



Japanese knotweed



Asian longhorned beetle



Feral hogs

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 2007 and 2008, more than 659,600 acres of trees were defoliated by invasive gypsy moth caterpillars in New Jersey, resulting in the death of about 31,000 acres' worth of trees.² The state spent **\$1.8 million** to control gypsy moths in 2009.³

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 2002.⁴ 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 New Jersey's Laws Compare

New Jersey laws and regulations lack important features for preventing invasive species from being imported and released into the wild (see the table). Like many states, New Jersey does not address non-native biofuel crops, nor does it screen imported animals or plants. The state does conduct surveys near international ports of entry in order to detect accidentally imported pests such as the Asian longhorned beetle.

In recent years, New Jersey has made no significant changes to its laws or regulations related to invasive species. However, the state has made some informal policy changes related to plants and plant pests and diseases. More importantly, it established an invasive species council in 2004. The council completed a comprehensive management plan in 2009 that may yield legal and regulatory improvements over the next few years.

Stronger federal leadership is needed to protect New Jersey 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

Because New Jersey has limited legal and regulatory means to prevent the entry and spread of new invaders, it 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,⁵ out of date, and puts New Jersey'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 New Jersey's economy, environment, and public health from invasive species. The entire nation would benefit from such a change.

ENDNOTES

- 1 Executive Order No. 13112. 1999. Federal Register 64:6183. Online at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1999_register&docid=fr08fe99-168.pdf. Accessed March 12, 2010.
- 2 State of New Jersey Department of Agriculture. 2009. New Jersey gypsy moth population expected to decline in 2009. Press release. Online at <http://www.state.nj.us/agriculture/news/press/2009/approved/press090106.html>. Accessed April 12, 2010.
- 3 Van Dyk, M. 2010. Morris getting break from gypsy moths. *Daily Record*, February 1.
- 4 Environmental Law Institute. 2002. *Halting the invasion: State tools for invasive species management*. Washington, DC. Online at http://www.eli.org/Program_Areas/Invasives/index.cfm.
- 5 Fowler, A.J., D.M. Lodge, and J.F. Hsia. 2007. Failure of the Lacey Act to protect US ecosystems against animal invasion. *Frontiers of Ecology and the Environment* 5(7):353-359.

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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