

# Vermont Agency of Agriculture, Food and Markets Quarantine #3 – Noxious Weeds (Noxious Weeds Rule)

## Frequently Asked Questions (FAQs)

### **What does this rule do/not do?**

This rule prohibits the sale, movement, distribution, and in some cases, possession or cultivation of certain species of plants that have been recognized as invasive in Vermont or adjacent States. The impacts of these plant species on native ecosystems outweigh their value as ornamental plants in the nursery and landscaping trades to the extent that the Agency of Agriculture has banned their sale in an effort to prevent their introduction into as yet uninfested areas, or slow their further spread across the state through commerce.

This rule does not prohibit the possession or cultivation of so called Class B plants already established in ornamental or landscape plantings, and there is no requirement or obligation of landowners or managers to remove B plants where they are already growing. Possession, cultivation, sale, movement, and distribution of Class A plants is prohibited.

The rule also does not prohibit the movement of regulated species as part of recognized eradication or control efforts, as long as the removals are conducted in an ecologically responsible manner (the movement of removed plants results in their destruction, and does not contribute to new infestations), or certain educational or scientific activities associated with the overall goal of reducing their impact on the environment.

### **What is the 'Grace Period'?**

There is a provision in the rule which allows sales and movement of existing in-state inventories of Norway and Amur maples, common and Japanese barberries, burningbush, yellow flag iris, and brittle waternymph, until July 1, 2013. This period is generally referred to as the 'grace period'. This has been included in the rule in an effort to balance the interests of nursery and landscaping businesses that have made an investment in certain species, based on public demand, over the past few years, against the interests of protecting the natural environment from these species.

If a species is deemed noxious, regulation and enforcement is warranted. Immediate prohibition, however, will cause economic hardship to Vermont's growers. Existing stock, although it has diminished in recent years due to educational and voluntary efforts, represents a substantial investment by small businesses and producers in Vermont. This grace period is an effort to balance the economic hardships with the long term goal of reducing the number of these plants that are intentionally introduced. This provides sufficient time for existing stock to be marketed and sold or shipped to locations out-of-state where the species are not likewise prohibited. It also provides adequate time for education and outreach to inform the public as a means of influencing choice.

At the conclusion of the grace period, no sales or movement of any listed species will be permitted.

### **How will the rule be enforced?**

Starting this spring (2012), the Agency of Agriculture will be looking specifically for listed plants during our routine nursery inspections, as we have in previous years. In addition to the plants that have been prohibited since the initial rule adoption, we will also be surveying for the newly added species. If any specimens of the newly added species are found, the plants will be tagged with numbered, permanent labels, specifying that the plant in question is eligible for sale under the grace period. The owners/operators of the nurseries will be informed of the program, and their obligations and options under the rule. Subsequent finds of un-tagged plants at that nursery will be subject to confiscation and administrative action.

### **What about sterile cultivars and varieties of listed plants?**

There is a provision in the rule to exempt demonstrably sterile cultivars or varieties of listed plants. People who have evidence of sterility/non-invasiveness in cultivars they are developing are invited to petition the Agency for an exemption.

### **How do I get a permit to move a plant for an otherwise non-exempted activity?**

Contact the Agency of Agriculture, Food and Markets, Plant Industry Section (contact information below) for information on what activities are permitted or require specific variance arrangements, and what is not permitted.

### **What should I do if I find a nursery selling listed plants?**

Contact the Plant Industry Section with the relevant information, and we will contact the nursery to inform them of the rule, their obligations under the rule, and to make any arrangements for confiscation or tagging of grace period plants.

### **I run a nursery and people keep asking me why I can't sell the plants. What should I tell them?**

Inform them of the rule, and why you are unable to legally provide these species to them. If you would like copies of the rule or supporting information, these are available at the Agency website (<http://www.vermontagriculture.com/ARMES/plantindustry/plantPathology/weeds/documents.html>), and through various other sources. Additionally, there are numerous websites that explain the concerns surrounding these plants, and why a number of states have enacted similar quarantine rules to prevent the spread of these and other plant species.

There are non-invasive and native plant alternatives to many of the regulated invasive plants. Customers wishing to purchase the regulated plants may be directed toward these options, providing an opportunity for nursery and landscaping businesses to develop these potential markets.

Additionally, there may be opportunities for businesses to help in controlling existing infestations of the invasives on customer properties. The Agency of Agriculture can help you with control programs, as well as help explain to people why they can't buy the regulated plants from your business. Please do not hesitate to refer them to us for help in explaining the rule and the consequences to our environment should these plants remain in commerce.

**I have listed plants in my inventory. What should I do?**

You may sell them until July 1, 2013, as long as they are appropriately labeled. Contact the Plant Industry Section, and we will come to your establishment to tag your inventories so you may sell and move them under the grace period allowance. Listed plants at your place of business observed without tags (after our first post-rule inspection) will be subject to confiscation and/or administrative action.

**OUR CONTACT INFORMATION:**

**Vermont Agency of Agriculture, Food and Markets, Plant Industry Section**

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