Draft 5/13/2015

Title 15
DEPARTMENT OF AGRICULTURE

Subtitle 06 PLANT PEST CONTROL

15.06.04 Regulation of Invasive Plants

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

.01 Scope.

(text unchanged)

.02 Definitions.

A. −B. (text unchanged)

*(1) “Commercial entity” means an entity that engages in a plant removal activity for profit.*

[1] *(2)* (text unchanged)

*(3) “Off-site” means property other than where the Tier 1 invasive plant exists, including property under the control of the person removing the Tier 1 plant but not contiguous, e.g. separated by a road or property owned by another person.*

[2] *(4)* (text unchanged)

[3] *(5)* (text unchanged)

*(6) “Transport” means when a person moves a Tier 1 invasive plant anywhere within the State, including for transportation or shipment.*

.03 Risk Assessment Protocol for Invasive Plants.

(text unchanged)

[04. Tier 1 Approval Process.] (proposed for repeal)

*.04 Tier 1 Prohibitions and Approvals.*

1. Except as approved by the Secretary under this regulation, a person may not propagate, import, transfer, sell, purchase, transport, or introduce any living part of a Tier 1 invasive plant in the State.
2. A person may conduct an activity prohibited under section A of this regulation if:
3. *The person receives approval from the Secretary before conducting the activity; and*
4. *The activity is for the purpose of:*
5. Disposing of the invasive plant;
6. Controlling the invasive plant;
7. Using the invasive plant for research or educational purposes; or
8. Exporting the invasive plant out of the State
9. A person has the Secretary’s approval and may engage in any activity prohibited by Section A of this regulation for the limited purpose of:
10. *Controlling a Tier 1 invasive plant, provided:*
11. The person is not a commercial entity;
12. The plant is not taken 0ff-site; and
13. The plant is not placed at a location in the proximate vicinity of a roadway or waterway that could facilitate the movement of the invasive plant off-site, or
14. *Transporting a Tier 1 invasive plant off-site for the purpose of identification or disposal, provided:*
15. The person is not a commercial entity; and
16. The plant is removed according to the provisions of regulation .06 E.

D. For approvals not granted under section C of this regulation, a person may submit a written request to the Secretary for approval of any activity allowed under section B of this regulation with the following information:

*(1) Name;*

*(2) Business, nursery or plant dealer license # if applicable;*

*(3) Phone;*

*(4) Email;*

*(5) Tier 1 plant for which approval is being requested, full botanical name;*

*(6) Specific location of the Tier 1 plant;*

*(7) Proposed activity;*

*(8) Method of safeguarding from propagule dispersal;*

*(9) Time-frame of the proposed activity; and*

*(10)Any other information required by the Secretary.*

E. Upon notice and an opportunity to be heard the Secretary may:

*(1) Withdraw or revoke any approval for any person who violates any condition of any approval by the Secretary; or*

*(2) Revise any approval as a condition of any permit, based on new information obtained after an approval is granted.*

.05 Administrative Orders By The Secretary.

(text unchanged)

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

1. The following plants are classified as Tier 1 invasive plants upon adoption of this list as provided on the following effective dates:
2. *Iris pseudacorus (yellow flag iris) (effective date \_\_\*\_\_\_);and*

 *Geranium lucidum (shining cranesbill) (effective date\_\_\*\_\_\_)*

1. *Phase-out periods for Tier 1 plants are as follows:*
2. A person in possession of a Tier 1 plant, except a person who is growing a woody plant in ground, shall comply with the Tier 1 provisions of this chapter within one year of that plant’s effective date on the Tier 1 list.
3. A person who is growing a Tier 1 woody plant in ground shall comply with the provisions of this chapter within two years from that plant’s effective date on the Tier 1 list.
4. A person may not acquire a new Tier 1 plant after that plant’s effective date on the Tier 1 list.
5. The following plants are classified as Tier 2 invasive plants upon adoption of this list as provided on the following effective dates.
6. *Euonymus alatus (burning bush) (effective date\_\_\*\_\_\_\_);*

 *Ligustrum obtusifolium (blunt-leaved or border privet) (effective date \_\_\*\_\_\_);*

 *Wisteria sinensis (Chinese wisteria) (effective date\_\_\_\*\_\_\_);*

 *Wisteria floribunda (Japanese wisteria) (effective date\_\_\_\*\_\_\_); and*

 *Wisteriua x formosa (floribunda x sinensis hybrids) (effective date\_\_\_\*\_\_\_)*

1. *A person shall comply with the Tier 2 provisions of this chapter within three months of a plant’s effective date on the Tier 2 list.*
2. Procedures for classification or declassification of an invasive plant as a Tier 1 invasive plant or Tier 2 invasive plant.

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

1. Distribution of the list of Tier 2 invasive plants by the Department to licensed nurseries, plant dealers, and plant brokers on an annual basis.
2. *The Secretary shall send a list of Tier 2 invasive plants with annual renewal letters and with each new application for a nursery, plant dealer, or plant broker license.*
3. *The Secretary shall post the current list of Tier 2 invasive plants on the Department’s website.*
4. Disposal of Tier 1 plants.

Any person who removes a Tier 1 plant off-site shall ensure that:

1. *The plant is completely contained (e.g. covered or securely tarped in a solid conveyance, or bagged) to prevent the escape of plant parts into the environment; and*
2. *If the plant is being removed for disposal, it is removed to a Maryland Department of Environment approved landfill or compost facility for burial or composting.*

*.07 Required Retail Signage for Tier 2 Plants*

A person shall post in a conspicuous place, in proximity to all Tier 2 invasive plant displays, a sign imprinted with the insignia required by this regulation, identifying the plants as Tier 2 invasive plants, consistent with the following:

1. The insignia imprinted on any sign shall be a minimum of 5” tall x 7” wide;
2. The insignia shall be reproduced in black on a bright yellow background; and
3. The insignia as provided below shall be used:

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JOSEPH BARTENFELDER

Secretary of Agriculture

\* effective dates will be estimated date of publication at time of submission to AELR. Changes due to process extension would be considered non-substantive, unless the effective dates were challenged in comments.