

2021 SPECIAL SESSION I

ENROLLED

HOUSE JOINT RESOLUTION NO. 527

Requesting the Department of Conservation and Recreation, jointly with the Virginia Department of Agriculture and Consumer Services, to study the sale and use of invasive plant species. Report.

Agreed to by the House of Delegates, February 18, 2021

Agreed to by the Senate February 16, 2021

WHEREAS, an invasive plant species is a plant that originates outside a region and causes damage to the environment, the economy, and human health after its introduction to a new region; and

WHEREAS, landscaping with invasive plants causes economic and environmental damage and impinges on the rights of neighbors on whose properties the plants encroach; and

WHEREAS, Virginia residents, state agencies, and local governments spend substantial amounts of money each year on the removal of invasive plants, many of which are still being offered for sale in the retail, landscape, greenhouse, and nursery industry, which exacerbates the problem; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Conservation and Recreation, jointly with the Virginia Department of Agriculture and Consumer Services, be requested to study the sale and use of invasive plant species. The study shall focus on sales in the retail, landscape, greenhouse, and nursery industries and consider measures to reduce or eliminate the sale and use of invasive plant species in the Commonwealth and promote the sale and use of native plants.

In conducting its study, the Department of Conservation and Recreation, jointly with the Virginia Department of Agriculture and Consumer Services, may convene a work group that includes the Department of Forestry, the Virginia Department of Transportation, the Department of Wildlife Resources, the Virginia Native Plant Society, Blue Ridge PRISM, the Audubon Society of Northern Virginia, the Virginia Nursery and Landscape Association, the Virginia Agribusiness Council, the Virginia Farm Bureau Federation, the Virginia Chapter of the American Society of Landscape Architects, an individual from the School of Plant and Environmental Sciences at the Virginia Polytechnic Institute and State University who has expertise in invasive species, local government associations, and such other stakeholders as the Department of Conservation and Recreation, jointly with the Virginia Department of Agriculture and Consumer Services, deem appropriate.

The Department of Conservation and Recreation, jointly with the Virginia Department of Agriculture and Consumer Services, shall direct the work group to examine measures to reduce, mitigate, and eliminate the continued sale and use of invasive species as identified in the list of Virginia invasive plant species maintained by the Department of Conservation and Recreation. The work group shall evaluate measures including (i) labeling plants as invasive plant species at the point of sale; (ii) taxing the sale of invasive plant species and applying revenues to the removal of invasive plant species or the restoration of sites for native habitat; (iii) adding invasive plant species currently being offered for sale to the list of plants declared to be noxious weeds by the Board of Agriculture and Consumer Services through regulations adopted pursuant to Chapter 8 (§ 3.2-800 et seq.) of Title 3.2 of the Code of Virginia (the Noxious Weed List); (iv) supporting education and outreach, including state partnerships with nonprofit organizations dedicated to the preservation of Virginia's natural heritage, regarding the reduction of the use of invasive plant species and the promotion of the use of noninvasive or native plant species as substitutes; and (v) introducing measures to increase the use of native plants on properties and projects owned by localities or the Commonwealth.

The Department of Conservation and Recreation, jointly with the Virginia Department of Agriculture and Consumer Services, shall direct the work group to make recommendations regarding (a) statutory changes and (b) changes to regulations or guidance documents adopted by relevant agencies, including changes related to the placement of plant species on the Noxious Weed List.

All agencies of the Commonwealth shall provide assistance to the Department of Conservation and Recreation and the Virginia Department of Agriculture and Consumer Services for this study, upon request.

The Department of Conservation and Recreation, jointly with the Virginia Department of Agriculture and Consumer Services, shall complete its meetings by November 30, 2021, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2022 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

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