

# Frequently Asked Questions about the new Connecticut bamboo law (*Public Act 13-82*)

DEEP and the UConn Department of Plant Science and Landscape Architecture, Oct. 2013

## Effective dates and species covered:

**Q:** When was the law effective?

**A:** Public Act 13-82 was effective from passage (June 5, 2013). Some sections had later effective dates: DEEP enforcement authority for subsections (c) and (d) became effective October 1, 2013. Other enforcement authorities for subsections (c) and (d) were effective from passage, in accordance with town ordinances.

**Q:** Which bamboo species are covered by the law?

**A:** Only species in the genus *Phyllostachys* (a genus of running bamboo species) are covered. No other bamboos, running or otherwise, are covered by the law. Genera that are not covered include *Fargesia*, *Pseudosasa* and *Pleioblastus*.

**Q:** How can *Phyllostachys* be identified?

**A:** Please see the DEEP and UConn “Quick Guide to the Identification of *Phyllostachys*” for more information about the appropriate identification of covered species. This document is available online at [www.cipwg.uconn.edu/bamboo](http://www.cipwg.uconn.edu/bamboo).

## Liability questions:

**Q:** If my neighbor planted bamboo before the October 1, 2013 deadline, but it didn't spread onto my property until after October 1, are they liable?

**A:** Although the law explicitly assigns liability for events beginning October 1, 2013, it does not limit or preclude assignment of liability for earlier events during civil proceedings so you could still take civil action to address events (growth onto your property) prior to October 1. Should you feel the need you should consult a qualified attorney on how to proceed (and be able to provide sufficient documentation). After October 1, the new law explicitly states that a person who allows running bamboo to grow beyond the boundaries of his or her property is liable for any damages caused by the bamboo.

**Q:** Is the landowner with the bamboo legally required to either install containment or alternately remove the bamboo if it was planted before October 1, 2013?

**A:** No. The provisions of the new law that require some type of proper containment for plantings of running bamboo (*Phyllostachys* spp.) apply only to plantings that occurred on or after October 1, 2013. Beginning on October 1, 2013, should the bamboo grow onto your property, your neighbor would be explicitly liable for any damages the bamboo causes to your property plus removal costs. This would need to be settled through civil action. Note that the explicitly assigned liability only applies to growth across the boundary that occurs on or after October 1, 2013. Although the law explicitly assigns

liability for events beginning October 1, 2013, it does not limit or preclude assignment of liability for earlier events during civil proceedings.

## **Planting, biology and containment questions:**

**Q:** Is possession of *Phyllostachys* running bamboo illegal?

**A:** No.

**Q:** Are any *Phyllostachys* bamboos considered invasive species in Connecticut?

**A:** Not at this time. In Connecticut, plants must meet specific scientific criteria in order to be considered invasive. The Invasive Plants Council has reviewed bamboo on at least two occasions and has determined that, while bamboo does cause problems in gardens, yards, and for homeowners, it does not have the same characteristics as an invasive plant. See the [IPC testimony](#) on this issue for additional information.

**Q:** Must containment or removal be accomplished on or before Oct. 1, 2013?

**A:** If the bamboo that you are concerned about was planted prior to October 1, 2013, no employment of a containment barrier is required. However, there could still be liability relating to spread across property lines **before** or after Oct. 1.

## **Sales issues:**

**Q:** Don't retailers have to label *Phyllostachys* plants?

**A:** The law requires that customers who purchase a *Phyllostachys* bamboo plant be provided with a statement about bamboo (see above subsection d of the law for further details), but does not specify "labels" as such. Information in the form of a fact sheet could instead be distributed at the time of purchase. For more information about the information requirement, please see the containment and labeling document from CNLA and DEEP available at [www.cipwg.uconn.edu/bamboo](http://www.cipwg.uconn.edu/bamboo).

## **Enforcement:**

**Q:** Who serves the role of as the enforcement officer for Act 13-82?

**A:** Below is the relevant text from Public Act 13-82 pertaining to enforcement (subsection [e] of the new law):

(e) The Department of Energy and Environmental Protection, any duly authorized municipal constable, municipal tree warden, zoning enforcement officer or inland wetlands and watercourses enforcement officer may enforce the provisions of subsections (c) and (d) of this section.

Note that for purposes of issuing tickets for violations, in most cases, only DEEP Environmental Conservation Police (effective Oct. 1, 2013) and municipal constables currently have authority to write out tickets for infractions and violations. To report sales of bamboo without the legally required notice, please contact DEEP at 860-424-3852 (bamboo calls only; general DEEP number is 860-424-3000).

## **Neighbor and spread issues:**

**Q:** My neighbor planted bamboo several years ago. It spread to my property a few years after and I have been fighting it ever since. If I remove all the bamboo on my property before Oct. 1, and after Oct. 1, the bamboo crosses the property line again, are they liable for the new spread?

**A:** Subsection (b) explicitly assigns liability for spread across boundaries after a specified date. Any damage (or removal costs) have been, and will continue to be a civil matter, so all documentations should be upon advice of a qualified attorney. Again, nothing in this law limits the assignment of liability during civil proceedings for events occurring prior to October 1, 2013.

**Q:** The neighbor to my west planted bamboo and it moved onto my property. I don't mind it, but my neighbor to my east does. If the bamboo spreads further onto that east neighbor's property, could I be liable for allowing it to spread?

**A:** If you did not plant the bamboo or allow it to be planted you may not meet the law's provisions for assignment of liability. Again, nothing in this law limits the assignment of liability during civil proceedings for events occurring prior to October 1, 2013 or for situations not addressed by this law.

