DRAFT

Minutes – Invasive Plants Council
Wednesday, February 19, 2025, 2-4 pm

Attendees: Victoria Wallace (UConn), Connie Trolle (Bantam Lake Protection Association) Jatinder Aulakh (CAES), Bill Moorehead (CT DEEP), Bryan Connolly (IPANE), Dustyn Nelson (CNLA)

Absent: Darryl Newman (Planter's Choice Nursery, LLC), Simon Levesque (Dept. of Ag), Denise Savageau (Environmental Planner/non-profit environment association)
Non-voting attendees: Lauren Kurtz (Invasive Species Outreach Specialist - UConn), Alyssa Siegel-Miles (Program Assistant - UConn), Savannah Gupton (Yale Applied Science), Devin Savoy, Barbara Thomas

A. Call to order. Victoria Wallace called the meeting to order at 2:02 p.m.

B. Approval of Minutes: **October 16, 2024**
October 16, 2024, D. Nelson calls motion, B. Moorehead seconds; Motion passes

C. Updates from Council members

D. Nelson: The CT Nursery and Landscape Association (CNLA) summer meeting, at which Lauren and I were supposed to present and have a discussion about invasive plants, was cancelled. We spoke at the Winter Symposium on January 22, 2025 instead. We had good attendance, and some members of the audience approached us afterwards to express interest in helping out with the invasive plant cause. I have been communicating with the legislature and testified at the hearing on the invasive plant bill. Recently, a legislator reached out to me and asked about the invasive status of *Hedera helix*.

C. Trolle: In Bantam Lake the major problem we are dealing with is blue green algae, cyanobacteria. Bantam Lake Protective Association tried a treatment this year, hydrogen peroxide was applied at the beginning of May to treat cyanobacteria. In all the studying that we did, we didn't find much difference from year to year. It cost us $150,000, and it lasted for only a couple of months; it didn't last for the 3 years that we had anticipated.

Our studies showed that although the treatment initially showed the lake to be much clearer for a few months, it did not appear to be much different from previous years. At the end of the summer season, we experienced extensive blooms which were a result of very dry and warm weather. Many other lakes experienced this as well. We will see if this year is any better as the treatment is supposed to last for three years.

B. Connolly: No report.

B. Moorhead: We're concerned at DEEP about a proposed bill, Senate Bill Number 75 (SB 75 2025, C G A - Connecticut General Assembly), which is proposing that if DEEP does not approve or deny an application to treat Hydrilla for more than 3 months, the applicant gets the permit by default. The DEEP permitting process is complicated, by necessity. If the Natural Diversity Data Base (NDDB) sees an application, if there are any hits on listed species, then we have to complete our process and give them a determination before a town can begin the process of getting its pesticide permit.

We tell people there will be 8 to 10 weeks for NDDB review. At the height of the growing season, a pesticide permit application easily takes a couple of months. The problem is, if someone needs to apply for a hydrilla treatment permit at the beginning of the year, it's hard to get through the process in time to apply a treatment at the appropriate time. I'm sure this bill is in response to that time constraint, even though to my knowledge we have not caused anybody to miss their treatment window except at East Twin Lake two years ago, when Hydrilla was discovered in late June, and they did not get their permit to treat until it was too late to have the long duration with Fluridone. They ended up treating the Hydrilla that they knew about in the boat dock area at East Twin Lake with the maximum dose of ProcellaCOR. The Hydrilla came back this past year in that area, although not nearly as much.

Through the NDDB, we usually put protective measures into the permit, such as buffers, depending on what the herbicide used is, and no treatment buffers and lower doses. So, for the folks to just get a permit by default, it's a simplistic proposal. We don't know how we would possibly deal with that. Presumably part of the purpose of the bill is to push all the Hydrilla applications to the front of the queue. That's essentially what we would have to do, which would cause some chaos for us, but if this bill got through, then that's pretty much what we'd have to do in order not to have permits that are being issued that have no conditions and no protective measures for the listed endangered or threatened species.

Also referenced in the discussion: Public act 18-121 set a precedent of 90-day permit turnaround for a number of DEEP permit programs. 2018PA-00121-R00HB-05454-PA.pdf

J. Aulakh: I mentioned during the last meeting about the work we are doing on herbicide resistance. We have done some screening and are finding more and more resistance in corn and soybean weeds, especially the pigweeds. We are going to do more screenings on the herbicide resistant common water hemp. We have collected seeds from glyphosate and 2,4-D resistant plants. We have done some molecular work on water hemp and found there is one mechanism involved with resistance and we are sure to find more.

V. Wallace: The CIPWG symposium was held at UConn campus in October. 400 attended. At end of November, UConn was notified that DEEP was not going to renew the memorandum of understanding for the Invasive Plant Coordinator position. This news shocked us, as this MOU was initiated and developed with the former IPC Chair, Rich McAvoy, and DEEP personnel with the intent to provide permanent funding for the Invasive Plant Coordinator position. UConn has secured temporary/emergency funding for this year to continue the position for this year, but we are now left with the prospect that this position will be in jeopardy.

I submitted the annual report for IPC at the end of December. I have received communication from Rep. Gresko, who appreciated the detailed report. He followed the recommendations of the report in drafting HB 5013. I, as well as Dustyn Nelson and others, testified in support of the bill. In early February, members of the CIPWG subcommittee met to begin discussion related to sterile cultivar issues.

Last week, I received follow-up questions from Rep. Gresko and Rep. Bumgardner related to the recent written and oral testimony:

- Thought on shortening of the phase out periods for the 8 species recommended for prohibition with phase outs.
  - IPC Response: The IPC does not recommend a change in the length of the phase out periods.
- Request to delete reed canary grass from the list.
  - IPC Response: We do not recommend deleting reed canary grass from the list of prohibited species.
- Request to delete black locust from the list of species to be prohibited from sale (keep on invasive species list).
  - IPC Response: We do not recommend deleting black locust from the list of prohibited species.
- Inquiry about labels on soon to be banned invasive species.
  - IPC Response: There are states that require labels on invasive plants sold. In CT, who would oversee the development, design and execution of the labeling process and organization of this requirement? Does the request come to IPC to vet or start/ remain within DoAg? If the latter, how does IPC know paperwork is filed? The IPC recognizes that labeling plant inventory is an economic cost to a grower or retail business. If labeling is the responsibility retailers, should there be consistency in label appearance and content? Which agency would determine consistency and content?
- *Hedera helix* – should it be on the invasive species list?
  - IPC Response: The IPC will direct the CIPWG Review Subcommittee, which researches watch list plants, to review English ivy and determine if it warrants being added to the invasive species list in 2026. At this time, *Hedera helix* is not found to be a concern in naturalized or forested areas, unless the area had previously been a managed landscape.

Old Business:

- Need recommendations on Japanese Barberry and Winged Euonymus per environmental committee.

New Business:

V. Wallace: The sterile cultivar issue was raised by legislators and so we need to discuss the issue today make our recommendation.

L. Kurtz: Four Japanese barberry cultivars have been developed by UConn. They are sold under the brand Worry Free. Sold by Prides Corner Farms. There are royalties for selling them.

- They have been thoroughly researched for many years, with a peer reviewed journal article (https://journals.ashs.org/hortsci/view/journals/hortsci/57/4/article-p581.xml), published as 15 years of data of these plants out in the field alongside fully fertile cultivars that are also commercially available. The seed set was counted each year to see the sterile versus the fertile, and all of those 4 plants are tetraploids.
- Other sterile cultivars include a few Miscanthus cultivars. 2 of the 3 that are commercially available that we're looking into are triploids, and one of them is a gamma induced radiation induced mutant.
- There are cultivars sold as "sterile" for burning bush and Norway maple, but they are not sufficiently vetted/scientifically proven to be sterile.
- There are two other states in the northeast - Pennsylvania and New York - who have an exemption for sterile cultivars.

D. Nelson: In proceeding to get a response back to the Environment Committee that we're obligated to provide by March 1, we discussed sterile cultivars at the CNLA Board meeting. CNLA's position is that we should make a recommendation for a framework for sterile cultivar exemption. The responsibility should be for the breeder or the nursery who wants to sell a sterile cultivar to apply for the exemption.
B. Connolly: We have talked about the inadequacies of funding for invasive species management. Would it possible to have some sort of permit purchase – to have funding come in with the allowance for the sterile cultivar, that there would be a permit fee and funding could go toward the invasive plant coordinator? Funding for the invasive plant coordinator for the state has come and gone and come and gone, so just trying to have some stability.
D. Nelson: Tagging onto an existing permit application would be simpler, cheaper, more palatable. Creating a new one would be a longer process, more difficult – would they need to hire someone?
V. Wallace: Should sterile cultivar enforcement occur through DoAG, DEEP or CAES? Do we need to know which agency would be involved with this enforcement process, or does the IPC make recommendations related to enforcement?
B. Moorehead: Bryan, did you say last meeting there is no such thing as 100% sterile?
B. Connolly: Probably true, but these cultivars are very close to full sterility. Rare that the truly sterile plants will produce seeds – highly reduced fertility.
B. Moorehead: When it comes to enforcement, how will a plant inspector at DEEP know that they are looking at a sterile cultivar instead of not sterile?
B. Connolly: There are a lot of intellectual property rights behind the cultivars, so there is legalistic and financial control. There are some morphological differences. The leaves are larger, the flowers are larger, and I would love to look at the stomate size. Often, just with a light microscope, a lot of polyploids can be determined from a diploid just by measuring stomates, or by looking at the nucleus of the cell. In order to export barberry to Canada, you have to prove they are not related to *B. vulgaris* because they don't want them due to wheat rust disease.
V. Wallace: Some plant patents I've seen are pretty exhaustive in size and scope. There's a lot of detail that goes into it. The issue is how we, the Department of Ag, whoever's in charge of the process, would interact in terms of enforcement, and what you would do if there was a suspect

plant. That's some of the protocol that would have to be worked out over time. There's a lot of details that would have to be really worked out before we can make a recommendation to the Environment Committee.

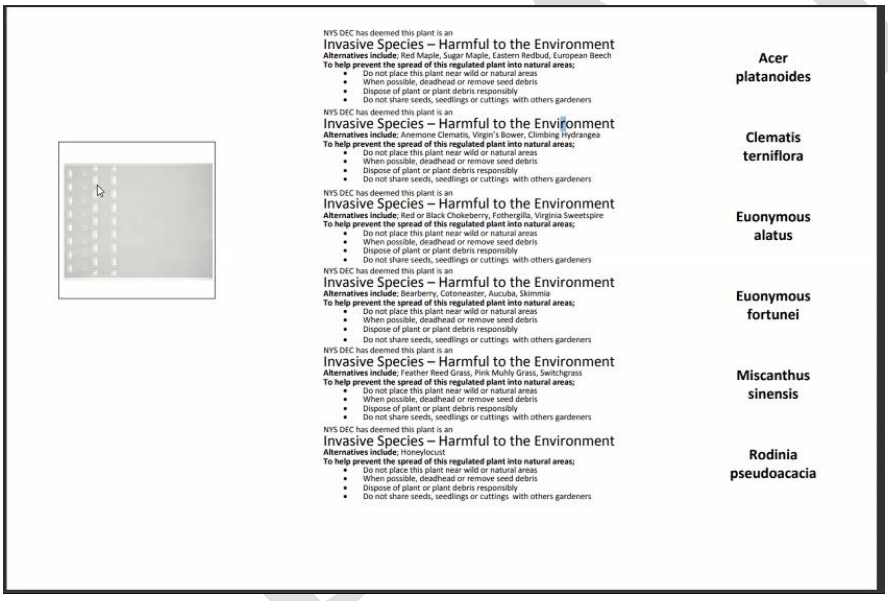
J. Aulakh: Given how widespread barberry is, and fertile cultivars can make 9000 seeds, what difference will it make to ban it now or allow sterile cultivars?

B. Connolly: Banning the fertile cultivars will make a difference – as new developments go in, fertile barberry planted will continue to invade new areas if they are allowed to be planted in new developments. But sterile barberry will make little to no impact on new areas/infestations.

V. Wallace: Labeling – will the state mandate what the label would look like? Would it be up to the individual nurseries? Do we want to recommend that labels should be required? Rep. Gresko asked about this based on constituents' questions and testimony.

L. Kurtz: NY and Maine have required labels. They have criteria for the size of the font and what the label says. It's very organized and official; strict requirements as to what is on them. In Maine there is only one species that needs to be labeled – *Rosa rugosa*. Signs can be printed upon request. Examples are posted on the DoAG website.

D. Nelson: NY has a template that they want nurseries to use – size of font requirements and specific wording. Retailers are responsible for printing and applying. Wholesalers could do the labeling, but there would be an upcharge fee passed along to their retail customers.



Example of a label template from New York.

We stress the phase out to soften the blow to retailers, so that they don't have a total economic loss on the plants they already have. There will need to be an educational campaign and time to adjust if we do require labeling. Also, it goes back to enforcement – who would require the big box stores to label the plants? Small, local stores would want to comply but then they become less competitive if they are absorbing the extra costs, but the big box stores are not.

Do we collect a fee when someone (the breeder?) wants to apply to have an exemption, and when someone wants to sell sterile cultivars? There are ways to monetize this. At the end of the day, it's all about enforcement. Currently, there is no enforcement. So, we can talk about these different initiatives until we're blue in the face. But unless there's enforcement, there's not going to be widespread adoption. There are fines that are laid out in the current statute, but no one's out enforcing those.
L. Kurtz: To have some kind of permitting fee, it may be complicated and not worth it given that there are few cultivars that would qualify.
D. Nelson: And then people may not even bother with selling them, they would just sell it in another state.
J. Aulakh: It would be good if we could collect money from this to be able to help manage the existing invasions of barberry, pear etc.
B. Moorehead: Would the labels be for the "sunset" plants, the ones that are in their 3-5 year phase out period, or for all invasive plants that are not yet banned from sale?
V. Wallace: We could certainly make a recommendation, but I think to start it would be on some of the plants that are being phased out from sale, like the Callery pear and the other ones that will be prohibited from sale in the current bill.

After the lengthy discussion the following was suggested and approved by IPC members.

- The IPC will ask the CIPWG subcommittee to determine if they recommend instituting a cultivar exemption and consider a process detailing what specific criteria, if any, will make a cultivar exempt. The CIPWG subcommittee can start to develop a form for the IPC to review and recommend steps to follow.
- The IPC would prefer this 2025 calendar year to be devoted to make a thorough examination of criteria and policy related to the sale of sterile cultivars of invasive species, particularly Japanese barbery and Burning Bush/winged Euonymus, with a more comprehensive reply than can be accomplished by March 1, 2025. We ask the Environment Committee to delay our response about sterile cultivars to March 1, 2026.

V. Wallace: Does the IPC need to express to the Environment committee that we're concerned about the lack of funding for the Invasive Plant Coordinator position?
B. Connolly: We need the continuity of the position to continue. It's a key position. We need to point out that it needs to be funded.
D. Nelson: If we're going to tackle things like labeling, we need someone who can be out there and support the required education. We need an education component, especially if or when a new labeling component is added to a proposed bill. We need someone who is developing programs, coordinating volunteers, etc.

Scheduling date for the next meeting:
Next meeting: June 18 – 2-4 pm

October:

A date for the October meeting will be set at the June meeting or we will send out a "when to meet" calendar.

Meeting adjourned at 3:47 pm