

**HJR527 Invasive Plant Species Workgroup**

**July 28, 2021 - 10 a.m. to 1 p.m.**

**Location: Pocahontas State Park – Powhatan Banquet Hall**

**Pocahontas State Park, 10301 State Park Road, Chesterfield, VA 23832-6355**

**WORKING GROUP MEMBERS PRESENT**

Nathan Burrell, Department of Conservation and Recreation  
Clyde Cristman, Department of Conservation and Recreation  
Larry Nichols, Virginia Department of Agriculture and Consumer Services  
Betsy Martin, Audubon Society of Northern Virginia  
Erin Stocksclaeder, Fairfax County Park Authority  
Carla Passarello, Garden Club of Virginia  
Corey Connors, Virginia Forestry Association  
Zachary Sheldon, The Nature Conservancy  
Neal Beasley, Virginia Nursery and Landscape Association  
Christopher Brown, Jr., Virginia Nursery and Landscape Association  
Jim Hurley, Virginia Native Plant Society  
Martin Krebs, Virginia Department of Transportation  
David Lisowski, Virginia Chapter of the American Society of Landscape Architects  
Steve Living, Virginia Department of Wildlife Resources  
Ben Rowe, Virginia Farm Bureau Federation  
Beck Stanley, Virginia Agribusiness Council  
Scott Douglas, Virginia Tech  
Craig Regelbrugge, AmericanHort  
Rod Walker, Blue Ridge PRISM

**AGENCY STAFF PRESENT**

Tom Smith, DCR  
Kimberly Freiberger, DCR  
Kevin Heffernan, DCR  
David Giannino, VDACS  
Joel Maddux, VDACS

**OTHERS PRESENT**

Ruth Douglas  
Nancy Vehrs  
E.D. Ned Yost  
Laura Greenleaf  
Luke Peters  
Robert Gabay  
Susan Gitlin  
Adrianna Clinton

Opening Remarks and Introductions:

Mr. Nathan Burrell, Deputy Director of the Department of Conservation and Recreation (DCR), called the meeting to order at 10:00 a.m. He announced to the workgroup that this meeting was being convened in accordance with the provisions of House Joint Resolution No. 527 (HJR527) to study the sale and use of invasive plant species.

Mr. Larry Nichols, Division Director of the Office of Consumer Protections at the Virginia Department of Agriculture and Consumer Services (VDACS), reminded the audience that the discussion is limited to workgroup members with an option for public comments to be heard at the end of the meeting.

Mr. Clyde Cristman, Director of the Department of Conservation and Recreation, offered some opening remarks, welcoming the workgroup to Pocahontas State Park, Powhatan Dining Hall. He shared an example of Japanese stiltgrass that he was able to locate and pull within 10 feet of the doorway growing in the park. He offered that the group could volunteer their time after the meeting to help pull this invasive species plant on the 181 acres of the park to clean it up and that it could take up to a year to combat this issue.

Mr. Burrell stated that due to the lifting of the Virginia state of emergency order, which ended June 30, 2021, that there is now a need to shift gears from virtual meetings to in-person meetings. He added that we are we are following CDC guidelines in this group setting.

Mr. Burrell asked that the members of the workgroup and the attending public introduce themselves for the record.

*\* see attendance list*

Mr. Nichols offered a quick update regarding the Freedom of Information Act (FOIA) and small groups meeting together. He stressed the importance of following the Act which prohibits 3 or more members of the workgroup getting together to discuss matters of this workgroup. The reason for following the Act is to ensure transparency in state government.

He continued by adding that now that we are meeting face to face, we could do a combination of a virtual / in person meeting, but, that you must have a physical quorum here and then, the other percent of the workgroup could call in remotely. He advised that after speaking this issue over with Mr. Burrell, it was decided to not offer this hybrid type of meeting. He identified a problematic main issue with this type of meeting explaining that if any one person who is calling in loses their internet or phone connection, then, the meeting stops. He offered that with this in mind, it is really not fair to the others that made the effort to come in-person to continuously stop the meeting. He pointed out that It is imperative that we, as a group, have a full three hours dedicated to the meeting agenda for the best use of the time that we have together.

Mr. Burrell introduced Mr. Kevin Heffernan to present the outcomes of the 2018 invasive species report.

[Review of Virginia 2018 Invasive Species Management Plan \[Slide Show\]](#):

**Presenter: Kevin Heffernan**, Environmental Specialist - Natural Heritage Division  
Department of Conservation and Recreation

**PARTNERS:**

- VA Dept. of Agriculture & Consumer Services
- Dept. of Wildlife Resources

- Dept. of Forestry
- Dept. of Conservation and Recreation
- VA Institute of Marine Sciences
- Virginia Tech
- Longwood University
- University of Richmond
- VA Native Plant Society
- The Nature Conservancy
- VA Nursery and Landscape Association
- Blue Ridge PRISM
- US Fish & Wildlife Service
- US Forest Service
- National Park Service
- Friends of the Rivers of Virginia

### **GOAL #1: COOPERATION**

- *Coordinate state, federal, and stakeholder prevention and management of invasive species infestations.*
- Strategy 1.1. Strengthen invasive species coordination at the state level, between local and federal agencies, and with other stakeholders.
- Strategy 1.2. Identify potential legislation revisions to close potential gaps or reduce duplication.
- Strategy 1.3. Establish monitoring and evaluation of Plan implementation.

#### *Accomplishments:*

- Virginia Invasive Species Management Plan
- Communication and cooperation of key staff and stakeholders
- Giant Hogweed response
- Noxious Weed Law and Regulation

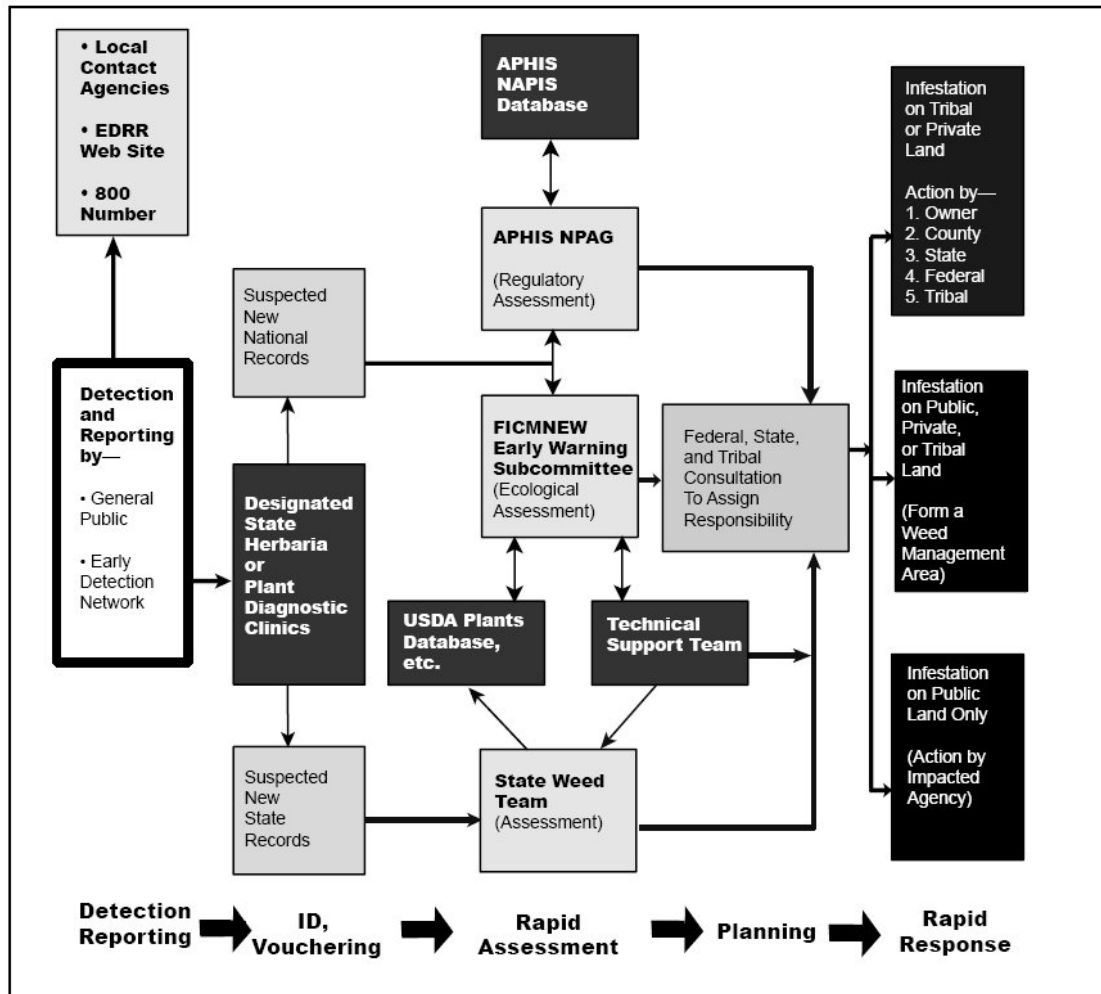
### **GOAL #2: PREVENTION**

- Prevent known and potentially invasive species from entering the state through detecting and interrupting all unauthorized species introductions.
- Strategy 2.1. Identify, support, or conduct invasive species pathway analysis and prioritize pathways according to risk.
- Strategy 2.2. Develop and implement plans for managing both intentional and accidental high-risk pathways, working with existing regulatory authorities as appropriate.

#### *Accomplishments:*

- Ongoing collaboration and cooperation with federal agencies such as USDA and FWS and state agencies VDACS and DWR
- Invasive Plant Workgroup

**GOAL #3: EARLY DETECTION**



- ⦿ Strategy 3.1. Enhance the likelihood of early detection and reporting of suspected new species by supporting volunteers and professionals with information and tools designed to detect and report invasive species of high concern.
- ⦿ Strategy 3.2. Ensure the timely identification and reporting of newly introduced species.

*Accomplishments:*

- Education & media
- Fact sheets, web pages, presentations, & workshops
- Informed network of key staff:
- Zebra mussels in aquarium product

**GOAL #4: RAPID RESPONSE**

- Goal 4. Enhance rapid-response capability to implement eradication or containment procedures for target species through planning.
- Strategy 4.1. Develop contingency/emergency response plans for potential invasive species of high concern most likely to be introduced.
  - The Pest Plant Emergency Action Plan prepared by the VDACS Office of Pest Plant Industry Services provides a model for such plans.
- Strategy 4.2. Identify available funds or funding sources for rapid-response implementation and assess needs for more funding authority.
- Strategy 4.3. Encourage interagency and public–private partnerships for successful rapid-response operations.
- Strategy 4.4. Facilitate media coverage of rapid-response actions.
- Strategy 4.5. When early detection identifies an invasive species of high concern for which no plan has been prepared, conduct rapid assessment.

*Accomplishments:*

- Spotted lanternfly
- Nutria
- Two-horned Water Chestnut response???

**GOAL #5: MANAGEMENT**

- Goal 5. Provide control of priority invasive species through containment, abatement, or other management strategies—including habitat restoration and use of native species—to minimize environmental and economic impacts.
- Strategy 5.1: Prepare and implement management plans for abating environmental and economic impacts of established high-priority invasive-species infestations.
- Strategy 5.2. Develop programs and information and establish funding to assist private landowners in control of invasive species.
- Strategy 5.3. Encourage and support the formation of PRISMs/CWMAs.

*Accomplishments:*

- USDA-APHIS and DWR Feral swine program
- Blue Ridge Partnership for Regional Invasive Species Management (PRISM)
- DOF emerald ash borer cost-share program

**GOAL #6: RESEARCH**

- Goal 6. Support or conduct research, monitoring, and risk assessment needed to assess, prioritize, and control invasive species.
- Strategy 6.1. Building on existing state, federal, and university programs, establish and coordinate a state invasive species research network. This network will develop and collaborate on long- and short-term research capacity and will communicate invasive species research needs to other institutions.
- Strategy 6.2. Increase invasive-species risk-assessment capacity.

*Accomplishments:*

- Noxious Weed Risk Assessment, web tool, and trained assessors
- Invasive species research at VT, VIMS, UR, UVA, George Mason, Longwood, and VCU

**GOAL #7: EDUCATION**

- ◎ Goal 7. Provide current information on invasive species, their negative impacts to environmental and economic resources, and methods of their prevention and control to the general public, environmental nongovernmental organization, special interest groups and K–12 science teachers.
- ◎ Strategy 7.1. Develop and implement a coordinated public-awareness campaign emphasizing public and private partnerships for addressing invasive species challenges.
- ◎ Strategy 7.2. Work with conservation and professional societies and gardening associations to guide awareness and capacity for education and outreach.
- ◎ Strategy 7.3. Create and deliver training programs for presentation by professionals and volunteers on identifying, mapping, and reporting invasive species occurrences.
- ◎ Strategy 7.4. Invite targeted members of the public to participate or assist in an invasive species risk assessment.

*Accomplishments:*

- Virginia Master Naturalists, Blue Ridge PRISM, DCR, and EDDMapS collaborating on a “Train the Trainer” program.

- End of Presentation -

## Questions:

\* Erin Stocksclaeder asked, “Are there resources out there for other PRISMs?”

Answer: Kevin Heffernan answered stating that we are looking hard at finding ways to get funding and booting up programs.

\* What is a PRISM?

Answer: Kevin Heffernan answered stating, PRISM stands for Partnership for Regional Invasive Species Management.

\* How much do you think funding programs have helped with addressing invasive species issues?

Answer: Kevin Heffernan stated that invasive species do not have boundaries, they can be found on state owned, federal, public and privately owned land. The more that they continue to spread, the more funding it will cost to combat the issue across all parcels.

\* Has anyone ever asked the question or presented a document that asked, “In order to properly implement this plan, this is what is needed for funding and staffing”?

Answer: Kevin Heffernan answered, “No, this type of document does not exist.” He added that it is time to do another iteration of the 2018 plan and start to assemble the advisory committee.

Mr. Nichols advised that the agenda that was outlined in the last meeting is not set in stone. He explained that is more like a roadmap to provide guidance while working through HJR527. If additional agenda items need to be added, then, the group can make that decision at any time.

Discussion and Motions:

Motion: To allow Jim Hurley to present a body of proposals / policy proposals to be considered.

Moves – Jim Hurley

Second – Rod Walker

Voice Vote – All members were in favor, none opposed. **The motion carried.**

Opening Remarks by Jim Hurley, Virginia Native Plant Society

I am Jim Hurley, representing the Virginia Native Plant Society, and I am on the boards of the Native Plant Society, the Blue Ridge PRISM, and the Piedmont Environmental Council. I am an organizational development consultant by profession, and as a volunteer, have been doing invasive plant management and education, in suburban settings, parks, and rural landscapes, for two decades, initially motivated, as a longtime birder, by the connection between the decline of bird populations and their loss of habitat.

Members of five organizations, those I mentioned plus the Virginia Chapter of the Sierra Club and the Audubon Society of Northern Virginia, crafted HJR527 and helped move it through the Legislature. We represent thousands of members and followers of our organizations, and many other organizations in Virginia that are very concerned about this problem.

As Kevin reported last time, there are some 600 documented invasive plants in Virginia, and 90 of the worst actors are on the DCR invasive species list. Some of these are horticultural and agricultural introductions that have been here for decades and centuries, some were introduced accidentally, and some are still being sold in Virginia. These plants did not evolve in our ecosystems, by and large are not eaten by native insects and animals, have little to slow them down, and can eventually overwhelm our native vegetation. Really, there is no more apt analogy for the impact of invasives on the ecosystem than metastatic cancer. I invite you to keep in mind what you know about cancer, how it spreads, how it is treated, how it escapes our best efforts to control it, as we move through our discussions. Beyond ecosystem costs, likely tens of millions of dollars are spent annually in Virginia to control them, costs borne by landowners who did not plant them, as these things do not abide by property boundaries. There is a lot of work to do to control the invaders that are already widespread on the landscape, which presents policy and programmatic options that could be considered by this group. But additionally, we do not need to ADD to the problem by continuing to introduce plants into the landscape that are known, on scientific grounds, to be doing serious ecological and economic damage.

This Working Group is the next stage of a conversation held in 2015, where we advocated for the removal of the phrase “already widespread in the landscape” from the 1970s Noxious Weed Law, which prevented that category of invasive plants from listing as noxious weeds. To get this phrase out of the law, we had to accept in turn that any plant commercially viable in Virginia by definition cannot be listed as a noxious weed and so be regulated. The conversations were tense at times, as it was clear that the industry would give up nothing in the negotiation, and retain the right to sell any plant it wished that was not already regulated. From THIS process, we hope for outcomes that take more seriously the impact of plants in the trade, which are installed in yards, developments, parks and grounds, escaping into natural areas, degrading them, and creating huge costs to property owners.

We hope we can all work together to find realistic solutions that actually accomplish the desired objectives. We do want to be helpful to the industry to mitigate the inevitable costs of transitioning to more ecologically friendly plant palettes. Other states have travelled this road, most recently Delaware

and Indiana, through processes similar to this one. We can do the same in Virginia, and here are some ideas for how to proceed.

Below is the document that was presented to the workgroup for further discussion and consideration by Jim Hurley and Rod Walker.

### **SUGGESTED WORKING GROUP OUTCOMES**

This list reflects ideas from various organizations, but it is not exhaustive, i.e. expect other recommendations to appear. Includes items that are both statutory and non-statutory. Again, the idea in presenting this list is not to polarize the discussion, but rather to solicit input and thoughtful discussion about what works and what doesn't and how best to achieve the overall objectives of this process. Hopefully other groups, including the industry groups, will also put their ideas and alternatives on the table.

- Add tier 4 to the noxious weeds regulations and law that will simply prevent the sale of the listed plants in Virginia and/or the importation of those plants into Virginia. No permit required to move them inside Virginia. This should solve the "bale of hay" problem. Several plants might be added to the Noxious Weed List but aren't being added because they might get bound up in bales of hay and then the farmers would need a permit to move the hay bales. We want to avoid putting any burden on farmers. Indeed, we want to help them.
- Three-year phase out of all plants on the DCR list plus any others we can all agree to or which might be added to the DCR list in the future.
- Set up an ongoing process for DCR to recommend additions to their list and therefore be candidates for Tier 4 and/or being phased out of the trade.
- Allow plants to bypass the current nominations process or have a fast-track nominating process if they are already listed as a noxious weed or invasive plant by two other states in the "region of interest" (as defined in the current nomination process).
- Have the group agree in concept that if a plant is already listed by one other state in the "region of interest" as defined by the noxious weed nomination process, then it will not be introduced into the trade and/or additional nurseries will not sell it.
- Allow the current weed risk process to nominate plants that are in the trade. If a plant is approved for the noxious weeds list, then it is subject to a 3-year phase out.
- Agree on some kind of screening process to ensure that new plants being introduced to the trade in Virginia will not become invasive.
- Add a sales tax on at least the listed invasive plants to help fund removal, remediation and education efforts.
- Label all the DCR listed plants (+ others as agreed) at the point of sale to fully inform consumers that these are invasive and planting them will likely have negative consequences
- Provide funding for:
  - The state's invasive species management plan including staffing
  - Support the creation of more PRISMs
  - Cost sharing programs to help landowners pay for invasive plant removals
  - Two studies:
    - One to estimate the current annual cost of the invasive plant problem in Virginia



- And the other to project what happens to our forests and meadows if we do nothing more than we are doing today
- Prohibit state agencies from selling or planting any plants on the DCR list (+ others); and use native plants whenever possible. Don't impede research efforts. Consider whether this can be done by executive order, legislation, etc.
- Keep some form of this process going after November.

Again, this is a set of proposals to accomplish the goal of eliminating the impact on our ecosystems of selling and planting more and more invasive plants. If there are other, better ways to accomplish this goal, let's get those ideas on the table and figure out the best way to get this done while minimizing the impact on our business communities.

- End of Presentation -

Mr. Burrell asked the group if there are other agenda items that they would like to see added to future meetings.

Motion: Add an agenda item to the next meeting [August 24] to have Chris Ludwig, Chief Biologist (recently retired) for DCR Natural Heritage Division, to provide a 10-15 minute presentation on the broader effects of invasive species on Virginia's economy.

Moves – Jim Hurley

Second – Carla Passarello

Voice Vote – All members were in favor, none opposed. **The motion carried.**

Motion: At a future meeting [September 16], to provide a lessons learned, from a horticultural perspective, to what has been seen as effective collaboration in other states.

Moves – Craig Regelbrugge

Second – Steve Living

Voice Vote – All members were in favor, none opposed. **The motion carried.**

Motion: Request that any presentations be made to the workgroup be provided one week in advance of the next meeting in order to prepare for discussion.

Moves – Christopher Brown

Second – Martin Krebbs

Voice Vote – All members were in favor, none opposed. **The motion carried.**

Motion: At the September 16<sup>th</sup> meeting, Jim Hurley to provide a 10 minute presentation to the analogous activity of other states to review actions to include: changes to laws and regulations; funding efforts; PRISMs; and education.

Moves – Jim Hurley

Second – David Lisowski

Voice Vote – All members were in favor, none opposed. **The motion carried.**

Mr. Nichols communicated that the rest of the agenda would be discussion reflective of the 3 options, as outlined below:

- I. **Option 1: No Statutory Changes**
  - Statutory Changes – No Changes to Noxious Weeds Law
  - Evaluation of measures to reduce, mitigate and eliminate the continued sale of invasive plant species in Virginia
    - Labeling recommendations
    - Tax recommendations
    - Adding invasive species to the current Noxious Weeds List
    - Education and Outreach
    - Increase the use of native plants on state or local properties
- II. **Option 2: Extensive Statutory Changes**
  - Statutory Changes – Amend the Noxious Weeds Law to prohibit the sale of all plants listed on Virginia’s Invasive Plant Species list
  - Evaluation of measures to reduce, mitigate and eliminate the continued sale of invasive plant species in Virginia
    - Labeling recommendations
    - Tax recommendations
    - Adding invasive species to the current Noxious Weeds List
    - Education and Outreach
    - Increase the use of native plants on state or local properties
- III. **Option 3: Modified Statutory Changes**
  - Statutory Changes – Amend the Noxious Weeds Law to restrict the sale of some invasive plant species
  - Evaluation of measures to reduce, mitigate and eliminate the continued sale of invasive plant species in Virginia
    - Labeling recommendations
    - Tax recommendations
    - Adding invasive species to the current Noxious Weeds List
    - Education and Outreach
    - Increase the use of native plants on state or local properties

Mr. Nichols pointed out that recommendations from the workgroup are good, but, to keep in mind that we may not be able to come to an agreement. During discussion of Options 1, 2, and 3, we may not come to an agreement but the over-all goal is to capture the information that is provided today and include that into the final report. Voting is good, but, it is not necessary. We can’t record all of the comments that will be made, or the report will be too big and no one will read it. We hope for full support, but, we may not be able to get there.

Mr. Burrell Nathan advised that the three options were laid out as a way to guide the workgroup conversation to move us towards an end. As the discussion the group discussion develops and ideas are shared, we may find that these recommendations end up fitting better in other areas of the options that will be discussing today. We intend to hear all recommendations. The discussion will by exploring Option 1: If there are no Statutory Changes to the Noxious Weeds Law then how will our evaluation of measures to reduce, mitigate and eliminate the continued sale of invasive plant species in Virginia.

Rod Walker: Labeling Plants – would it be feasible to provide information to buyers at the place or point of sale. How do we get the point of sale information to the consumers?

Jim Hurley: Would this entail a new law?

Larry Nichols: Yes, it would include a regulatory or statute change if the labeling was required. Maybe this should move or be considered under Option 3. As a point of discussion, Option 1 is for non-statutory changes first, Option 2 is for statutory changes, and others for Option 3, we need to place items into these three separate buckets.

Nathan Burrell: While looking at Option 1 and the current noxious weed law, we need to consider other laws that may govern the sale of plants and point of sale labeling. Does it fall under Option 1, 2 or 3?

Larry Nichols: I think it would fall under Option 2 or 3. Should labeling be a *recommendation* or a *requirement*, we need to be cautious to which one to select for the final report so that you don't have to go down the regulatory route.

Nathan Burrell: Some businesses do participate in a voluntary labeling of their plants. But, not all and there is always a chance that the label is incorrect. If we are saying there are no changes under Option 1, then we can say that we are making a *recommendation* for voluntary labeling.

Craig Regelbrugge: Some of these sub bullets can't be isolated under each bullet. From a labeling perspective (for better or for worse) mass retail and independent garden centers tend to embrace some of these voluntary concepts. But, moving away from labeling, a strong support for education and outreach for a push in native plant sale. Advise consumers on the front line and the proper use and improper use to make the right choice. Encouraging native plants that have under used potential.

Rod Walker: These ideas are non-statutory, so if it is a change to the regulations, do we talk about this now?

Larry Nichols: Non-statutory at this point under Option 1.

Betsy Martin: Is there any evidence that this labeling works?

Craig Regelbrugge: Same question can be asked about law and regulation. There are some laws that don't ultimately achieve the intended effects.

Carla Passarello: Each plant needs to be looked at for each plant separately and independently. There may be certain plants that require a different path.

Larry Nichols: Consider the noxious weed list as a starting point to see what is high on the list.

Rod Walker: Are any of the industry organizations interested in coming to speak on the efforts of labeling and what we are here to achieve? How do we deal with this? Are there industry groups that can add some insight into topic? How do we appropriately educate the consumer so that they know what they are buying?

Larry Nichols – I would defer to our industry member here on this effort to consider options under 1,2, and 3.

Neal Beasley: With labeling, the landscaping and nursery group is being targeted. We need some time to look at this further. Do you want every grower to be subjected to labeling all the plants as growers...how would it be policed? How does VDACS police it?

Larry Nichols: VDACS performs nursery inspections on the production side, not the retail side. VDACS has the authority to issue a monetary fine against violations. At that point, we would know that they are being produced for sale, but, not as frequently as we do on a production side.

Jim Hurley: It appears that there is a need to fund positions to check point of sale operations.

Carla Passarello: We are conservationist and we are gardeners, and to that end, we may need to find the common goals of this group.

Tom Smith: A minute of perspective on the DCR list. This is a list that DCR has been working on since 1991. When DCR first started putting together an invasive species list, it was best expert opinion. However, this has now evolved into a much more substantive process, there is a detailed national recognized system to a more rigorous process and now includes a ranking system.

Betsy Martin – What are the top 10 plants that are on a list that we could focus on?

Christopher Brown – The reason that the people are out of native plants is because there are not a lot of people growing them. In the environment that we live in right now, native plants are not necessarily successful.

Neal Beasley: Urbanization and species that can exist and tolerate an urban setting. There are many theories and the plant world that we connect with, but we may need to be talking regionally and also look at it seasonally. It is a competitive plant market (industry) focusing on the newest plants and the newest innovations. It is a cultural issue and a complex arrangement.

Carla Passarello – Something to consider in Northern Virginia – we need to look at ways that we, for the industry, have a robust answer to that. Our members, (Garden Club of Virginia) are a part of the driving factor in the native plants. If we can we approach this problem as a way that can help the industry to respond in a positive or beneficial way, then we can get back to collaborating.

Rod Walker: What it takes to get a plant through this process – the risk assessment process? Does it require a regulatory change?

Larry Nichols: No, it is not a regulatory change.

Rod Walker: How do you expedite the process for plants that are listed by neighboring states?

Larry Nichols: We have the noxious weed law in Virginia which allows for the development of the noxious weed list that is approved by the Board for Agriculture. This is a two to two and half year process. There is a fast track method of making a regulatory change, but, only if the change that you are making is not controversial. Fast track does not always work. Your suggestion that because a neighboring state had a plant listed on their list would this expedite the process is not practical.

Rod Walker: Do we have to do all the work if it is already listed by another state? Is there a way to simplify this process and add plants to our current list?

David Giannino: Noxious weed law requires an evaluation by the committee (risk assessment), it is in the law.

Nathan Burrell: So much of this discussion is centered on moving forward in considering our other buckets to make recommendations.

Rod Walker: Prohibiting state agencies from selling and planting invasive plants, can this be done, technically, under an executive order?

Clyde Cristman: It could be a possibility under an executive order. For example, the Governor is concerned about buildings in floodplains and he is currently using this platform to have Virginia lead by example in addressing flooding issues by making this a priority for further research and funding throughout Virginia. There could be a suggestion that the state lead by example for the removal and mitigation of invasive plants. So yes, theoretically, it could be a possibility to make that recommendation.

Ben Rowe – A down side would be that land grant universities that perform research on these types of plants could be effected. There would have to be language to address exemptions.

Steve Living: Not only the address the planting of invasives on state owned property, but, to encourage the use of native plants.

Betsy Martin: Fairfax County has now implemented a change that you can only plant natives in the counties.

Rod Walker: How do we, as a workgroup, suggest an executive order as a recommendation in the final report?

Nathan Burrell: The process, as we dig into these issues, is that we have heard some recommendations about voluntarily labelling, expressed interest in some group support for educational outreach, and a recommendation of an executive order. We seek to gain consensus or pull out areas that need further discussion. Our focus is not to exclude recommendations but focus on providing the general assembly with a range of options to be considered.

Larry Nichols: For clarification, the purpose of this group is to discuss these options as a group and place all of the recommendations in the final report.

Betsy Martin: At the end, are we going to vote for recommendations?

Nathan: All recommendations will be summarized and contained in the final report.

Clyde Cristman: Present the options and then present the pros and cons of the options. Who is for it and who will support it? Who is opposed to it? Present the range of options and all voices to be heard on each issue. Identify the issues and let the legislature sort it out. Also, it is important to inform the legislators on invasive species issues and concerns while understanding that there may be a fiscal impact.

Jim Hurley: Will we go back over these again and flesh out the pros and cons?

Nathan Burrell: As we progress through our agenda, it appears that things are seeming to fit into our other two buckets. Option 1 is more voluntary. As we move through the process of the workgroup, we will be trying to get to moving towards an end process and we will then present the recommendations and begin to look at what side of the fence we are falling on. All ideas and recommendations will begin to form into Option 1 -no statutory change, Option 2 - minimal change, or Option 3 - substantial statutory change – which bucket will it all fit into?

There will be further discussion on all recommendations and the buckets of information under each options. A vote will be taken for group consensus on each recommendation.

Rod Walker: What about recommending funding? Is this statutory or not?

Larry Nichols: We could discuss this as a group issue and not necessarily statutory. We need funding to continue doing what is already being done, or what is currently not being done.

Clyde Cristman: Identifying funding is important and getting meaningful programs on the ground. There are a lot of folks that need resources and the lack of funding is a real issue to address invasive species on land with meaningful control.

Larry Nichols: Can the group elaborate on what types of funding is being asked? And, what is the funding being used for?

Rod Walker: There should be a recommendation to know what money is needed and then, ask for it.

Jim Hurley: There is a need for a state equivalent to the federal cost share program (NRCS-EQIP) for control. This would be easier to implement on the ground for eradication and control.

Erin Stocksclaeder: Can we look at taxing as an issue? Could that money fund some of the programs that we are talking about?

Larry Nichols: The logistics behind creating a tax might be cost prohibitive.

Craig Regelbrugge: There is a degree of subjectivity, and it would be difficult to administer. There should be some thought given to multiple broad based on the ground funding, cost share programs for invasives.

Rod Walker: Another funding project would be creating more PRISM's. Another one could be to hire VA Tech or other organizations to estimate the costs in dealing with invasive species in Virginia? It would be nice to know what this number is...is it large or small? In addition, it may be a little more difficult but ask the question, "What is this place going to look like 50 years from now"? It would be helpful for us to have a vision on where this is going. If we don't do something, this is what is going to happen. These two studies could be funded by some kind of scientific body and be a very useful resource.

Steve Living: These requests may go beyond this group and our actual mandate.

Nathan Burrell: Our mandate is pretty specific. We have heard the need for funding for removal of invasives either on state, federal, public or private land.

Larry Nichols: We need to keep this in our back pocket.

Neal Beasley: In this workgroup we have a different task, specifically the issues that are outlined in HJR527 and we need to stay on our specific task.

Betsy Martin: What would the impacts on the industry be and what would be the benefits, and what is the ecological impact? These all fall within our plan and we should know what the cost is. It is a public safety issue as some of these invasive plants create a hazard.

Kevin Nichols: There has not been a really robust study in a long time, since 2004 or 2006, on a national level that looks at the fiscal impact on invasive species and what is the cost to society. In the bigger

picture this is an important question but, may not be on task for this group. Our shared goal is to live fruitfully and skillfully on this earth.

Rod Walker: Point of comment, as we move forward with information for our legislators, we should provide context and information about impacts and what these mean so that they can make sound decisions.

Betsy Martin: The final report should reflect that future studies need to be conducted as there is not enough known information about these areas of concerns and the impacts on current societies or future societies.

Mr. Burrell opened the floor for public comment at 12:45 p.m. and explained that each speaker would have 2 minutes to speak for the record.

#### Public Comments:

**Luke Peters** – *\*see\* Written Public Comments Received*

**Susan Gitlin** – As a citizen of Rockbridge County, I support funding for removal of invasives. But, as a property owner who fights invasives that my neighbors plant in their yard and that spread to my property, as a tax payer I would object to having tax dollars go to an effort to combat invasive plants when those plants continue to be added to the landscape through retail sales and landscaping. Taxpayers would effectively be subsidizing the sale and damages caused by invasive plants.

Maryland has regulations requiring labeling, but they have no data on its effectiveness. If labeling is going to be considered by Virginia, I suggest first doing a study on its potential effectiveness. There are many potential retail alternatives to invasive plants. I only plant native plants, but most non-native plants are not detrimental and we need to give people and the nurseries many non-native plant 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 with 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.

#### Next Meeting and Adjournment:

The meeting was adjourned by Mr. Burrell at 1:00 p.m. He thanked the workgroup and the public for their time and participation.

The next meetings are scheduled for August 24, and September 16, 2021 from 10:00 a.m. – 1:00 p.m. at Pocahontas State Park.

#### Written Public Comments Received:

❖ *On Wed, Jul 28, 2021 at 10:20 AM Amy Ritchie Johnson <[xaritchie@gmail.com](mailto: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](mailto: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](mailto: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 crowd out 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](mailto: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.

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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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:brooke.alexander52@gmail.com)>

Date: Wed, Jun 30, 2021 at 12:23 PM

Subject: invasive species workgroup

To: <[nathan.burrell@dcr.virginia.gov](mailto:nathan.burrell@dcr.virginia.gov)>, <[DelPHope@house.virginia.gov](mailto: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](mailto:romachmer@aol.com) <[romachmer@aol.com](mailto: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](mailto:romachmer@aol.com) 703-971-5180