

## INVASIVE PLANTS COUNCIL

FIFTH Annual Report

December 11, 2007

The Honorable William Finch  
State of Connecticut Senate  
Legislative Office Building, Room 3200  
Hartford, CT 06106

The Honorable Richard Roy  
State of Connecticut  
House of Representatives  
Legislative Office Building, Room 3201  
Hartford, CT 06106

Dear Senator Finch, Representative Roy, and other members of the Environment Committee:

As Chairman of the Invasive Plants Council, I respectfully submit this letter and attachments for the fifth annual report on activities conducted during 2007. This Council was established and operates pursuant to Connecticut General Statutes 22a-381 through 22a-381d, and has the following responsibilities: developing and conducting initiatives to educate the public about the problems created by invasive plants in lakes, forests and other natural habitats; recommending ways of controlling their spread; making information available; annually publishing and updating a list of invasive or potentially invasive plants; and supporting state agencies in conducting research into invasive plant control, including the development of new non-invasive plant varieties and methods for controlling existing species.

### **The Council**

The Council consists of 9 members representing government, the nursery industry, scientists, and environmental groups (see attachment #1). This group has shown a willingness to find solutions to problems and to work constructively. The Council has met 10 times since the fourth annual report dated December 12, 2006. See attachment #2 for the approved minutes for 9 meetings, including those for the December 12, 2006 meeting. The minutes for the December 11, 2007 meeting are not yet approved.

I am the Director of The Connecticut Agricultural Experiment Station and continue to serve as Chairman until the end of December 2007. Commissioner F. Philip Prelli (Department of Agriculture) serves as Vice Chairman. Ms. Nancy Murray of the DEP has been representing this agency at Council meetings. No other changes in membership have occurred since our last annual report. At the November 13, 2007 meeting, Dr. Mary Musgrave of the University of Connecticut was elected Chairperson, and Commissioner F. Philip Prelli was re-elected Vice Chairman.

The Council acknowledges the cooperation of the DEP for providing conference room space for meetings. The Council also recognizes the assistance given by Mr. David Sutherland, a Council member who volunteered to take minutes. Council members agreed that it is best not to



have a Council member taking minutes. Therefore, with the state funds provided in the approved budget, it is expected that the Invasive Plants Coordinator will take minutes and prepare the annual reports in the future.

### **Council Activities**

The Council devoted most of its time discussing technical changes in current laws and the need to secure financial support to fund a program to manage aquatic and terrestrial invasive plants and to educate the public. Although the legislative technical changes were not made, an allocation of \$500,000 for each of two years was provided in the recently approved state budget. The Council members thank Senator Andrew Roraback and Representative Clark Chapin for introducing bills, State Representative Mary Fritz for her guidance, and several other legislators who helped secure this funding.

The Council discussed (1) costs to control aquatic invasive plants; (2) the cultivar issue; (3) the degree of invasiveness of plants, such as Reed Canary Grass (*Phalaris arundinacea*) and Porcelainberry (*Ampelopsis brevipedunculata*); (4) the sale of banned plants in commerce; and (5) enforcement authority for state agencies. It is still the consensus of the Council that there should be a 5-year municipal pre-emption on adopting ordinances on banning plants, that plant parts of already banned plants should also be subjected to the existing laws prohibiting the sale, movement, and propagation of said materials, that research continue to determine relative invasiveness of plant cultivars, and that legislation be re-introduced in the Connecticut Legislature to correct technical problems with the current law on invasive plants.

At my request, official notification of current laws on invasive plants, including a list of banned plants, was sent by The Connecticut Agricultural Experiment Station to 500 businesses in the state (see attachment #3). This was done in response to the illegal sale of Parrotfeather (a banned plant) at one location. There was one public written response to this mailing.

At its December 12, 2006 meeting, the following legislators were invited by me, other Council members, representatives of the nursery industry, or the Audubon Society: Senator Andrew Roraback, Representative Mary Fritz, Representative Clark Chapin, Representative Roberta Willis, Representative Richard Roy, Ms. Phyllis Silverman (on behalf of Senator Toni Harp), and Ms. Jillian Spears (on behalf of Representative Denise Merrill). The purpose of this meeting was to discuss financial needs for state programs on invasive plant control, education, and other activities. These legislators gave good guidance and were very supportive.

During several Council meetings, members reviewed bills being considered, agreed on technical changes that were needed in current laws, and discussed funding needs at length. After little debate, it was decided that the requested technical changes be re-submitted in the next session for consideration. The list of banned invasive plants and potentially invasive plants was reviewed at the November 13, 2007 meeting.



### **Suggested Plant Regulation Changes**

1. Remove *Pistia stratiotes* (Water lettuce) from the ban provisions of Sec. 22a-381d because it will not survive the winter and is, therefore, not invasive (recommendation also made in 2004, 2005 and 2006).
2. Modify the word "move" in Sec. 22a-381d to ensure that removal of listed invasives for eradication, research or educational purposes is not subject to the sanction of the law (recommendation also made in 2004, 2005, and 2006).
3. Ban the sale or use in commerce of any flowering or fruiting plant parts of any plant on the banned list set forth in Sec. 22a-381d (recommendation also made in 2005 and 2006).
4. Reinstate the prohibition on municipal regulation of the sale or purchase of invasive plants through October 1, 2013 (similar recommendation also made in 2005 and 2006).

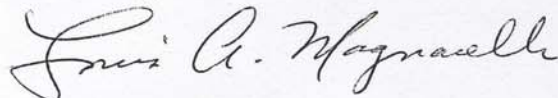
### **Overview of Current Activities and Needs in Connecticut**

The environmental problems associated with invasive plants are obvious, and public concern over the negative impacts on aquatic and terrestrial habitats is growing. Costs for reclaiming lake and land areas are high. The funding provided by the General Assembly will help to establish desperately needed programs on public education, early detection and rapid response of emerging problems, and on the development of a common database of information. The DEP will use the majority of these funds to develop and execute these programs. The hiring of an Invasive Plants Coordinator will hasten program development, improve efficiency in the delivery of services to the public, and lessen the burden on Council members in taking minutes at meetings and preparing and distributing the annual reports. It is hoped that the DEP will seek the advice of Council members as these programs move forward.

Council members respectfully request that the technical changes recommended in past years be reconsidered by the General Assembly. Aside from municipal prohibition on regulating the sale or purchase of invasive plants for 5 years, the other suggested changes are minor. The former is needed to allow time for research results on potentially invasive species to be fully evaluated and to prevent potential problems associated with the passing of different regulations at the municipal level. Council members feel that the authority for regulating invasive plants should remain with the state.

I and other Council members are available to answer questions and provide advice as needed. The members will continue to meet and make recommendations to legislators. We are grateful for the financial support provided by the General Assembly. Please feel free to call me at (203) 974-8440 if you have questions. Thank you.

Sincerely,



Louis A. Magnarelli  
Chairman

LAM:rmo  
enclosures

INVASIVE PLANTS COUNCIL MEMBERSHIP  
DECEMBER 2007

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**Connecticut Invasive Plants Council  
December 12, 2006**

**Minutes**

Present:

Council Members: Dave Goodwin, Paul Larson, Phil Prelli, Tom McGowan, Leslie Mehrhoff, Lou Magnarelli, David Sutherland, Nancy Murray (representing DEP); Donna Ellis (representing Mary Musgrave)

Others: Representative Clark Chapin, Representative Mary Fritz, Representative Roberta Willis, Representative Richard Roy, Senator Andrew Roraback, Phyllis Silverman (Aide to Senator Toni Harp), Jillian Spears (aide to Representative Denise Merrill), Karen Weeks, Betty McLaughlin, Bob Heffernan

Lou Magnarelli called the meeting to order at 2:10. After introductions, Magnarelli suggested that since some legislators might need to leave, the group move to item #3 on the agenda, the council's legislative proposals.

**Clerical Assistance** Magnarelli first pointed out the council's need for clerical assistance, noting that in its first year, the Environment Committee provided a staff person to record minutes and help with meeting arrangements. He asked the legislators if such help from the committee might be possible again. Representative Fritz offered that she would consider whether her aide might be able to assist, and confirmed with Representative Roy that the Environment Committee did not yet have a clerk.

**Legislative Proposals** Magnarelli described each of the proposals. He asked Sutherland to clarify his position on pre-emption of municipal sale bans. Sutherland stated that he was willing to vote with the council to support the entire package of proposals as a whole, but that he would vote against a motion to split the appropriations request into one proposed bill while leaving the pre-emption in a separate proposed bill with the more technical or minor changes. He said that he would not lobby against any provisions during the legislative process. Prelli stated that the entire package represented a compromise by different members and that it was important to advance the entire package.

After the appropriations request was described, Representative Fritz asked if land trusts can play a role in controlling invasive plants. Sutherland and Mehrhoff described various efforts to train trusts and other local groups. Fritz suggested that more localized training by regions would be helpful. Representative Fritz offered that she could approach US Representative DeLauro, who will be the Chair of the Agriculture Subcommittee of the House Appropriations Committee concerning possible federal funding of state education and control programs. Prelli noted how critical funding is to the council's objectives.

Representative Chapin asked why additional funding was needed for inspectors if the CAES and DoA are already in facilities inspecting them for other things. Prelli and Magnarelli explained that while these new inspections would be less expensive to perform due to that redundancy in trips, there is considerably more involved with inspections, such as responding to complaints and subsequent re-visits to businesses

to verify compliance with state laws. These extra trips, not associated with routine inspections will incur the additional expenses to be covered by the requested funding.

In discussing the proposed grants program, Senator Roraback offered the suggestion that bonding might be the more appropriate source of funds.

Representative Fritz inquired whether sterile grass carp are being used to control invasive plants in lakes. Murray explained that DEP does give some permits for use of carp, but that it requires great caution, since the carp are non-selective feeders and can significantly harm a lake's native vegetation if too many are introduced.

Magnarelli handed out McGowan's report on expenditures to control aquatic invasive plants, and referenced expenditures by other groups and communities to control these plants. McGowan stressed two points from his report: that the approach used in New Hampshire of raising state revenues to provide a staff person who educates communities about invasive plants has helped to reduce infestations; and that communities usually put off dealing with an identified threat from an invasive species until they have a crisis and it is then much more expensive to remedy. Mehrhoff stressed that many communities are also incurring great expense in controlling terrestrial invasive plants.

Senator Roraback thanked the council for all its work on the legislative proposals and stated that it was now up to the legislature to follow through and fund this work. Representative Fritz noted the importance of pushing the entire package together, that if we start picking off particular provisions, we will lose important segments of our support.

**Legislative Process** In discussing which legislative committees would need to approve the package, Prelli stated that the penalty section should not send the bill to the Judiciary Committee, since that committee does not have to approve penalties involving infractions. There was discussion as to whether the bill should be introduced as an Environment Committee bill or as a bill sponsored by several legislators. It was agreed that one person would testify on behalf of the council at the public hearing.

The group discussed the federal appropriation for the Invasive Plant Center at UConn.

Goodwin remarked that the council should consider expanding its scope to address other orders of invasive species, including insect pests. He and Sutherland noted the threat posed by the Emerald Ash Borer and Asian Long-horned beetle.

The legislators left the meeting.

**Minutes** In response to Magnarelli's question, Murray concurred that the October minutes correctly reflect her suggested corrections.

Prelli moved approval of the November minutes as drafted, McGowan seconded. There were two suggested corrections, and the minutes were approved with those corrections.

**Annual Report** Goodwin moved approval of the 4<sup>th</sup> Annual Report; Mehrhoff seconded. Magnarelli noted a few suggestions for changes, including the total amount

of the appropriations request, and that the terms “invasive plant species” or “invasive plants ” should be used rather than “invasive species”.

Goodwin asked if DEP’s conservation officers can legally enforce the invasive plant laws; Murray confirmed that they can.

**Research on Cultivars** Mehrhoff distributed a list of research of which he is aware being conducted on cultivars of five species that are on the Invasive Plants list and are not banned for sale. He asked the group to let him know of any research being done on the other nine species that are on the list and not banned. He suggested that the council begin to consider action on any of those plants for which research is not being conducted. Bob Heffernan listed research being done on some of the other plants.

Magnarelli clarified that Sutherland will follow up with the Environment Committee regarding possible clerical assistance. Prelli offered that he would have his legislative liason follow the legislation, and would suggest that DEP follow it as well.

Goodwin moved adjournment, McGowan seconded. The meeting was adjourned at 4:10.

The next meeting will be January 9<sup>th</sup> at 2:00 in the Ensign Room at the DEP Building.

**Connecticut Invasive Plants Council**  
**January 9, 2007**

**Minutes**

**Present:**

Members: Dave Goodwin, Les Mehrhoff, Paul Larson, Mary Musgrave, Philip Prelli, Nancy Murray (representing Ed Parker), Lou Magnarelli, David Sutherland, Tom McGowan

Others: Richard Shaffer, Donna Ellis, Betty McLaughlin, Sandy Breslin, Karl Wagener, Karen Weeks

Lou Magnarelli called the meeting to order at 2:04.

**December Minutes** Dave Goodwin moved approval of the December 06 minutes; Paul Larson seconded. A spelling error in the draft minutes was noted. The minutes were approved as edited.

**2006 Annual Report** Magnarelli reported that he submitted 30 copies of the Council's 2006 Annual Report to the legislature's Environment Committee, and 17 copies to the State Library, on December 19<sup>th</sup>. He noted that next year's Annual Report will need to include the December 06 minutes, which had not been approved in time for inclusion with this 06 Report. Donna Ellis noted that the Connecticut Invasive Plants Working Group will post the Report on CIPWG's website.

**Clerical Assistance** Magnarelli reported that he had not heard back from Representative Fritz concerning any clerical assistance her staff might be able to provide the Council. David Sutherland and Sandy Breslin agreed to check back with the Environment Committee.

**Federal Budget** Magnarelli explained the relevance of recent developments concerning the federal budget process to invasive plant initiatives in Connecticut. The outgoing Congress did not complete work on the FY07 federal budget, the fiscal year for which started October 1<sup>st</sup>, 2006. The incoming Congress has announced that it will pass a "year-long" resolution to simply fund the federal budget at basically 06 levels (it's more complicated than that, but that's the gist of it) for the remainder of FY07, and will not include any "earmarks", which are appropriations for specific, often local, projects that would not ordinarily be included in agency budgets.

**State Legislative Proposals** Magnarelli explained that the Ct Agricultural Experiment Station receives from \$300,000 to \$400,000 annually through an earmark in the federal budget. Sutherland and Mary Musgrave noted that the funds for the Invasive Plants Center at UConn, which had been included in the House version of the budget that was never completed, could be in jeopardy. Magnarelli recalled that Representative Fritz had offered to seek funding for our state efforts in the federal budget; Sutherland pointed out that that would still be possible since those funds would have had to come out of the FY08 budget anyway.



The group discussed how our legislative proposals can be moved through the General Assembly process. Phil Prelli stated that he would ask his legislative liaison to request that the Environment Committee raise our proposals as a Committee Bill and then for a Public Hearing. If the Committee does that, there will be a public hearing before the Environment Committee, and the bill will probably then need to go to the Appropriations and Planning and Development Committees for their approvals. The group agreed that as many of our organizations as possible should notify our members of the hearing when it is announced. Sutherland also noted that the Appropriations Committee also holds hearings each year on agency budgets, and that advocates should testify at those hearings about including an appropriation for the Council's recommendations in the DEP budget.

**Water Hyacinth** Les Mehrhoff noted that although water hyacinth can not overwinter now in Connecticut, there are two potential problems 1) that climate change could allow it to survive through the winter, and 2) that even if it dies out each year, its ability to blanket a water body in one growing season, and indications that people are repeatedly releasing it into some water bodies, could render it capable of eradicating native plants and contributing significantly to eutrophication even if just in annual episodes. Mehrhoff stated that he is not advocating a ban, but that we do need an education effort about how to properly dispose of these plants.

Magnarelli distributed a fact sheet that had been produced at UConn in 2002 on proper disposal of aquatic invasive plants. Nancy Murray noted that there is some dispute over whether invasive plants can be composted as suggested on the fact sheet.

**Plants included on the Invasive Plants list and not banned** Mehrhoff noted that there are 15 plant species that were included on the original list of invasive plants, but that are not banned. There is research being done on the cultivars at least five of these species, and Mehrhoff reviewed that the Council had agreed to wait for further progress in this research before considering further action on them. He also noted that educational signs would probably be sufficient for Rosa Rugosa and Water Hyacinth. He also does not feel that a ban on Star of Bethlehem would be appropriate. That leaves seven plants that he thinks we should start discussing for possible action. His most urgent concern is with Porcelain Berry, and he is also quite concerned about Reed Canary grass.

After discussion of Reed Canary grass and further information that needs to be obtained concerning its use in agriculture, it was agreed that at the next meeting, we would discuss possible actions on Porcelain Berry, and what education could be done concerning Rosa Rugosa.

**Adjournment** Several members expressed gratitude to Magnarelli for his work in Chairing the Council. Prelli moved adjournment at 3:24; Goodwin seconded. The meeting was adjourned.

**Connecticut Invasive Plants Council**  
**February 13, 2007**

**Minutes**

**Present:**

Members: Dave Goodwin, Les Mehrhoff, Philip Prelli, Nancy Murray (representing Ed Parker), Tom McGowan, Lou Magnarelli, David Sutherland

Others: Donna Ellis

Lou Magnarelli called the meeting to order at 2:09.

**January Minutes:** Phil Prelli moved approval of the January minutes; Dave Goodwin seconded. They were approved.

**Proposed Bills:** Lou Magnarelli reported on the Environment Committee's Public Hearing on Bills 282 and 6865. He noted that Representative Shawn Johnston, from Thompson, presented testimony on Bill 6865 that he had introduced and that would establish an aquatic invasive plants program at DEP to be funded by the sale of stickers on watercraft. Magnarelli stated that he had discussed the Council's recommendations as part of his presentation on the Agriculture Experiment Station. He noted that Bill 282 had two additional sponsors, Representatives Hurlburt and Alberts.

The group discussed various means of generating support for Bill 282, and the importance of grassroots contact with legislators was stressed. Prelli said that he would talk with the two Co-Chairs of the Conservation and Development Subcommittee of the Appropriations Committee.

Magnarelli noted that Representative Fritz had written a letter to US Representative DeLauro requesting federal funding to assist the Council. Nancy Murray reported that the staff who worked on the Aquatic Nuisance Species Plan are still waiting for final approval of the plan, which would make the DEP eligible for federal funds for some of the recommended work.

**Screening of Imported Plants:** Magnarelli distributed comments of the American Nursery and Landscape Association concerning screening by the USDA's Animal and Plant Health Inspection Service (APHIS), and explained the current quarantine procedures.

**Porcelainberry:** Les Mehrhoff explained why he feels Porcelainberry meets all of the criteria for invasiveness, and noted there have been 21 reports of it in Connecticut, mostly along the coast. There was agreement that we would not consider trying to ban it this year. Magnarelli suggested that we ask Bob Heffernan about the industry's view of the plant at the March meeting so that we can further discuss it at our April meeting.

**Rosa rugosa:** Mehrhoff stated that he felt there was no sense in banning this plant, because it is only a problem in coastal areas, but that we do need a significant education effort about its threat to those areas.

**Plant Guides:** Magnarelli passed around guides to invasive plants from other states. The group discussed whether Connecticut should have its own guide or could use ones from other nearby states.

Dave Goodwin left the meeting at 3:37.

**Fact Sheet on Proper Disposal of Invasive Plants:** Magnarelli distributed comments by an employee of the Agriculture Experiment Station expressing concerns about previous draft information that had been distributed about the proper disposal of invasive plants. Mehrhoff and Murray are preparing a new version of a fact sheet on disposal for distribution at the upcoming flower show.

Mehrhoft noted that we may need to wait for staffing before widely distributing a fact sheet because we might have a problem currently with fielding calls asking for follow-up information. He said it would be valuable to get something out to the industry before the growing season. Prelli reported that he had met with pet store industry representatives, who said that they would be willing to distribute fact sheets.

Mehrhoft moved adjournment at 3:53; McGowan seconded. The meeting was adjourned.

**The next meeting of the Council will be March 13<sup>th</sup> at 2:00 at the DEP.**



**Connecticut Invasive Plants Council  
March 13, 2007**

**Minutes**

**Present:**

Members: Dave Goodwin, Nancy Murray (representing Ed Parker), Mary Musgrave; Tom McGowan, Lou Magnarelli, David Sutherland

Others: Donna Ellis

Lou Magnarelli called the meeting to order at 2:02 pm .

Tom McGowan moved adoption of the February minutes, Dave Goodwin seconded; and they were approved.

**Legislation** Lou reported on the legislative hearings on Bill 282, It was noted that the Environment Committee did not vote on the bill, but rather sent it to the Appropriations Committee as a "change of reference". The Council's proposed language was not included, so the bill is solely a funding bill at present. The group discussed various legislators who might be able to help with getting the Appropriations Committee to both include our language and provide funding for our proposals.

**Federal Funding Request** Magnarelli reported that he had had a request for a copy of our Annual Report from one of US Representative DeLauro's staffers, that he surmised was generated by Representative Fritz's request to that office to provide federal funding to implement the recommendations of our council.

**Porcelain Berry** Magnarelli noted that we are waiting for nursery industry input concerning their perspective on porcelain berry. Goodwin remarked that he does not think it is very important commercially to the industry. It was reaffirmed that we will hold off any potential action on banning the plant until next year's legislative session.

**Aquatic Invasives Plan** Nancy Murray noted that the Aquatic Nuisance Species plan that she and her colleagues have been working on has been sent to the Governor's Office for approval. Upon such approval, it will be submitted to the US Fish and Wildlife Service's Aquatic Nuisance Species Task Force. Final approval will make the DEP eligible for federal funds to implement components of the plan. DEP will be requesting \$50,000 - \$60,000.

**The next meeting will be April 10, 2007 in the Ensign Room on the 5<sup>th</sup> floor at DEP.**

**Connecticut Invasive Plants Council**  
**April 10, 2007**

**Minutes**

**Present:**

Members: Nancy Murray (representing Ed Parker), Les Mehrhoff, Mary Musgrave, Lou Magnarelli, David Sutherland, Tom McGowan (2:25); Paul Larson (by phone)

Others: Donna Ellis, Karl Wagener, Karen Weeks

Lou Magnarelli called the meeting to order at 2:15 pm.

**Senate Bill 282**

The group discussed the expected release of the Appropriations Committee's proposed budget later in the week. Those who have been discussing our \$500,000 request with members of the committee expect that we will probably get somewhere around \$300,000 in the committee's budget. Lou Magnarelli will contact Appropriations Committee members and other legislators to reiterate the importance of the funding.

The group discussed strategies for amending our policy proposals on to another bill, if the Appropriations Committee does not include it when they pass Senate Bill 282, which now consists of only one paragraph about the funding.

**Porcelain Berry**

Paul Larson reported that Bob Heffernan surveyed some major growers and that sales are minor. Anyone growing Porcelain berry is growing the "elegance" variegated variety. Paul suggested a phase-out of sales with education as a fairly painless way of getting it off the market. Magnarelli confirmed that the Council will not take any action until the fall.

**Next Meetings**

The group agreed that the May meeting would be cancelled. Magnarelli pointed out that we have usually not met in the summer. The group agreed to meet in June on the 12<sup>th</sup> at 2:00 at the Connecticut Agricultural Experiment Station Valley in Windsor.

Magnarelli stated that at the June meeting, we should discuss new officers for the Council. He noted the conflicts on his time, and the potential for conflicts between his role as a council officer and a regulatory official at the Experiment Station.

Nancy Murray encouraged members to persist in the council's efforts.

Mehrhoff and Tom McGowan initiated a unanimous discussion of and expression of gratitude for Magnarelli's considerable contributions to the council.

**Old/New Business**

Murray distributed a press release on an initiative between Meijer and The Nature Conservancy.

Mehrhoff distributed a flyer on a DEP workshop on invasive plants.

Mehrhoff reported that there is an effort to get all of the organizations in New England to compile a joint email alert list for use in early detection. He will report back on progress. He also noted that there is a Mile-a-minute task force in place for this field season.

Mehrhoff moved adjournment; Tom McGowan seconded. The meeting was adjourned at 3:18.



**Connecticut Invasive Plants Council  
June 12, 2007**

**MINUTES**

**Present:**

Chairperson Lou Magnarelli, Vice Chairperson Phil Prelli, Dave Goodwin, Paul Larson, Les Mehrhoff, Nancy Murray

**Absent:**

David Sutherland, Tom McGowen, Mary Musgrave

**Others Present:**

Donna Ellis, Karen Weeks

Chairperson Magnarelli called the meeting to order at 2:06 p.m.

Minutes were approved with minor changes/clarification. 1 abstained, the rest approved.

**Legislation**

Magnarelli reported that all new budget items were stripped out of the budget at the end of May in an attempt to reduce costs. Murray indicated that the invasive plant funding was now at the foot of the bill. Prelli indicated that the legislators proposed budget showed a 10.5% increase in spending and that negotiations between the Governor and legislator need to resolve differences. Larson recommended that we need someone to promote our bill. Prelli said subcommittee chairs need to support this funding. We can hope that our funding will be included in one of the implementer bills.

Magnarelli informed the Council that our bill continues to have good legislative support. Larson referred to the 2 year budget approval and Prelli said the second year funding is typically modified.

**Notification to Businesses**

Magnarelli informed committee that the Connecticut Agricultural Experiment Station took the initiative to send out invasive species information (existing legislation and the banned species list) to 500 businesses in Connecticut. This was in response to parrot feather being confirmed for sale at one location.

\*(Attach copy to minutes as members have requested receiving a copy)

**Enforcement of Current Laws**

Discussion ensued about enforcement authority. Magnarelli stated that police officers can enforce statutory laws and questioned authority of DEP Conservation Officers. Murray referred to Section 7 of Public Act 03-136 that was circulating at the meeting.

This document included language that would allow conservation officers to enforce the \$100 fine for transporting banned plants on boating trailers. [Murray looked into this matter after the meeting and found that the current CGS 26-6 does not include the addition of language citing this change. This matter needs clarification.]

Mehrhoff said the Committee needs to continue discussions on the cultivar issue and that unfortunately the St. Louis meeting scheduled to discuss the cultivar issue for this summer, 2007 was cancelled. Mehrhoff plans to draft definitions and criteria for the ad-hoc national steering committee to review. Mehrhoff then said that Brad Mitchell from MA contacted him to inform that a MA business was fined for selling an invasive species and that plants came from a Connecticut business. Reportedly, the Connecticut business was sent a cease and desist letter from State of MA.

### **Election of New Officers**

Magnarelli said he would be willing to serve as Chairperson until December 2007. Mehrhoff indicated that a nominating committee exists and this committee should make recommendations for chairperson and vice chair.

### **Next Council Meetings**

September 12, 2007 at 2PM at Windsor Office of Agricultural Experiment Station.  
October 9, 2007 at 2PM at Windsor Office of Agricultural Experiment Station.

### **Old / New Business**

Mehrhoff provided update on the Connecticut mile-a-minute Task Force activities that included 2007 pulling session in New Milford.

Ellis suggested that the CLNA workday might want to focus same effort on invasive plant control projects and requested that the CNLA list serve include notices of CIPWG needs for volunteers to assist with invasive plant control projects.

Magnarelli said the CAES was working with Candlewood Lake and Lake Zoar and planned to release milfoil beetles. CAES staff will be doing invasive aquatic plant identification workshop on June 23, 2007.

Magnarelli stated the statutory requirement for the annual update to the Connecticut invasive plant list. Mehrhoff volunteered to prepare updated list.

Murray said the CT Aquatic Nuisance Species Plan has been signed by Governor Rell and has also been approved by the ANS Task Force and notice of funding should arrive within the next month or so.

Meeting adjourned at 3:14 P.M.

**Connecticut Invasive Plants Council  
September 12, 2007**

**MINUTES**

**Present:**

Chairperson Lou Magnarelli, Vice Chairperson Phil Prelli, Ed Parker, Dave Goodwin, Paul Larson, Les Mehrhoff, Nancy Murray, David Sutherland, Tom McGowen, Donna Ellis

**Others Present:**

Karen Weeks

Chairperson Magnarelli called the meeting to order at 2:02 p.m.

Mehrhoff moved approval of the June minutes, Goodwin seconded. The minutes were approved with a minor clarification.

**Enforcement:** Magnarelli distributed a letter from the Agricultural Experiment Station to retail outlets and nurseries regarding our invasive plant laws.

**Annual Report:** Magnarelli reported that he is working on a draft of the 2007 Annual Report that he will bring to the October meeting.

**Cultivars:** Magnarelli noted that there is a lack of clarity regarding the status of cultivars in enforcing the ban on sale of certain species. He stated his intention to request that the Attorney General issue an opinion on this issue. He noted that the industry has been very cooperative to date regarding enforcement. Later in the meeting, this subject was discussed further, with Parker predicting that the AG would probably see this in a fairly black-and-white manner, that cultivars are not exempt from species bans. He suggested that Magnarelli approach the AG on behalf of CAES, not as Chair of the Council.

**Technical Changes to Statutes:** The group discussed the failure to pass the Council's recommendations regarding technical changes to the statutes, and agreed to try again to pass them next year. We will review the language at the next meeting.

**DEP Program:** Parker noted that the DEP has received approval from the US Fish and Wildlife Service for its Aquatic Nuisance Plan. They expect perhaps about \$60,000 in federal funds to become available in March or April for implementation of the plan.

The agency is developing an invasives program plan and trying to identify ways to combine some activities and focus on the most important initiatives. The invasives program will probably be assigned to either the Wildlife or Fisheries programs. Parker is uncertain exactly how the appropriated funds will be distributed and whether they will lapse at the end of the fiscal year. There was discussion regarding aquatic plants versus terrestrial plants as a priority for the agency.



**Report for Secretary of State:** Magnarelli reported that the Secretary of State's Office has requested information regarding the demographics of the Council. The group discussed whether agency officials, or their designees, should be counted in such information.

**Updates on Plant List:** Mehrhoff noted that the Council is required to update the list of invasive plants annually. He said there were about six species that he felt warranted a status change, and about seven others that he would like to discuss. He suggested that we should discuss a form for people to submit requests for status changes. This will be discussed at the October meeting.

**Nominating:** Sutherland and Larson agreed that they would contact Mary Musgrave to convene as the Nominating Committee to discuss nominations for new officers of the Council.

Sutherland left, and Mehrhoff recorded minutes for the rest of the meeting.

### **Old/New Business**

Commissioner Prelli raised the point that the group should acknowledge the work of many people who were instrumental in the passage of the funding that IPC requested. Further, he felt this was a real legal victory for the Council and that because of the momentum that now exists we should move towards getting the technical changes made this all work. He especially acknowledged Chairman Lou Magnarelli for all of his work on securing these funds from the legislature

Magnarelli offered the continued use of the conference room at the Valley Laboratory for our future meetings. The group all agreed parking was so much easier that we should continue, if possible to meet there. The following dates were offered for the next meeting  
All meetings will be held from 2 to 4.

Tuesday, 9 OCT 2007

Tuesday, 13 NOV 2007

Tuesday, 11 DEC 2007

Tuesday, 8 JAN 2008

\* Tuesday, 12 FEB 2008 is a state holiday so Lou M will look into room availability

On Wednesday, 13 FEB 2008

Tuesday, 11 MAR 2008

Magnarelli felt that we should have a meeting in April, acknowledging that as a bad time for the Green Industries. He will look into the availability of the room for possibly 8 APR 2008 and report back. Nancy Murray apologized for last year's confusion around call-ins for the meeting and hopes to have this up and working, possibly for the April meeting

Ed Parker moved the meeting be adjourned at 3:45 PM. Unanimously passed.

**Connecticut Invasive Plants Council**  
**October 9, 2007**

**Minutes**

**Present:**

Members: Dave Goodwin, Nancy Murray (representing Ed Parker), Mary Musgrave; Paul Larson, Les Mehrhoff, Lou Magnarelli, David Sutherland, Phil Prelli

Others: Donna Ellis, Karen Weeks

Lou Magnarelli called the meeting to order at 2:01 pm.

**Minutes** – Sutherland moved approval of the April minutes, which never were approved; Prelli seconded. They were approved. Goodwin moved approval of the September minutes, Larson seconded; they were approved as drafted.

**Public Inquiry** – Magnarelli distributed a letter from Sal Gilbertie who owns an herb garden and who is concerned about some of the plants that are banned for sale. Magnarelli has invited him to our November meeting.

**Annual Report** – Magnarelli distributed components of the draft Annual Report, a list of members, and the draft letter to the Chairs of the General Assembly's Environment Committee. He would like to have the report approved at the November meeting. He urged members to email him with any suggestions for edits.

The group agreed that it would vote on whether to change the status of Porcelain berry from "potentially invasive" to "invasive" and whether to recommend that it be banned for sale.

Prelli suggested that in the Annual Report and elsewhere we refer to the relevant statutes instead of the Public Act numbers when referencing the invasive plant laws.

Updated Lists of Plants – Mehrhoff said that he would send out a list of possible changes to the List of Invasive and Potentially Invasive Plants for consideration at the November meeting.

**Legislative Proposals** – Sutherland asked whether the council felt that the phrase "with an effective date prior to \_\_\_\_" is necessary in Section 1 (d) of the legislative language, which reads:

[(c)] (d) From [June 26, 2003] July 1<sup>st</sup>, 2008, until October 1, 20[05] 13, no municipality shall adopt any ordinance **with an effective date prior to October 1, 2011**, regarding the retail sale or purchase of any invasive plant.

Most members felt that it is unnecessary. Sutherland said that he would try to determine the origin of that phrase.

**Nominations Committee** – Sutherland reported that the Nominating Committee is discussing candidates and intends to email the council with nominee name(s) at least a week before the November meeting so that a vote can be taken at that meeting, with the new Chair taking office in January.

Mehrhoff suggested that we set term limits for the Chair and rotate it. Prelli noted that under our enabling statute we probably can't formally establish term limits but that we could informally make an agreement.

Prelli suggested that we need to have a clear sense of DEP's commitment since it is the agency most affected by the council's work. Mehrhoff suggested that Murray be DEP's official designee.

Musgrave suggested that we invite the DEP Commissioner to a meeting to update her on the council's activities. Murray and Parker will talk with McCarthy about inviting her.

**DEP Position** - Murray reported that they are crafting the job description, hopes to distribute it before our next meeting. DEP is seeing the IPC as being an advisory group for the position. Nancy noted that one charge for this person will be to assess what other groups and agencies are doing.

**Other Business** – Magnarelli announced that he has sent a letter to the Attorney General on behalf of the CAES requesting an opinion regarding the cultivar issue as it relates to enforcement of plant sale bans.

Ellis suggested that the CNLA Work Day might want to focus same effort on invasive plant control projects and requested that the CNLA list serve include notices of CIPWG needs for volunteers to assist with invasive plant control projects

Mehrhoff noted that the recent CNLA trade nursery newsletter quoted or referred to him as saying that he was proposing that Silver banner grass be banned. He wants to clarify that that was not his suggestion – he is not even sure it should be on the invasive list. He wants to learn more. Larson reported that the association has heard back from two nurseries which do raise and sell it.

Prelli suggested that the job description for the Coordinator position include specified interactions with the Dept of Ag and the CAES.

Mehrhoff stressed that we should keep a distinction between early detection and rapid response.

Larson and CNLA have discussed a new version of the educational poster on banned plants and they would like to help produce a better, color, poster with larger pictures.

Magnarelli reported that the CAES held a workshop for property owners in Voluntown last week to educate them on invasive plant identification. They have a staff person available to do more workshops.

Magnarelli passed around a report from the USDA regarding invasive plant management.

Mehrhoff moved adjournment; Prelli seconded. The meeting was adjourned at 3:35.

The next meeting is scheduled for November 13<sup>th</sup> at 2:00 at the CAES lab in Windsor.

**Connecticut Invasive Plants Council  
November 13, 2007**

**MINUTES**

**Present:**

Chairperson Lou Magnarelli, Melanie Atwater (for Vice Chairperson Phil Prelli), Nancy Murray (for Ed Parker), Dave Goodwin, Paul Larson, Les Mehrhoff, David Sutherland,

**Others Present:**

Karen Weeks, Donna Ellis, Carrie Rand, Sal Gilbertie, Bob Heffernan

Chairperson Magnarelli called the meeting to order at 2:05 p.m.

**October Minutes** - Goodwin moved acceptance, Musgrave seconded. The minutes were approved as drafted.

**Annual Report** - Magnarelli distributed a draft that reflects suggestions from the October meeting and other changes from the first draft that he explained. Musgrave moved provisional approval of the cover letter and the entire report, pending Magnarelli's presentation at the December meeting of a booklet containing the cover letter and minutes and suggested legislative proposals. Larson seconded. The group approved.

**Nominations** - Sutherland reported that based on its discussions, and in accordance with an email it distributed in October, the Nominating Committee was nominating Mary Musgrave as Chair and Phil Prelli as Vice Chair. Sutherland moved election of the slate, Larson seconded. The slate was approved

**Discussion with Sal Gilbertie** - Gilbertie owns an herbal nursery. He explained his and his family's history in the industry and his focus on herbs. He explained that about 420 varieties of herbs are grown for the wholesale market, about 85% for cooking purposes, only 5% for medicinal uses. He distributed a packet of information on the medicinal properties of various plants that are on the Council's list of Invasive Plants. He gave examples of plants that he feels do not spread or that have been controlled by natural means. He explained that confusion concerning common and scientific names is causing some in the industry to avoid even plants that are not invasive. He expressed concern that the banning of plants is one more factor that could drive certain nurseries out of business.

Various council members discussed points that Gilbertie made.

**Updated Lists of Invasive and Potentially Invasive Plants** - Mehrhoff distributed a draft list of five plants he would propose moving from "Potentially Invasive" to "Invasive" and seven species he would recommend adding to the list as "Potentially Invasive".

**Porcelainberry** - The group decided to focus on Porcelainberry at this meeting. Magnarelli asked the industry how important the species is commercially. Larson and Heffernan both said that it is not critical economically. Larson moved that the status of Porcelainberry be changed to "Invasive". The council approved the status change. Murray moved that the council recommend that Porcelainberry be banned, Mehrhoff seconded. Goodwin voiced opposition to banning additional plants until the council could see what benefits could be realized by expenditure of the funds that the legislature appropriated on education and other strategies. Mehrhoff maintained that banning would be an important strategy for Porcelainberry along with other control efforts. Musgrave suggested that we seek public opinion before recommending banning additional plants; Magnarelli agreed with this approach. The council voted 6 – 2 against the motion.

It was agreed that the various members of the council would publicize that Porcelainberry is being considered for banning, and to request that comments be sent to Magnarelli by the end of December.

**Legislative Proposals** – The group discussed the legislative proposals and confirmed that under Technical Changes, Section 1 (d), the "Pre-emption" section, the phrase "with an effective date prior to October 1<sup>st</sup>, 2011" is unnecessary, and that the date 2012 should be changed to 2013. The language for that section will be under a section that begins:

Sec. 3. Section 22a-381d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2008*):

And will be proposed as follows:

[(c)] (d) From [June 26, 2003] July 1<sup>st</sup>, 2008, until October 1, 20[05] 13, no municipality shall adopt any ordinance regarding the retail sale or purchase of any invasive plant.

DEP is reviewing portions of the proposed language relating to enforcement.

**Status of DEP Plants Coordinator Position** – Murray distributed a draft job description for the Position and summarized progress on the draft Invasive Plant Program Work Plan.

**Other Old or New Business-** Magnarelli noted that the meeting site at the Valley Laboratory in Windsor is reserved for the next few months. It would be advantageous to meet at the DEP during the active part of the legislative session—we will make the decision in January.

Next Meeting: December 11, 2007 at the Valley Laboratory in Windsor (2PM).





## *The Connecticut Agricultural Experiment Station*

123 HUNTINGTON STREET BOX 1106 NEW, HAVEN CONNECTICUT 06504

*Founded 1875*

*Putting science to work for society*

May 2007

### **Concerning the Connecticut Invasive Plants Law:**

The State of Connecticut has one of the most comprehensive laws concerning movement, sales, and propagation of plants that are considered invasive. Currently 100 plants are prohibited from commerce in this state. The penalty for sale, movement, and/or propagation of any of these plants is \$100 per plant. Enclosed are copies of the laws concerning banned plants, and a simplified list of the plants in question.

We will appreciate your cooperation in not selling or propagating these plants. Please share this information with your retail outlets. If you have any questions, please feel free to contact me. Thank you.

Sincerely,

*Victoria Lynn Smith*

Victoria Lynn Smith  
Deputy State Entomologist  
Phone 203-974-8474  
Victoria.Smith@po.state.ct.us

VLS/vls  
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Substitute Senate Bill No. 547

Public Act No. 04-203

AN ACT CONCERNING FINES FOR BANNED INVASIVE PLANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (e) of section 2 of public act 03-136 is repealed and the following is substituted in lieu thereof (Effective from passage):

(e) The council shall report, in accordance with section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on or before February 1, [2004] 2005, and on January first annually thereafter, concerning the council's accomplishments of the past year and recommendations for the upcoming year, including, but not limited to, recommendations to prohibit the import or export, retail sale or wholesale and purchase of any invasive or potentially invasive plant listed pursuant to section 22a-381b. In reporting recommendations to prohibit the import or export, retail sale or wholesale and purchase of any invasive or potentially invasive plant, the council shall also submit the names of any plant considered for such recommendation, information relating to any findings made pursuant to subsection (b) of this section and the vote of each council member on such recommendation.

Sec. 2. Section 8 of public act 03-136 is repealed and the following is substituted in lieu thereof (Effective October 1, 2004):

(a) Notwithstanding the provisions of any ordinance adopted by a municipality, no person shall import, move, sell, purchase, [possess,] transplant, cultivate or distribute any of the following invasive plants: (1) Curly leaved Pondweed (*Potamogeton crispus*); (2) fanwort (*Cabomba caroliniana*); (3) eurasian water milfoil (*Myriophyllum spicatum*); (4) variable water milfoil (*Myriophyllum heterophyllum*); (5) water chestnut (*Trapa natans*); (6) egeria (*Egeria densa*); [and] (7) hydrilla (*Hydrilla verticillata*); [. Any person who violates the provisions of this subsection shall be fined not more than one hundred dollars. ] (8) common barberry (*Berberis vulgaris*); (9) autumn olive (*Elaeagnus umbellata*); (10) Bell's honeysuckle (*Lonicera xbella*); (11) amur honeysuckle (*Lonicera maackii*); (12) Morrow's honeysuckle (*Lonicera morrowii*); (13) common buckthorn (*Rhamnus cathartica*); (14) multiflora rose (*Rosa multiflora*); (15) Oriental bittersweet (*Celastrus orbiculatus*); (16) garlic mustard (*Alliaria petiolata*); (17) narrowleaf bittercress (*Cardamine impatiens*); (18) spotted knapweed (*Centaurea biebersteinii*); (19) black swallow-wort (*Cynanchum louiseae*); (20) pale swallow-wort (*Cynanchum rossicum*); (21) leafy spurge (*Euphorbia esula*); (22) Dame's rocket (*Hesperis matronalis*); (23) perennial pepperweed (*Lepidium latifolium*); (24) Japanese knotweed (*Polygonum cuspidatum*); (25) mile-a-minute vine (*Polygonum perfoliatum*); (26) fig

buttercup (*Ranunculus ficaria*); (27) coltsfoot (*Tussilago farfara*); (28) Japanese stilt grass (*Microstegium vimineum*); (29) common reed (*Phragmites australis*); (30) sycamore maple (*Acer pseudoplatanus*); (31) princess tree (*Paulownia tomentosa*); (32) white poplar (*Populus alba*); (33) false indigo (*Amorpha fruticosa*); (34) Russian olive (*Eleagnus angustifolia*); (35) wineberry (*Rubus phoenicolasius*); (36) kudzu (*Pueraria montana*); (37) Canada thistle (*Cirsium arvense*); (38) jimsonweed (*Datura stramonium*); (39) crested late-summer mint (*Elsholtzia ciliata*); (40) Cypress spurge (*Euphorbia cyparissias*); (41) slender snake cotton (*Froelichia gracilis*); (42) ground ivy (*Glechoma hederacea*); (43) giant hogweed (*Heracleum mantegazzianum*); (44) Japanese hops (*Humulus japonicus*); (45) ornamental jewelweed (*Impatiens glanulifera*); (46) common kochia (*Kochia scoparia*); (47) ragged robin (*Lychnis flos-cuculi*); (48) Scotch thistle (*Onopordum acanthium*); (49) bristle knotweed (*Polygonum caespitosum*); (50) giant knotweed (*Polygonum sachalinense*); (51) sheep sorrel (*Rumex acetosella*); (52) ragwort (*Senecio jacobaea*); (53) cup plant (*Silphium perfoliatum*); (54) bitter-sweet nightshade (*Solanum dulcamara*); (55) garden heliotrope (*Valeriana officinalis*); (56) hairy jointgrass (*Arthraxon hispidus*); (57) drooping brome-grass (*Bromus tectorum*); (58) Japanese sedge (*Carex kobomugi*); (59) reed managrass (*Glyceria maxima*); (60) Canada bluegrass (*Poa compressa*); and (61) tree of heaven (*Ailanthus altissima*).

(b) Notwithstanding the provisions of any ordinance adopted by a municipality, on or after October 1, 2005, no person shall import, move, sell, purchase, transplant, cultivate or distribute any of the following invasive plants: (1) Purple loosestrife (*Lythrum salicaria*); (2) forget-me-not (*Myosotis scorpioides*); (3) Japanese honeysuckle (*Lonicera japonica*); (4) goutweed (*Aegopodium podagraia*); (5) flowering rush (*Butomus umbellatus*); (6) pond water-starwort (*Callitriche stagnalis*); (7) European waterclover (*Marsilea quadrifolia*); (8) parrotfeather (*Myriophyllum aquaticum*); (9) brittle water-nymph (*Najas minor*); (10) American water lotus (*Nelumbo lutea*); (11) yellow floating heart (*Nymphoides peltata*); (12) onerow yellowcress (*Rorippa microphylla*); (13) watercress (*Rorippa nasturtium-aquaticum*), except for watercress sold for human consumption without its reproductive structure; (14) giant salvinia (*Salvinia molesta*); (15) yellow iris (*Iris pseudacorus*); (16) water lettuce (*Pistia stratiotes*); (17) border privet (*Ligustrum obtusifolium*); (18) tatarian honeysuckle (*Lonicera tatarica*); (19) dwarf honeysuckle (*Lonicera xylosteum*); and (20) garden looserstrife (*Lysimachia vulgaris*).

[(b)] (c) From June 26, 2003, until [May 5, 2004] October 1, 2005, no municipality shall adopt any ordinance regarding the retail sale or purchase of any invasive plant.

(d) Any person who violates the provisions of this section shall be fined not more than one hundred dollars per plant.

Approved June 3, 2004

Substitute Senate Bill No. 1046

Public Act No. 03-136

AN ACT CONCERNING INVASIVE PLANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective from passage) (a) There shall be an Invasive Plants Council which shall consist of the following members: (1) The Commissioner of Agriculture, or the commissioner's designee; (2) the Commissioner of Environmental Protection, or the commissioner's designee; (3) the director of the Connecticut Agricultural Experiment Station, or the director's designee; (4) the dean of the College of Agriculture and Natural Resources at The University of Connecticut, or the dean's designee; (5) a representative of Invasive Plant Atlas of New England appointed by the minority leader of the Senate; (6) one representative of a nonprofit environment association with a demonstrated knowledge of invasive plants appointed by the speaker of the House of Representatives; (7) one representative of a nonprofit association concerned with growers and retailers of plants and flowers appointed by the president pro tempore of the Senate; (8) one representative of a nonprofit association concerned with oceans, lakes and rivers appointed by the Governor; and (9) one representative from a company that grows or sells flowers and plants appointed by the minority leader of the House of Representatives.

(b) The council shall annually elect a chairperson from among its members who shall convene and preside over the council meetings. Such meetings shall be held at least twice per year. The council may create work groups as necessary.

Sec. 2. (NEW) (Effective from passage) (a) The Invasive Plants Council shall: (1) Develop and conduct a program to educate the general public and merchants and consumers of aquatic and land-based plants as to the problems associated with invasive plants; (2) make recommendations to control and abate the spread of invasive plants; (3) make available information regarding invasive plants available to any person or group who requests such information; (4) annually publish and periodically update a list of plants considered to be invasive or potentially invasive; and (5) support those state agencies charged with protecting the environment in conducting research into the control of invasive plants, including, but not limited to, the development of new varieties of plant species that do not harm the environment and methods of eradicating and managing existing species of invasive plants.

(b) The council may, with a two-thirds vote of its membership, make a recommendation to the joint standing committee of the General Assembly having cognizance of matters relating to the environment that the import or export, retail sale or wholesale and purchase of any plant listed as an invasive plant or a potentially invasive plant pursuant to section 3 of this act be prohibited. In considering whether to make such recommendation, the council may consider: (1) The estimated dollar value of sales of said plant in the state; (2) the estimated costs associated with eradication of the plant in the state; (3) the potential effect of the plant on the environmental resources of the

state or a region within the state; and (4) the estimated effect on property values in the state or a region of the state where said plant may propagate.

(c) The council may conduct or recommend research on the problem of invasive plants.

(d) The council may use such funds as may be available from federal, state or other sources and may enter into contracts to carry out the purposes of this section.

(e) The council shall report, in accordance with section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on or before February 1, 2004, and on January first annually thereafter, concerning the council's accomplishments of the past year and recommendations for the upcoming year, including, but not limited to, recommendations to prohibit the import or export, retail sale or wholesale and purchase of any invasive or potentially invasive plant listed pursuant to section 3 of this act. In reporting recommendations to prohibit the import or export, retail sale or wholesale and purchase of any invasive or potentially invasive plant, the council shall also submit the names of any plant considered for such recommendation, information relating to any findings made pursuant to subsection (b) of this section and the vote of each council member on such recommendation.

Sec. 3. (NEW) (Effective from passage) (a) In publishing and updating the list of invasive plants required under section 2 of this act, the Invasive Plants Council shall determine that a plant possesses the following characteristics before it is included on such list: (1) Is nonindigenous to the state; (2) is naturalized or has the potential to become naturalized or occurring without the aid and benefit of cultivation in an area where the plant is nonindigenous; (3) under average conditions, the plant has the biological potential for rapid and widespread dispersion and establishment in the state or region within the state; (4) under average conditions, the plant has the biological potential for excessive dispersion over habitats of varying sizes that are similar or dissimilar to the site of the plant's introduction into the state; (5) under average conditions, the plant has the biological potential for existing in high numbers outside of habitats that are intensely managed; (6) occurs widely in a region of the state or a particular habitat within the state; (7) the plant has numerous individuals within many populations; (8) is able to out-compete other species in the same natural plant community; and (9) has the potential for rapid growth, high seed production and dissemination and establishment in natural plant communities.

(b) In publishing and updating the list of potentially invasive plants required under section 2 of this act, before including a plant on such list the Invasive Plants Council shall determine that a plant: (1) Possesses each of the characteristics set forth in subdivisions (1) to (5), inclusive, of subsection (a) of this section; and (2) possesses at least one of the characteristics set forth in subdivisions (6) to (9), inclusive, of subsection (a) of this section.

(c) Upon a finding that a plant meets the criteria for listing as an invasive plant under subsection (a) of this section, or as a potentially invasive plant under subsection (b) of this section, prior to listing such plant as invasive or potentially invasive, as applicable, the majority of the council's membership shall approve of such listing. On the request of two or more members of the council, the council shall hold a meeting, open to the public, not later than thirty days prior to the

publication of the initial invasive plant list or the addition of any plant to the invasive plant list, as applicable.

(d) In listing a plant as invasive or potentially invasive, the council may make recommendations on how to discourage the sale and import of such plants in the state and identify alternative plants to the listed plant for growing purposes.

Sec. 4. (NEW) (Effective from passage) No state agency, department or institution shall purchase any plant listed as invasive or potentially invasive pursuant to section 3 of this act, provided nothing in this section shall be construed to prohibit such purchase if such purchase is necessary to honor a state contract in effect as of the date any such plant is listed as invasive or potentially invasive pursuant to section 3 of this act. Nothing in this section shall be construed to prohibit any state agency, department or institution from transporting any invasive or potentially invasive plant for educational or research purposes.

Sec. 5. Section 15-140e of the general statutes is amended by adding subsection (f) as follows (Effective from passage):

(NEW) (f) Any course in safe boating operation approved by the Commissioner of Environmental Protection, as described in subsection (b) of this section, shall include instruction on the proper means of: (1) Inspecting a vessel and trailers used for transporting such vessels for the presence of vegetation; and (2) properly disposing of such vegetation.

Sec. 6. (NEW) (Effective from passage) (a) No person shall transport a vessel, as defined in section 15-127 of the general statutes, or any trailer used to transport such vessel, in the state without first inspecting such vessel for the presence of vegetation and properly removing and disposing of any such vegetation from such vessel or trailer.

(b) Any person who violates the provisions of this section shall be fined not more than one hundred dollars for each such violation.

Sec. 7. Subsection (a) of section 26-6 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Conservation officers, special conservation officers and patrolmen appointed by the commissioner under authority of section 26-5, shall enforce the provisions of title 23 and this title and chapters 246, 247, 248, 255 and 268 and regulations adopted pursuant to such titles and chapters and sections 26-192c to 26-192h, inclusive, 22a-250, 29-28, 29-35, 29-38, 53-134, 53-190, 53-191, 53-194, 53-203, 53-204, 53-205, 53a-59 to 53a-64, inclusive, 53a-100 to 53a-117, inclusive, subsection (b) of section 53a-119b, 53a-122 to 53a-125, inclusive, 53a-130, 53a-133 to 53a-136, inclusive, 53a-147 to 53a-149, inclusive, 53a-157b, 53a-165 to 53a-167c, inclusive, 53a-171, 53a-181 to 53a-183a, inclusive, 54-33d, [and] 54-33e and section 6 of this act.

Sec. 8. (NEW) (Effective from passage) (a) Notwithstanding the provisions of any ordinance adopted by a municipality, no person shall import, move, sell, purchase, possess, cultivate or distribute any of the following invasive plants: (1) Curly leaved Pondweed (Potamogeton



crispus); (2) fanwort (*Cabomba caroliniana*); (3) eurasian water milfoil (*Myriophyllum spicatum*); (4) variable water milfoil (*Myriophyllum heterophyllum*); (5) water chestnut (*Trapa natans*); (6) egeria (*Egeria densa*); and (7) hydrilla (*Hydrilla verticillata*). Any person who violates the provisions of this subsection shall be fined not more than one hundred dollars.

(b) From the effective date of this section until May 5, 2004, no municipality shall adopt any ordinance regarding the retail sale or purchase of any invasive plant.

Sec. 9. Subsection (b) of section 51-164n of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(b) Notwithstanding any provision of the general statutes, [to the contrary,] any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247, 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b, 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a, 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a, 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b, 14-67a, subsection (f) of section 14-80h, section 14-97a, section 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153, 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 specified in subsection (e) of said section, section 14-240, 14-249, 14-250, subsection (a), (b) or (c) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278, 14-279, subsection (e) of section 14-283, section 14-291, 14-293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330, 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256, 16-256e, 16a-15, 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137, 17b-407, 17b-451, 17b-734, subsection (b) of section 17b-736, 19a-30, 19a-33, 19a-39, 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265, 20-324e, subsection (a) of section 20-341, section 20-341i, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26, 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63, 21a-77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326, 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a, 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-449, 22a-461, 23-37, 23-38, 23-46, 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-161a, 29-161b, 29-198, 29-210, 29-243,

29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a, 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b, 31-134, subsection (g) of section 31-273, section 31-288, 36a-787, 42-230, 45a-450, 45a-634, 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, subsection (a) or (b) of section 53-211, section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344, [or] 53-450 or subsection (a) of section 8 of this act, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, shall follow the procedures set forth in this section.

Approved June 26, 2003

*Prohibited Plant List:* As of October 1, 2004, Connecticut state law (Public Act # 04-203) prohibits anyone from importing, moving, selling, buying, cultivating, distributing, or transplanting 61 species of invasive plants, regardless of any municipal ordinance to the contrary. The 61 banned plants are as follows:

Curly leaved pondweed.....	<i>Potamogeton crispus</i>
Fanwort.....	<i>Cabomba caroliniana</i>
Eurasian water milfoil.....	<i>Myriophyllum spicatum</i>
Variable water milfoil.....	<i>Myriophyllum heterophyllum</i>
Water chestnut.....	<i>Trapa natans</i>
Egeria.....	<i>Egeria densa</i>
Hydrilla.....	<i>Hydrilla verticillata</i>
Common barberry.....	<i>Berberis vulgaris</i>
Autumn olive.....	<i>Elaeagnus umbellata</i>
Bell's honeysuckle.....	<i>Lonicera X bella</i>
Amur honeysuckle.....	<i>Lonicera maackii</i>
Morrow's honeysuckle.....	<i>Lonicera morrowii</i>
Common buckthorn.....	<i>Rhamnus cathartica</i>
Multiflora rose.....	<i>Rosa multiflora</i>
Oriental bittersweet.....	<i>Celastrus orbiculatus</i>
Garlic mustard.....	<i>Alliaria petiolata</i>
Narrowleaf bittercress.....	<i>Cardamine impatiens</i>
Spotted knapweed.....	<i>Centaurea biebersteinii</i>
Black swallow-wort.....	<i>Cynanchum louiseae</i>
Pale swallow-wort.....	<i>Cynanchum rossicum</i>
Leafy spurge.....	<i>Euphorbia esula</i>
Dame's rocket.....	<i>Hesperis matronalis</i>
Perennial pepperweed.....	<i>Lepidium latifolium</i>
Japanese knotweed.....	<i>Polygonum cuspidatum</i>
Mile-a-minute vine.....	<i>Polygonum perfoliatum</i>
Fig buttercup.....	<i>Ranunculus ficaria</i>
Coltsfoot.....	<i>Tussilago farfara</i>
Japanese stilt grass.....	<i>Microstegium vimineum</i>
Common reed.....	<i>Phragmites australis</i>
Sycamore maple.....	<i>Acer pseudoplatanus</i>
Princess tree.....	<i>Paulownia tomentosa</i>
White poplar.....	<i>Populus alba</i>
False indigo.....	<i>Amorpha fruticosa</i>
Russian olive.....	<i>Eleagnus angustifolia</i>
Wineberry.....	<i>Rubus phoenicolasius</i>
Kudzu.....	<i>Pueraria montana</i>
Canada thistle.....	<i>Cirsium arvense</i>
Jimsonweed.....	<i>Datura stramonium</i>
Crested late-summer mint.....	<i>Elsholtzia ciliata</i>
Cypress spurge.....	<i>Euphorbia cyparissias</i>
Slender snake cotton.....	<i>Froelichia gracilis</i>
Ground ivy.....	<i>Glechoma hederacea</i>
Giant hogweed.....	<i>Heracleum mantegazzianum</i>
Japanese hops.....	<i>Humulus japonicus</i>
Ornamental jewelweed.....	<i>Impatiens granulifera</i>



Common kochia.....	<i>Kochia scoparia</i>
Ragged robin.....	<i>Lychnis flos-cuculi</i>
Scotch thistle.....	<i>Onopordum acanthium</i>
Bristle knotweed.....	<i>Polygonum caespitosum</i>
Giant knotweed.....	<i>Polygonum sachelinense</i>
Sheep sorrel.....	<i>Rumex acetosella</i>
Ragwort.....	<i>Senecio jacobaea</i>
Cup plant.....	<i>Silphium perfoliatum</i>
Bittersweet nightshade.....	<i>Solanum dulcamara</i>
Garden heliotrope.....	<i>Valeriana officinalis</i>
Hairy jointgrass.....	<i>Anthraxon hispidus</i>
Drooping brome-grass.....	<i>Bromus tectorum</i>
Japanese sedge.....	<i>Carex kobomugi</i>
Reed managrass.....	<i>Glyceria maxima</i>
Canada bluegrass.....	<i>Poa compressa</i>
Tree of heaven.....	<i>Ailanthus altissima</i>

As of October 1, 2005, Connecticut state law (Public Act # 04-203) prohibits anyone from importing, moving, selling, buying, cultivating, distributing, or transplanting an additional 20 species of invasive plants, regardless of any municipal ordinance to the contrary. The additional 20 banned plants are as follows:

Purple loosestrife.....	<i>Lythrum salicaria</i>
Forget-me-not.....	<i>Myosotis scorpiodes</i>
Japanese honeysuckle.....	<i>Lonicera japonica</i>
Goutweed.....	<i>Aegopodium podagraia</i>
Flowering rush.....	<i>Butomus umbellatus</i>
Pond water-starwort.....	<i>Callitriche stagnalis</i>
European waterclover.....	<i>Marsilea quadrifolia</i>
Parrotfeather.....	<i>Myriophyllum aquaticum</i>
Brittle water-nymph.....	<i>Najas minor</i>
American water lotus.....	<i>Nelumbo lutea</i>
Yellow floating heart.....	<i>Nymphoides peltata</i>
Onerow yellowcress.....	<i>Rorippa microphylla</i>
Watercress*.....	<i>Rorippa nasturtium-aquaticum</i>
*except for watercress sold for human consumption without its reproductive structure	
Giant salvinia.....	<i>Salvinia molesta</i>
Yellow iris.....	<i>Iris pseudacorus</i>
Water lettuce.....	<i>Pistia stratiotes</i>
Border privet.....	<i>Ligustrum obtusifolium</i>
Tatarian honeysuckle.....	<i>Lonicera tatarica</i>
Dwarf honeysuckle.....	<i>Lonicera xylosteum</i>
Garden loosestrife.....	<i>Lysimachia vulgaris</i>