed mandating the labeling of invasive plants as this would be costly to the industry and would likely eliminate the retail sale of plants from certain nurseries. Some workgroup members supported the labeling of each invasive plant to ensure that consumers are aware of the invasive characteristics of a plant prior to purchasing such plant.

TAXES

Tax revenue could be used to generate funding for invasive plant eradication and mitigation efforts, education and outreach related to invasive plants and native plants, incentives for increased use of native plants, and offset costs to the nursery industry for lost profits associated with plants that can no longer be sold.

The workgroup discussed the need for consistent, long-term funding to support efforts against invasive plants and the need for tax revenue to be allocated to a special fund for these efforts. The workgroup discussed two ways in which taxes could be assessed and revenue generated. Tax assessments discussed by the workgroup include (i) a surtax assessed on the sale of all plants

listed on DCR's Invasive Plant Species List and (ii) allocating a portion of the current sales tax assessed on nursery stock for use against invasive plants. The taxes proposed by the workgroup would be used for the eradication and mitigation of invasive plants, research on invasive plants, development of outreach and education programs related to invasive plants, funding for tax incentives for nurseries that sell native plants, cost-share programs for landowners, implementation of the Virginia Invasive Species Management Plan, and development of native plant species or alternative plants to the invasive plants currently being sold.

The surtax discussed by the workgroup would be in addition to the current sales tax and assessed on those plants which are listed on DCR's Invasive Plant Species List. The surtax on invasive plants could serve as a deterrent to the purchase of plants with invasive characteristics since the surtax would increase the cost to the consumer for the purchase of these plants. There was not general support from the workgroup for the surtax and some workgroup members voiced strong opposition to the surtax.

The workgroup also discussed allocating a portion of the retail sales tax on nursery stock for efforts to combat invasive plants. A reallocation of a portion of the sales tax would provide consistent and significant funding to combat invasive plant species. The workgroup recognized that using a portion of sales tax would result in reduced tax funds for the state's general fund. The workgroup also discussed the benefits of an effective invasive species management and prevention program for many stakeholders, which would justify consideration of diverse funding sources for this work. There was general support by the workgroup for the reallocation of the retail tax if these funds were used for education and outreach efforts related to invasive plants.

Statutory Changes Discussed by the Workgroup

- Amend Virginia's tax law to assess a surtax on the retail sale of plants listed on DCR's Invasive Plant Species List with the revenue from this surtax appropriated to a special fund to mitigate/prevent invasive plants. There was no consensus by the workgroup for this statutory change. Some workgroup members opposed additional taxes on the retail sale of any nursery stock as this would be increasing taxes on nursery stock. Some workgroup members supported a surtax as a means of generating revenue and discouraging the sale of invasive plants.
- Amend Virginia's tax law to allocate a portion of retail sales tax revenue from the sale of all nursery stock appropriated to a special fund to mitigate/prevent invasive plants. There was consensus by the workgroup for this statutory change.

ADDING INVASIVE PLANT SPECIES TO NOXIOUS WEEDS LIST

The Noxious Weeds List is established in Section 20 of the *Regulations for the Enforcement of the Noxious Weeds Law* (2 VAC 5-317). The process for adding plants to this list follows the

Commonwealth's standard regulatory process for regulations. In addition, before the standard regulatory process begins, plants which are proposed for adding to the Noxious Weeds List are evaluated by the Noxious Weeds Advisory Committee in accordance with §3.2-802 of the Noxious Weeds Law and Section 100 of the *Regulations for the Enforcement of the Noxious Weeds Law*.

The current definition of a "noxious weed" in the Noxious Weeds Law does not allow for the listing of any plant as a noxious weed if that plant is "commercially viable." As "commercially viable" is not defined in the Noxious Weeds Law or the *Regulations for the Enforcement of the Noxious Weeds Law*, any plant which is being sold is considered to be commercially viable, regardless of the number of plants or number of nurseries selling such plants.

The workgroup discussed a statutory change to the Noxious Weeds Law to allow invasive plants which are being sold by the nursery industry to be listed as noxious weeds. The statutory change discussed by the workgroup included an amendment to the Noxious Weeds Law to (i) remove, from the definition of "noxious weed," the provision related to excluding as noxious weeds, those plants which are "commercially viable or such living plant is commercially propagated in Virginia," or (ii) define "commercially viable" in order to allow certain plants that are sold but have minimal commercial value to be listed as noxious weeds.

The workgroup discussed amending the Noxious Weeds Law to remove "commercially viable" from the definition of a noxious weed; however, there was no consensus for this option.

The workgroup supported the use of "commercially viable" in the definition of noxious weed, but it should be defined, as defining "commercially viable" would allow plants which are being sold in relatively low numbers to be listed as noxious weeds and the listing of these plants would have minimal impact on individual nurseries. The workgroup also discussed allowing a transition period for nurseries to sell existing stock of newly listed noxious weeds. The workgroup agreed that defining "commercially viable" would be difficult and require further discussion. The workgroup agreed that due to the complexity and amount of time needed to define commercially viable, establishing another workgroup would be necessary. The workgroup also discussed the need to clarify "except when in-state production of such living plant, or part thereof" in the definition of "noxious weed."

Statutory Changes Discussed by Workgroup

Amend the §3.2-800 of the Noxious Weeds Law to define "commercially viable," "in-state production," "or part thereof," and "commercially propagated." In lieu of changes to the Noxious Weeds law, these terms could be defined in the *Regulations for the Enforcement of the Noxious Weeds Law* (2 VAC 5-317). There was consensus by the workgroup for the establishment of a workgroup to define "commercially viable" and for subsequent statutory or regulatory changes to define "commercially viable."

PERMIT EXEMPTION FOR WIDELY DISSEMINATED NOXIOUS WEEDS

The Noxious Weeds Law (§3.2-804) prohibits the movement of plants listed as noxious weeds in the *Regulations for the Enforcement of the Noxious Weeds Law*, unless a person first obtains a permit from VDACS. There are currently 14 plants listed in the Regulation. While the Noxious Weeds Law does not prohibit the “sale” of listed noxious weeds, it does prohibit the movement of such plants without a permit, thereby preventing the sale of listed noxious weeds.

The workgroup discussed allowing the incidental movement of those noxious weeds which are widely disseminated in the Commonwealth and for which requiring a permit is unlikely to result in a decrease in the populations of these plants in Virginia. The intent of the permit exemption would be to allow the movement of those weeds which are already found throughout the Commonwealth, and for which there is no benefit to requiring a permit. The incidental movement of those listed noxious weeds which are not widely disseminated would still require a permit. The workgroup expressed concerns that plant parts (seeds) are available through internet sales and reiterated the need to prohibit the sale of all noxious weeds.

The workgroup discussed two options for providing an exemption to the permit requirement. The workgroup discussed (i) amending the Noxious Weeds Law to remove the permit requirement for the movement of noxious weeds and then establishing an additional category of noxious weed (Tier 4) in the Regulation to allow any plant listed as a Tier 4 Noxious Weed to move within the Commonwealth without a permit, or (ii) amending the Noxious Weeds Law to allow incidental movement of noxious weeds which are widely disseminated in Virginia. The workgroup indicated support for allowing the movement of Tier 4 without a permit, provided a permit is required for sale of all noxious weeds and a permit is still required for the movement of Tier1, Tier2, and Tier 3 noxious weeds. Requiring a permit for the sale of noxious weeds would necessitate a change to the Noxious Weeds Law as the “sale” of noxious weeds is not prohibited.

The addition of a Tier 4 noxious weed would require changes to Sections 10 and 20 of the *Regulations for the Enforcement of the Noxious Weeds Law*.

Statutory Changes Discussed by the Workgroup

- Amend Section 3.2-802 to provide that the Board of Agriculture and Consumer Services may adopt regulations that govern the conditions under which a permit is required to move or sell a plant listed as a noxious weed. There was consensus by the workgroup for providing a permit exemption; or
- Amend Section 3.2-804 of the Noxious Weeds Law to allow for the incidental movement of certain noxious weeds by removing the permit requirement for the movement of

certain plants on the Noxious Weeds List. There was consensus by the workgroup for allowing the incidental removal of a listed noxious weed.

Regulatory Changes Discussed by the Workgroup

Amend Section 10 and 20 of the Noxious Weeds Regulation to establish Tier 4 noxious weeds and allow the movement of Tier 4 noxious weeds without a permit. There was consensus by the workgroup for establishing a Tier 4 noxious weed and allowing Tier 4 weeds to move without a permit, but requiring a permit to sell all listed noxious weeds.

AMEND NOXIOUS WEEDS LIST TO INCLUDE PLANTS ON DCR’S INVASIVE PLANT SPECIES LIST

DCR’s Invasive Plants Species List is an advisory list that provides information on those plants that DCR has determined possess invasive characteristics. DCR’s Invasive Plant Species List currently contains 90 plant species and includes an assessment on the degree of invasiveness for each plant and the geographical region of Virginia where each plant can be found. The workgroup was unable to reach a consensus on a plan to add all of the plants on DCR’s Invasive Plant Species List to the Noxious Weeds List.

The workgroup discussed adding all plants on DCR’s Invasive Plant Species List to the Noxious Weeds List in the *Regulations for the Enforcement of the Noxious Weeds Law*. It should be noted that a statutory requirement to include all plants on DCR’s Invasive Plant Species List as noxious weeds would be regulating plants that did not go through the regulatory requirements of Virginia’s Administrative Process Act. DCR staff noted the list was not developed for regulatory purposes and listing all species on the list presented problems.

The workgroup discussed adding some but not all of DCR’s Invasive Plant Species List as noxious weeds. The workgroup discussion focused on listing a subset of DCR’s Invasive Plant Species List as noxious weeds, rather than listing all of those plants. The workgroup members representing the nursery industry supported moving forward with listing certain plants on DCR’s list as noxious weeds, provided the listing of these weeds follow the standard regulatory process, “commercially viable” is defined and such definition is supported by the nursery industry, and there is a phase out period that would allow nurseries to deplete their stock of such plants and transition to alternative plants. The phase out period discussed by the workgroup would be dependent on characteristics of the plant and would range from one to six years. Some workgroup members expressed concerns that allowing the continued sale of any plant on DCR’s Invasive Plant Species List would allow plants with invasive characteristics to continue to be planted in Virginia and as a result costs associated with mitigation and management would increase as well.

The workgroup also discussed mandating that DCR update the Invasive Plant Species List at least once every two years in an effort to ensure that this list is current and all invasive plants are listed. DCR staff expressed concern that a two-year cycle is too short and would require at a minimum two additional full-time staff.

Regulatory Changes Discussed by the Workgroup

Amend the Noxious Weeds Law to include all plants listed on DCR's Invasive Plant Species List. There was no consensus by the workgroup for this statutory change. Some workgroup members expressed concerns that this would have a significant financial impact on the nursery industry, as some plants on DCR's Invasive Plant Species List are currently being sold. In addition, some invasive plant species can be managed to mitigate the invasive characteristics of these plants. Some workgroup members expressed concerns that allowing the continued sale of any plant on DCR's Invasive Plant Species List would allow plants with invasive characteristics to continue to be planted in Virginia.

Additional Changes Discussed by the Workgroup

Require DCR to update its Invasive Plant Species List at least once every two years. It was recognized by the workgroup that the invasive plant analysis conducted by DCR is extensive and updating the list once every two years would require funding. There was minimal discussion and no consensus on this proposal.

AMEND NOXIOUS WEEDS LIST TO INCLUDE PLANTS LISTED AS NOXIOUS WEEDS IN NEIGHBORING STATES

The workgroup discussed a suggestion for an expedited process for approving noxious weeds when the particular plant has been listed as a noxious weed in a state adjacent to Virginia, as this would provide for a regional approach for the control of noxious weeds. The suggestion would not require a risk assessment of a proposed noxious weed by the Noxious Weeds Advisory Committee if the adjacent state followed a similar evaluation process as that which is used by Virginia's Noxious Weeds Advisory Committee.

Section 3.2-802 of the Noxious Weeds Law currently requires the Noxious Weeds Advisory Committee to conduct a scientific assessment of the proposed plant. Recommending plants that are listed in neighboring states without a risk assessment conducted by Virginia's Noxious Weeds Advisory Committee is not in compliance with the Noxious Weeds Law. The suggestion would require an amendment to §3.2-802 of the Noxious Weeds Law and the Section 100 of the *Regulations for the Enforcement of the Noxious Weeds Law* (2 VAC 5-317) to allow plants to be added which have not undergone a scientific assessment by the Noxious Weeds Advisory Committee.

Statutory Changes Discussed by the Workgroup

Amend §3.2-802 of the Noxious Weeds Law to exempt plants from the required risk assessment by the advisory committee (Noxious Weeds Advisory Committee) when such plants have been listed in an adjacent state. There was minimal discussion and no consensus on this statutory change.

Regulatory Changes Discussed by the Workgroup

Amend 2 VAC 5-317-100 of the *Regulations for the Enforcement of the Noxious Weeds Law* to exempt plants from the required risk assessment by the advisory committee (Noxious Weeds Advisory Committee) when such plants have been listed in an adjacent state. There was minimal discussion and no consensus on this regulatory change.

EDUCATION AND OUTREACH

Consumers may be unaware that certain plants have invasive characteristics or the management and labor required to prevent those plants from spreading. Educational campaigns for retail nurseries, production nurseries, landscape professionals, consumers, and other members of the green industry could increase awareness of the problems associated with invasive plants. Education and outreach campaigns could discourage the use of plants with invasive characteristics and result in a decrease in the sales of these plants, possibly to the point that these plants are no longer commercially viable for the nursery industry. Over time, robust education and outreach efforts regarding invasive plants could decrease the demand for invasive plants and increase the demand for native plants.

The workgroup discussed the importance of education and outreach and there was general consensus among workgroup members on the various proposals for education and outreach. Education and outreach campaigns should focus on the use of native plants and include consumers, government agencies, localities, and the nursery industry. While some native plants have invasive characteristics, in general native plants do not spread like invasive species and can be used as a viable alternative. When planted in the correct environment, native plants are more likely to survive with smaller maintenance inputs and rarely any of the economic inputs of managing and eradicating invasive plants.

The workgroup discussed the importance of utilizing Virginia Cooperative Extension (VCE) education and outreach programs focused on the consumer. VCE routinely works with consumers and the Master Gardener and Master Naturalist programs could be important for providing information on invasive plants to consumers. VCE and Virginia Tech also work with production nurseries, which allows them to provide information regarding invasive plants.

The workgroup discussed the importance of outreach for production nurseries to inform the nursery owner and management of the need to eliminate the sale of invasive plants and produce non-invasive or native plant species. As a means of encouraging production nurseries and retailers to produce or sell non-invasive plants, the nursery industry should implement an outreach program for their members. Outreach could include training and articles published in industry newsletters or other publications regarding the impacts of invasive plants and the benefits of native plants.

The Department of Environmental Quality's (DEQ) Plant Virginia Natives Campaign is a regional native plant guide developed by the Virginia Coastal Zone Management Program. These publications are limited to the Chesapeake Bay Watershed program areas; however, expanding the program to produce similar outreach materials for the entire Commonwealth would provide information to consumers regarding the native plants that are best suited for their geographic area. DEQ's Coastal Zone Management Program can be found at <https://www.deq.virginia.gov/coasts/virginia-native-plant-marketing>. There was consensus by the workgroup to expand this program to include all areas of the Commonwealth.

While there were no statutory or regulatory changes associated with education and outreach, it was recognized by the workgroup that funding for education and outreach programs will be needed in order to reach affected constituencies.

NATIVE PLANT SPECIES

The Virginia Department of Conservation and Recreation defines "native plants" as those plants that occur in the region in which they have evolved and have dispersed throughout their range without known human involvement. Native plants possess certain traits that make them uniquely adapted to local conditions. Local conditions, such as the climate, soil, timing of rainfall, drought, frost, and other factors, impact the survivability of plants and thereby determine which plants are well suited for the area and can survive over time. While some native plants possess varying degrees of invasive characteristics, most are well suited for their environment and do not spread rapidly or cause ecological problems.

The workgroup discussed the benefits of planting native plants and ways in which native plants could be produced by the nursery industry as replacements for invasive plants.

The workgroup discussed the need for a list of native plants that would be used as alternatives to invasive plants and how to make this list readily accessible. DCR has developed a database of native plants, which is publicly available on DCR's webpage, that enables users to select native species options based on geographic location, site conditions (e.g. soil, light and moisture regime), and various plant characteristics (e.g. height, growth form, pollinator benefits). The

database of invasive plants is made available to meet a variety of needs, in particular selecting best options for landscaping and energy development projects (e.g. solar installations) and also provides information on availability (i.e. vendors) where many of these native plants can be purchased. DCR is continually working to expand the availability/source component and could be expedited and expanded with funding and/or staff.

In addition, the workgroup discussed the development of alternative species that could be used as replacements for invasive plants. However, the cost and time to develop and market a plant species is extensive and could be cost prohibitive.

The workgroup discussed a requirement that all state agencies and localities plant only native plant species in an effort to reduce the use of, and cost of managing invasive species. There was general consensus among the workgroup that state agencies should be encouraged to give priority to native plants when planting on state properties and guidance should be developed for state agencies related to the use of native plants when restoring property that had been degraded by invasive plants. The workgroup also discussed development of a model ordinance that could be used by localities that would require the use of native plant species on locally owned property.

The workgroup discussed the current supply of native plant species, and the impact of any future mandatory requirements related to planting native plant species as the supply of native plant species may not be sufficient to meet demand. Conversely, it was also pointed out that demand could drive supply, thereby promoting the growth of a native plant industry in Virginia. There was also concern related to placing too much emphasis on native plant species, as there are many non-native species which are not invasive and more suitable than native plants and requiring the planting of native plants would not necessarily lead to optimal plant selection decisions.

The workgroup also discussed development of a cost-share program which would provide funding to landowners who plant native plant species on their property. The cost-share program would require financial inputs from the participating landowner or locality. The cost-share program was supported by all members of the workgroup.

Statutory Changes Discussed by the Workgroup

- Amend the Code of Virginia to require state agencies to plant native plants on state properties. Some workgroup members expressed concerns that the supply of native plants may not meet the demand and there may be situations where a non-native plant is preferred over a native plant species. There was no consensus by the workgroup for this statutory change.

- Amend Code of Virginia to require localities to plant only native plants on locally owned property. Some workgroup members expressed concerns that the supply of native plants may not meet the demand and there may be situations where a non-native plant is preferred over a native plant species. There was no consensus by the workgroup for this statutory change.

Additional Recommendations Discussed by the Workgroup

- Development of a model ordinance that could be used by localities to prohibit the use of invasive plant species and encourage the use of native species. There was consensus by the workgroup for this change.
- Development of a cost-share program which would provide funding to landowners who plant native plant species on their property and provide funding to landowners for eradication or control of invasive plant species. There was consensus by the workgroup for the cost-share program.
- Development of guidance related to planting native species to include a listing of native species, for state agencies and localities. There was consensus by the workgroup for this change.

BIODIVERSITY TASKFORCE

The workgroup discussed formation of a Biodiversity Task Force to oversee the implementation of Virginia's invasive species management plan. The task force would include key state agencies such as VDACS, DCR, DEQ, Department of Forestry, Department of Wildlife Resources, and Department of Transportation as well as industry stakeholders and conservation organizations. The task force would advise agencies on the use of revenue appropriated for the mitigation of invasive plants and oversee implementation of recommendations of future invasive plant workgroups. It was noted that such a group exists, as Va. Code §2.2-220.2 established the Virginia Invasive Species Working Group. It was also noted that there is currently no funding for implementation, and while there was discussion on forming a Biodiversity Task Force, there was no consensus on this initiative.

ADDITIONAL INFORMATION NEEDED

The workgroup recognized the need for additional information related to invasive plant species and the importance of conducting studies to better understand the scope and impact associated with invasive plants. The workgroup supported studies to:

- Identify and quantify the economic impact of the sale of invasive plants in

Virginia. The study should evaluate the cost to the nursery industry as well as the cost of eradication and remediation of invasive species;

- Project the cost of the impact of invasive species in Virginia if no action is taken to revise the Noxious Weeds Law or no outreach is conducted;
- Determine the revenue from selling plants on DCR's Invasive Plant Species List and cost associated with eradicating each plant. In addition, consider the financial impact to the green industry if all of the plants on DCR's Invasive Plant Species List were to be listed as noxious weeds;
- Determine the economic impact of plants identified as invasive.

FUNDING REQUESTS FROM WORKGROUP

The workgroup identified specific measures which will require funding. While it is recognized that tax assessments may offset some of the cost of the initiatives described below, additional general fund appropriations may be needed.

Studies

The workgroup identified additional information which is needed to assess the impact of noxious weeds in Virginia. The research studies are outlined in the Additional Information Needed section above.

Alternative Plant Species

The workgroup proposed the use of alternative plants that could be used in place of invasive plants. While there are currently alternative plant species available, additional alternative plants will likely be needed to meet demand. To provide viable alternative plant species, research on these plants, to include sterile or low-fecundity cultivars of invasive plants, is necessary.

In addition, an adequate supply of alternative plant species will need to be available for consumers. To provide adequate supply of alternative plants, the workgroup discussed the need for financial support for producing these plants.

Support for Noxious Weeds Advisory Committee

The workgroup discussed the need for personnel to support the Noxious Weeds Advisory Committee. Additional staff would be responsible for conducting risk assessments on those plants proposed to be added to the Noxious Weeds List. Conducting the risk assessment is required by the Noxious Weeds Law (Va. Code §3.2-802) and the *Regulations for Enforcement of the Noxious Weeds Law* (2 VAC 5-317-100). The workgroup discussed funding to support the Noxious Weeds Advisory Committee, but there was no consensus.

Funding for Implementation of Invasive Species Management Plan

The workgroup discussed providing funding for Virginia’s Invasive Species Management Plan to be used for eradication or mitigation efforts against invasive plants. The workgroup discussed funding to support Virginia’s Invasive Species Management Plan, but there was no consensus.

Outreach and Education

The workgroup concurred on the need for additional outreach and education as an important means for preventing the spread of invasive plants. Funding for outreach would be used to support activities specifically related to invasive plant species and native plants. Funding could also be provided to aid the establishment of regional invasive species management programs, similar to Blue Ridge PRISM (Partnership for Regional Invasive Species Management).

SUMMARY

LABELING

The workgroup discussed labeling invasive plants, and while there was no consensus on plant labeling, there was support for signage at retail nurseries which would provide information to consumers on invasive species and the benefits of native plants. The workgroup recommends that VDACS develop the signs and make them available to nurseries. The signage would contain information regarding the characteristics of invasive plants and the benefits of native plants.

TAXES

The workgroup supported using a portion of the retail sales tax which is assessed on nursery stock to be allocated to a special fund to pay expenses related to labeling, outreach and education, mitigation efforts, increasing production of native plants, cost-share programs for planting native plant species, and conducting research on invasive plants.

ADDING INVASIVE PLANTS TO NOXIOUS WEEDS LIST

The consensus of the workgroup was that VDACS should establish another workgroup to be tasked with recommending a definition of “commercially viable.” The definition could be included in the Noxious Weeds Law and *Regulations for Enforcement of the Noxious Weeds Law*. Defining “commercially viable” would enable some plants on DCR’s Invasive Plant Species List which are currently commercially viable to be considered for future listing as noxious weeds.

EXEMPTION FOR PERMIT REQUIREMENT TO MOVE NOXIOUS WEEDS

The workgroup supported an amendment to the Noxious Weeds Law to remove the permit requirement for the movement of certain noxious weeds and require a permit for the “sale” of listed noxious weeds. The suggested amendment would authorize the Board of Agriculture and Consumer Services to determine, by regulations, the requirements for the movement of noxious

weeds without a permit. Allowing for an exemption to the permit requirement would necessitate amendments to the Noxious Weeds Law.

EDUCATION AND OUTREACH

Development of education and outreach programs was supported by all members of the workgroup. Focusing on outreach for consumers could reduce or prevent the sale of invasive species to consumers who are unaware of the invasive characteristics of certain plants and at the same time, provide a means by which the sale of invasive plants would be reduced, without the need for statutory changes. Outreach for consumers could lead to a decrease in sales of invasive plants over time so that these plants are no longer commercially viable in Virginia. In addition, outreach for the nursery industry could result in nursery growers who voluntarily cease or reduce the production and sale of invasive plants.

Outreach campaigns should provide information so that consumers can make informed decisions. In addition, outreach and education targeted at nursery stock producers will ensure that producers are aware of the benefits of native plants and problems associated with invasive plant species. VCE's Master Gardener and Master Naturalist programs have the potential to reach many Virginia citizens and the development of outreach programs for use by VCE would inform Virginia's citizens who are unaware of the invasive characteristics of certain plants. Providing funding to Virginia Tech and VCE would allow the development of outreach campaigns aimed at consumers and nursery owners and managers.

DEQ's Plant Virginia Natives program should be expanded so that consumers across the Commonwealth are aware of native plants which can be alternatives to invasive plants.

Developing signage related to invasive plants for use by nursery stock retailers will allow retailers to provide information to consumers regarding the risks associated with invasive plants. If funding is provided, the signage could be developed and distributed at no cost to the nursery industry. The use of the sign would be encouraged, but not required.

NATIVE PLANTS

The workgroup supported increased funding to provide incentives for nursery growers to grow native plants or increase production of native plants. The financial incentives would be used to assist growers in increasing the number of native plants that are produced and sold. This will increase the availability of native plants in the marketplace for consumers and ensure that there is an adequate supply of native plants for both consumers and government agencies.

The workgroup also supported funding for a cost-share program to provide financial support to landowners who want to increase the use of native plants on their property or to mitigate the

impacts of invasive plants. A cost-share program could also be used to provide funding to localities to support increased use of native plants.

The workgroup supported the development of a list of native plants that would be used as alternatives to invasive plants and making this list readily accessible to consumers. In addition, there was support for development of guidance related to the use of native plants that could be provided to government agencies, localities, and consumers.

The workgroup supported development of a model ordinance that could be used by localities to prohibit the use of invasive plant species and encourage the use of native species.

APPENDIX I:

Workgroup members were provided an opportunity to review the draft report and provide comments, to be included in the final report. Appendix I includes comment(s) submitted by workgroup members.

Comments from Glenda Booth, Audubon Society of Northern Virginia

Additional Views of Glenda C. Booth, Audubon Society of Northern Virginia

December 24, 2021

Fortunately, the 2021 Virginia General Assembly recognized the need to address the prevalence and harm of invasive plants by approving H. J. Res 527, the Bulova- Marsden bill that created an invasive plants workgroup. The legislation directed the workgroup to "examine measures to reduce, mitigate and eliminate the continued sale and use of invasives species as identified in the list of Virginia invasive plant species maintained by the Department of Conservation and Recreation" and to make recommendations.

Unfortunately, in six meetings from June 9 to November 10, the workgroup failed to carry out that mission. The exercise was a disappointing process that produced a disappointing product.

Few Recommendations, Discussion Only

At the August 24 meeting, Chris Ludwig, former Chief Biologist, DCR Natural Heritage Division, told the workgroup that the key to halting the spread of invasive plants is to (1) prevent the introduction of invasive plants and (2) control those that are here.

This workgroup failed to produce meaningful policy recommendations comprehensively addressing those challenges. In fact, it is unclear what recommendations the group actually agreed on since few were offered and few votes were held.

The staff-drafted report as of December 24, 2021, describes workgroup discussions, repeatedly saying "the workgroup discussed." The General Assembly did not request a report on discussions. H. J. Res 527 specifically directs the workgroup to "make recommendations regarding (1) statutory changes and (b) changes to regulations or guidance documents adopted by relevant agencies, including changes related to the placement of plant species on the Noxious Weed List." It specifically requires the departments to submit a report of the workgroup's "findings and recommendations" to the Governor and General Assembly.

Unclear "Consensus"

The staff report assumes "consensus" on some issues. It is unclear how

anyone could conclude that there was a consensus since the workgroup mostly held discussions and had few votes. Meetings largely consisted of people offering comments without then moving to policy decisions. In one case, under “Statutory Changes Discussed by the Workgroup,” paragraph one, the report states as follows: “There was consensus by the workgroup for the establishment of a workgroup to define ‘commercially viable’ and for subsequent statutory or regulatory changes to define ‘commercially viable.’” I specifically objected to this language, arguing that the work of crafting a definition, if that provision is to remain in the law, should not be punted to another workgroup.

The group heard several informative presentations from experts. There were many useful discussions among the members and the exchanges among the industry representatives and others were an especially welcomed opportunity. However, these briefings and discussions, which consumed most of the time, did not result in many substantive recommendations. Discussions are not recommendations voted on by workgroup members. Perceptions of consensus are not consensus.

Missed Opportunities

- There was minimal recognition of the science underpinning the rationale for reducing the sale and use of invasive plants or using the science to craft recommendations.
- Few members, especially the industry representatives, offered proposals. When asked for alternative proposals to those few offered, one said, for example, “I have no proposals.”
- There was no rigorous evaluation of the merit or effectiveness of the current noxious weed law or its processes, especially Title 3.2-800 loophole that allows the sale of certain invasive plants “when in-state production of such living plant, or part thereof, is commercially viable or such living plant is commercially propagated in Virginia.”
- There was no consideration of creating a new law, starting with a clean slate instead of amending the current noxious weed law.
- There was minimal consideration of approaches that other states have taken.

This report is a disappointing product of a flawed process, a process that the legislature needs to more specifically structure in a prescribed way that will produce useful, informed recommendations.

Comments from Rod Walker and Elizabeth Mizell, Blue Ridge PRISM

The mission of the Blue Ridge Partnership for Regional Invasive Species Management (PRISM) is to reduce the impact of invasive species in 10 counties of the Blue Ridge Mountains in Virginia stretching from Nelson and Augusta counties in the south to Clarke County in the north. This area is a little less than 3 million acres, includes Shenandoah National Park and covers about 50,000 landowners with five acres or more. The Blue Ridge PRISM is in a unique position as the only PRISM in the Commonwealth. We work to mitigate the negative economic, environmental, and human impacts of invasive plants across Virginia. Our audience is a diverse group of individuals from forestland owners, farmers, suburban homeowners, homeowner associations, conservation professionals, home gardeners, and anyone else who is concerned about the negative cost of invasive plants to all of us and our environment. Annually, invasive species including invasive plants cost Virginia more than \$1 billion while devastating our native ecosystems critical to human health and well-being.

Blue Ridge PRISM firmly supports the following:

- A retail tax assessed on nursery stock to be allocated to a special fund to pay expenses related to labeling, outreach, etc. This can either be a surtax on Department of Conservation and Recreation (DCR) -listed plants or diversion of all or a portion of the sales tax currently being paid on overall plant sales in Virginia. Note that a reliable, consistent, long-term funding stream is critical to dealing with invasive plant issues.
- Exemption for permit requirement to move certain noxious weeds and amending the noxious weed law to allow this exemption (for example, creating Tier 4 Noxious Weeds)
- Funding incentives for nursery growers to grow native plants or increase their production and cost-share programs to landowners who want to use native plants and remove invasive plants
- Implementing sunset provisions allowing nurseries a reasonable transition period to sell existing stocks of newly listed noxious weeds
- Expanding Plant Virginia Natives Native Plant Campaigns across the Commonwealth and providing necessary funding to support this effort
- Development of a model ordinance that could be used by localities to prohibit the use of invasive plant species
- Funding to support the work of the Noxious Weeds Advisory Committee
- Funding for implementation of the Invasive Species Management Plan
- Studies suggested in the report to provide additional information related to invasive plant species to understand the scope and impact associated with invasive plants

Short of outright bans on the sale of specific plants or forcing them onto the noxious weeds list, arguably the most effective tool for reducing the planting of invasive plants is

making sure that landowners know that what they are planting is invasive and likely to cause problems for them and their neighbors. Two things that would make this happen are:

- Signage at the point-of-sale so that consumers understand that the plant they are buying is on the DCR list. The signage can either be on each plant or right next to where they are being sold. Note that this requirement will only apply to a miniscule fraction of the plants being sold at retail.
- A requirement that landscape designers and implementers inform the landowner when they are planting DCR-listed plants. More than half of the plants produced by our nurseries are sold through these professionals, as opposed to being sold to consumers through retail outlets.

General public education is helpful, but nothing will be nearly as good as making sure the buyer knows that the specific plant being purchased or planted is a designated invasive plant.

Often consumers are unaware of what they are purchasing and believe it is 'okay' because it is sold in the store. Consumers deserve to know and understand what they are purchasing and the negative impacts of these products economically, environmentally, and to human health.

The current Noxious Weed law does not allow for the listing of any plant as a noxious weed if that plant is 'commercially viable'. While the Blue Ridge PRISM certainly supports better definitions of the specific language in the law including 'commercially viable'. Better definitions should allow more plants to move onto the noxious weed list, but this will not solve the broader problem of some of the most highly invasive and destructive plants still being sold through the nursery trade. Many highly invasive trees, shrubs, grasses, and vines will continue to be sold because their sales will far exceed any threshold that will have been developed under strong industry influence. The current noxious weed law will never function as an effective tool or law to prevent the continued planting of invasive plants until the words 'commercially viable' are removed from the law or the industry comes forward with other realistic ideas or proposals to phase all of these plants out of the trade. We recognize there are sterile cultivars of invasive plants that may be attractive to the nursery industry and there have been economic investments made in developing these cultivars. It is worth pointing out here that if a cultivar of an invasive plant has been scientifically demonstrated to be found non-invasive, it would still be allowed to be sold even if that species is listed as a noxious weed.

The Blue Ridge PRISM believes that this report and the process by which it was created are important steps in the right direction. A dialog has been opened amongst the major stakeholders involved with invasive plants. Many great ideas were surfaced in the

course of the meetings and, as noted in the report, there were several areas of consensus and support. We hope that the actions noted in the report summary will find their way to be implemented. Having said that, there was no agreement on a defined path that will eliminate all the DCR-listed invasive plants from the trade. This is a major disappointment. The industry representatives in the working group failed to come forward with or agree to any kind of holistic plan for getting all the DCR-listed plants out of the trade, even with extended phase-out periods and/or compensation to the industry. Much work remains to be done to stop further introductions of these damaging plants into our ecosystems.

We are pleased to have been a part of this important work group to examine measures to reduce, mitigate, and eliminate the continued sale and use of invasive species as identified by DCR. Nathan Burrell of DCR and Larry Nichols of VDACS should be recognized for their work in organizing and facilitating this work group. We also thank the work group members for their candid discussions and being at the table. The Blue Ridge PRISM will continue to work towards ending the sale of invasive plants in Virginia, securing funding for invasive plant education and control, promoting native plants, and educating the public on the economic, environmental, and human costs of invasive plants. We will continue to seek areas of consensus with our friends in the nursery industry. We will advocate for resources and support the nursery industry in Virginia in any way we can if they will transition away from propagating and selling invasive plants.

Respectfully submitted by Rod Walker and Elizabeth Mizell, Blue Ridge PRISM

Comments from Carla Passarello, Garden Club of Virginia

Carla Passarello

HJR 527 Invasive Plants Working Group, GCV representative

**Allison Clock, Chairman, Conservation and Beautification Committee
Garden Club of Virginia**

Although I am sharing internal comments below, from the GCV Chairman of Conservation and Beautification Committee and myself, these have not yet been formally reviewed by the full committee.

Please note that the Board of Directors of the Garden Club of Virginia has adopted the following official position statement in support of native plants:

The Garden Club of Virginia has a long-standing commitment to the protection and use of native plants. Many native species face challenges from invasive plants, insects, and diseases that threaten their continued existence. Many invasives compete with, overwhelm, and destroy Virginia's native plants. The cost of invasive plant removal from public water systems, highways, and infrastructure is burdensome. Some invasive species are grown and sold by some nurseries to retailers, municipalities, and home gardeners.

The Garden Club of Virginia supports education of its membership and the general public about alternatives to invasive species.

The Garden Club of Virginia's mission includes, among other interests, to inspire a love of gardening and conservation of our natural resources and historic landscapes.

In recent years, gardeners everywhere have become increasingly aware of the serious threat to our natural landscape and wildlife populations posed by the proliferation of invasive plant species. They invade our woodlands, create a sterile monoculture along our highways, and choke out native species and the pollinators and birds they support. The state of Virginia spends millions in tax dollars for their control and eradication.

Though advocating an approach to reducing invasive plants in the Commonwealth that takes into consideration the importance of maintaining a healthy nursery industry, purely voluntary approaches will not be sufficient to address this growing threat to our natural world. Regulatory means to address the problem and urge immediate action by state legislators may be necessary.

In accordance with the Garden Club of Virginia's position statement in support of native plants, I suggested using a phased approach to the elimination of invasive plants in the commercial trade allowing the industry to increase its supply of native plant material as non-native invasives are being phased out. A phasing-out approach should minimize cost to the industry while allowing them an opportunity to steer resources to non-invasive species and hopefully increase native plant sales.

Educational and promotional means should be prioritized to encourage increased use of non-invasive and native plants in the landscape and to promote increased production and sale of native plants in the nursery and landscape industries. As a model, expanding and increasing funding for the DEQ's highly successful "Plant Virginia Natives" initiative to include educational materials covering all regions of the state and addressing industry resources and state institutions as well as consumers could be beneficial. An update to the DCR website detailing environmentally sensitive methods for removal of invasive plant species and providing recommendations for native or non-invasive plants to substitute could help to reduce invasive plants in the landscape.

It is therefore in accordance with the Garden Club of Virginia position statement in support of native plants to recommend that state agencies eliminate use of invasive plant material and advocate mandating use of native plant material on all state-owned properties including, but not limited, to state parks, public buildings, and roadways.

December 29, 2021

December 29, 2021

Mr. Nathan Burrell
Deputy Director
Government and Community Relations
Department of Conservation and Recreation
600 E. Main Street, 24th floor
Richmond, VA 23219

Mr. Larry Nichols
Director, Division of Consumer Protection
Virginia Department of Agriculture & Consumer Services
102 Governor Street
Richmond, VA 23219

2130 Stella Court
Columbus, OH 43215
USA

614 487 1117 Main

525 9th Street NW
Suite 800
Washington, DC 20004
USA

202 789 2900 Main

RE: Invasive Species Work Group Draft Report- AmericanHort Comments and Suggestions

Dear Nathan and Larry:

Thank you for the significant effort we know it took to compile the draft report you have circulated for review. Following are several suggestions we would ask that you consider.

Page 7, Paragraph 1 and 2. The “Background” section should also acknowledge that many intentionally-introduced plants which may have invasive properties may also provide various benefits (e.g., relative freedom from pests, tolerance of abiotic stresses associated with altered environments such as managed landscapes). Hence, control or management decisions must often balance science as well as human values and preferences.

Page 8, Invasive Plant Species List paragraph. It should be noted that the DCR assessment/listing process does not explicitly consider benefits. It is not a risk-benefit assessment decision tool. (For background, the federal Invasive Species Advisory Committee discussed the risk-benefit issue at length in a so-called “definitions white paper” found here:

https://www.doi.gov/sites/doi.gov/files/uploads/isac_definitions_white_paper_rev.pdf

Page 10, 3rd Full Paragraph. Suggest also stating that “Online plant sales are rapidly increasing, and a labeling requirement for online sales would be unenforceable.”

Page 12, Paragraph 2. May be worth mentioning that “the work group discussed the fact that the benefits of more effective invasive species prevention and management

accrue to many stakeholders, which would justify consideration of more diverse funding streams for such work.

Page 17, Paragraph 2. Education and outreach should not only focus on native plants. Many human-altered environments present marginalized environments where only a limited array of native plants may be capable of surviving and performing well. This paragraph should emphasize the mantra of “right plant, right place” and should prioritize the use of both native and site-adapted but non-invasive non-native plants.

Page 18, Last Paragraph. Suggest replacing the word “require” with “prioritize” the planting of native plants. Plant selection should take into consideration the goals for the planting, and the plant characteristics needed to meet those goals. An across-the-board native plant mandate would constitute over-reach and not necessarily lead to optimal plant selection decisions.

Page 19, Second Bullet under Additional Recommendations. Suggest adding “eradicate or control invasive plants” as a suggested component for cost-share programs.

Additional Comment: I recall that as a group, we had significant discussions regarding the importance of accommodating sterile/low-fecundity cultivars of plants of concern (Japanese barberry and *Nandina domestica* were two of the plants of concern the group discussed at some length where sterile or low-fecundity cultivars have been developed). Breeding for non-invasiveness is becoming a central focus of both public and private plant breeding and introduction efforts. In my review of the draft report, I didn’t notice this subject being directly addressed. It would be worth mentioning the importance of accommodating non-invasive selections of economically important horticultural crops in the sections of the report that speak to the potential noxious weed listing and regulation of some plants on the DCR invasive plant list, as well as in sections that mention identifying and encouraging alternatives.

Thank you again for the opportunity to serve on the work group. Your collective efforts are recognized and appreciated. And as a bonus, I got to know Pocahontas State Park, a place I’d never even heard of yet alone visited!

Best wishes for what remains of the holiday season, and a prosperous and healthy 2022.

Most sincerely,



Craig J. Regelbrugge
Executive Vice President-Advocacy, Research, and Industry Relations



Nichols, Larry <larry.nichols@vdacs.virginia.gov>

VNPS Response to Invasive Species Workgroup Report

1 message

Nancy Vehrs <nvehrs1@yahoo.com>

Wed, Dec 29, 2021 at 4:31 PM

To: Nathan Burrell <nathan.burrell@dcr.virginia.gov>, "Nichols Larry (VDACS)" <larry.nichols@vdacs.virginia.gov>

Cc: Jim Hurley <jehurley@mindspring.com>



Dear Mr. Burrell and Mr. Nichols,

The is the Virginia Native Plant Society (VNPS) response to the draft workgroup report. We appreciate your efforts in trying to achieve consensus among such disparate groups, but we are very disappointed in the lack of any meaningful results. This was a missed opportunity.

The primary purpose of HJR527 was to establish a workgroup to study ways to reduce, mitigate or eliminate the sale of invasive plants by the plant retail, nursery, and landscaping sectors in Virginia. Throughout the discussions of the workgroup, the representatives of the nursery and landscaping industries failed to acknowledge the damage to Virginia's natural heritage caused by a small percentage of the plant species they are selling, and they would not accept responsibility for their role in furthering this damage. Scientific weed risk assessments have established the invasiveness of some 40 plant species sold in the trade, out of an estimated 8,500 total species sold. And yet, the industry would not agree to the removal from sale of any of these 40 species, long phaseout periods to reduce any financial impact, or any limitations on their ability to sell whatever will sell. The industry requested another committee to study the issue further, which will prolong the release into the landscape of these harmful plants. The industry is shortsighted in its unwillingness to phase out the sale of invasives in favor of increased sales in the developing nativeplant market. Education was considered a consensus position for the workgroup, but the VNPS and other conservation groups have been providing education on the subject for years. The time for action is now.

Ultimately, the issue is simple: these invasive plants should be removed from the trade, just as certain toxic chemicals, such as DDT, have been banned from sale, because of their impact on the environment. Other states have done so; Virginia could do so. The VNPS is disappointed in the weak recommendations by the workgroup.

Sincerely,

Nancy Vehrs
President



To whom it may concern:

As members of the HJ527 workgroup representing the School of Plant and Environmental Sciences at Virginia Tech, we wanted to provide additional feedback on the statutory changes and measures to reduce, mitigate, and eliminate the continued sale of invasive plants in Virginia.

Labeling

Page 9, P. 5 - Labeling could be a way to inform buyers about plants that they might realize are invasive, however a mandate would be difficult to enforce. Retailers purchase plants from growers from across the country and it would be extremely difficult, if not impossible, to get all growers to label plants as invasive. A labeling mandate would also be very difficult to enforce without additional resources and people being assigned to enforcement.

Adding invasive species to the current Noxious Weeds List (Page 12, paragraph 5)

Page 12, P. 5 - At one point during the discussion, there was a short discussion of a 3rd option, to maintain the existing noxious weed law for weeds that are truly noxious and create a new statute/list for invasive plant species. VT would support this option as well.

Page 14, P. 2 - VT Does not necessarily support the creation of Tier 4 weeds that can be moved without a permit. Doing so creates a law with no purpose; dilutes education, mitigation, and enforcement efforts away from truly noxious weeds and will create an unnecessarily lengthy noxious weed list.

Increasing the use of native plants on state or local properties

Page 18, P. 6 - While we applaud the efforts to encourage the usage of native plant species on state/local properties, we would not support any statute that would require 100% native plant usage on state/local properties. Doing so would unnecessarily eliminate a wide assortment of non- invasive, non-native plants. A few examples of plants that would be unnecessarily exempted from use are: boxwoods that are used in many of the more formal government plantings (capitol building), all annual color species (tulips, pansies, etc.), and many of the ornamental flowering trees, like cherry trees.

Biodiversity Task Force

Page 20, P. 1 - Both Virginia Tech and Virginia Cooperative Extension must be included on the list of participants for the Biodiversity Task Force.

This concludes our feedback on the draft report. Thank you for the opportunity to participate in this workgroup, we look forward to continuing to work with the Virginia Department of Conservation and Recreation and Virginia Department of Agriculture and Consumer Services on this topic.

Sincerely

Scott Douglas (Workgroup Member)
AP Faculty and Hahn Horticulture Garden
Director Virginia Tech School of Plant and
Environmental Sciences

Michael Flessner
Associate Professor and Extension Weed Science
Specialist Virginia Tech School of Plant and
Environmental Sciences Virginia Cooperative

Jacob Barney, PhD
Associate Professor - Invasive Plant Ecology
Virginia Tech School of Plant and Environ

APPENDIX II:

Public Comment

Fifteen (15) minutes during each of the six (6) meetings of the workgroup was dedicated to public comment. Public comments were collected both in person and via written correspondence. Below is a compilation of all comments received by the workgroup.

- **Luke Peters** – He advised that while we want to respect personal property rights, the environment is an area where the government has a role to step in and maintain more complex social contracts. A public info campaign won't be enough – citizens don't especially care, and nurseries are unsympathetic at best. Invasives have 1-to-1 economic substitutes in their native analogues. Virginia is starting to recognize the co-benefits of environmental services, and, if monetized (like carbon credits), the cost of the man-hours needed to remove invasives and the harm they do to the environment would be in the millions. The burden on private property owners will need to be considered – e.g. the elderly will have trouble with invasives removal, and non-profits may need to step in. His recommended plan of action is to first: immediately stop the sale of invasives. Second: later on give localities the ability to fine people for having banned plants on their property. Third: add a tax to the sale of naturalized, non-invasive but still non-native plants. Changing the ideas around native plants' economic benefit would then conform better with the intent of the current noxious weeds law, where invasives are allowed to be grown for profit. Other states have already enacted similar laws, so there's a good policy roadmap. Something needs to be done, however, or else biodiversity will suffer. Future technologies could also be created to help tackle invasives if a helpful regulatory environment is created.
- **Nancy Vehrs** – Ms. Vehrs noted she is President of the Virginia Native Plants Society, a group of more than 2,200 people. She encouraged the work group to be bold. She noted that other states have taken significant action. Virginia can look to those states to help develop a strategy.
- **Lauren Taylor** – Ms. Taylor advised that her comments had been covered and ceded her time.
- **Susan Gitlin** – Ms. Gitlin commented that she is from Rockbridge County and has been studying and addressing invasive species for fifteen years. She noted that the list becomes out of date very quickly and asked the work group to consider how it could be updated on a more regular basis.
- **Paige Thacker** – Ms. Thacker noted that she works with Virginia Cooperative Extension in Prince William County. She works with Virginia Tech and Virginia State supervising master

gardeners and naturalists. She advised that VCE would be interested in working with the group as it moves forward.

- **Dan Holmes** – Mr. Holmes is the Director of State Policy for the Piedmont Environmental Council. He expressed his support for the legislation. He echoed the comments of Ms. Gitlin stating the need for routine updates to the list.
- **Sue Gitlin** – As a citizen of Rockbridge County, I support funding for removal of invasives. But, as a property owner who is fighting invasives from neighbors who plant them in their yard that are coming over to my property, as a tax payer, I would object to having tax dollars go to this effort to combat these invasive plants and the damages that they are causing.

Labeling, Maryland has regulations about labeling, but, no data. Delaware landscape and nursery industry is opposed to labeling. I only plant native plants, most plants are not detrimental and we need to give the people and the nurseries other options. There are lots and lots and lots of other options.

For public participation purposes, we need to have a way to have remote participation for these workgroup meetings. Workgroup members or not, there are other people that would like to hear what is going on with this group.

And finally, as the DCR list will continue to expand and with any process that is developed, we need to consider the question, “Are we going to have negotiate every single plant every single time we need to update the list”?

- **Robert Gabay** - I just wanted to voice my support for regulation of the noxious weed law. As someone who started a volunteer project of ecological restoration in the City of Richmond, it would be helpful to have a point of sale prohibition on invasive plants.
- **Ruth Douglas** – I am here as a private citizen and am a member of the Virginia Native Plant Society and the Blue Ridge PRISM. I have long been involved in native plants with more than 20 years on this issue. It continues and continues to get even worse. I am very concerned but I am happy that this committee has been formed and is going to be discussing these things. It is tremendously important that we hear from people in the horticultural industry that our voices are heard. I support any effort that we can come up that includes fair ways to combat plant issues and not forget about the natural world.
- **Nancy Vehrs** – I am the President of the Virginia Native Plant Society and want to reiterate my support of what Rod Walker presented today with his 12 point proposal.

I am very much in favor of phasing out the sale of invasives. Horticultural folks can make this a win/win by selling more native plants, and developing a stronger native plant industry in our state. Getting seeds for native plants should be more available as we are

currently going out of state for that, and we should be developing our industries here in Virginia.

I worry about kids today. They have no idea a normal landscape look like. I visit Huntley Meadows Park in Fairfax County often and see vines, oriental bittersweet, honeysuckle, stilt grass, bradford pear trees, and all different kinds of these invasive plants. Kids today think that the current landscape is natural, but, they are filled with invasive plants and I am very frustrated that this becoming the norm and that some people just don't care. We have to do something about it and this group has that charge.

- **Adrianna Clinton** - I work with the Department of Wildlife Resources and with the James River Park System in the City of Richmond. I also work with my daughters who are currently funding their own efforts of invasive plant removal. They understand the importance of maintaining the woods, but, they are using money out of their own pockets. In this case, a cost share program would be very helpful to support and fund these types of projects.

I grew up a city kid, but I do understand the value of an acorn. It is so valuable to know that in 50 years or 100 years that our parks and our urban areas will be filled with oak trees, bees, acorns and squirrels. What will nature look like in 50 years if we don't make any changes? Kids need to know now that we can make necessary industry changes. In making these industry change over a period of 5, 10, or 15 years we need to better understand the ecological costs. But, I am thinking about my kids and their kids and what their value is to society because the tree of heaven...isn't bringing a thing.

❖ On Wed, Jul 28, 2021 at 10:20 AM Amy Ritchie Johnson <xaritchie@gmail.com> wrote:

Hi Mr. Burrell & Mr. Nichols,

As I can't be at the Pocahontas Park meeting today, I just wanted to throw in my voice via email. I recognize this workgroup has a twofold agenda 1) negating invasive plants and 2) promoting native plants.

The latter is a much more complex issue that definitely needs to be addressed in full (What exactly is "native"?— Native plants should indicate plants that are local ecotypes and only planted in regions where they already occur "frequently" etc. Education and availability are going to be major components here.)

But the invasive plant issue seems to me an easy one to tackle. Completely restricting the importation and sale of exotic invasive plants in Virginia will make them unavailable to buyers that mostly have no interest or knowledge in their invasiveness and will readily buy whatever

is available at their local nursery/big box retailer/etc. The ease with which people buy and plant invasive plants (even this week in my neighborhood) in relativity to the amount of habitat and wildlife destruction they cause is astounding. We can set up invasive plant removal task forces till the cows come home but if people are still planting them...? And with global warming seasonal changes giving invasive plants an even greater advantage than they already have...?

Thanks for your time and efforts,
Amy Ritchie Johnson,
Richmond, VA

❖ On Wed, Jul 28, 2021 at 9:58 AM **Susan Perry** <susanyperry60@gmail.com> wrote:

Dear Mr. Nichols and Mr. Burrell,

Thank you so much for working on this important issue. Last year, I went to a local nursery (Snow's here in Charlottesville) to buy native pollinators for a sunny patch in my front yard. I was willing to buy anything they suggested and ended up buying about a dozen plants. This past spring one plant grew to 6 feet tall and almost as wide, taking over most of the plot. It was an Autumn Olive. I took down the plant and left it out in a garbage bag for it to die. And I needed to hire someone to dig up the large, extended root system.

There was absolutely no reason for this nursery to carry this plant much less sell it. Please prevent this unnecessary problem with guidelines and mandates about what nurseries should be selling.

Thanks for your consideration.

Sincerely,
Susan Perry
Charlottesville, VA

❖ On Tue, Jul 27, 2021 at 9:45 PM **Judith Freeman** <1144jfreeman@gmail.com> wrote:

You may already be aware of states that have taken legislative action in re to invasive plants. Maryland is one such state listing Tier One plants that may not be sold. Tier two plants that must be signed for. I'm not quite sure what that means, however it is making people aware that these plants crowd out native plants and should be reconsidered before buying.

A couple of plants that are particularly bothersome to me are the Callary Pear (birds eat the fruit and deposit the seeds over the terrain which then crowfoot native trees) and Nandinas (the berries contain arsenate which kills birds when eaten).

Hopefully, Virginia will take similar action against invasive plants—the sale and purchase of same.

Thank you for your efforts,
Judith Freeman

Charlottesville, VA

❖ On Tue, Jul 27, 2021 at 2:12 PM Wayne Wilcox, PLA <halcyon.planning@gmail.com> wrote:

Mr. Burrell - I am very pleased to see the progress that the Working Group is making on this valuable issue. Invasive species are a bane to Virginia's ecosystems, and we must have solid, science-based, enforceable constraints to their continued progress, especially when the first step is not putting more such plants in the ground by not allowing their sale.

For my part, as I look at the three options outlined on the agenda for the 7/28 meeting, I favor Option 2: Extensive Statutory Changes. It is in Virginia's long-term economic and ecological interests to take every feasible action, and ending the propagation and sale of plants that do specific harm to the ecology is not just feasible, it is necessary.

Education and outreach seems often to be the missing link when laws get changed like this. Most citizens don't know or care about invasive species, as long as their yards look good. If they suddenly can't get their periwinkle or English ivy or Bradford pear, they might be confused and/or angry until they can find other sources (perhaps online) to get what they want, without regard for the ecological impacts. Thus, they must be brought up to speed on why these plants are problems and what they should do instead. And I could go on and on about this topic. Please put an emphasis on this element of the effort.

Finally, I was planning to attend the 7/28 meeting online until I realized that it was only in-person. Getting to Powhatan tomorrow will be untenable for me. Thus, may I request/suggest that future meetings have an online presence, too? With more than a year's experience under our belts now, we all know how to do Zoom, Skype, Teams, and other platforms. Welcoming people from all over the Commonwealth to the group's meetings should be of value. If Virginia has an updated official policy on doing so, please let me know.

Thank you for your work on this. I look forward to seeing the results of tomorrow's meeting.

Wayne Wilcox, PLA
Halcyon Planning & Design, LLC
HalcyonPlanning.com
540.589.1625
Salem, VA

❖ On Wed, Jul 28, 2021 at 5:39 PM Luke Peters <lukerpeters@gmail.com> wrote:

My comments are essentially:

I initially intended to talk about the state agency portion of the regulation, such as getting VDOT to incorporate a strict invasives management plan, because they have an oversized impact. However it seems the discussion was steered toward even agreeing on updating the noxious weeds list. The list is broken, evidenced by the species that are actively destroying

nature right now that aren't on it. A gentleman on the working group suggested that these more vigorous invasives are clearly meant to take over and we should learn to deal with them, but I don't want to live in a world with just tree of heaven and cockroaches. I reiterate my recommendations from the last meeting, which are to outright ban the sale of every species on the DCR list, tax the non-invasive non-natives, use that money to fund invasives removal, and later on add an option for localities to fine private landowners who still have invasives on their property. If you only tax invasives at the point of sale, you'll never be able to capture the amount of money it would cost in volunteer time to remove them as they spread exponentially. DEQ's minimum hourly in-kind match rate for volunteers is \$28 - you couldn't add a \$28 tax to the sale of a plant. We should be thinking about how plants get added to the noxious weeds list automatically: if they're banned in 2 neighboring states, if their spread is essentially uncontrollable, etc. We can talk about certain concessions for the industry selling invasives, such as a drawdown time to allow them to switch to better plants, but it's absurd that the state banned cigarettes for 18 year old adults overnight, yet we allow the sale of plants that are destroying our natural heritage. We need to fix the noxious weeds list instead of arguing about non-regulatory options.

❖ **From: Jan Smith** janhuntersmith@gmail.com
Date: Tue, Jul 27, 2021 at 6:31 PM
Subject: HR 527 Invasive Workgroup - a Citizen Comments

Nathan Burrell
Virginia Department of Conservation and Recreation
Re: Comments HJ 527 Invasive Workgroup

I support actions that promote Option 2. As a landowner of 67 acres, a Master Naturalist, Master Gardener, Virginia Native Plant Society member and a volunteer at our local State park, I am so very tired of invasive plants. Most of my "gardening" time is spent dealing with invasive plants on my property and the adjoining land which was logged 4 years ago. Although it may be painful for nurseries and landscapers to adjust in the short-term to eliminating a few good-selling invasive plants the conversion to native plants will be an economic gain in the long run. Doug Tallamy, monarch programs, and the increasing interest in pollinators have kindled a slow burning fire in gardeners which is beginning to grow quickly. Why not get out in front?

Here are a few specific ideas. Many put the onus on the State who should lead by example and be proud to do so.

Jan Smith
564 Big Hill Rd.
Lexington, VA 24450

janhuntersmith@gmail.com

- State sponsored business grants should be weighted to nurseries and retailers who sell only native plants.
- State recognition “seal of approval” awards to businesses that sell or grow only native plants.
- Require large poster of invasive plants to be predominately displayed at major plant retailers. Make it catchy and clever.
- Landscape designers and companies must disclose if their design includes any plant on either the VA DCR or Blandy Arboretum invasive species list and offer alternative selections.
- Cooperative Extension Master Gardeners and Master Naturalist training programs should include a section on the benefits of native plants and a section on what are the State invasive plants and how to identify and manage them. At least one lab should be a required field trip to see how common and pervasive invasive species are throughout their locale. No plant on the VA DCR or Blandy Arboretum list of invasive plants should be in a Master Gardener demonstration or school garden or in a sponsored plant sale.
- SOLs or equivalent should explain the fundamental importance of native plants to our ecosystem with regional specific examples. Expand beyond monarch and milkweed.
- No governmental property or associated governmental property (ex: grant-funded) should have any plant on the invasive plant species. Removal would be required. Signage explaining what and why should be required.
- Governmental property or associated governmental property (ex: grant-funded) should plant only native species. Historic gardens may be exempted. As existing areas are refurbished, native plants should be substituted for any non-native plants. Signage should explain why this is being done. As aside, the NC Governor’s mansion has gone native.
- Tax invasive plants grown and use tax to manage their spread along VDOT ROWs. Are highways and roads are transmission corridors.

❖ On Tue, Jul 27, 2021 at 1:41 PM Sheryl Smith <grannysmith2004@gmail.com> wrote:

Hello,

I volunteer at Bryan Park in Richmond, helping to remove invasive species such as Porcelain Berry, Japanese Honeysuckle, and English Ivy. Our team is trying to keep some areas clear of invasive species so that we can help the native plants thrive and create habitat. Our work of planting native plants would be so much easier if we did not have to keep up with the

removal of the invasives. Our work is important to the survival of native insects and birds. Anything that can be done by DCR is greatly appreciated!

Thank you,
Sheryl
Member, Virginia Native Plant Society
pronouns: she/her

❖ *On Mon, Jul 19, 2021 at 11:26 AM **Mary McLean** <marydmclean@verizon.net> wrote:*

Don't want to leave you in a lurch in regard to having comments for the meeting.

I'd be happy to put my name to a draft.

Don't know what I could add right off except I lead an effort in Tuckahoe Park to remove invasives so I see the damage they cause in the environment. We go out weekly with LDS volunteers and monthly with volunteers from the community. We remove what were part of the garden trade plants that take over and smother native tree. Porcelain Berry is beautifully awful in how it can cover a button bush. Hours of volunteer time is spent in bushwhacking these plants. Included are the accidental ones like stilt grass that escaped as a packing material many years ago. This is one that can carpet an area that would alternately provide habitat for insects and a base to a diverse food web. English Ivy is another choking plant that can overwhelm a tree. We need to remove it from sale. Native alternatives like VA Creeper are good alternatives.

Please edit at will and I'll sign!

Thanks for your efforts on the behalf of removing invasive and encouraging natives!

Sincerely,

Mary McLean

❖ *From: **brooke alexander** <brooke.alexander52@gmail.com>
Date: Wed, Jun 30, 2021 at 12:23 PM
Subject: invasive species workgroup
To: <nathan.burrell@dcr.virginia.gov>, <DelPHope@house.virginia.gov>*

Hi Nathan

I understand that you are the staff person for the state of Virginia Invasive Species Workgroup. I am currently unable to attend the July 14 meeting at 10am, but would appreciate the link in the event I am able to clear my calendar. In any event, please forward my concerns to the committee.

I am the Tree Canopy and Native Plant Coordinator for my neighborhood association, Ashton Heights Civic Association, in Arlington. I very much support the removal of invasive species from retail plant stores in Virginia. You will get plenty of testimony as to why the invasive species are a problem. I will speak to the fact that having invasive species available to purchase at the garden stores is a problem. People in my neighborhood assume that plants that are sold at their various garden centers are good for the environment, if they are sold there. I don't think even labelling them as invasive will make much of a difference to them, if they are still sold at the stores.

Certainly increasing education and outreach, including in schools, will help people understand the relationship between and importance of native species to the survival of our birds and bees and butterflies, and should be supported.

Having worked in the landscape design business, I will also tell you that landscapers are inclined to put in the most inexpensive plant material with little/no regard for the impact on the environment. Unfortunately, the cheaper plants are the ones that have been most in demand and therefore have been more mass produced; and many of these are invasive. Breaking this cycle would be helpful. Perhaps some pilot program of subsidizing growers to mass produce native plants would be feasible.

Thank you for passing my thoughts on to the committee.

Brooke Alexander

Ashton Heights Civic Association Tree Canopy and Native Plant Coordinator

❖ On Thu, Aug 5, 2021 at 9:45 AM romachmer@aol.com <romachmer@aol.com> wrote:

I received a newsletter from Audubon Society regarding a public hearing about the invasive plants. Northern Va has a Bamboo problem.. Invasive and nearly impossible to remove. There are groves near every community.

I live in Rose Hill, in Franconia and my family and I have battled the plant for 20 years. I am currently building a cinder block and corrugated steel wall to deflect the growth.

It's coming from the "right of way" behind my house and the Rose Hill Elem. I contacted my district Sup. McKay's staff several years ago. They told me to contact the utilities, they said unless it's a safety issue, forget it. This grove has now invaded the Rose Hill Elem school field and taken at least 30 feet X 10 feet and continues it's relentless march.

Please end the selling of Bamboo in Virginia.

Ron Machmer
6200 Willowood Lane Alexandria, Va 22310 romachmer@aol.com

Dawn Williamson, Mechanicsville, Virginia

I have been battling invasive plant species, mentally and physically, for the majority of this year. I own 3 acres in Hanover County, which encompasses my home, and several acres of woods. The queen nemesis is *Wisteria sinensis*, however, there is Oriental bittersweet, Porcelain berry, and numerous others in the mix. While the invasive plants have been here all along, I recently became hyper aware of the exact destruction being performed on my watch. I have had a parade of experts come out to the property and have obtained four quotes to begin the removal of the invasive plants. The estimates range in the thousands of dollars and always include the caveat "this is not a one-and-done."

This being said, we desperately need legislation to halt the sale of invasive plant species, widespread education programs for the public, and optimally, grant funds for removal projects. I attended the Blue Ridge PRISM Invasive Species workshop on June 24, 2021, which was informative and well presented. I learned that after habitat destruction, the take over of invasive plant species is the second most detrimental problem to affect our environment. With the amount of construction I have witnessed in the Hanover area alone, this matter is urgent. Thank you for your time and the work your department is doing in this regard.

Craig Regelbrugge, AmericanHort

**Regelbrugge Perspectives Regarding VA Invasive Plant Working Group Discussion of "Option 2"
– 8/24/21**

I would suggest to the working group that simply prohibiting the sale of all plants listed on Virginia's Invasive Plant Species list would be a blunt-instrument approach that will fail to achieve the outcomes some of our colleagues desire. Having carefully reviewed the list, DCR it certainly appears that most of the listed species (certainly the unintentional introductions, and even some of the intentional introductions brought to the country many years ago) would be logical candidates for Noxious Weed listing. However, some merit a much more considered approach, given the more difficult choices and tradeoffs.

The invasive species challenge writ large is complex, and will defy simple solutions. To put it quite frankly, *Homo sapiens* is the most invasive species of all. We dramatically alter our surroundings to suit and sustain us. Our altered surroundings often bear little resemblance to those which sustained nature as we knew it prior. Nearly everything we do, it could be argued,

has negative implications for biodiversity and natural ecosystem functions. The ways in which we alter and use land often exacerbate invasive species harmful impacts. And of course, humans introduce and cultivate a wide array of animal and plant species for food, clothing, shelter, companionship.

Plants have been introduced – intentionally and unintentionally -- for hundreds of years by government, institutions, professionals, hobbyists, and others. I suspect we will have near-universal agreement on the unintentional introductions, list them as noxious weeds, devise strategies for managing, containing, or (more rarely) eradicating them.

How to approach those plants that were introduced intentionally, and are still commercially farmed as horticultural crops, yet may also have some undesirable properties, is more complicated. Consideration is complicated not only by varied understanding or appreciation of what constitutes a problem, but also by legitimate differences in view regarding intended outcomes, values, preferences, benefits, and harms. Blanket listing of all plants of concern (e.g., the full DCR list) has the potential to do much harm as well as some “good.” While on one hand I can appreciate the frustration and concern over unintended impacts, the fact remains, there are legitimate differences of opinion with respect to values and preferences, benefits and harms. And fundamentally, every response tool has its limitations – including prohibitions via law and regulation that are doomed to be poorly or unenforceable.

With respect to Option 2, which would envision extensive statutory changes, in my opinion this approach will be divisive, and constitute a “blunt-instrument” response that will be challenging to implement and will not likely yield the intended result.

In 30 years of professional experience working on invasive species issues, I’ve observed that the most progress has resulted from dialogue where goals, measures, and actions emerge from a process that seeks to build consensus and prioritize actions, rather than one-sided initiatives superimposed through blunt legislative or regulatory dictates. I will share a few more detailed reflections on the topic at the September meeting.

Laura Beatty

Fairfax

Ms. Beatty advised that she was the Propagation Chair for the Potomac Chapter of the Virginia Native Plants Society. She noted that in Northern Virginia ivy trees used to be a natural part of the landscape but are now the backbone for the invasive species growing on them. She noted that she has been working with a group of high school students at a local dog park. She noted that park is heavily infested and as of yet, they have not been able to eradicate the invasive plants. Ms. Beatty thanked the group for the work they are doing and stated that she hoped something good comes from the process.

Brent Hunsinger

Mr. Hunsinger advised that he had been working with this issue off and on for the last eight years. He commented that it is heartening that there is finally a body moving forward to determine a course of action. He observed that it is great to focus on the process rather than individual plants. Mr. Hunsinger noted that while there were many problematic plants, it was important to be cognizant of people who own businesses. He expressed appreciation for the cautious approach.

Ruth Douglass

Ms. Douglass read the following statement that was prepared by the Board of the Mid-Atlantic Invasive Plant Council:

The Board of the Mid-Atlantic Invasive Plant Council (MAIPC) would like to offer this brief statement in support of funding and implementing invasive species management and policy.

The science about the detrimental effects of invasive species on wildlife and the quality of the eastern forest is abundant and clear. Funding the removal of invasive species in and around high-quality forests to protect habitat for wildlife and future generations is imperative to protecting forest health and ecosystem resources. The ecological restoration of deteriorated parkland by removing invasive species, protecting trees and supporting native species helps to reduce the further spread of unwanted species while providing healthy habitat and useable passive recreation areas. MAIPC recommends implementing policies that encourage the use of native plants and ban or otherwise deter the use of noxious and invasive weeds. By Virginia joining in the work of neighboring states, who have already begun to ban the sale of invasive species, the Mid- Atlantic will see the most benefit to its natural resources. In particular, banning the sale or use of the following plants in Virginia is strongly recommended:

- Wineberry (*Rubus phoenicolasius*)
- Bushclover (*Lespedeza cuneata* spp.)
- Beach Sedge (*Carex kobomugi*)
- Fountain grass (*Pennisetum* spp.)
- Water Hyacinth (*Pontederia crassipes*)
- Burning Bush (*Euonymus alatus*)
- Yellow Flag Iris (*Iris pseudacorus*)
- Privet (*Ligustrum* spp.)
- Honeysuckle (*Lonicera* spp.)
- Multiflora Rose (*Rosa multiflora*)
- Mimosa Silk Tree (*Albizia julibrissin*)
- Princess Tree (*Paulownia tomentosa*)
- Norway Maple (*Acer platanoides*)
- Barberry (*Berberis thunbergii*, *Berberis vulgaris*)
- Wintercreeper (*Euonymus fortunei*)
- Ground Ivy (*Glechoma hederacea*)
- English Ivy (*Hedera helix*)

Chocolate Vine (*Akebia quinata*)
Colonial Bentgrass (*Agrostis capillaris*)
Moneywort (*Lysimachia mummularia*)
Chinese Silvergrass (*Miscanthus sinensis*)
Running Bamboo species
Callery Pear (*Pyrus calleryana* spp.)
Japanese spiraea (*Spiraea japonica*)
Ivy-leaved Speedwell (*Veronica hederifolia*)
Linden viburnum (*Viburnum dilatatum*)
Double-File viburnum (*V. plicatum*)
Siebold viburnum (*V. sieboldii*)
Tea viburnum (*V. setigerum*)
Invasive Wisteria (*Wisteria sinensis*, *Wisteria floribunda*)
Crown Vetch (*Securigera varia*)
Thorny Olive (*Elaeagnus pungens*)
White Mulberry (*Morus alba*)
Periwinkle (*Vinca* spp.)
Italian Arum (*Arum italica*)

Susan Gitlin

Ms. Gitlin commented that funding the removal of invasive plants is important, but that it does not make sense to continue putting invasive plants into the environment. She noted that the cooperative approach discussed at the meeting was a great start. She advised that one alternative not discussed is a punitive approach where growers who knowingly plant invasives are responsible for the cleanup. She gave the example of Bradford pear.

Carol A. Heiser, CBLP-1

Retired DWR Habitat Education Coordinator

Thank you for this opportunity to comment to the Virginia Invasive Species Workgroup. I believe the information you're gathering is a vital first step towards ensuring that new conservation strategies will be adopted and implemented across the Commonwealth by private and public landowners alike. In my opinion, one of the greatest barriers or challenges to conservation is the cultural pressure to conform to antiquated ideals of landscape management, which focus heavily on the

extensive use of turfgrass and other non-native ornamental plants, and that unfortunately have little to no benefit to the insects, birds and other wildlife we share our environment with. This adherence to conventional landscape uniformity is most often exemplified and enforced through Homeowner Association covenants, which are typically so restrictive as to preclude any ability of a resident to plant or promote a more naturalized landscape of native plants for the benefit of pollinators, birds, and other species. There is precedent for attempting to reverse that trend: most recently, the state of Maryland passed House Bill 322, which became law on May 30, 2021

and will prohibit HOA's or other declarations or deeds from "imposing unreasonable limitations on low-impact landscaping under certain circumstances." Low-impact landscaping includes features such as rain gardens, which filter stormwater runoff and improve water quality, and also habitat gardens, such as pollinator gardens and meadow patches, which use native plants that support a high diversity of wildlife species. Removing invasive plants and replacing them with native species are two best practices of low- impact, conservation landscape planning, management and maintenance (source: The Eight Essential Elements of Conservation Landscaping, CCLC

– <https://www.chesapeakelandscape.org/resources/the-eight-essential-elements/>). I strongly believe that if we want to be successful as a collective in addressing and resolving the problem of invasive plant species in Virginia while simultaneously encouraging the public to purchase and use native plants instead, then we need to provide a mechanism by which landowners can easily create and sustain naturalized, native plant landscapes, without being penalized by restrictive covenants. Please include in your recommendations to the Governor the idea of legislation that will not only reduce or eliminate the sale of non-native, invasive plants but that will also contain a provision for low-impact, naturalized landscaping practices that emphasize the use of native plants, as a viable alternative to conventional landscaping. Below are a few resources that may be helpful in this endeavor:

Examples of Native Landscaping Legislation/ Ordinances

<https://www.marc.org/Environment/Air-Quality/pdf/NativeLandscapingOrdinances-4pg-June2013.aspx>

<https://bwsr.state.mn.us/sites/default/files/2019-12/Native%20Landscaping%20Ordinance%20Examples.pdf>

<https://sustainablecitycode.org/brief/require-use-of-native-plants-vegetation-7/>

Thank you very much for your consideration.

Lauren Taylor
McLean, Virginia

First, thank you to all of you who are dedicating your time, energy, and resources to this important issue. I greatly appreciate your dedication and your attention to the gravity of the challenges before us. Second, to date I have not heard the Working Group specifically discuss the estimated cost of an immediate ban on the sale of invasive plants in Virginia. I would like to address that here. By my research and calculations, with sources listed below: Of the 90 plants on the Virginia Invasive Plant Species List (1), approximately 40 are currently being sold by nurseries and growers. (this number could be higher). Lets generously assume that these 40 species account for 10% of total annual industry sales. Note: this is a VERY high estimate.

Merrifield Garden Center, e.g., carries over 7,500 varieties of plants. Horticulture operations in Virginia sold a total of \$271 million in floriculture, nursery, and specialty crops in 2019, the latest statistics available from USDA.(2) Therefore, the total estimated sales of invasive plants per year, at 10% of \$271 million, is approximately \$27.1 million. If we allow for 5 years of grower inventory in the nursery pipeline, then the total cost of compensating Virginia nurseries and growers to destroy ALL current inventory of invasive plants and prevent future sale and distribution is approximately $5 \times \$27.1 \text{ million} = \135.5 million .

The total Virginia 2022 budget is \$71.2 billion.(3) Therefore, the percentage of the total Virginia 2022 budget to immediately destroy existing inventory and compensate nurseries and growers is $\$135,500,000 / \$71,215,793,926 = 0.190\%$. In business, an amount of this percentage would be considered a rounding error (in government circles, "budget dust"). Short version: for 0.190% of Virginia's 2022 budget, we could immediately end the sale of invasive plants in the state without causing economic harm to the nurseries and growers, and stop the further intentional propagation and distribution of invasive plants in Virginia. It is estimated that invasive species are costing Virginia more than \$1 billion annually.(4) The message is clear: pay now, or pay far more later.

In addition, the governor's office has recently announced that Virginia finished the 2021 fiscal year with a record-breaking surplus of \$2.6 billion.(5) I suggest we look there first for financial support for this proposal. If my research or calculations are in error, I will stand corrected. Otherwise, I can see no sane nor valid reason for why we would do anything but the right thing — immediately ban the sale of all listed invasive species, destroy all existing inventory now, and compensate the nurseries and growers for their lost stock. Our farmers, land owners, pollinators, wildlife, and future generations will be grateful.

Thank you for your consideration."

Yours very truly,
Lauren Taylor
McLean, Virginia

(1)<https://www.dcr.virginia.gov/natural-heritage/document/nh-invasive-plant-list-2014.pdf>

(2)[https://www.nass.usda.gov/Statistics_by_State/Virginia/Publications/Current News Release/2020/PRHORT_VA19.pdf](https://www.nass.usda.gov/Statistics_by_State/Virginia/Publications/Current_News_Release/2020/PRHORT_VA19.pdf)

(3)<http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=dwBudgetWiz&QLinks=Sec&selFieldList=SecretarialAreaCode&selTitleList=SecretarialAreaTitle&selChapterID=55&selValueColumns=Total+Dollars,Total+Positions&iptSubmitted=True&chkInitial=True&chkAmended=True&chkCaboose=True&iptFirstPageCall=False&iptShowInput=DontShow&iptShowToggle=Show&rdShowModes=Show>

(4) <https://albemarle.ext.vt.edu/programs/invasive-species.html> This includes plants, animals and fish, fungal, and insects combined. I could not find a breakdown by category; however the

interrelation of many of these species (e.g., the invasive Tree of Heaven as a host plant for the invasive Spotted Lanternfly) makes an exact breakdown less important.

(5)<https://www.governor.virginia.gov/newsroom/all-releases/2021/july/headline-898771-en.html>

Megan Lemmond

Roanoke

Thank you for your involvement with this issue. It's close to my heart, as I grew up here in the Roanoke valley, before moving out of state for college. After 20 years away, I returned home last year, and had the good fortune to buy my childhood home. It's truly shocked me to see how many of the native forests have turned into large groves of Alienanthus (Tree of Heaven). From small pockets of woodland in my neighborhood to the deep forests I grew up hiking, biodiversity is down and Trees of Heaven are everywhere. This changing scenery is what sparked my interest in native plants. I have a large lot, and I began ripping out the English ivy and replacing it slowly with native plants. It breaks my heart to go into garden centers and see them selling the same English ivy that I spent countless hours pulling off off trees, right next to other invasive plants that offer no home to the creatures that make up of local and migratory animal population. So much of what has happened, and continues to happen, to our mountains, lands, and rivers seems irreversible, or too big to turn around. Thankfully, banning the sale of invasive plants and taking action to reduce the existing population on public lands is well within our reach. This is a simple and easy to implement policy change. I sincerely hope that Virginia can take the needed action.

Dr. Jessica Fleming, DO, RH (AHG)

Internal Medicine Resident, Virginia Tech Carilion

Blue Ridge Wildflower Society, President

Dear Mr. Burrell,

It is with the hope that these comments extend their way into the Invasive Species Working group meeting, scheduled for Thursday 9/16.

Native bees pollinate 2-3 times as many crops and plants as honey bees. Native caterpillars comprise nearly 90% of baby bird diets, across innumerable bird species native to Virginia and other states. Our agricultural success as a nation is heavily reliant on pollinator success rates. Invasive species undermine pollinator biodiversity and in turn, ecosystem function. Native insect and native plant biodiversity is the crux of our nations' agricultural and ecosystem health. We must act to ban the sale of as many invasive species as possible now. Our society has an enormous amount of work ahead of us in the mission to mitigate damage caused by invasive plant species already unleashed. In the 1800's, the government naively subsidized the planting of kudzu for erosion, which has destroyed massive swaths of rich forested areas two centuries later. We must set the goal of stopping the spread of invasive plant species for the success of future generations. It will be difficult for stakeholders, like VNLA, and other

corporate interests that benefit from habitat destruction for the sake of profit. But we must instill corporate

responsibility as a doctrine in our organizations that have far reaching effects on landscapes for generations to come. In the words of Lord James Bryce, anyone seeking to profit from the exploitation of our land will “hurry to subdue and utilize nature, squandering her splendid gifts.” Financial markets and ecosystem preservation are not inherently mutually exclusive. We can help corporations

recover profits by shifting sales to natives from invasives by increasing education. Virginia Native Plant Society’s readership increased 200% in 2021 alone and neared a half a million views by August of this year.

As in the recent SB22 bill passed in Delaware, we must now partner across party lines and profit to non-profit sectors to protect our most valuable resources: our land, our topsoil, our ecosystems. Education is not enough. Banning the sale of invasive species is a requisite for progress. Now is the time. And if we don’t do it, who else will?

References:

<https://news.cornell.edu/stories/2011/10/native-bees-are-better-pollinators-honeybees>

<https://www.providencejournal.com/story/lifestyle/2021/04/09/gardening-feathered-friends-and-environment/7088226002/>

<https://apirs.plants.ifas.ufl.edu/site/assets/files/381259/381259.pdf>

Sincerely,

Dr. Jessica Fleming, DO, RH (AHG)

Caroline Donnelly

Lexington

I am having a really difficult time ridding my property here in Lexington of English Ivy, Autumn Honeysuckle and Privet. There are lists of invasive species for the state of VA. Please be an advocate for native plants and put forth our desire for Native Plants to be carried at more local retail outlets. Thank you

Ramona N. Bearor

Staunton

It is beyond my comprehension why proven non-native invasive plants are still being sold by nurseries in this state. Hasn’t the history with the Bradford/Callery Pear taught us anything? Please take a stand against this practice continuing in Virginia and press for more nurseries to offer Virginia native plants (true native species, not cultivars!) for sale which would serve to aid the native insect and animals populations.

Thank you for considering my views,

Elizabeth Mizell

Blue Ridge PRISM, Program Director

Dear Nathan and Larry,

Please accept the following recommendations specific to promoting the sale and use of native plants for inclusion in the upcoming minutes of the invasive plant work group. Thank you for organizing and facilitating this group. I plan to be at the meeting Thursday and look forward to the opportunity to meet you both in person.

Respectfully,

Elizabeth Mizell

Recommendations for Promoting Native Plants

Prohibit state agencies from selling or planting any plant on the DCR invasive list either through executive order, regulatory or statutory changes, recommend they use regional native plants when possible

Develop a state nursery to help increase production in support of growers to better develop the market and bridge the gap until growers can reach the needed capacity

Organize a state agency task force to create a framework for native plant use strategies on state-owned or managed lands and facilities

Develop specifications for the use of Virginia native plants on state lands and integrate those objectives into lands and facilities management plans

Recommend statutory changes loosening restrictions around low level conservation plantings and homeowners associations (HOAs) similar to a recent bill passed in Maryland House Bill 322 to “prohibit HOA’s or other declarations or deeds from imposing unreasonable limitations on low-impact landscaping under certain circumstances. Low-impact landscaping includes features such as rain gardens, which filter stormwater runoff and improve water quality, and also habitat gardens, such as pollinator gardens and meadow patches, which use native plants that support a high diversity of wildlife species.”

In 2011, the Virginia Native Plant Marketing Partnership (Partnership) was formed which includes partners from both state government and NGOs to identify and prioritize opportunities to collaborate on Virginia native plant communication and marketing efforts and form cohesive and coordinated messaging and strategies to increase local availability and use of native plants state-wide.

<https://www.plantvirginiannatives.org/about-virginia-native-plant-marketing-partnership>

The Partnership has laid important groundwork around native plant education, developing partnerships, and developing an Action Plan with strategies dedicated to:

1. Increase collaboration and coordination among partners engaged in native plant education, communication and marketing;
2. Increase Virginia Grown native plant stock;
3. Increase the availability of native plants at local plant retailers; and,
4. Increase demand and use of Virginia native plants by landscape and land use

professions, homeowners, landscaping and demonstration restoration projects on public and private lands.

Elevate/Enhance work of the Virginia Native Plant Marketing Partnership and the Regional Native Plant Campaigns and leverage that work to the benefit of the horticultural industry- note that VNLA and Virginia Nursery Landscape Association are on the list of participating partners according to the Partnership website. This could include Full-time statewide coordinator for the Partnership -housed Va Tech Cooperative Extension (?) focused on education and outreach/marketing strategies

Full-time statewide position working directly with growers and the state focused on native plant cultivation - developing native seed sources and plant stock in VA - housed in VDACS (?);

Grants/awards to support work and growth of regional Native Plant Campaigns

Implement recommendations of the Partnership Action Plan as appropriate

Develop statewide marketing strategies that promote native plants and lead to general increased demand employing appropriate strategies informed by native plant social marketing campaigns launched in Virginias Coastal Zone

Assist Virginia growers as they transition away from invasive plants and develop nativeplant crops

Develop subsidies and grants for growers to help them and provide incentives to shift from invasive plants to native plant or non-invasive plants;

Grants for native plant research and other innovations in the industry related to propagation, logistics, and marketing

Direct payments for loss of income during 'sunset' periods or for a period of time after a plant has been declared a noxious weed - can assist in developing a new

horticultural crop (native plants) Identify economically viable native alternatives to currently marketed known invasive plants and develop marketing strategies around those plants

State nursery can help increase production in support of growers to better develop the market and bridge the gap until growers can reach the needed capacity

Outreach and Education for the horticultural industry - reduce reliance on invasive plants through professional training

Ask horticultural industry groups to support the Chesapeake Bay Landscape Professional (CBLP) certification program and offer CBLP continuing education credits for appropriate programs; support strengthening partnership and being more active in the Chesapeake Conservation Landscaping Council and CBLP

Industry groups to promote the use of native plants and publicize to their members the ecological and management problems caused by specific invasive plants VNLA to work with members selling plants that have de minimis sales to convince them to stop selling those invasive plants or develop a plan for them to phase out

Look to the industry to make specific recommendations based on the needs of

their constituents. Partner to help meet those needs.

Strengthen funding for Virginia Conservation Assistance Program practices that use Virginia native plants conservation landscaping

rain gardens

constructed wetlands

bioretention

green roofs

living shorelines

vegetated conveyance system

Mark Campbell

Larry and Nathan,

We need to get control of the Callery Pear. It has invaded a lot of the riparian areas on my farm in Nelson County. The thorns are really long and super tough. Many farms have fenced out streams which has provided an ideal environment for Callery Pear invasion. Maybe some action could be taken on state owned property to eliminate them. There is a large patch of them at the Frontier Culture Museum in Staunton or at least on the edge of the property. I am glad that invasive species are getting some attention, but more needs to be done.

Thank you,

Mark Campbell

Lindsay Caplan

Hi Nathan,

I am writing in regards to HJR527; unfortunately I am unable to make the Thursday meeting in person, but have been told that all comments will be read aloud. Thank you!

I fully support HJR527 and the efforts to stop the spread of invasive species in Virginia. Invasive species are an ecological nightmare, turning our beautiful, diverse lands into monocultures that do not support wildlife and other plant species. Invasive plant species take over an estimated 1.7 new acres of land every year, and the longer we wait to pass legislation, the worse this disaster gets. There are plenty of non-invasive options that can be substituted instead of invasives for landscaping and agricultural purposes. There really is no excuse for their use.

Signed,

Lindsay Caplan

Heidi Allen

Dear Mr. Nichols and Mr. Burrell,

I am so pleased that the Invasive Species Working Group was put together. And, I understand how difficult it is to make decisions that affect not only the rights of home owners, but also the plant and landscape industry. It is sometimes hard for those of us that are environmentalists to

understand the implications of banning the sale of even one species such as *Berberis thunbergii* (Japanese barberry).

But, we are at a point in time when decisions need to be made to our species as well as others that we share this planet with. Battling invasive species may seem like a worthless cause in comparison to larger climate change issues. But, it has been shown that invasive plants kill numerous trees and native plants, decrease carbon sequestration in forests, increase erosion, and raise the phosphorus and nitrogen levels in our streams. They have also been linked to a decline in song bird population and a rise in Lyme disease.

As someone who has spent years battling invasive plants and teaching other people about them I find the irony of people who will thank me numerous times for helping our park but are not willing to address what is in their backyard. Discuss the invasive plants in their backyard. Change is hard to do and creating change even harder. Trying to convince people that they should not purchase an ornamental plant because it may become invasive has not worked. At this time I feel that legislation is our only hope. I would like to offer one suggestion. Would it be easier and long time more effective if we started with EDRR (Early Detection and Rapid Response) species. These species are less valuable to the landscaping industry and we have a really good chance of eradicating them inside our parks and other natural areas.

I wish you the best of luck moving forward.

Heidi Allen

Beth Umberger

Dear Mr. Nichols,

I have worked in Stadium Woods on the Virginia Tech campus for the last ten years as a Master Naturalist and Master Gardener with thousands of student and community volunteers removing invasives. Our work in this remnant of an old growth forest has uncovered an amazing amount of biodiversity of native flora.

I am also involved in other projects that require removal of invasive plants which are seeding in at a rapid rate around our area.

Callery pear is taking over abandoned farmland. Trees are covered in English ivy, Asiatic bittersweet and sometimes winter creeper. Along the 460 bypass between Blacksburg and Christiansburg where once red cedar, dogwood and red buds sprung up, it is now becoming a mat of callery pear. Johnson grass is increasingly appearing along roadsides and in fields. On rental properties in the town of Christiansburg and Blacksburg these invasive plants abound. Fence rows are becoming havens for Autumn olive, Asiatic bittersweet, and bush honey suckle. Privet and burning bush are very common along unmanaged creek beds, in yards, a wooded areas. As I help to maintain several gardens and natural areas, I am commonly finding seedlings of English ivy, Asiatic bittersweet, burning bush, callery pear, and privet. Some of the invasive plants are still sold in the horticultural industry.

I hope the state rules to forbid the sale of the following plants:

Pyrus calleryana CALLERY PEAR

Euonymus alatus BURNING BUSH

Ligustrum species PRIVET
Celastrus orbiculatus ASIATIC BITTERSWEET
Lonicera morrowii, Lonicera maackii, Lonicera tatarica BUSH HONEYSUCKLE
Elaeagnus umbellata AUTUMN OLIVE
Clematis paniculata SWEET AUTUMN CLEMATIS
Miscanthus sinensis CHINESE SILVER GRASS
Bergeris thunbergii JAPANESE BARBERRY
Hedera helix ENGLISH IVY
Euonymus fortunei WINTER CREEPER

These plants out compete native plants and provide very little support for native insects. Caterpillars are needed for song birds to their young. Our native bird and insect population are in decline. Allowing these plants to be sold adds to the problem of loss of native habitat.

Thank you,
Beth Umberger

Carolyn Helmsie

Vesuvius
Mr. Burrell,

I am a Virginia Master Gardener Volunteer who leads an annual native plant lab for new students for my unit. The definition of invasive plants is always emphasized with a hands-on session comparing invasive and native plants.

When handing out the Virginia Invasive Plant Species List during the lab, there is always a discussion about how many of these noxious plants are readily available at nurseries and box stores. All are offensive but the following plants seem to be most readily available: English Ivy, Japanese Barberry, Callery Pear, Japanese Spirea and Periwinkle. None of the plants on the invasive list should be available commercially as it provides normalcy for them by uninformed consumers. It can be expensive to eliminate these plants in your garden and there are plenty of excellent native alternative plants that people would buy if they were available.

I have enjoyed the Landscape with Virginia Natives Webinars series. Some of these Webinars have a thousand or more participants. Each session when speakers talk about native alternatives, questions ensue about availability. Although there are some excellent sources, the numbers are small and availability, especially shrubs, are limited in Virginia. If we are to eliminate invasive plants in Virginia, we need to have more sources for native plants available in the State. If the availability of native plants was widespread, more people would buy them.

This is not a fad. Climate change is dictating that we must make changes to protect plants and all the animals that depend upon them. The best way is to have native plants made widely available in Virginia.

Carolyn Helmsie

Corinne Steele

Larry Nichols,

Thank you for considering the end of invasive plants being sold in Virginia. This is a great step in supporting nature which supports us. This is an urgent matter and the sooner we get invasive plants out of the stores, the better. This will save money in the future by not having to eradicate wild areas of invasive plants. People need educating about natives and non-natives. Educating the public costs near nothing

but if invasive plants are allowed to be sold in stores, people will believe if the government allows them to be sold, it has to be good and not destructive.

The new housing developments going up all over Virginia are destroying current natural wild areas. Developers do not consider nature so they need incentives and educating as well. Not allowing invasive plants to be sold is a good way to educate them.

Please consider these recommendations:

Educate the public about Natives and Non-natives on social internet platforms, use the Virginia Native Plant Society for information and collaboration.

Put in the developers permits that 100% natives must be planted and keep all current nativetrees and shrubs on the property as much as possible.

Thank you from our future generations,

Corinne Steele

Monja Vadnais

Lorton

Good morning Nathan & Larry,

I understand you are part of Virginia's Invasive Species Working Group (WG) and are in discussing commercial viability and noxious weed status. Examples of some plants in question might include English Ivy, barberry, etc.

While I don't presume to understand the various sides of the argument, I would like to share our experience at our home in Lorton. We bought the property from a landscaper who planted English ivy, wisteria, crepe myrtles, nandina, and a ton of other pretty but what some consider invasive. Personally, I haven't seen an issue with the nandina. Crepe myrtles sprout all over but are easy to manage. English Ivy and wisteria are another story. We have been fighting these since we bought the house over 10 years ago. They simply will not go away. Over the last few years we have also found them in the woods and they are covering the fences, trees, shrubs, etc. If there is a hint of daylight, they are there. They seem like the Virginia version of slower moving kudzu.

I would strongly suggest the WG consider restricting the sale and propagation of these and other uncontrollable plants by identifying them as noxious weeds. Environmentally, it doesn't make sense to willfully allow their sale.

Recognizing there may be pushback from retailers and growers, I have a couple questions and

thoughts:

1. Growers - Are there growers in Virginia that grow and propagate these plants? To what extent? If they are unable to grow such plants, what percent of their revenue comes from their sale? Do they grow other plants or simply these?

2. Sellers – Presumably this is the bigger impact. What percent of inventory do the nurseries have that would fall under noxious weed? What percent of their revenue come from their sale? If they could no longer sell these plants, what impact would it have to their business? Can they justify/validate this?

In the end – unless a business is ONLY growing what may be classified as noxious plants, many can shift focus if given a bit of time. Some may be able to do so the very next growing season while others may require another year or two.

For those with a greater impact, suggest considering a financial incentive. Money usually talks and if set with key goals – Grow/sell more natives and don't grow/sell "noxious" plants – can be extremely effective. Financial items may simply be a grant for new seeds and/or starter plants, a tax credit, or even a simple stimulus type check. I think there is a lot of potential to be able to make things work for both sides but especially for our environment and our neighborhoods.

Happy to discuss further,

Monja Vadnais

Ann DiFiore
Vienna, Virginia

Dear Mr. Nichols,

As a long-time citizen of the Commonwealth, I urge you to support the Invasive Plants Legislation that would phase out propagation and sale of invasive plants in VA. I am also a Virginia Master Naturalist who volunteers to remove invasive plants and promotes native plant landscaping. As a VA Master Naturalist and a neighbor of Nottoway Park, in Oakton, VA, I have volunteered in the park's IMA areas, removing invasive plants that originated in neighbors' properties Wintercreeper, Autumn olive, Periwinkle, Burning bush, and English ivy sold at local nurseries and in the landscaping departments of big box stores. I have seen the tremendous amount of effort that goes into the removal of plants overrunning our natural areas suffered injuries and tick bite infections in the process because homeowners, landscapers and developers alike continue to plant them. Trees throughout local parks and adjacent to our townhouse community of Marywood Oaks have been undermined by climbing invasives like ivy, Asiatic bittersweet, and wintercreeper which imperil both

homes and people. Why? The word still hasn't reached the general public that these plants are bad and that there are better ways to landscape.

As a volunteer for Plant NOVA Natives, I have seen firsthand the reluctance of many nurseries to stop selling invasive plants despite knowledge of their harm to the environment and economy. They make money from promoting the use of cheap, familiar "exotics" that degrade our environment and cost county and state governments millions of dollars to control or eradicate. Their justification--that the

gardening public does not want weedy native plants or plants with holes in them.

As a long-standing Audubon at Home Ambassador and a former Master Gardener, I have heard that argument. Invasive plants aren't eaten because they have no role in our ecosystem's food pyramid—unlike natives, which serve as host plants to feed insect larvae, sustaining the birds most gardeners want to support. When we plant natives, we are providing what nature needs--host plants, shelter, food for wildlife. We are protecting our planet's biodiversity, and in the process, ensuring

cleaner air, water, and soil for everyone. Informed gardeners and property owners will put up with a butterfly weed with holes in its leaves because they cherish the monarch butterfly that feeds upon it. We can make our yards, parks, green spaces—whatever size they are—productive, ecologically valuable, and beautiful simply by planting natives. By taking a stand on invasive plants, you will be showing the way to a healthier, more productive, Virginia. Your legislation would give nurseries and wholesalers the push they need to go green and embrace native plants.

Thank you.

Ann DiFiore

Scott Knudsen

Alexandria, Virginia

Dear Mr. Nichols and Mr. Burrell,

I was told to contact you with my comments about invasive plants for your discussion in your Invasive Plant Species Work Group. I hope my comments are not too late—I was told that your final meeting will be held tomorrow, November 14.

As a Tree Steward, I have spent many hours pulling invasive vines out of our natural areas in Northern Virginia and in my neighborhood of Parkfairfax in Alexandria. If there is one invasive non-native vine that I would suggest not be sold any longer in Virginia, it would be Chinese Wisteria. I have seen Chinese Wisteria take over whole acres of the woodlands in Parkfairfax. It will strangle

trees, both young and old, and I have seen Chinese Wisteria vines actually snap off the tops of mature trees that it had overrun. There is a perfectly acceptable alternative to Chinese Wisteria in American Wisteria, which is much less destructive. American Wisteria is not that easy to find, at present, but I'm sure that it would become more prevalent in the nursery industry if Chinese Wisteria were phased out of the commercial market. I have many other non-native invasive vines

that I dislike, Porcelainberry and English Ivy among them, but the one vine that should definitely not be sold in Virginia is Chinese Wisteria.

Thank you for reading my comments,
Scott Knudsen

David Forrer

Harrisonburg, Virginia

Larry and Nathan,

Im writing in support of HJ 527. For years I've been fighting English Ivy and a couple of other encroaching invasives in my yard. And much worse, I volunteer at JMU's arboretum every week, where my primary job is removing invasive plants such as winged euonymus, callery pear, barberry, honeysuckle, privet, Oriental bittersweet, garlic mustard, Japanese stiltgrass, and Norway maple. Its quite frustrating to know that the group of 8 of us will probably never work ourselves out of a job because neighboring property owners have planted many of these plants. I dont hold the property owners who are planting these invasives responsible. They dont know any better, and the landscaping services are recommending them. In fact, when I bought my home property 22 years ago, I had the landscaper, at his recommendation, plant a hillside of lirioppe, a couple of nandinas, and a crepe myrtle because I didnt know any better. Something needs to be done to stop landscape services and plant retailers from selling these invasives.

For the first time in years, HJ 527 is giving me some hope of turning the tide against invasive plants.

PLEASE see it through.

Thank you SO MUCH!

David Forrer

