

Invasive Species in Maryland

Evaluating Current State Law in Light of Federal Support

Invasive species—non-native plants, animals, and pathogens that cause harm to the environment, economy, or public health¹—are spread easily by global commerce, undermining the productivity of agriculture, forests, and fisheries and threatening the survival of native species and ecosystems. In Maryland, the federal government spent **\$4 million** each year between 2004 and 2008 to eradicate just one invasive rodent species (the nutria).² This and other harmful invaders in Maryland (including the mute swan and water chestnut) destroy marshland, compete with native species for food, or cause declines in other important natural resources.

Prevention Begins at Home

The states bear primary responsibility for avoiding, detecting, eradicating, and managing invasive species. As a result, state laws are integral components in a comprehensive and effective national policy.

The best way to solve invasive species problems is to prevent already- or potentially harmful non-native species from being introduced in the first place—by narrowing or closing off the pathways along which they enter the country and are spread by humans. These pathways can be geographic routes or corridors (like a canal or roadway), economic activities (like importing plants or pets), or transportation vectors (like ships' ballast water). Few states address all of these pathways, and some pathways (like international trade) are the sole responsibility of the federal government. Therefore the success of state efforts to prevent invasions depends partly on the effectiveness of federal policy. Similarly, state efforts can be helped or hindered by laws in neighboring states (where invaders may be causing problems or being successfully managed).

But there is much states *can* do on their own. To help point the way, the Environmental Law Institute (ELI) and the Union of Concerned Scientists have evaluated the effectiveness of invasive species laws in 11 states, revisiting an analysis conducted by ELI in 2002.³ We focused on six areas that experts agree are critical: 1) legal definitions, 2) statewide coordination, 3) prevention, 4) regulation, 5) control and management of invasions, and 6) enforcement and implementation of state policies.

How Maryland's Laws Compare

Compared with 10 other states and the federal government, Maryland's laws and regulations aimed at key invasive species issues could be stronger and more comprehensive (see the table). Maryland does have relatively strong requirements for importing, possessing, and introducing wildlife and aquatic species in general, as well as "noxious weeds" (as defined by the state) and plant pests, and it has management plans for nutria, mute swans, and phragmites (a rapidly spreading wetland plant). However, Maryland does not address non-native biofuel crops (like many states), its Invasive Species Council lacks statutory authority and permanent staff or funding, and it issues permits for wildlife imports without science-based screening for risk.

Maryland has made limited changes to its invasive species programs since 2002. Most of its coordination programs, management plans, and state laws and regulations remain unchanged, but the state has strengthened its approach toward controlling aquatic invaders. It now has a tiered listing system for non-native species, new inspection authority for the Department of Natural Resources, and has begun addressing bait as a pathway for introducing invaders.



Garlic mustard



Mute swan



Nutria

Stronger federal leadership is needed to protect Maryland from invasive species. The entire nation would benefit from such a change.

A Commitment Unfulfilled: Federal and State Efforts to Prevent Harm from Invasive Species

1. Prevent intentional introduction of potential invasive species	US	CA	CO	FL	LA	ME	MD	NJ	NM	OR	RI	TN
a. Require science-based risk screening for non-native plant species <i>Example: Colorado outlaws the use of introduced species in revegetation projects unless approved and demonstrated to be beneficial</i>	P	✓	✓	✓	-	P	-	-	-	-	-	-
b. Develop specific policies to govern non-native biofuel crop production <i>Example: Florida requires permits and financial bonds prior to planting</i>	-	-	-	✓	-	-	-	-	-	-	-	-
c. Require science-based pre-import risk screening for wildlife <i>Example: Maine considers five factors, including potential invasiveness, prior to issuing wildlife permits</i>	-	-	-	-	-	✓	-	-	✓	-	-	-
2. Minimize unintentional introduction of non-native species via known invasion pathways												
a. Require ballast treatment and address biofouling in commercial shipping <i>Example: Oregon outlaws ballast water discharge without treatment or exchange, requires vessels to report, and enables compliance inspections</i>	P	✓	-	-	-	-	-	-	-	✓	-	-
b. Require recreational watercraft to be cleaned prior to transport <i>Example: New Mexico requires certification on recreational vessels when moved between bodies of water</i>	-	✓	✓	-	-	-	-	-	✓	✓	-	-
3. Eradicate invasive species (through early detection and rapid response) before they become established												
a. Create ongoing funds to detect, research, and eradicate invasive species <i>Example: Louisiana established an Aquatic Plant Control Fund for this purpose</i>	-	✓	✓	✓	✓	✓	✓	-	-	✓	-	-
b. Establish early detection and monitoring requirements <i>Example: New Jersey requires surveys near ports of entry to detect pests, such as the Asian longhorned beetle, that can be accidentally introduced</i>	-	✓	-	✓	-	✓	✓	✓	-	✓	-	-
c. Require research and planning to predict invasions before they occur <i>Example: California has legislative authorization to study species that represent a potential threat</i>	-	✓	-	-	-	-	-	-	-	-	-	-

KEY: ✓ POLICY EXISTS P IN PROGRESS - POLICY NOT PRESENT

No State Is an Island

Given its mixed record on invasive species, Maryland cannot solve its problems without federal support.

However, federal policy is lax, incomplete, and can hinder state efforts (see the table). The federal law that allows most non-native animals to be imported regardless of invasiveness or disease risk, for example, is ineffective,⁴ out of date, and puts Maryland's wildlife at risk. Likewise, federal rules governing the import of potentially invasive plants (and the pests and diseases associated with them) are too weak to protect the state's forests and parks. Stronger federal leadership is needed to protect Maryland's economy, environment, and public health from invasive species. The entire nation would benefit from such a change.

ENDNOTES

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This fact sheet was prepared by the Union of Concerned Scientists based on findings in the Environmental Law Institute's report *Status and Trends in State Invasive Species Policy: 2002-2009*, which can be found online at www.ucsusa.org/stateinvasivepolicy. For more information, contact Phyllis N. Windle (pwindle@ucsusa.org) or Katherine Lininger (klininger@ucsusa.org) at the Union of Concerned Scientists, or Read Porter (porter@eli.org) at the Environmental Law Institute.

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National Headquarters
Two Brattle Square
Cambridge, MA 02238-9105
Phone: (617) 547-5552
Fax: (617) 864-9405

Washington, DC, Office
1825 K St. NW, Suite 800
Washington, DC 20006-1232
Phone: (202) 223-6133
Fax: (202) 223-6162

West Coast Office
2397 Shattuck Ave., Ste. 203
Berkeley, CA 94704-1567
Phone: (510) 843-1872
Fax: (510) 843-3785

Midwest Office
One N. LaSalle St., Ste. 1904
Chicago, IL 60602-4064
Phone: (312) 578-1750
Fax: (312) 578-1751