

Legislative History for Connecticut Act

PA 14-100

SB72

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
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Clerk please announce the tally.

THE CLERK:

House Bill 5546 as amended by Senate "A"

Total Number Voting 145

Necessary for Passage 73

Those voting Yea 145

Those voting Nay 0

Those absent and not voting 6

SPEAKER SHARKEY:

The bill, as amended, passes.

Will the Clerk please call Calendar 508.

THE CLERK:

508, report of the joint standing committee on
Judiciary, AN ACT CONCERNING THE LIABILITY FOR THE
GROWING OF RUNNING BAMBOO.

SB72

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Mr. Speaker, I move for acceptance of the joint
committee's favorable report and passage of the bill
in concurrence with the Senate.

SPEAKER SHARKEY:

Please pause.

Can we put this on the board please.

The question's on acceptance of the joint committee's favorable report and passage of the bill.

Will you remark? Will you remark?

REP. GENTILE (104th):

Good bill, ought to pass.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark further?

Representative Shaban.

REP. SHABAN (135th):

I agree. Good bill ought to pass. Thank you much.

SPEAKER SHARKEY:

Thank you, sir.

Representative Godfrey --

If not, let me try your minds -- I'm sorry.

Staff and guests to the well of the House. Members take your seats.

THE CLERK:

House of Representatives is voting by roll. The House of Representatives is voting by roll. Please return to the chamber.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Will the members please check the board to see if your vote has been properly cast.

If all the members have voted, the machine will be locked and the Clerk will -- will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	128
Those voting Nay	17
Those absent and not voting	6

SPEAKER SHARKEY:

The bill passes in concurrence with the Senate.

Representative Cafero, for what reason do you rise, sir?

REP. CAFERO (142nd):

Mr. Speaker, for purposes of an announcement.

SPEAKER SHARKEY:

Please proceed, sir.

REP. CAFERO (142nd):

Mr. Speaker, I believe, shortly, the Majority Leader will tell us where we are in this session with regard to time, and I think this is an appropriate

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**CONNECTICUT
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THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Madam President, if there is no objection, I would ask that this be put on the Consent Calendar, please.

THE CHAIR:

Seeing no objection, so ordered, ma'am.

Mr. Clerk.

THE CLERK:

On page 39, Calendar 257, Substitute for Senate Bill Number 72, AN ACT CONCERNING LIABILITY FOR THE GROWING OF RUNNING BAMBOO, favorable report of the Committee on Environment.

THE CHAIR:

Good afternoon, Senator Meyer.

SENATOR MEYER:

Oh, thank you, Madam President.

I do move acceptance of the joint committee's favorable report and passage of this bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, sir?

SENATOR MEYER:

I will remark briefly. Colleagues, one of the

more frequent constituent complaints we've had during the last six months has been, as many of you know, from people who feel that something called "running" or "yellow bamboo" has invaded their property from other people's property. And so the Environment Committee took up the issue. We had a public hearing in which over 50 people testified in support of restraints on this particular plant, and we are coming to you today with a bill that passed the Environment Committee unanimously that -- that says simply as follows, no person shall plant running bamboo or allow running bamboo to be planted on his or her property at a location that is 40 feet or less from any abutting property or public right of way. And so it is a direct restriction on the planting of running bamboo within 40 feet of your neighbor's property, and if it's there now within 40 feet you're going to have to remove it. Some of us were concerned about the trouble in cost of removing it, but one of the nurseries that testified before the Environment Committee said that is not a big problem, that Roundup will actually kill running bamboo and that it can be removed quickly through the use of the pesticide Roundup. So that is the bill and I urge its support.

Thank you.

THE CHAIR:

Good afternoon, Senator Chapin.

SENATOR CHAPIN:

Good afternoon, Madam President.

Some questions to the proponent, through you, please.

THE CHAIR:

Please proceed.

SENATOR CHAPIN:

Thank you, Madam President.

You pointed out that it say no person shall plant running bamboo but I don't see in the bill where it actually would make any bamboo that presently exists illegal within 40 feet of the abutting property owner. Can you point out where that is in the bill?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, through you, Madam President, the LCO Brad (inaudible) who drafted this put it in line 4, the word "or allow running bamboo to be planted on his or her property." And the intention there, if there's a question of legislative intent, is that -- that this bill it to apply to running bamboo whether it's -- it's planted -- it's existing running bamboo or it's running bamboo that's planted any time after the effective date of this bill. That is the intent (inaudible) apply to all running bamboo, it's retroactive, and it's prospective, both.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

And again, through you, I suppose the literal read would make it seem that it is allowed within 40 feet, and I remember our conversation we may have had in screening about, well, suppose the adjoining property owner doesn't really care, suppose it's a vacant parcel of land, what -- does the bill before us offer any protections in those cases where it may be encroaching within the 40 feet but the adjoining property owner

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doesn't even know or doesn't care? Through you,
Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes.

Through you, Madam President, it's a good point that Senator Chapin is raising but I would think from a common-sense standpoint that if I was an abutting property owner and I don't care about the running bamboo, I'm not going to make a complaint and therefore, there's not going to be any enforcement of this bill if it becomes law. If it was enforced, actually there's a penalty of \$100, but if you -- a day, but if you didn't enforce it, it would not -- it would be an issue, it would not be a penalty, there would be no penalty and there would be no nuisance. This bill also creates the tort of nuisance.

Thank you, Madam President.

And again, through you, so the -- the nuisance provision in the bill I would think would allow the neighbor to go to court and say it's either coming very close to my property line or actually coming onto my property. Is that the purpose of having the nuisance provision in the bill before us?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, through you, Madam President, to Senator Chapin, that is -- that is exactly the purpose, and if -- if some abutting property owner didn't care, they wouldn't go to court and bring a

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nuisance action. It just -- there would be no litigation at all, everything would be fine. But what this bill is intending to do is to allow somebody who really is abused by this to either go to a state or local enforcement officer and ask for its removal or suffer a -- the owner will suffer a fine and also be subjected to a civil lawsuit of nuisance.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

And again, through you, the \$100 fine I believe is existing law for violating existing law, and do you know who enforces that now? I -- it was my understanding that it may only be the Department of Energy and Environmental Protection. Are you aware if there's some local enforcement capability?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes.

Through you, Madam President, the -- the law outside of this bill is clear and set forth in the OLR report that this -- this bill would be enforced by the Department of Energy and Environmental Protection or by any duly authorized municipal constable or by a municipal tree warden or by a zoning enforcement officer or by an inland wetlands officer. So there's an array of local and state official who could enforce this law.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

And I thank the good chairman for his answers. Madam President, notwithstanding the chairman's hearty endorsement of the use of Roundup on this product, I do think that the bill before us moves us forward in our efforts to try to address this problem. As the good senator said not only have we had a lot of testimony through the public hearing process but since we passed the original legislation, I know those of us on the Environment Committee have gotten a lot input from people who have problems with running bamboo. One of the things that we have talked about over the course of the years, why don't we just prohibit this through the Invasive Plant Council, because we do have a number of plants, both aquatic and terrestrial on the banned list, and after speaking to members of the Invasive Plants Council, we learned that it really doesn't fall under the definition. And we did make this attempt last year to try to regulate it. I do think it fell short. This does take away that prospective planning aspect that was in last year's legislation so it would apply in current situations, but I think as the good senator points out it really I don't think people actually would need to go out and get rid of it, unless it really is a problem to an adjoining property. For those reasons I do stand in support of the bill before us today.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Chapin.

Will you remark? Will you remark further? Will you remark?

If not, Senator Meyer.

SENATOR MEYER:

Yes, may this bill kindly be put on our Consent Calendar?

THE CHAIR:

Seeing no objection -- oops, sorry, there is an objection.

Senator Kissel. Senator Kissel.

SENATOR KISSEL:

Thank you -- I'm sorry, I'd like to vote no so --

THE CHAIR:

Okay.

So at this time, Mr. Clerk, will you call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Ladies and gentlemen, we're just going to wait a moment. They're fixing the machine.

The machine is now open.

If all members have voted, all members have voted, the machine will be closed. Mr. Clerk, will you please call a tally.

THE CLERK:

Senate Bill Number 72.

Total number voting 36

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Those voting Yea 35

Those voting Nay 1

Absent not voting 0

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

On page 33, Calendar 45, under Matters Returned from Committee, Senate Bill Number 14, AN ACT CONCERNING PHARMACY AUDITS AND ELECTRONIC FUNDS TRANSFER PAYMENTS TO PHARMACIES. There are amendments.

THE CHAIR:

Good afternoon, Senator Crisco.

SENATOR CRISCO:

Thank you, Madam Governor. Madam Governor, I move for acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, sir?

SENATOR CRISCO:

Yes, Madam President. Madam President, the Clerk has an amendment, LCO 4333. I ask that it be called and I'll be given permission to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4333, Senate "A," offered by Senator

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
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My name is Karl Wagener; I'm Director of the State Council on Environmental Quality. CEQ was pleased to see that three of the bills on its list of recommendations were raised and are being heard today.

Raised Bill 66, which is the outdoor wood-burning furnace bill you were just talking about, as I'm sure you will hear, this is urgent because the federal EPA is rolling out its emissions standards, and when that happens, Connecticut's entirely separate siting requirements will essentially sunset, unless this bill passes. And please don't let that happen.

The clean burning technology that Henry Talmage was talking about pertains to the emissions standards; the siting requirements would go away when those come through, and that shouldn't happen.

Raised Bill 72 concerns running bamboo. CEQ never looked at running bamboo until recently, and when it did, it concluded that last year's legislation is inadequate, and actually the running bamboo should be added to the list of species in statute that should be, for which the sale and planting should be prohibited. Our council members have personally observed running bamboo spreading into wetland areas, and we would like to see that prohibition added to this bill.

Now I want to use most of my minute for Raised Bill 70, AN ACT CONCERNING THE PRESERVATION OF LANDS IN THE CUSTODY OF DEEP AND THE DEPARTMENT OF AGRICULTURE, and I just want to explain why this bill is so important. Recently you received a copy of a special CEQ report, "Preserved but Maybe Not." If you misplaced it, it's easily found on the CEQ web site. And

you have to pronounce every letter of.

Representative Gentile, Senator Ritter -- Meyer, and the rest of the committee members, I want to take an opportunity to first explain who I am. I'm Joseph Scalabrino; I'm a resident of Branford, Connecticut. And I and -- and the, quite a few members of the town have a problem with running bamboo, so I'm here to address Senate Bill No. 72.

First of all, I did submit written testimony, which I'll let I read at your leisure, regarding the problems I'm having with it at my house and -- and in our neighborhood. What I would like to do, however, is address a couple of things regarding Senate Bill 72.

First of all, I'm very happy with the changes made to Section (b) of Senate Bill 72, regarding the law that was passed last year that kind of grandfathered in running bamboo prior to October 1st of 2013. Running bamboo does not, cannot be contained; it must be dug up and removed. I think we've all experienced that in all the past sessions; it just cannot be contained. By grandfathering it in, we're only allowing it to expand beyond its borders.

That leads me to the second issue, which I do have a problem with, and that's Subsection (c) of Senate Bill 72. There is a part there that says, okay, we're allowed to plant bamboo a hundred feet away from, within a hundred feet, as long as we try to contain it. Well, I live in a very rocky neighborhood; matter of fact, the name of my street is Rock Pasture Road, and it is. For me to dig out bamboo, I have to get a pick and shovel and -- and go into the ground and try to remove boulders in order to -- to stop bamboo from spreading.

What we should think about doing, and maybe tweaking this law just a hair, is to limit bamboo from 40 feet within any planting whatsoever of any border. If somebody wants to plant it beyond the 40-foot mark, then try to contain it, because a lot of these containers will not last. They will break down; it's going to require continual maintenance, and the weeds that, the roots that are being spread by the bamboo, spreading like weeds, will try to push through any retaining wall that you try to build to contain it. So I think that should be added, a 40-foot backdrop for any planting, whatsoever. Then you can go with the hundred-foot factor on containment, if you wish to do so.

But that, those are my two issues, and that's basically what I wanted to address the committee on today.

And I appreciate your time, and I thank you, very much.

REP. GENTILE: Thank you, Joseph.

Any questions?

Senator Meyer.

SENATOR MEYER: Hi.

JOSEPH L. SCALABRINO: Hi, Senator Meyer. How are you?

SENATOR MEYER: Constituent, nice to see you.

Let me go back to that hundred-foot and 40-foot; I'm just trying to understand your point there. What -- if you have the bill in front of you, starting at line 17.

JOSEPH L. SCALABRINO: Yes, I do.

SENATOR MEYER: It says that no person shall grant or plant running bamboo or allow running bamboo to be planted or to grow, so forth, that is one hundred feet or less from any abutting property.

JOSEPH L. SCALABRINO: Correct.

SENATOR MEYER: So I, so what we -- we --

JOSEPH L. SCALABRINO: Well, one of --

SENATOR MEYER: -- did there --

JOSEPH L. SCALABRINO: -- the problems --

SENATOR MEYER: -- we, and we had, we had people urging us to have a smaller distance, only 50 feet from the abutting property. But the -- the committee felt -- the screening committee, at least -- felt that a, that a hundred feet because of the nature of this plant was -- was more desirable, that indeed we had some indication that this plant moves and -- and grows at a rate of -- of at least 20 feet a year. And so --

JOSEPH L. SCALABRINO: That's right.

SENATOR MEYER: So we, we've had this hundred-foot diameter here. What -- what are, what were you saying about 40 feet? I'm --

JOSEPH L. SCALABRINO: All right.

SENATOR MEYER: I'm unclear.

JOSEPH L. SCALABRINO: What -- what I'd like to, go on one more step, a little past what you just did -- or less from any abutting property or

public right-of-way unless such planting or unless such running bamboo is contained by a properly constructed and maintained barrier system or such running bamboo is planted or grown above the ground, container, et cetera, but I'll stop it right there.

The barriers that can be built to hold bamboo don't necessarily last; they can be broken down, whether they be -- I don't, first of all, I've never seen an actual description of what a barrier should be, should consist of. Some people say it should be made of steel. Some people say it should be built 6 feet down into the ground; I -- I don't think you can get 6 feet down on Rock Pasture Road, because of the situation with, we're dealing with, with the boulders that exist on and in, on the land.

What I'm basically saying is eliminate the word "unless." There should be no planting of any variety, whether it's, whether you think it's contained or not in some type of a barrier, at least 40 feet from the, at least the edges of the neighboring properties. If somebody has a piece of property that's 2 - 300 feet wide and wished to plant a small, little amount behind their house in a, what they think is a containment condition, fine. But within 40 feet of that land, there should be no planting, because these roots will get out of that containment. And if they do, they'll spread to -- to neighboring lands, like they have to my land. And, you know, like I said in my -- my written testimony, I don't mind paying to have the bamboo removed, but unless my neighbors remove theirs, it's not going to work.

SENATOR MEYER: You know, one prominent nursery, a nursery firm that sells plants in the Town of Madison --

JOSEPH L. SCALABRINO: Okay.

SENATOR MEYER: -- and has regional -- regional sales testified that -- that Round Out, Roundup is an extremely effective way to -- to stop running bamboo and that you don't need these long distances. He was, he came to us and said you don't even need a hundred feet, because Roundup can, you can deal with this right away and -- and it's highly effective; he took a position. What, what's your answer to that?

JOSEPH L. SCALABRINO: I've heard (inaudible) --

SENATOR MEYER: Okay. Well your -- your testimony is helpful to us. I appreciate it.

Are there any other questions?

Yes; Representative Bowles.

REP. BOWLES: Yeah. I guess my concern has to do with, you know, a general consensus from what I hear that, you know, last year's bill was a step in the right direction but was inadequate; that's why we're revisiting it. But the concern I have is -- is ongoing testimony.

And, you know, I've had several discussions with folks in this audience about -- who -- who have taken upon themselves to really, like yourself, you know, really study this issue. And it seems like there are two things I'm hearing: No. 1, that it's not containable -- you know, you're talking about 6-foot steel barriers; that's -- that's really not a -- a rational approach to this kind of thing -- and -- and the fact if it's 20 feet a year, a hundred-foot setback. You know, I can do the math -- and that's, you know, that's a stretch for me -- but I do that math. It's -- it's just a matter of time before this stuff, you

know, encroaches on -- on wetlands, on -- on neighboring properties and everything.

What I'm -- I'm interested in is -- is following up with Karl Wagener. This is clearly an invasive species. I know it cannot be officially designated as such, but I don't know, I'm not hearing a good rationale why this stuff should just not completely -- the two species that I'm -- I'm made aware of -- should not be just completely banned. Wouldn't that -- that'd be a much more adequate, a response to what is a growing problem, pun intended?

JOSEPH L. SCALABRINO: (Inaudible.)

REP. BOWLES: Thank you.

I guess the other concern I have is -- is even though -- and -- and I, I'm not sure about the science behind it, but if Roundup is -- is used, you know, as an application to -- to contain this stuff, I just, I guess my concern is that that -- that also adds to some environmental concerns that I would certainly have. I guess I would hope to hear some testimony to that effect, too, as well, as we proceed in looking at this.

Thank you.

Thank you, Madam Chair.

REP. GENTILE: Thank you.

Any additional questions?

Thank you, Joseph.

JOSEPH L. SCALABRINO: Thank you for your time.

REP. GENTILE: Thank you for your patience.

Randy Collins, followed by Holly Johnson.

RANDY COLLINS: Representative Gentile, Senator Meyer, my name is Randy Collins; I'm appearing today on behalf of Connecticut Conference of Municipality and our hundred-and-fifty-five member towns. I'm testifying today on four bills. I will be brief because I have submitted by testimony electronically.

The first one is Senate Bill 72, AN ACT CONCERNING RUNNING BAMBOO. CCM requests that the committee amend the language. Basically, CCM is asking that municipalities, the language that enables municipalities to enforce the ban on bamboo be taken out. We consider that, any kind of enforcement of a state law, issuance of the state fine should fall within the jurisdiction of the DEEP.

The second bill that I wish to -- to comment on is House Bill 5081, AN ACT CONCERNING PHOSPHORUS REDUCTION REIMBURSEMENTS TO MUNICIPALITIES. CCM is strongly in support of this. You heard, earlier today, Garry Brumback, Town Manager of Southington speak on behalf of this bill, his work on behalf of the working group and as the town manager of Southington.

Currently, municipalities are working with DEEP to implement this Phosphorus Reduction Strategy. It is expensive; some of the towns, Danbury, 25 million, Wallingford, 19 million, just to name a few that, the expenses that they're going to have to put into their wastewater treatment plants. Any financial assistance that can be provided to these towns would be greatly appreciated.

I wanted to talk on, quickly on Senate Bill 68,

HB 5079

available, you know, our municipalities obviously would appreciate the opportunity to be reimbursed for the cost of, you know, storing, securing, and keeping safe animals during some of these severe weather events.

Thank you, very much. I'd be happy to take any questions.

REP. GENTILE: Thank you, Randy.

Questions?

Appreciate it.

Holly Johnson, followed by Jillian Murphy.

HOLLY JOHNSON: Senator Meyer, Representative Gentile, and members of the Environment Committee, my name is Holly Johnson, and I'm here today on behalf of Summer Hill Nursery, in Madison, Connecticut.

I would like to offer brief comments on Senate Bill 72, AN ACT CONCERNING LIABILITY FOR THE GROWING OF RUNNING BAMBOO.

The Connecticut General Assembly passed legislation last year that created a liability when an individual permits their bamboo plants to encroach on another individual's property; the law concerned bamboo planted on or after October 1, 2013. That law gave both the horticulture industry and enforcement officials guidelines to properly install bamboo plantings and evaluate if they were becoming unruly.

Raised Senate Bill 72 eliminates that October date and would make individuals now liable for damages, regardless of when the bamboo was originally planted. I don't understand how a law can be applied retroactively to something

that has been legal up to this point and does not cause a serious environmental or health hazard. These changes could affect hundreds of homeowners' gardens plus some commercial and state plantings. A law that gave enforcement officials a starting point will now be unwieldy and open to many variables.

I am aware of several Phyllostachys plantings but have yet to have first-hand knowledge of any that are problematic. Most plantings have no chance of becoming a problem, but this bill could force homeowners to tear up their gardens to comply with this new law.

I agree that there can be problems in some cases with Phyllostachys spreading, but there are solutions, and in most cases easy ones. Bamboo is not going to overrun Connecticut in one year. I would suggest that we get together representatives from the Connecticut Agricultural Experiment Station, Department of Energy and Environmental Protection, Legislators, enforcement officers from towns, and representatives of the nursery and landscape industry and craft a bill that takes out the ambiguities of the proposed law and gives good guidelines for enforcement personnel and the nursery and landscape industry to follow.

Also, Jeff Ward, at the Connecticut Agricultural Experiment Station has been conducting experiments on this issue, and his research could be valuable to any new approach a law might take.

I have attached a letter, our bamboo statement, that is given to our Connecticut bamboo customers, along with the plant tag that goes out to each order. We provide these guidelines to planting to prevent problems and control the

planting of bamboo.

Thank you for your time.

REP. GENTILE: Holly, thank you for your patience in waiting to testify on this bill. I know that when Senator Meyer and myself met with you and I believe your dad --

HOLLY JOHNSON: Yes.

REP. GENTILE: -- you did mention that the Ag station was working on some things. Do you know when that research will be available to us?

HOLLY JOHNSON: Since our meeting, we did speak with Jeff Ward, and he said he had moved forward with some trials, that he expects some results, especially for control, I believe sometime this summer. And he's moving forward with other plantings that he was working on, but those, I think it's a mix of some being ready this summer and then some in the future.

SENATOR MEYER: Thank you, Holly. You and your family have been, father have been very contributory; we -- we appreciate it.

You know, I -- I'd really, just as -- as the Senate Chair of this committee, I invite you to give us those kind of conditions that you think are -- are, would work. We'll be, you know, we'll be taking this up as a committee and considering it. We'll have an opportunity to amend it.

HOLLY JOHNSON: Uh-huh.

SENATOR MEYER: And if there -- there was a particular sort of standards and conditions that you think would be appropriate here that

are not here, do submit them to us.

HOLLY JOHNSON: Okay.

SENATOR MEYER: Yeah.

HOLLY JOHNSON: In regards to both containment, things that are already mentioned in the law or other issues in particular that you're talking about?

SENATOR MEYER: Well, I -- whatever you were talking about. I was -- that I'm asking you to do it because I -- you were a little vague in --

HOLLY JOHNSON: In more detail.

SENATOR MEYER: -- terms of you're talking about --

HOLLY JOHNSON: Uh-huh.

SENATOR MEYER: -- some standards. And I wasn't quite sure what you -- but we -- we would entertain those if you submitted those.

HOLLY JOHNSON: Okay.

SENATOR MEYER: Second, secondly, your -- your literature considering bamboo is very good, your running bamboo literature. You gave us that; I read it, and --

HOLLY JOHNSON: Thank you.

SENATOR MEYER: -- I -- I thought it was very descript, descriptive and -- and very fair and accurate.

HOLLY JOHNSON: Uh-huh.

SENATOR MEYER: Third is you've been here for a while this morning, this afternoon, and you've

probably heard that thus far -- and we have more witnesses to come -- there have been witnesses who really want us to prohibit running bamboo or -- or if not prohibit it, declare it an invasive species, which is tantamount to prohibiting it.

HOLLY JOHNSON: It -- it --

SENATOR MEYER: So we -- we haven't --

HOLLY JOHNSON: Yeah.

SENATOR MEYER: -- gone that, we haven't gone that direction, and I -- I urge you to think about that. We haven't done that; we've honored the -- the business, your, the nursery business. We've even honored the plant, to some extent.

HOLLY JOHNSON: We appreciate that and especially having worked with the Invasive Plant Council in the past, taking their recommendation that it doesn't meet the criteria. And since that committee had been set up or commission had been set up to evaluate plant species before any legislation would be passed on them, we -- we appreciate that you have not gone that route and bypassed the Invasive Plant Council.

SENATOR MEYER: Okay; thanks.

REP. GENTILE: Jillian Murphy, followed by --

REP. BOWLES: (Inaudible.)

REP. GENTILE: Oh, I'm sorry.

Representative Bowles.

SENATOR MEYER: Holly, please come back.

HOLLY JOHNSON: Yup.

REP. BOWLES: Yeah. All right; I'm sorry. Thank you, Madam Chair.

All right. Just a quick question; I just want to clarify your statement. You -- you believe that the issue of running bamboo is not problematic then?

HOLLY JOHNSON: I believe it is an aggressive plant and when used incorrectly it can be a problem. Our area -- we're from North Madison -- it's quite rural. There's numerous plantings throughout North Madison that I have no first-hand knowledge that there's any problem with, because there's more room.

I could understand being in an urban setting, where neighbors are on top of each other, and especially with people who don't have concern for their neighbors, themselves, that yes, there could be issues. That's why we do support the bill that was passed last year. It's just something that we think should be dealt with moving forward, because it's very difficult to enforce retroactively.

REP. BOWLES: And if I may, just a follow up. Is there another species of ornamental bamboo that can be made -- that isn't made available to the general public for purchase that -- that accomplishes -- as I understand, it's, you know, ornamental and -- and in some cases, as a -- a screen barrier. These -- these are the common uses. Are there other types of bamboo that could easily be an alternative for the two species, again, as I understand it, that are really, and from what I understand, are problematic?

HOLLY JOHNSON: Right; that's who you hear from.

What we run up against all the time is that everybody wants Phyllostachys to be a clump form, because there's, there is a type of bamboo that grows like a grass. It's called "Fargesia," and it grows solely as a clump; it doesn't run. The problem is it needs to be in shade. It's very slow growing; it doesn't get the thick combs that everybody expects when they see big bamboo, and they expect the -- the Panda growth. They can't substitute the clump form, so this running form fits the situation that they want. They want a screen. They want a quick screen, and it, and the -- the Phyllostachys also takes sun.

Usually you have a situation where you have an edge of a property or something, where you're trying to come up with -- with a screen, and it is in a sunnier location. The Fargesia will not make the height of the Phyllostachys and it also won't make the screening possible, because it doesn't get the size.

REP. BOWLES: Thank you, very much.

HOLLY JOHNSON: You're welcome.

REP. BOWLES: Appreciate it.

REP. GENTILE: Thank you.

Jillian. Jillian will be followed by Anne Egan and then Caryn Rickel.

JILLIAN B. MURPHY: Good afternoon, and thank you for the opportunity to speak with you today.

My name is Jillian, and I'm here to talk about my own, personal experiences with bamboo. So I live in Old Saybrook, on Main Street, in a historical home built in 1697, the John Shipman House. My neighbors have planted bamboo down

the property line, which has begun to spread to my property. Over the past three years, I have watched the plant grow and spread rapidly, and it will soon result in significant damages to my property.

The foundation of my home, my bluestone patio, my cement driveway, and my lawn are all in danger, which concerns me a great deal. I also worry about the state of my home, itself, a historical property and what will happen when the bamboo reaches the foundation.

Additionally, our properties are adjacent to the marshlands, to which the bamboo will pose a huge threat.

I've tried to work cooperatively with my neighbors for the past two years and explain my concerns, but they don't understand the problem; they don't want to remove the bamboo. And as I said, it's planted directly on the property line, and a barrier will not contain it.

And I've tried the Roundup solution; I can tell you it does not work. It killed my grass; it killed everything but the bamboo.

So at this point, the existing bill effective October 1, 2013, does not help me. My only option is to sue my neighbors, which will be expensive and time consuming and will require that I allow the bamboo to grow and cause further damage to my property. There will be irreversible damages to my property, and potentially the adjacent marshlands, if I wait for a lawsuit to go through.

So I'm very pleased to hear that you're taking this issue seriously, and I fully support this bill with the addition of a buffer zone,

regardless of a barrier or containment.

And just listening to the discussion that we just had, I might even take it one step further, and I would fully support prohibiting the plant completely. It spread onto my property, the other property, and now it's going back to the marshlands.

And if you're familiar with Old Saybrook and Main Street, it's a really nice historical area, and I think it's going to be a big, big problem.

REP. GENTILE: Thank you.

Any questions?

SENATOR MEYER: I just have a suggestion that --

JILLIAN B. MURPHY: Sure.

SENATOR MEYER: -- behind you is -- is Holly, who -- who testified before, whose -- whose nursery firm does -- does bamboo, and --

JILLIAN B. MURPHY: Uh-huh.

SENATOR MEYER: ,And she's put out some -- some helpful literature about control.

JILLIAN B. MURPHY: Yeah; I've read the literature but --

SENATOR MEYER: Uh-huh.

JILLIAN B. MURPHY: -- it's my neighbors who planted it --

SENATOR MEYER: Uh-huh.

JILLIAN B. MURPHY: -- that spread onto my property.

So at this point, they're not willing to remove it. I'm the one for response -- responsible for a plant that -- that they planted and is now invading my lawn.

You know, a barrier will not work in this case, and I don't think that I should be held financially responsible for protecting my property, you know, investments that I've made in my home.

SENATOR MEYER: Okay. Sometimes, you know, this kind of a local issue can -- can be resolved if you brought in a -- a planning and zoning officer of your town --

JILLIAN B. MURPHY: Yeah.

SENATOR MEYER: , -- to meet, to meet with your neighbors. Even without a lawsuit, you have your -- your attorney speak to the neighbors about -- about, you know, the consequences if they continue. I -- I think there are things short of a lawsuit that -- that can be done in a practical way, in my experience, that -- that might be able to get rid of the problem.

JILLIAN B. MURPHY: No, I agree with that, and truthfully, having a good relationship with my neighbors is very important to me. I want to have a good relationship, but I'm been working on this for three years. I've shared the research and the data with them; I've approached the Town of Saybrook. No one wants to get involved.

So that puts me in a really unfortunate position, as the homeowner. And, truthfully, if bamboo invades my property, my property value will decrease. I'm going to have trouble when it spreads to the next lawn. So I don't want to be held liable for, you know, for their

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problem.

REP. GENTILE: Thank you.

JILLIAN B. MURPHY: Thank you.

REP. GENTILE: Anne Egan, followed by Caryn Rickel.

ANNE EGAN: Good afternoon.

I would like to thank the Committee on the Environment, Senator Meyer and Representative Gentile, as well as the committee for posting Senate Bill No. 72 for a public hearing.

My name is Anne Egan; I live on Ocean Avenue, in Milford, and I, while I support the intent of the bill, I am most anxious that words be used so that this buffer zone that's needed -- I don't know, 40 feet, 50 feet -- however long it would be, but it's invading my property from somebody else's property, and no matter what I do, I can't, I can't contain it. I can't keep it from spreading, tearing up irrigation lines, uprooting paved stones, paving stones. I'm just not; I'm not successful, no matter what I do. And I'm concerned about the property value and the integrity of my home.

I'm hoping that the legislation will proceed to back us up, so that we have something to rely on that we can solve this problem. And I've been fighting at least five years and getting nowhere.

Thank you.

REP. GENTILE: Thank you, Anne.

Any questions or concerns?

Anne, thank you for sharing your story.

Caryn Rickel, followed by Trudy Meyer.

CARYN RICKEL: Thank you for this opportunity today to testify on Senate Bill 72, AN ACT CONCERNING LIABILITY FOR GROWING OF RUNNING BAMBOO.

My name is Caryn Rickel, 13 Edgehill Terrace, Seymour. I am the founder of the Institute of Invasive Bamboo Research.

I support the intent of Senate Bill 72, with the following addition: Declaring running bamboo a nuisance, with a 40-foot setback on existing bamboo. The setback is a no-bamboo buffer zone where bamboo cannot exist, including rhizomes. The buffer zone is critical to stop the continual spread and damage to adjoining property, including private and public property, roadways, wetlands, parks, preserves, and open space.

Orange, Connecticut has defined running bamboo a nuisance with a hundred-foot setback or buffer zone on existing bamboo, with new planting prohibited; running bamboo shall not be permitted to exist within any buffer zone. This law is well thought out, structured, and written with clear definitions and fines proportionate to the risk. A copy is included in my testimony; please see Exhibit A.

Bozrah, Connecticut has declared running bamboo a nuisance with a 40-foot setback or buffer zone on existing bamboo. Laws have recently passed with full bans on planting and/or maintenance of existing bamboo, indicating the seriousness of the harm caused by destructive Phyllostachys running bamboo.

For Senate Bill 72, a suggested fine in the.

amount of 250 for each day on which a noticed violation remains in existence, beginning 30 days following the receipt of notice, could be a critical element for effective environmental enforcement and would enhance the effectiveness of the bill.

The Town of Orange, defining running bamboo a nuisance, with a buffer zone of a hundred feet from abutting property where running bamboo shall not be permitted to exist, has this suggested fine.

Effective 2014, New York State has listed both, yellow-groove bamboo, *Phyllostachys aureosulcata*, and golden bamboo, *Phyllostachys aurea* as invasive species. New York State DEC listed two species of *Phyllostachys* running bamboo; they state: "Invasive species are non-native species that can cause harm to the environment, the economy or to human health." These regulations are expected to help control invasive species, a form of biological pollution, by reducing the introduction of new and spread of existing populations.

Today, if you Google Hartford Craig's List, half-off sale, a hundred plant minimum, yellow-groove ready for spring. It's right on there today.

With *Phyllostachys*, invasive running bamboo, the invasion and damages will each year. Each successive invasion is more destructive than the previous year's invasion. *Phyllostachys*, invasive running bamboo is impossible to contain. We have 600 infestations and a waiting list, and we have not one contained case.

I would like to add, I got a report last evening that it's going over gas lines, and the

rhizomes are all through the gas lines.

REP. GENTILE: Thank you --

CARYN RICKEL: I guess --

REP. GENTILE: -- Caryn.

CARYN RICKEL: -- that's about it. Any questions?

REP. GENTILE: Thank you for your testimony; it's very helpful.

CARYN RICKEL: And Roundup doesn't work; it actually causes breast cancer. I have the link.

A VOICE: Okay.

REP. GENTILE: Trudy.

TRUDY MEYER: Good afternoon. Hello, everybody.
Thank you.

I'm here to support the intent -- intent on Senate Bill No. 72 but would like to see the addition of defining running bamboo a nuisance with a 40-foot setback on existing bamboo. This is a buffer zone where bamboo cannot exist, including rhizomes.

My testimony is -- is personal, but I'd also like to do something a little further to educate and to protect the future of, you know, future generations. And it started out with the purchase of my home, about a-year-and-a-half ago. There was no disclosure of bamboo, running bamboo on the property, on the property line, and it -- I discovered it about six months after moving into the house, when I saw the bamboo spouting up through my driveway. I had no idea what it was. And I wanted to have my driveway paved, and I'm not able to do that

at this point.

I did ask my neighbor about it, who had planted the bamboo, and he actually put a barrier in on his side, but not on my side. So it's now in three places on the property, one in the front, by my driveway, one area; another area in the back, which I have had removed, professionally removed at my expense, because I don't want, I don't want it spreading through my property. I did find another location with a 20-foot rhizome that's coming right towards my beautiful, white beech tree, hundred-year-old tree.

I'm concerned that the rhizomes are going to penetrate through my gas line, my water line, and my septic line. Their culms and during snowstorms are just caving on my power lines, come into my house. They are stretched so tight; they're ready to just pop off my house. I go out there; I shake off the bamboo. I've asked my neighbor to please take the bamboo off of the property line, so it's not going to cause a problem with the power lines, and he just told me to shake off the bamboo.

I've reached out to CL&P. CL&P asked me to -- told me they can't get involved with it, to contact my DEP [sic], and they said they can't get involved with it. So I really, I have nothing. My hands are tied; there is nothing I could do. I'm out there in a snowstorm, shaking off bamboo, so I don't lose power in my house.

I moved to Westport for the quality of life. I've reached out to the town and our, the Director of Conservation told me I would need to file a civil lawsuit.

I'm, I don't know what to do. I'm here to

support it. I -- I know four of my neighbors are affected by this, and I don't even think they're aware of this yet. I haven't reached out to them; I'm hoping that you'll be able to do something for us.

REP. GENTILE: Thank you, Trudy.

TRUDY MEYER: Thanks.

REP. GENTILE: Any questions?

Representative Bowles.

REP. BOWLES: Thank you, Madam Chair; I appreciate it.

A question for you -- and you may not have the answer -- but in this discussion about the -- the bamboo, and you just purchased your house a-year-and-a-half ago in Westport; did I --

TRUDY MEYER: Yeah.

REP. BOWLES: -- hear you correctly? Do you have any idea, have -- have, do you have any sense -- and -- and I -- I'd be curious to find this out -- about the market value, the degradation of -- of your home, relative to the sale's price and -- and your purchase price a year-and-a-half ago? Do you have any sense? Have you talked to realtors about --

TRUDY MEYER: Well, I know --

REP. BOWLES: -- the (inaudible)?

TRUDY MEYER: -- there is going to be a stigma on my property. It is --

REP. BOWLES: Yeah.

TRUDY MEYER: -- documented already. So it'll probably be, you know, 30 percent less than what I paid for it. That's what my estimate is on that.

REP. BOWLES: Okay.

TRUDY MEYER: You know, and what I'm doing is I have removed rhizomes from the back of my property, because I'm trying to protect my investment. I, my only choices at this point is keep removing the rhizomes, which I do, nonstop; every weekend, you know, I'm sifting through dirt. And/or I could sell my house and move and take a loss.

REP. BOWLES: Yeah. I -- I guess I'll just follow up; I'm curious about, you know, what -- what's happening with the market value of these homes that are being impacted.

But thank you.

TRUDY MEYER: Yeah, and in --

REP. BOWLES: Thank you --

TRUDY MEYER: -- my print --

REP. BOWLES: -- Madam Chair.

TRUDY MEYER: Since then I, since I've been aware of what bamboo is, I've -- I walk quite a bit through Westport. I walk through the parks, through the back of Winslow Park; somebody's planted bamboo, and it's right on the Saugatuck River.

It's -- it's still in its infancy but it's going to be a disaster, and it's going to be costly to everybody. Who's going to have to remove this? Who's going to take the financial

obligation for this?

Thank you.

REP. GENTILE: Thank you.

Louise Fabrykiewicz, followed by --

LOUISE FABRYKIEWICZ: Hi.

REP. GENTILE: -- Theresa Groff.

LOUISE FABRYKIEWICZ: Good afternoon, folks and thanks for providing me the opportunity to participate in allowing me to voice my concerns regarding the plant, running bamboo; and, I'm at not going to say the Latin name.

Thank you for proposing S.B. 72, and while I do support the intent, I think the bill should be strengthened by declaring running bamboo a nuisance with a minimum, 100-foot, rhizome-free buffer zone in order to more properly contain it.

We all have and continue to be aware of the harmful effects that invasive plants have upon our natural ecosystems. Now in recent times, we are witnessing the devastating effects of the extremely troublesome running bamboo, a plant that New York State calls "invasive" but should be classified as a nuisance in Connecticut. Not only is it, is it an ecological threat, it is damaging and very costly to remove.

The damage it causes to foundations of homes, drains, and sewer systems, asphalt driveways, and the like, place an undo and unfair burden upon property owners.

Thank you for listening.

REP. GENTILE: Thank you, Louise.

Theresa, followed by Gabriele Kallenborn, and Don Roy.

THERESA GROFF: Good afternoon, Madam Chairman. Thank you for allowing me to speak -- and the rest of the Environmental Committee.

This is my second time testifying; the first time I testified, it was a serious issue, and now a year later, it is getting worse. I support the intent of Senate Bill No. 72, which the following addition: Declaring all existing bamboo a nuisance with a minimum 100-foot setback, that mirrors the present law of the plantings that were made after September 1st, a no-bamboo buffer zone where bamboo cannot exist, including rhizomes.

As you already know, Phyllostachys running bamboo is very invasive to all properties, private, which we've heard from today, commercial, which I will tell you about, educational, and municipal. The educational is a museum in New Haven. Of great concern is the escaping bamboo in wetlands, parks, city streets, state highways, railroad property, as well as expensive, private septic systems.

The rhizomes are insidious and extremely invasive, protruding through asphalt, concrete, and over and around and under flimsy barriers. A pinhole is all the plant needs to escape and cause havoc on unsuspecting neighbors. Plastic, rigid barriers, circular barriers, and flexible barriers have all failed.

As a field researcher, I have personally photographed 93 plantings, as of last year. This year, we're up to a hundred -- I am up to

a hundred and eighty-seven. These are different properties. This is only in Eastern Connecticut, and none of them, absolutely none of them is contained.

On my photo board out in front here are different barriers failures, and nothing is working; nothing is working on them. We need a minimum, 100-foot no-bamboo buffer zone with constant vigilance to stop the damaging spread into abutting properties, including wetlands.

Running bamboo infestations have escaped along the Shetucket River, in Occum, the Mumford Cove vernal pool, in Groton Long Point -- which has sent all of those people into hysterics -- the three brooks in Preston, and more sites. There's an extensive Phyllostachys infestation in Cat Hollow Park, in Killingly, that has aggressively escaped from private property. There's the 600-plus-foot-long jungle off of Everett Street and Coolidge Road, in Norwich, that involves six separate properties, including active railroad tracks that are used for freight, and the Thames River. There is a lovely, natural, state-owned, Rose Hill Nature Preserve, shared by Preston and --

REP. GENTILE: Theresa --

THERESA GROFF: -- Ledyard.

REP. GENTILE: -- if I could interrupt you; could you sum, summarize, please? We have several other people to testify. We're --

THERESA GROFF: Oh.

REP. GENTILE: -- trying to stick to the three-minute rule.

THERESA GROFF: Okay.

A prominent garden center in Ledyard has escaping bamboo under their nicely paved asphalt that is popping up under and around shrink-wrapped pallets of bagged mulch. If they can't control it, how can a homeowner?

Roundup does not have Phyllostachys listed on their list of effectiveness plants. Manufacturers have not listed Phyllostachys on any of the chemicals because they know they don't work.

Thank you for allowing me to speak. The existing bamboo needs to have that setback.

Thank you.

REP. GENTILE: Theresa, thank you.

Representative Moukawsher.

REP. MOUKAWSHER: This may be more in a nature of a remark; I mean, I -- I didn't catch all the locations you mentioned, but I represent Groton and --

THERESA GROFF: Uh-huh.

REP. MOUKAWSHER: And I know Representative Bowles has been, you know, on the forefront of this, you know, raising awareness. I just had a chat with him, and to me it seems like, you know, if we are going to permit people to have this, it's going to get out of control. I mean, I --

THERESA GROFF: Yes.

REP. MOUKAWSHER: I, you know, maybe, I don't know what legal impediments there may be to this, but I think we should just declare it a nuisance or ban or require people to remove it.

It just sounds to me like, you know, like a -- a, something that will not be controlled and has to be eliminated.

I -- I don't know if we can do that, but that's, you know, my concern is that any, you know, allowance of this at all allows it to, you know, run rampant. So that's -- and if you of any reason we can't do that, I'd appreciate it, but --

THERESA GROFF: Sir, I would, personally I would love to see this happen. And when the New York State declared bamboo an invasive species, the Phyllostachys an invasive species, my question is at what point on the imaginary state line does the bamboo not be invasive when it crosses into Connecticut?

Connecticut has got the same latitude as the southern end of the Phyllostachys in Asia, where it comes from. We're at Latitude 41 and bamboo comes from Latitude 40 and heads north; it's a mountainous bamboo. This does not belong in an urban setting, and it's doing a lot of damage to our wetlands.

And when you've got a garden center that has been around for many, many years, in Ledyard -- and you know whom I've speaking of -- and they bamboo and they can't control it -- it's coming up through their asphalt driveway on the street-side of 117 -- I mean, this is very serious. If they can't control it, how can a homeowner?

And Groton Long Point people, they are very distressed about at the corner of Mumford Cove Road and -- oh, God, I just forgot the name of the other street -- it's right on the corner there. And there are people taking it from there and planting it on their property, so now

one invasion has become three. And they've eliminated the other three, but they're finding, the Mumford Cove Association is having a difficult time explaining to them that, you know, you can't have it because they are very strict, not wanting invasive species on the Long Point. And here, you know, it's on their property -- Duryea Road, Mumford Cove Road and Duryea Road. That's a serious issue and they can't spray.

DEEP has said, oh, yes, repeated applications of Roundup, but yet the manufacturer's recommendation says that it doesn't work on -- on Phyllostachys.

REP. MOUKAWSHER: What -- what would work on it?

THERESA GROFF: Pardon? I have no idea, sir, except for a backhoe. And I have heard testimony in East Lyme --

REP. GENTILE: Thank you.

THERESA GROFF: -- because all summer I went from one town to another to another to another. I spoke with conservation commissions; I spoke with inland wetlands people; I spoke with land-use people, zoning board and all different towns. And they all said the same thing; we don't know. We don't have the funding to have someone go out and do something with this. They didn't know where to start, and they recognized that, you know, it's a problem now and that problem is only going to be magnified in another ten years.

The Town of Orange was very proactive because they said that if they let this issue go and not have stiff fines and tell everybody to, nope, no more plantings, then they must have the hundred-foot setback. This is wonderful

because they realized that a sewer system for the Town of Orange is going to have to be bonded at a hundred-million dollars.

And then you get into towns in the New York State, out on Long Island. There's over 27 towns -- that's in my testimony that I submitted -- they have got total bans. You've got to get it off the village.

They're even giving jail sentences for planting bamboo or to failure to remove bamboo. Malverne, New York, ten days in jail, thousand -- \$250 fine.

Upper Darby Township, Pennsylvania, total removal from the village property; that means you can't have it. You can't; you have to pay for your neighbor, court costs, 30 days in jail and a thousand-dollar fine. And Connecticut is worried about their hundred dollars.

A VOICE: (Inaudible.)

THERESA GROFF: Yes, sir.

REP. GENTILE: Thank you, Theresa.

Thank you, Representative --

THERESA GROFF: Yeah.

REP. GENTILE: -- Moukawsher.

We'll move along to Gabriele, followed by Don.

GABRIELE KALLENBORN: Good afternoon, Chairwoman Gentile. Thank you for giving me this opportunity to speak.

As you know, we're talking about a Phyllostachys, and I just quickly want to go

through the damage that it does:
Demineralization and depletion of the soil of all nutrients, so nothing will grow there for long periods of time, 20, 30 years nothing will grow, even if you remove it; it's dead land. So listening to Bill 70 and the concerns about our state and about the land, this belongs there too.

Destruction of all the native plants, trees, and shrubs, so Phyllostachys grows under all your plantings, takes the nutrients away, and before your plant, before the Phyllostachys is dying, all your other plants are gone.

Overgrowth of wetlands and parks; growing under the railroad tracks -- that's one of any concerns, because I'm close to the railroad tracks and it's about a yard away, two yards away. Department of Transportation doesn't have very many concerns, and they just say they will spray. So they spray the wetlands, and you know, all the little fish go belly up; all the birds go belly up; we are going to be in a cesspool.

So damage to the infrastructure through gas line, sewer lines, foundations of houses, under the siding of houses, swimming pools, asphalt streets, runs under the railroad tracks, leans on electric lines, and with the snow it pulls electric lines down, no electricity and all the consequences about that, grows into transformers, under deck, in cross -- and it crosses separating walls between properties. It does not stop, and it doesn't matter if it's stone, concrete, plastic, whatever; it does not stop.

And in my case, it grew into one of my beehives and it destroyed a whole colony. It -- it takes anything down, whatever you want to look

at.

So looking at all this destruction and the State in Connecticut, in general, which has a lot of dense and urban areas where properties are at close proximity to each other, I would like S.B. 72 to include running bamboo declared a nuisance with a 40-foot setback on existing bamboo.

We cannot just keep looking at the symptoms and forget the cause. I'm a licensed physician in this state. The cost is the existing bamboo, and that has to go first before everybody else goes after their few rhizomes, the existing bamboo. You have a cancer, you have a tumor; that tumor has to go before you look at the metastasis. The cause has to go before you go --

REP. GENTILE: Excuse me, Gabriele --

GABRIELE KALLENBORN: -- into the (inaudible).

REP. GENTILE: -- could you please summarize?

GABRIELE KALLENBORN: Real estate values, there was another question before, that I would love to quickly answer. The real estate value is decreasing tremendously. I have hired a property assessor, and he told me that at this point I have an unsellable plot; it cannot be sold. And I don't, you know, if you're interested, I can give you more information about that.

But I appreciate your listening to me, and I'm open for questions on it.

REP. GENTILE: Thank you; we certainly appreciate your time.

GABRIELE KALLENBORN: Yes. No questions?

REP. GENTILE: No. You're off the hook, Gabriele.

A VOICE: I have just --

GABRIELE KALLENBORN: Thank you.

A VOICE: -- (inaudible).

REP. GENTILE: I'm sorry. Representative Bowles does have one question for you.

REP. BOWLES: Yes, ma'am, please.

Yeah, I'd just like to follow up. I would be interested in that kind of information, in terms of an assessment of -- of the home values. I think, I think that's --

GABRIELE KALLENBORN: Okay.

REP. BOWLES: I haven't, you know I'm -- I'm hearing anecdotal information, but --

GABRIELE KALLENBORN: No, it's not --

REP. BOWLES: -- I think --

GABRIELE KALLENBORN: -- anecdotal.

REP. BOWLES: -- I, but that's what I'm asking for.

GABRIELE KALLENBORN: Yeah.

REP. BOWLES: Is including, you know, some quantification of that, that kind of thing. I would appreciate any information on that.

It's Representative Tim Bowles. You can -- and we can talk afterwards --

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GABRIELE, KALLENBORN: Yeah.

REP. BOWLES: -- okay? Thank you.

Thank you, Madam Chair.

REP. GENTILE: You're welcome. Thank you.

Don Roy.

Okay; we'll move on to David McDonald, followed by Michelle Caul.

DAVID BOOMER: Thank you. Thank you, Representative Gentile.

I'm David Boomer, with the Kowalski Group; we represent Central Boiler, and I'm submitting to you the statement of David McDonald from that company.

Very briefly -- because again, you have our written statement -- on Raised Bill 66 now, AN ACT CONCERNING OUTDOOR WOOD FURNACES, for a number of years now, Central Boiler, we've been meeting with you and discussing this issue. We continue to believe that there's a balance, that there's a way we can make the structure work here in Connecticut where people who desire to have an outdoor wood furnace can -- can have one, that where we can address the smoke issues and abate that and allow hopefully a system to -- to move forward.

But in the -- the meantime, we -- we do support the bill you have, because as many of you know and we've discussed with you, the original statute here in Connecticut conditioned a number of siting rules on, up until some point where federal standards would take effect and when those standards took effect, your siting rules would go away.

STATE OF CONNECTICUT



COUNCIL ON ENVIRONMENTAL QUALITY

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TESTIMONY

DATE: February 19, 2014

TO: Environment Committee
Connecticut General Assembly

FROM: Karl J. Wagener
Executive Director

RE: Raised Bill 72, AAC Liability for Growing of Running Bamboo

The Council on Environmental Quality has examined the running bamboo question and recommends that you prohibit, by statute, its sale and planting.

The Council is aware that last year's legislation requires containment for future plantings, and that the raised bill imposes liability for anyone who lets their bamboo run out of control. However, the Council concluded that these measures are not completely adequate.

Based on compliance data for other environmental laws, it is highly doubtful that 100 percent compliance can be achieved. Some people will remain ignorant of their responsibilities, and some will prove to be just irresponsible. Council members have personally observed instances of running bamboo growing in wetlands and other non-landscaped areas; this is likely to keep occurring until running bamboo is abandoned as an ornamental plant.

The fact that running bamboo can in theory be contained is not the most important point. By way of comparison: the General Assembly has prohibited the sale and planting of more than 50 species by statute. We as a state do not tell people that they may plant *Phragmites* (reed) – which can be considered ornamental – or kudzu as long as the plants are grown in containers or are otherwise contained. Both species spread by runners or rhizomes, and you have correctly prohibited them completely. The Council recommends that you do the same for running bamboo.

Testimony for S.B. 72
AN ACT CONCERNING LIABILITY FOR THE GROWING OF RUNNING BAMBOO

From: Joseph L. Scalabrino
22 Rock Pasture Road
Branford, CT 06405
Telephone; 203-488-8517

February 17, 2014

To Environment Committee:

I am asking that this letter be read as testimony at the legislative session on February 19, 2014 for a problem I am having with running bamboo.

My wife and I have been residents of Branford for 38 years. A next door neighbor planted running bamboo on their property a few years ago, the species *Phyllostachys aureosulcata* - yellow groove. They have since sold the house to another family who tried to remove the growth by cutting down a section near my land on the north side of the property. The bamboo is again growing at a rapid rate in the section cut down because the roots were not removed. Over the years the bamboo spread to a backyard neighbor's property destroying a section of the fence that separates the two properties. The back yard neighbor must have liked the bamboo because it has spread across their property which borders my yard on the eastern rear of my property.

The bamboo has infiltrated my yard at the corner of the other two properties. I have attempted to cut down the shoots over the years but this has not worked. The bamboo has sprouted up, at some points, as much as 10 feet on my land. I have spent many days digging up spreading roots that resemble snakes. These roots sometimes appear near the surface which is when I can attempt to dig them out. When removed they look like a fish bone with roots streaming off of the main cord. These snake-like shoots give rise to a root ball that sprouts a new plant. The problem is that I have to wait to find where the shoot has gone before I try to dig it out. This is too late to stop the overall growth rate of the plant. In one area, the root system has gone under a 35 year old, established pine tree that may have to be removed to get at the bamboo. I am willing to pay a landscaper to remove this invasive and destroying growth from my land but it would be throwing good money after bad if the neighbors do not remove their growths. I am afraid that my property may be devalued if this spread is allowed to continue. My wife and I have spoken to other residents in Branford that are having a similar problem. One has it growing up through their driveway and another has told us that the bamboo is beginning to invade their neighboring wetlands.

The bill should include that bamboo be labeled a nuisance; it should be forced back from any neighboring property at least 40 feet [A 40 FOOT SETBACK- no bamboo buffer zone where bamboo cannot exist]; property owners that have the bamboo on their land should be forced to keep it under control with a threat of legal action (something I would hate to see happen) and there should not be a grandfather clause that would allow existing growth to continue to spread. Please adopt a law that will keep this plant from developing into a greater problem.

Thank you,
Joseph L Scalabrino

Joseph L Scalabrino

Bonfiglio

February 16, 2014

Dear Environmental Committee Members,

My name is Michelle Bonfiglio and I reside in Wethersfield, CT. Before I begin my testimony I would like to state that I applaud the intent of Senate Bill 72 but would like to see the following included in the bill: **declare running bamboo a nuisance with a 40 foot setback on EXISTING bamboo.**

My husband and I purchased our home in 1997. In mid-2007 our neighbor planted bamboo along his property line. As time went by, it became apparent that the barrier that was constructed was compromised and bamboo spikes began to grow in our yard. The spikes predominantly appear in the spring time and they continue to grow in the summer/fall. The spikes are growing around our shed and throughout a significant portion of our yard. During the growing season, a large portion of our yard requires daily maintenance to remove the culms that grow relentlessly. Also, we lose the ability to use that portion of our yard due to the continued growth. We pay property taxes on the entire property and it is unfair that we lose the use of that area. Lastly, after rain or wet snow, the mature bamboo droops and falls into our yard, further diminishing the use of our property. Also, in August 2013, a shoot was measured 15 feet from my home!

Needless to say, we are highly concerned about property damage to our home as well as our property value.

My husband and I have tried to speak to the neighbor for 3 to 4 years about the bamboo growing in our yard to no avail. In May 2013, my husband was told by the neighbors that "all plants grow", the plants are "grandfathered in", and there isn't "a damn thing anyone can do about it." In October 2013, we were met with hostility, profanity and name calling by our neighbors after we sent them a letter outlining our concerns about the continued bamboo encroachment onto our property.

A few months ago, an abatement company came out to the house and informed us the only way to stop the bamboo growth is to completely remove the bamboo plants and dig up both yards to remove any rhizomes that have grown underground. Until then, there is nothing we can do to stop the bamboo growth and there is nothing I can do to protect my property and property value.

Lastly, the bamboo plants are less than 20 feet from the wetlands and we understand that is a significant concern with the Wetlands Commission. Our backyard borders wetlands which are located in the Tanglewood Open Space and has a sewer line easement that runs from the street to the wetlands. The sewer line easement runs between our property and the neighbor's property; with the bamboo plants planted in the easement. It is only a matter of time before the bamboo spreads to the wetlands and overtakes the area.

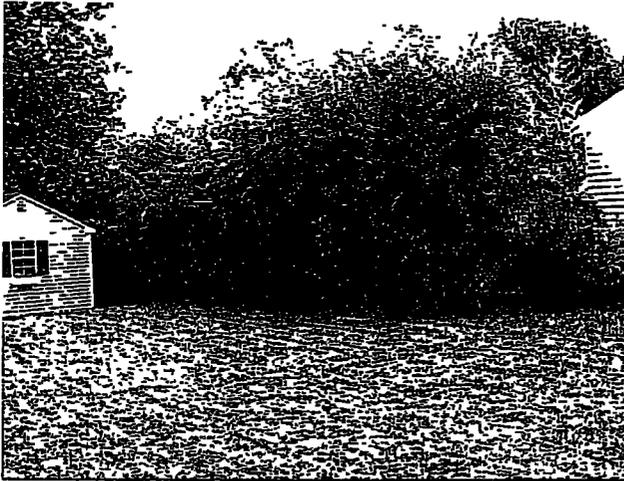
The law that was implemented on October 1, 2013 and Senate Bill 72 are great steps, however it does not fully protect private property from the damaging spread of bamboo. Please declare bamboo a nuisance with a 40 foot setback on existing bamboo in order to stop the spread and damages.

Thank you for your time, attention and consideration.

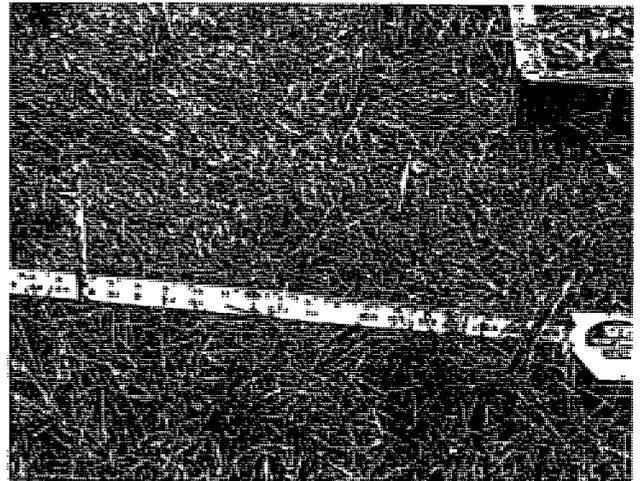
Sincerely,


Michelle Bonfiglio

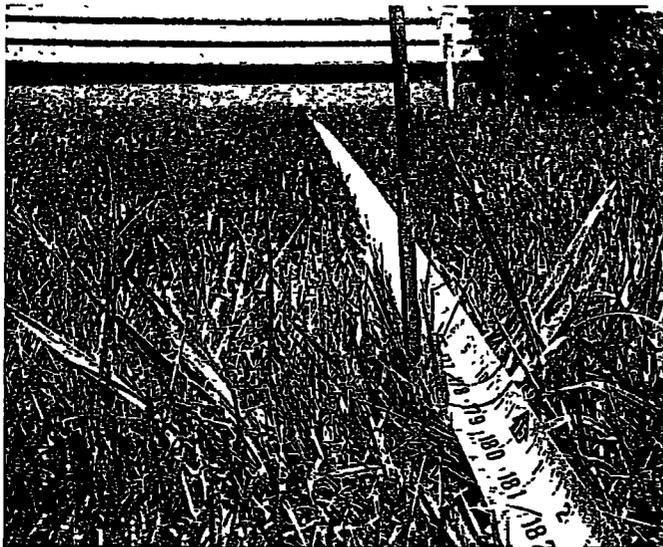
June 2013: Bamboo and shed



May 2013: Bamboo spike 8 1/4 feet from bamboo planting near shed

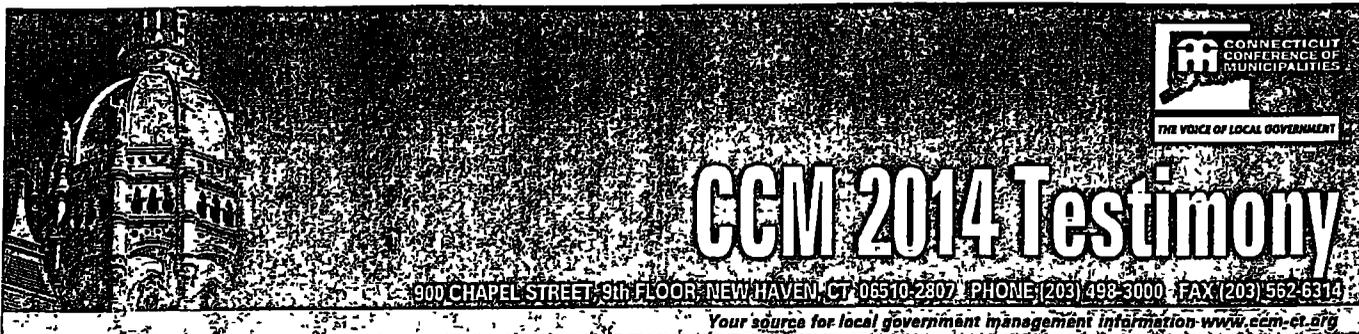


August 7, 2013: Bamboo spike less than 15 feet from house



February 7, 2014: Bamboo on shed and in yard





ENVIRONMENT COMMITTEE

February 19, 2014

19

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 92% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

Senate Bill 72 "An Act Concerning Running Bamboo."

CCM requests that the committee amend SB 72 by deleting section (e) which enables municipalities to authorize a municipal constable, municipal tree warden, zoning enforcement officer or inland wetlands and watercourses enforcement officer to enforce the provisions of subsections (c) and (d) of this proposed bill.

The enforcement of any laws regarding the growth of bamboo and the issuance of state fines should fall within the jurisdiction on the Department of Energy and Environmental Protection. This de facto mandate places undue pressure on municipal officials to deputize municipal employees to enforce this ban and divert them from their current duties and responsibilities.

CCM urges the Committee to amend SB 72 before considering this bill for further action.

★ ★ ★ ★ ★

If you have any questions, please contact Randy Collins, Senior Legislative Associate for CCM, at rcollins@ccm-ct.org or (860) 707-6446.

Testimony S.B. No. 72. An Act Concerning Liability for the Growing of Running Bamboo

Senator Meyer, Representative Gentile, ~~Senator Chapin~~, Rep. Shaban and members of the Environment Committee. My name is Holly Johnson, and I am here today on behalf of Summer Hill Nursery in Madison, Connecticut.

I would like to offer brief comments on SB 72, An Act Concerning Liability for the Growing of Running Bamboo.

The Connecticut General Assembly passed legislation last year that created a liability when an individual permits their bamboo plants to encroach on another individual's property; the law concerned bamboo planted on or after October 1, 2013. That law gave both the horticulture industry and enforcement officials guidelines to properly install bamboo plantings and evaluate if they were becoming unruly. Raised Senate Bill 72 eliminates that October date and would make individuals now liable for damages regardless of when the bamboo was originally planted. I don't understand how a law can be applied retroactively to something that has been legal up to this point and does not cause a serious environmental or health hazard. These changes could affect hundreds of homeowner's gardens, plus some commercial and state plantings. A law that gave enforcement officials a starting point will now be unwieldy and open to many variables.

I am aware of several Phyllostachys plantings, but have yet to have first hand knowledge of any that are problematic. Most plantings have no chance of becoming a problem, but this bill could force homeowners to tear up their gardens to comply with this new law.

I agree that there can be problems in some cases with Phyllostachys spreading, but there are solutions, and in most cases easy ones. Bamboo is not going to overrun Connecticut in one year. I would suggest that we get together representatives from the CT Agricultural Experiment Station, Department of Energy and Environmental Protection, legislators, enforcement officers from towns, and representatives of the nursery and landscape industry, and craft a bill that takes out the ambiguities of the proposed law and gives good guidelines for enforcement personnel and the nursery and landscape industry to follow. Also, Jeff Ward at the CT Agricultural Experiment Station has been conducting experiments on this issue and his research could be valuable to any new approach a law might take.

I have attached a letter, our Bamboo statement, that is given to our CT bamboo customers along with the plant tag that goes out with each order. We provide these guidelines to planting to prevent problems and control the planting of bamboo.

For Our Customers:

Connecticut's New "Bamboo" Law (P.A.13-82)

This law, passed in the 2013 legislative session, uses the term "running bamboo" throughout. However, be aware it concerns only Phyllostachys, a genus of hardy running bamboo. Phyllostachys is a fast-growing plant that if not properly contained can spread rapidly from the point of planting to areas where bamboo growth is not wanted.

Label Information

Retail sellers of Phyllostachys must provide this information plus methods of containment on all Phyllostachys sold. You may be fined if this isn't provided. Summer Hill has a required label on all Phyllostachys we sell in Connecticut. Also, we can supply you with labels at our cost.

Under Connecticut law (Public Act 13-82)

It is now illegal to allow Phyllostachys planted on a property, to grow beyond the boundaries of that property. Since October 1, 2013, there is also liability for removal costs and any damages caused to neighboring properties (although no one seems to know for sure if this pertains to pre-existing plantings or only those installed after October 1, 2013.)

Since October 1, 2013, any Phyllostachys planted on a property within 100 feet of a neighboring property or a public right-of-way must be planted within a containment system or in an above-ground container that does not come in contact with the soil. If this requirement is not met, there can be a fine of \$100 per day until removal or containment of the Phyllostachys is completed.

RUNNING BAMBOO – There are several other genera and species of "running bamboo" – mostly ground cover and shrub types. They are not subject to this law and may be planted anywhere – although a containment system is recommended for them also. Also "clump bamboo" – genus Fargesia, can be planted anywhere and will not spread.

Containment recommendations for Phyllostachys

Each situation is unique and the following containment recommendations are intended only as a general guide. Depending on soil conditions, species of bamboo planted, and other factors, containment needs at your location may be different. You can install a barrier out of polyethylene (plastic), metal, cement or other materials to surround the bamboo planting. Black polyethylene 60 mil thick and 36" deep is now the most popular and effective containment device for Phyllostachys (lesser thickness and depth for ground cover and shrub bamboo). The barrier should extend at least 34" deep into the soil and above the soil by at least 2". Seams or joints in the material should be overlapped and reinforced. Regular maintenance of the barrier will be required for the containment system to remain effective. In the fall make sure no rhizomes have grown over the barrier (hence the 2" above soil level.) Also, as mentioned above, you can plant bamboo within an aboveground pot or planter that does not come in contact with the soil.

ELIMINATION of "escaped" Phyllostachys (and other running bamboo) can be accomplished with applications of glyphosate (Roundup or its generic form) in late summer +/- or early autumn. Glyphosate can also be used to contain Phyllostachys and other running bamboo by spraying culms at the perimeter of a planting.

For further control recommendations or any other bamboo information, give us a call.

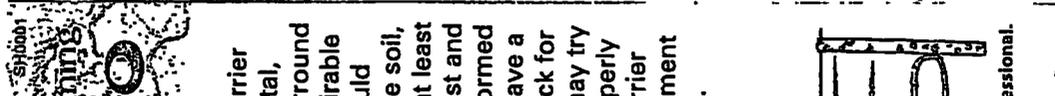
Propagating for Running
Bamboo



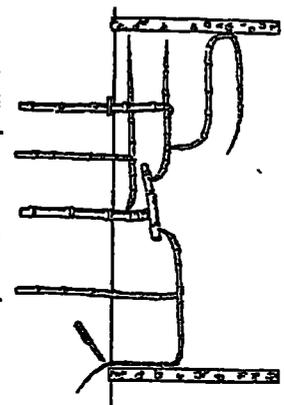
Hardy bamboo can be used as a focal point in the garden, and is valuable as a fast growing screening plant. However, be aware this plant can spread quite rapidly by underground rhizomes (roots) after it becomes established, and some form of containment may likely be necessary (see reverse side). This is especially true along property lines. Mowing the new shoots is effective in controlling spread. When the bamboo shoots emerge in the spring, they are tender and easily clipped. Herbicides like Roundup® may also be effective in mid to late summer.

CONNECTICUT NURSERY & LANDSCAPE ASSOCIATION

Rhizome Barrier for Running
Bamboo



You can construct a barrier out of polyethylene, metal, cement, or fiberglass to surround the plant and avoid undesirable spread. The barrier should extend 28"-30" deep into the soil, and extend above the soil at least 2". Polyethylene lasts longest and is most flexible to be free formed to any desired bed line. Leave a 2" lip above ground to check for any rhizomes (roots) that may try to grow over it. When properly installed, the rhizome barrier provides excellent containment of your bamboo plant.



Seek advice from your local plant professional.

Jillian B. Murphy
404 Main Street
Old Saybrook, CT 06475
860-575-9171

February 17, 2014

**S.B. 72 AN ACT CONCERNING LIABILITY FOR THE GROWING OF
RUNNING BAMBOO**

I am writing from Old Saybrook, Connecticut, regarding a serious concern with invasive running bamboo.

I live on Main Street in a historical home built in 1697, and the yellow groove running bamboo that my neighbors have planted along the property line is beginning to spread to my property. Over the past three years, I have watched the plant grow and spread rapidly --- and it will soon result in significant damages to my property. The foundation of my house, blue stone patio, driveway, and lawn are all in danger, which concerns me a great deal. I also worry about the state of my home -- a historical property -- and what will happen when the bamboo reaches the house, which won't be long. Additionally, our properties are adjacent to marsh lands, to which the bamboo will pose a huge threat.

I've tried to work cooperatively with my neighbors and explain my concerns, but they don't understand the problem, and they don't want to remove the bamboo. It is planted directly on the property line, and a barrier will not contain it.

At this point, the existing bill effective Oct 1, 2013, does not help me. My only option is to sue my neighbors, which will be expensive and time consuming, and will require that I allow the bamboo to grow -- and cause damage to my property -- until the legal process is completed (which will take years). There will be irreversible damages to my property, and potentially the adjacent marsh lands, if I wait for a law suit to go through.

I'm very pleased to hear that the state is taking notice of the bamboo problem, and I support the intent of S.B. 72 with the addition of a Buffer Zone as described below.

That said, the bill will not protect homeowners and properties in its current form. In order to protect our properties and homes, we need to add language that will declare running bamboo a nuisance with a 40 foot setback on existing bamboo. The 40 foot setback is a crucial part of this bill that will allow me, and other homeowners to protect our properties. (This would be a no bamboo buffer zone where bamboo cannot exist - including rhizomes.) In the current form, the proposed bill will not help my situation until the bamboo has grown over the property line. This does not make sense for towns, home owners, or anyone who knows how invasively running bamboo grows.

We need to work collaboratively together, and we need to do everything we can now. We need a 40 foot, no bamboo buffer zone on existing bamboo to stop the spread and damages.

Best regards,
Jillian Murphy

From: Anne Egan <anneegan6@gmail.com>
Subject: **TESTIMONY FOR SENATE BILL 72 AN ACT CONCERNING LIABILITY FOR THE GROWING OF BAMBOO**
Date: February 17, 2014 8 34:34 AM EST
To: env.testimony@cga.ct.gov



I WOULD LIKE TO THANK THE CHAIRS OF THE ENVIRONMENT COMMITTEE, SENATOR MEYER AND REPRESENTATIVE GENTILE AS WELL AS THE COMMITTEE FOR POSTING SENATE BILL NO. 72 FOR A PUBLIC HEARING

MY NAME IS ANNE EGAN AND I LIVE ON OCEAN AVENUE IN MILFORD, CT WHILE I SUPPORT THE INTENT OF THIS BILL, RUNNING BAMBOO NEEDS TO BE DECLARED A NUISANCE WITH A 40 FOOT SETBACK ON EXISTING BAMBOO - A NO BAMBOO BUFFER ZONE WHERE BAMBOO CANNOT EXIST, INCLUDING RHIZOMES.

I PURCHASED MY HOME IN 2005 AND IN 2006 SPENT SEVERAL THOUSAND DOLLARS IMPROVING THE GARDENS ON MY PROPERTY. AFTER COMPLETION OF THE WORK, MY NEIGHBOR PLANTED RUNNING BAMBOO, DESPITE MY BEST EFFORTS AND A SUBSTANTIAL FINANCIAL INVESTMENT, I HAVE BEEN UNABLE TO CONTAIN THE SPREAD OF THE BAMBOO. THIS PLANT CONTINUES TO MARCH ACROSS MY PROPERTY AND THREATENS MY PROPERTY VALUE AND HAS THE POTENTIAL TO THREATEN THE STRUCTURAL INTEGRITY OF MY HOME. MY NEIGHBOR HAS MADE NO ATTEMPT TO LIMIT THE SPREAD OF THEIR BAMBOO AND, WITHOUT LEGISLATION, I DO NOT SEE ANY RECOURSE FOR MYSELF OR OTHER RESIDENTS WHO FIND THEMSELVES IN SIMILAR CIRCUMSTANCES. THEREFORE, I RESPECTFULLY REQUEST YOUR SUPPORT.

Caryn Rickel CPCU
 Institute of Invasive Bamboo Research
 13 Edgehill Terr., Seymour, CT 06483

S.B. 72 AN ACT CONCERNING LIABILITY FOR GROWING OF RUNNING BAMBOO

Dear Environment Committee,

Feb. 16, 2014

For the record my name is Caryn Rickel of 13 Edgehill Terr., Seymour, CT. I am writing today to you, members of the Environment Committee. to support the intent of S.B. 72 with the following addition:

Declare Running Bamboo a Nuisance with a 40 foot setback on existing bamboo.

The setback is a no bamboo buffer zone - where bamboo cannot exist including rhizomes.

The setback or no bamboo buffer zone is critical to stop the continual spread and damage to adjoining property to include private and public property, roadways, wetlands, parks, preserves, and open space.

Orange, CT - has defined running bamboo a nuisance with a 100 foot setback [buffer zone] on existing bamboo, with new planting prohibited. Running Bamboo shall not be permitted to exist within any Buffer Zone. * Excellent wording shown in the link below:
<http://orangectlive.com/2014/02/14/have-bamboo-pay-attention-town-has-a-strict-ordinance-against-it/>

Bozrah, CT - has declared running bamboo a nuisance with a 40 foot setback [buffer zone] on existing bamboo. http://neme-s.org/Bamboo/Bozrah_Ordinance.pdf

Laws have recently passed with full bans on planting and/or maintenance of existing bamboo *indicating the seriousness of the harm* caused by destructive *Phyllostachys* running bamboo.
 Malverne, NY - full ban on planting and maintenance
http://neme-s.org/Bamboo/Malverne_Bamboo_Ordinance.pdf

Malverne, NY - Video showing damage in Malverne, NY
<http://landing.newsinc.com/shared/video.html?freewheel=90733&sitesection=repam&VID=24790045>

Hempstead, NY - full ban on planting and maintenance
http://neme-s.org/Bamboo/Hempstead_NY_Ordinance.pdf

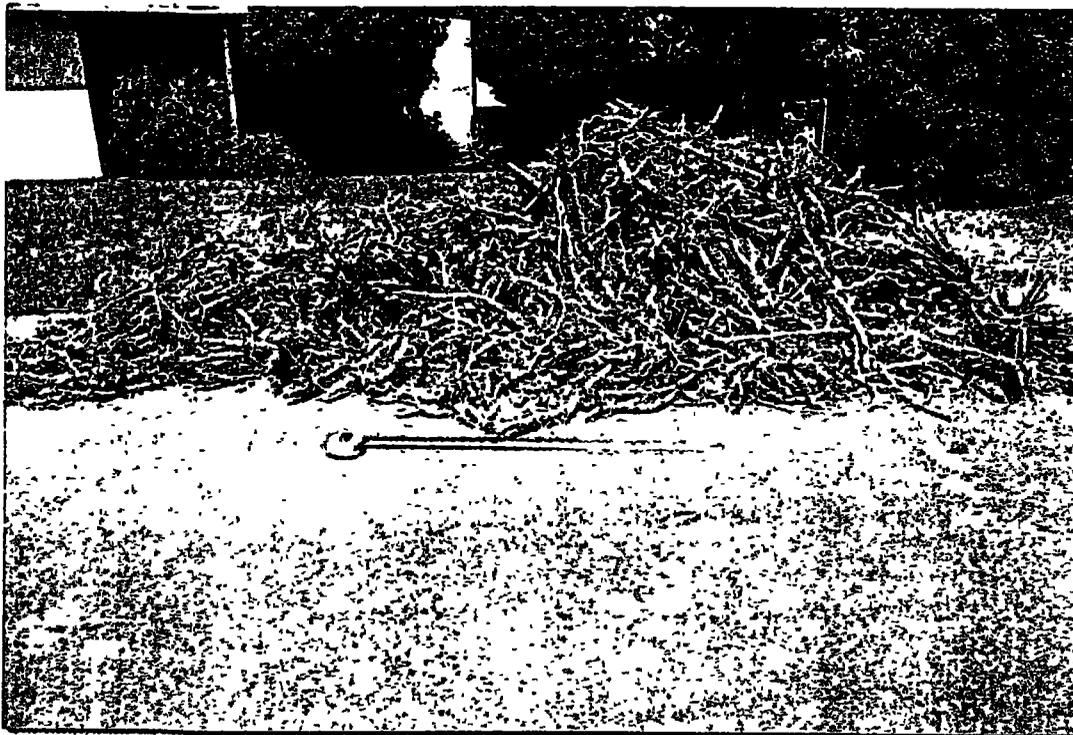
Dover, DE - full ban <http://bugwood.blogspot.com/2012/07/invasive-bamboo-outlawed-in-dover.html>

For S.B. 72 - A suggested fine in the amount of \$250.00 for each day on which a noticed violation remains in existence beginning thirty (30) days following the Receipt of Notice could be a critical element for effective environmental enforcement and would enhance the effectiveness of the law. Refer to **Exhibit A: Town of Orange: Defining running bamboo a nuisance with a Buffer Zone of 100 feet from abutting property or public or private right of way where running bamboo shall not be permitted to exist, which has this suggested fine.**

Effective 2014: New York State - has listed both: Yellow groove bamboo - *Phyllostachys aureosulcata* and Golden bamboo - *Phyllostachys aurea* as invasive species.

<http://www.dec.ny.gov/regulations/93848.html> - scroll midway under Section 2: Plants.

New York State Department of Environmental Conservation in listing 2 species of *Phyllostachys* running bamboo as invasive species: "Invasive species are non-native species that can cause harm to the environment, the economy or to human health. These regulations are expected to help control invasive species, a form of biological pollution, by reducing the introduction of new and spread of existing populations, thereby having a positive impact on the environment."



With *Phyllostachys* invasive running bamboo the invasion and damages are continual each year. Each successive invasion is more destructive than the previous year's invasion. *Phyllostachys* invasive running bamboo is impossible to contain.

Yellow groove running bamboo is like cancer to land. Yellow groove bamboo is the worst continual nuisance I can imagine. Yellow groove destroys land and everything in its path. Yellow groove bamboo robs you of your quality of life and free use of your property.

I founded the Institute of Invasive Bamboo Research. Starting in 2010, I documented approximately 600 invasions of *Phyllostachys aureosulcata* - yellow groove bamboo, with *Phyllostachys bissetii* infestations also widespread in Conn. While most of the infestations in Conn. are these two species, it should be noted several other *Phyllostachys* species have been documented in Conn. – *P. nuda*, *P. dulcis*, *P. nigra*, *P. aurea* and *P. rubromarginata*. They all behave the same to form a monoculture spreading rapidly in all directions, both highly invasive and destructive underground. The genus *Phyllostachys* includes all of them.
[EDDMapS records available for each]

The data collection is part of my research. I also keep the database spreadsheet of invasions for the State of Connecticut. The data is then entered onto EDDMapS (Early Detection and Distribution Mapping System, 2014). Field Researcher Terri Groff has assisted in this documentation.

Phyllostachys aureosulcata - Yellow groove bamboo is a giant temperate timber bamboo from Chekiang Province, China. The bamboo was introduced for trial as a stake and forage bamboo, and a farm usage crop. This is the most aggressive cold hardy running bamboo with maximum height of 45 feet / cold hardy to -15 F.

The infestations are widespread throughout Connecticut. Yellow groove bamboo is escaping into wetlands, parks, preserves and open space. [Click on county to open EDDMapS records] <http://www.eddmaps.org/distribution/usstate.cfm?sub=55473>

'Desperate residents are calling for help' where the running bamboo is spreading from property to property and street to street. For all these properties, bamboo abatement to stop the damages 'cannot even begin' until the bamboo is setback and removed off the property lines so that it does not regenerate back in. **A no bamboo buffer zone on existing bamboo is the solution to halt these invasions. A no bamboo buffer zone on existing bamboo will allow a property owner to protect his property before the bamboo invades.** Running bamboo including rhizomes cannot exist in the buffer zone. Running bamboo spreads astonishingly fast, undetected underground with spread in all directions. "When one realizes it is a problem it is almost too late".

To declare *Phyllostachys* running bamboo a nuisance with a 40 foot setback [no bamboo buffer zone] on existing bamboo will protect both private and public property from the continual spread and damage caused by harmful *Phyllostachys* running bamboo.

ATTACHED EXHIBIT A

Very truly yours,
Caryn Rickel, CPCU
Institute of Invasive Bamboo Research

EXHIBIT A

Yellow groove infestation in Orange, CT Image by Caryn Rickel

Town of Orange - Running Bamboo Ordinance - from Orange Live .com News Website by Terri Miles

Excellent wording in the ordinance shown below:

One simple planting of bamboo can lead to a nightmare situation for the homeowner and their neighbors. Bamboo roots spread and travel underground far from the visible plants and new shoots can pop up just about anywhere. They are strong enough to tear up patios and foundations and destroy septic systems. After much consideration, the Board of Selectmen came up with an ordinance for the town of Orange that expands on the state statute defining running bamboo as a nuisance.

Existing bamboo will appear on land records, so potential new homeowners won't have any surprises.

TOWN OF ORANGE

NOTICE OF AMENDMENT OF SECTION OF CODE

In accordance with Section 3.4 of the Charter of the Town of Orange, notice is hereby given to the legal voters and those persons qualified to vote in Town Meetings of the Town of Orange that on February 12, 2014 the Orange Board of Selectmen amended a Section of the Code of the Town of Orange, by adding a new Chapter 175 – An Ordinance, adopted Pursuant to Conn. Gen. Stat. Section 7-148 (c) (7) (E), Defining Running Bamboo As A Nuisance And Adopting Regulations For the Control of Running Bamboo.

CHAPTER 175**AN ORDINANCE, ADOPTED PURSUANT TO CONN. GEN. STAT. §7-148 (c) (7) (E), DEFINING RUNNING BAMBOO AS A NUISANCE AND ADOPTING REGULATIONS FOR THE CONTROL OF RUNNING BAMBOO****SECTION I. PURPOSE AND INTENT**

The Town of Orange, through Board of Selectmen, has determined that running bamboo, as defined herein, is a nuisance. The purpose of this Ordinance is to preserve and protect private and public property from the damaging spread of running bamboo grasses and to protect indigenous plants and the wildlife they support from the invasive spread of such bamboo.

SECTION II. DEFINITIONS.

Running Bamboo – Any bamboo in the genus Phyllostachys, including Phyllostachys aureosulcata, including rhizomes.

Running Bamboo Owner(s) – Any property owner(s) who, or which, have Running Bamboo planted in the ground on their property, even if the Bamboo has spread onto their property from an adjoining property.

Buffer Zone – A distance of at least 100 feet from any abutting property or public or private right of way.

D. Town – The Town of Orange, New Haven County, State of Connecticut

E. Enforcement Officer – The zoning enforcement officer and/or the inland wetlands and watercourses enforcement officer may enforce the provisions of this Ordinance.

Notice – Any written notice by, from or on behalf of the Town, notifying the Running Bamboo Owner(s) that they are in violation of this Ordinance and directing them to cure or fix the violation. Such Notice shall conform with section 195-8 of the Town Code and shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current tax address on file with the Town. A copy may also be posted on the property in question.

Receipt of Notice – Receipt of the Notice required herein shall be three days after the date of mailing of said Notice, or, if applicable, posting of the Notice on the property in question, whichever is earlier.

SECTION III. NO PLANTING OF RUNNING BAMBOO.

A. Pursuant to Conn. Gen. Stat. §7-148 (c) (7) (E), Running Bamboo is determined to be a nuisance and the planting of Running Bamboo is prohibited in the Town.

B. Any existing Running Bamboo may not be replanted or replaced after any such existing Running Bamboo has died or been removed.

Any person who plants or replants Running Bamboo within the Town limits after the effective date of this Ordinance shall be in violation of this Ordinance and shall be subject to the penalties set forth herein.

SECTION IV. REGULATION OF AND LIMITATIONS ON EXISTING RUNNING BAMBOO.

Any Running Bamboo already in existence on any property within the Town limits as of the effective date of this Ordinance, may remain on such property, subject to the following regulation: Running Bamboo shall not be permitted to exist within any Buffer Zone.

B. Running Bamboo Owner(s) shall take all necessary measures to ensure that any Running Bamboo on their property does not exist within any Buffer Zone. Such measures shall include, but are not limited to, cutting down Running Bamboo existing in the Buffer Zone and physically removing or applying herbicide the rhizomes or spraying any regrowth for several years until the Running

Bamboo is dead and, if the removal of the Running Bamboo is impracticable, then by installing a barrier of impenetrable material and placed no less than 25 feet from the property line at a sufficient depth to prevent any growth of Running Bamboo within any Buffer Zone.

No person shall cause Running Bamboo or the rhizomes of Running Bamboo to be deposited, discarded or otherwise placed into compost or mulch or disposed of at the Town Transfer Station.

This Ordinance shall not be deemed to alter any rights at common law, as provided by P.A. 13-82 or otherwise that any property owner may have to recover the cost of removal of Running Bamboo on their own property from another property owner from whose property the Running Bamboo has spread.

SECTION V. REMOVAL OF RUNNING BAMBOO.

If Running Bamboo on any property grows in or into any Buffer Zone or if Running Bamboo is discovered to have been deposited, discarded or otherwise placed into compost or mulch, the Town, through its Enforcement Officer(s), shall give Notice to the Running Bamboo Owner(s), as required by this Ordinance, that the said Owner(s) are responsible for the extermination or removal of such Running Bamboo from the Buffer Zone.

Any Running Bamboo Owner(s) receiving Notice under this Ordinance shall remove all Running Bamboo that is in violation of this Ordinance within thirty (30) days of the Receipt of Notice, as defined herein.

In the event that any Running Bamboo Owner does not remedy and correct the violations set forth in any Notice issued by the Enforcement Officer, then Town, in accordance with Conn. Gen. Stat. §7-148 (c) (7) (E), may, upon the action of the Board of Selectmen, abate and remove any Running Bamboo that is in violation of this Ordinance, take all reasonable action to eradicate its re-growth and restore any real property to its natural condition. The Running Bamboo Owner(s) shall be liable to the Town for the costs of the abatement and removal of the Running Bamboo.

SECTION VI. PENALTIES.

Any property owner, whether a person, firm, corporation, or other legal entity, violating any of the provisions of this Ordinance shall be subject to the following penalties, upon conviction of such violation:

A. A fine in the amount of \$250.00 shall be assessed for each day on which a noticed violation remains in existence beginning thirty (30) days following the Receipt of Notice

Each day on which the violation occurs shall constitute a separate offense under this Ordinance.

SECTION VII. APPEAL

Any property owner receiving Notice under this ordinance may contest his or her liability before a citation hearing officer in accordance with section 195-8 of the Town Code.

SECTION VIII. SEVERABILITY CLAUSE.

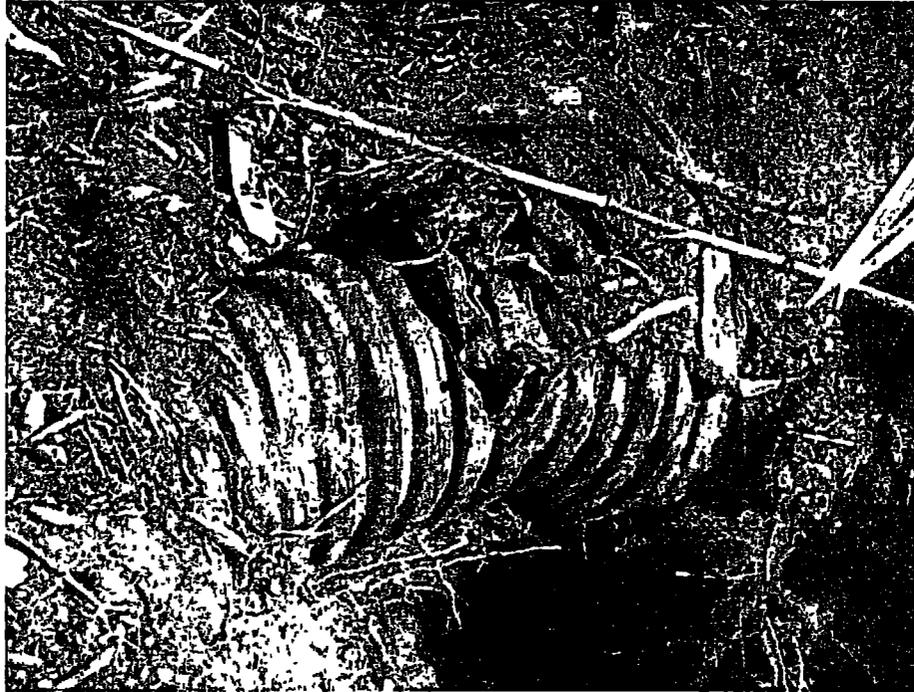
If any part of this Ordinance is found to be unconstitutional, illegal or invalid, for any reason, such unconstitutionality, illegality, or invalidity shall not affect any of the remaining provisions or parts of this Ordinance and those remaining provisions shall remain in full force and effect.

SECTION IX. EFFECTIVE DATE.

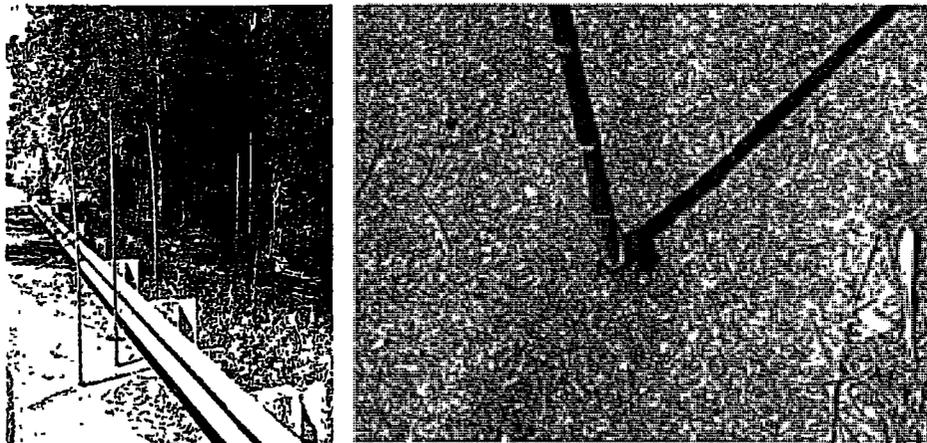
This Ordinance shall become effective twenty-one (21) days after its publication in a newspaper having circulation within the Town.

Notice of Amendment of Code adding a new Chapter 175 – An Ordinance, Adopted Pursuant To Conn. Gen. Stat. Section 7-148 (c) (7) (E), Defining Running Bamboo As A Nuisance And Adopting Regulations For the Control of Running Bamboo dated at Orange, CT this 14th day of February 2014.

Rhizomes breaking up drainage pipes underground

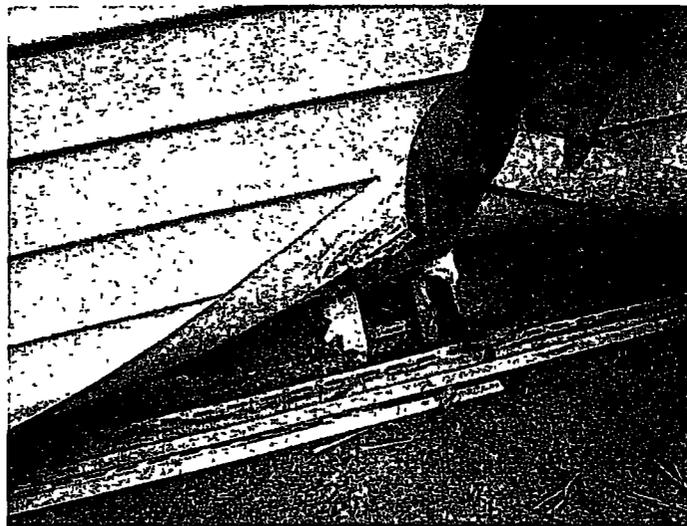
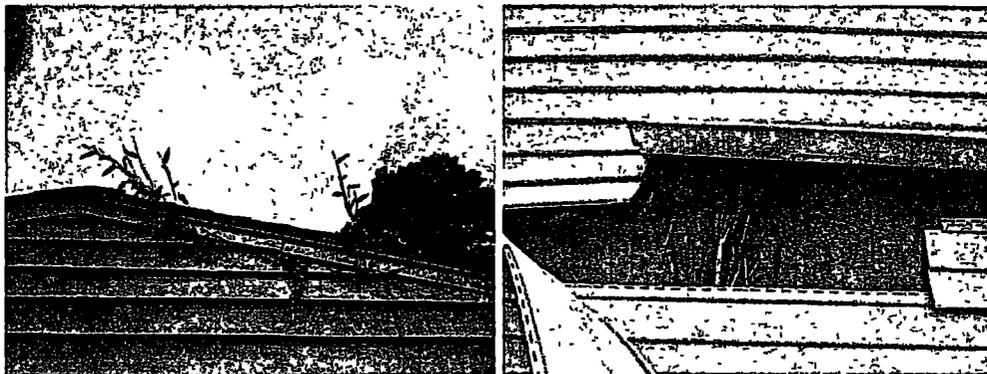


Running bamboo growing up through asphalt

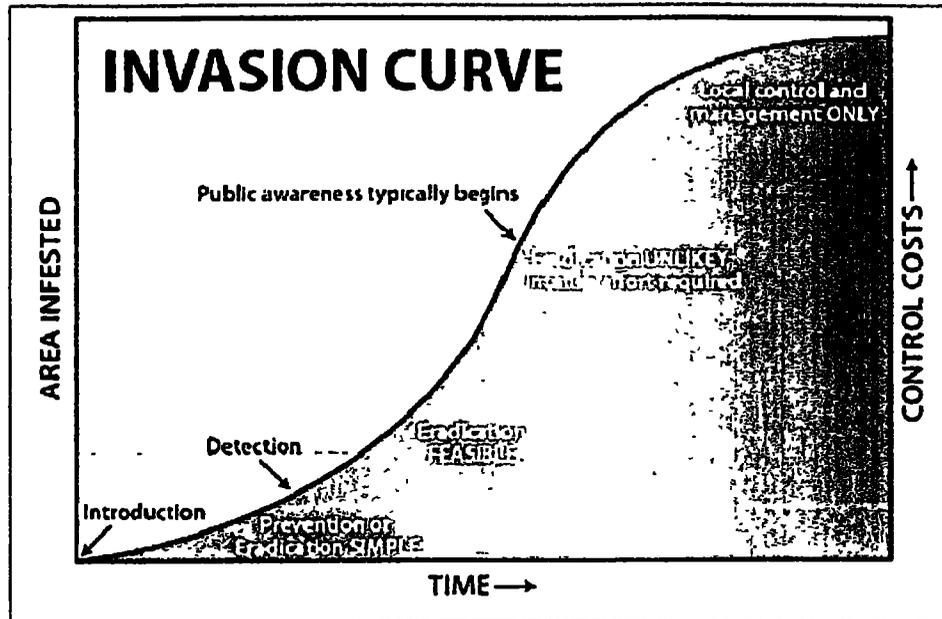




Rhizomes invade under deck with new culms shooting in May



Damage in Bozrah, CT - 2012 - Bamboo grows under siding and up through roof.



Scroll to *Phyllostachys* species to see all records that have been entered:

http://www.eddmaps.org/tools/stateplants.cfm?id=us_ct

Letter dated 6-29-2012 by Curt Johnson - Senior Attorney and Program Director of Connecticut Fund for the Environment - calling for listing yellow groove running bamboo on the Invasive Species List as a first step toward controlling what appears to be one of the most destructive invasives. [http://neme-s.org/Bamboo/Bamboo Invasive Letter 6-2012.pdf](http://neme-s.org/Bamboo/Bamboo%20Invasive%20Letter%206-2012.pdf)

EDDMapS link shows infestation on Dogwood Rd., Orange, CT referenced in above letter: <http://www.eddmaps.org/distribution/point.cfm?id=2642210>

Image left: Bamboo removal in Southbury, CT Nov. 2013
Three rhizomes planted in 2002 - turn into a 100 x 100 feet
Bamboo nightmare. Removal video available.



Image below: Milford, CT - May 2013
Yellow groove invading 4 properties - May culms shooting.



<http://www.invasiveplantatlas.org/subject.html?sub=55473>

<http://www.invasive.org/browse/subthumb.cfm?sub=55473&Start=1&display=60&sort=2>

S

24

Trudy Meyer 5 Whitney Street Westport, Ct 06880 203-349-5692

February 14, 2014

To: The Environment Committee

Re: TESTIMONY FOR S.B. 72 AN ACT CONCERNING LIABILITY FOR THE GROWING OF RUNNING BAMBOO

I am supporting the intent of Senate Bill # 72 but would like to see the addition of defining running bamboo a nuisance with a 40 foot setback on existing bamboo, this is a buffer zone where bamboo cannot exist including rhizomes.

My testimony is to explain our personal situation that started just over one year ago with the purchase of our home in Westport, CT. At the time of the purchase, we had no idea what running bamboo was. We soon discovered there was running bamboo on the property line. The bamboo was planted by the adjacent property owner. Not the real estate agents, previous property owners, inspectors nor attorney's disclosed that my neighbors running bamboo was invading the property

About six months into owning the property, the rhizomes started spouting up in the white stone driveway. We were planning on paving the driveway so we began to investigate what the sprouts were and how they spread. Once we discovered what "Phyllostachys Aureosulcata (running bamboo)" was and about the underground network of rhizomes we approached the neighbor to ask if he would remove it. He said no and told us that he put in a barrier on his side of the property. There was not a barrier put in on our side of the property. He has been promising to put in a barrier but nothing to date. My fear is the rhizomes will penetrate the natural gas, water and septic lines that cross its path.

During each snow storm, we have the 40ft culms, heavy with snow, draped across my power lines (from street to house), ready to snap them. When we asked our neighbor to please do something about the bamboo he told me to just shake off the snow. With heavy snowfall we are out every couple hours shaking off bamboo. This is extremely dangerous. We have reached out to CL&P and they said it's not their responsibility and to reach out to my town DOT. We reached out to the Westport DOT and they said "Public works has no jurisdiction on private property.

We have spent hours and weekends cutting down and removing rhizomes on our side of the property. We know now that fighting off the rhizomes will continue to encroach on our property until all the bamboo rhizomes are removed permanently from my neighbor's property. We can see the bamboo driving up through the brand new town sidewalk that was just put in last summer.

In another location on our property, we have removed over 100 culms. In a new location, we removed a 20ft rhizome that was snaking through my yard towards our 100 year old beech tree. My wooden fence is being pushed down from the growth of my neighbors bamboo. We have hired a professional to remove rhizomes on our property. We have spent over \$2000 in the first year and it will be never ending. We will spend every weekend for the rest of our lives with clippers, shovels, picks and rakes removing rhizomes. We have 10 lawn and leaf trash bags filled with rhizomes that I am trying to find a place to have them incinerated.

We need to: "Declare running bamboo a nuisance with a 40 foot setback on existing bamboo (no bamboo buffer zone - where bamboo cannot exist including rhizomes". Not even a buffer zone of any distance will stop the infestation of this non-indigenous plant.

This plants path of destruction and devastation is still in its infancy We need to do something now before it gets any worse The consequences if we do not act on this now will be costly to everyone.

S₂₅

RUNNING BAMBOO (Phyllostachys aureosulcata)

The reason I am here today is to extend my deep appreciation and thanks for providing me the opportunity to participate and allowing me to voice my concerns regarding the plant, Running Bamboo (Phyllostachys aureosulcata).

Thank you for proposing S.B. 72, and while I do support the intent, I think the bill (S.B. 72) should be strengthened by: **Declaring running bamboo a nuisance with a minimum 100 foot bamboo/rhizome free buffer zone**, in order to more properly contain it.

We all have and continue to be aware of the harmful effects that invasive plants have upon our natural ecosystems. Now, in recent times we are witnessing the devastating effects of the extremely troublesome Running Bamboo, a plant that New York State calls invasive, but should be classified as a nuisance in Connecticut. Not only is it an ecological threat, it is damaging and very difficult and costly to remove. The damage it causes to foundations of homes, drains and sewer systems, asphalt driveways, and the like, place an undue and unfair burden upon property owners.

Thank you for listening

Louise Fabrykiewicz

281 State St 6G

New London, CT 06320

lowf@juno.com

Theresa Groff
180 Middle Road
Preston, CT

2/19/2014

S
26

S.B.72 AN ACT CONCERNING LIABILITY FOR THE GROWING
OF RUNNING BAMBOO

Dear Environment Committee

Thank you for proposing S.B. 72. I support the intent of S.B.72 with the following addition: Declaring running bamboo a nuisance with a minimum 40 foot setback - a no bamboo buffer zone where bamboo cannot exist including rhizomes.

As you already know, *Phyllostachys* Running Bamboo is very invasive to all properties: private, commercial, educational and municipal.

Of great concern is the escaping bamboo in wetlands, parks, city streets, state highways and railroad property as well as expensive private septic systems. The rhizomes are insidious and extremely invasive protruding through asphalt, concrete, and over and around and under flimsy barriers.

A pinhole is all the plant needs to escape and cause havoc on unsuspecting neighbors. Plastic rigid barriers, circular barriers and flexible barriers have all failed. (See the photos)

As a field researcher I have personally photographed 187 different properties in Eastern CT and NONE of them, NONE of them is contained. We need a minimum 40 foot no bamboo buffer zone with constant vigilance to stop the damaging spread into abutting properties including wetlands.

Running bamboo infestations have escaped along the Shetucket River in Occum, the Mumford Cove vernal pool in Groton Long Point, the three brooks in Preston and more sites. There is an extensive *Phyllostachys* infestation in Cat Hollow Park in Killingly that has aggressively escaped from private property. There is the 600+ foot long jungle off Everett St and Coolidge Road in Norwich that involves six separate properties including active railroad tracks (for freight) and the Thames River. There is a lovely natural state owned (Rose Hill) nature preserve shared by Preston/Ledyard. A stone wall separates the preserve from a 50'x50' stand of *Phyllostachys*

aureosulcata. (See the photo) The homeowner and former seller planted the bamboo in an enclosed container and it escaped in all directions. They admitted to using the concentrated Round Up on the escapees but that doesn't work either. Homeowners have told me about using a combination of paint thinner (turpentine) and gasoline in desperation.

I have documented barrier failures in Norwich, North Stonington, Ledyard, Lyme and East Hampton. (See the photos) A prominent garden center has escaping bamboo under their nicely paved asphalt driveway popping up under and around shrink wrapped pallets of bagged mulch and bagged potting soils. This is another good example of failure to contain. They were witnessed trying to pull up the young culms by hand and were not successful. If a well-established garden center that sells all kinds of barriers and herbicides cannot control their bamboo how can a homeowner? (See the 4 photos)

CT DEEP recommends cutting and repeated strong herbicide application such as Round-UP and other vegetation killers - they are all ineffective - that is why chemical manufacturers do not list *Phyllostachys* on the labels. Declaring *Phyllostachys* running bamboo a nuisance with a minimum 40 foot setback - a no bamboo buffer zone where bamboo cannot exist including rhizomes and proper disposal of rhizomes by incineration is the only way we'll have a chance to protect our public parks, wetlands and private properties. Please include stiffer fines for violations.

Thank you for your hard work to control this potential environmental disaster.

Sincerely,

Theresa Groff

ANOTHER FAILED HDPE PLASTIC BARRIER



10-1-2 0 4-1 12 in bar det. T nursermen's Association direction

Town of Orange CT.

**Have Bamboo? Pay Attention: Town Has A Strict Ordinance Against It
Feb 14 2014**

If you have been following the Board of Selectmen's meetings over the past few months, you most likely are aware of a growing problem in Orange that demanded their attention.

Bamboo may be beautiful, with its graceful stalks and flowing leaves, but in a town such as Orange, where many residents have septic systems and homes in close proximity to their neighbors, one simple planting of bamboo can lead to a nightmare situation for the homeowner and their neighbors.

Bamboo roots spread and travel underground far from the visible plants and new shoots can pop up just about anywhere. They are strong enough to tear up patios and foundations and destroy septic systems.

After much consideration, the Board of Selectmen came up with an ordinance for the town of Orange that expands on the state statute defining running bamboo as a nuisance.

Look over this entire ordinance so you will be aware of your rights if you have bamboo on your property or if a neighbor has bamboo that is invading your space.

Existing bamboo will appear on land records, so potential new homeowners won't have any surprises.

TOWN OF ORANGE

NOTICE OF AMENDMENT OF SECTION OF CODE

In accordance with Section 3.4 of the Charter of the Town of Orange, notice is hereby given to the legal voters and those persons qualified to vote in Town Meetings of the Town of Orange that on February 12, 2014 the Orange Board of Selectmen amended a Section of the Code of the Town of Orange, by adding a new Chapter 175 – An Ordinance, adopted Pursuant to Conn. Gen. Stat. Section 7-148 (c) (7) (E), Defining Running Bamboo As A Nuisance And Adopting Regulations For the Control of Running Bamboo.

CHAPTER 175

AN ORDINANCE, ADOPTED PURSUANT TO CONN. GEN. STAT. §7-148 (c) (7) (E), DEFINING RUNNING BAMBOO AS A NUISANCE AND ADOPTING REGULATIONS FOR THE CONTROL OF RUNNING BAMBOO

SECTION I. PURPOSE AND INTENT.

The Town of Orange, through Board of Selectmen, has determined that running bamboo, as defined herein, is a nuisance. The purpose of this Ordinance is to preserve and protect private and public property from the damaging spread of running bamboo grasses and to protect indigenous plants and the wildlife they support from the invasive spread of such bamboo.

SECTION II. DEFINITIONS.

Running Bamboo – Any bamboo in the genus *Phyllostachys*, including *Phyllostachys aureosulcata*, including rhizomes.

Running Bamboo Owner(s) – Any property owner(s) who, or which, have Running Bamboo planted in the ground on their property, even if the Bamboo has spread onto their property from an adjoining property.

Buffer Zone – A distance of at least 100 feet from any abutting property or public or private right of way.

D. Town – The Town of Orange, New Haven County, State of Connecticut.

E. Enforcement Officer – The zoning enforcement officer and/or the inland wetlands and watercourses enforcement officer may enforce the provisions of this Ordinance.

Notice – Any written notice by, from or on behalf of the Town, notifying the Running Bamboo Owner(s) that they are in violation of this Ordinance and directing them to cure or fix the violation. Such Notice shall conform with section 195-8 of the Town Code and shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current tax address on file with the Town. A copy may also be posted on the property in question.

Receipt of Notice – Receipt of the Notice required herein shall be three days after the date of mailing of said Notice, or, if applicable, posting of the Notice on the property in question, whichever is earlier.

SECTION III. NO PLANTING OF RUNNING BAMBOO.

A. Pursuant to Conn. Gen. Stat. §7-148 (c) (7) (E), Running Bamboo is determined to be a nuisance and the planting of Running Bamboo is prohibited in the Town.

B. Any existing Running Bamboo may not be replanted or replaced after any such existing Running Bamboo has died or been removed.

Any person who plants or replants Running Bamboo within the Town limits after the effective date of this Ordinance shall be in violation of this Ordinance and shall be subject to the penalties set forth herein.

SECTION IV. REGULATION OF AND LIMITATIONS ON EXISTING RUNNING BAMBOO.

Any Running Bamboo already in existence on any property within the Town limits as of the effective date of this Ordinance, may remain on such property, subject to the following regulation: Running Bamboo shall not be permitted to exist within any Buffer Zone.

B. Running Bamboo Owner(s) shall take all necessary measures to ensure that any Running Bamboo on their property does not exist within any Buffer Zone. Such measures shall include, but are not limited to, cutting down Running Bamboo existing in the Buffer Zone and physically removing or applying herbicide the rhizomes or spraying any regrowth for several years until the Running Bamboo is dead and, if the removal of the Running Bamboo is impracticable, then by installing a barrier of impenetrable material and placed no less than 25 feet from the property line at a sufficient depth to prevent any growth of Running Bamboo within any Buffer Zone.

No person shall cause Running Bamboo or the rhizomes of Running Bamboo to be deposited, discarded or otherwise placed into compost or mulch or disposed of at the Town Transfer Station.

This Ordinance shall not be deemed to alter any rights at common law, as provided by P.A. 13-82 or otherwise that any property owner may have to recover the cost of removal of Running Bamboo on their own property from another property owner from whose property the Running Bamboo has spread.

SECTION V. REMOVAL OF RUNNING BAMBOO.

If Running Bamboo on any property grows in or into any Buffer Zone or if Running Bamboo is discovered to have been deposited, discarded or otherwise placed into compost or mulch, the Town, through its Enforcement Officer(s), shall give Notice to the Running Bamboo Owner(s), as required by this Ordinance, that the said Owner(s) are responsible for the extermination or removal of such Running Bamboo from the Buffer Zone.

Any Running Bamboo Owner(s) receiving Notice under this Ordinance shall remove all Running Bamboo that is in violation of this Ordinance within thirty (30) days of the Receipt of Notice, as defined herein.

In the event that any Running Bamboo Owner does not remedy and correct the violations set forth in any Notice issued by the Enforcement Officer, then Town, in accordance with Conn. Gen. Stat. §7-148 (c) (7) (E), may, upon the action of the Board of Selectmen, abate and remove any Running Bamboo that is in violation of this Ordinance, take all reasonable action to eradicate its re-growth and restore any real property to its natural condition. The Running Bamboo Owner(s) shall be liable to the Town for the costs of the abatement and removal of the Running Bamboo.

SECTION VI. PENALTIES.

Any property owner, whether a person, firm, corporation, or other legal entity, violating any of the provisions of this Ordinance shall be subject to the following penalties, upon conviction of such violation:

A. A fine in the amount of \$250.00 shall be assessed for each day on which a noticed violation remains in existence beginning thirty (30) days following the Receipt of Notice.

Each day on which the violation occurs shall constitute a separate offense under this Ordinance.

SECTION VII. APPEAL

Any property owner receiving Notice under this ordinance may contest his or her liability before a citation hearing officer in accordance with section 195-8 of the Town Code.

SECTION VIII. SEVERABILITY CLAUSE.

If any part of this Ordinance is found to be unconstitutional, illegal or invalid, for any reason, such unconstitutionality, illegality, or invalidity shall not affect any of the remaining provisions or parts of this Ordinance and those remaining provisions shall remain in full force and effect.

SECTION IX. EFFECTIVE DATE.

This Ordinance shall become effective twenty-one (21) days after its publication in a newspaper having circulation within the Town.

Notice of Amendment of Code adding a new Chapter 175 -- An Ordinance, Adopted Pursuant To Conn. Gen. Stat. Section 7-148 (c) (7) (E), Defining Running Bamboo As A Nuisance And Adopting Regulations For the Control of Running Bamboo dated at Orange, CT this 14th day of February 2014.



BAMBOO HAS
ROOTS WITH
TENSILE
STRENGTH OF
STEEL

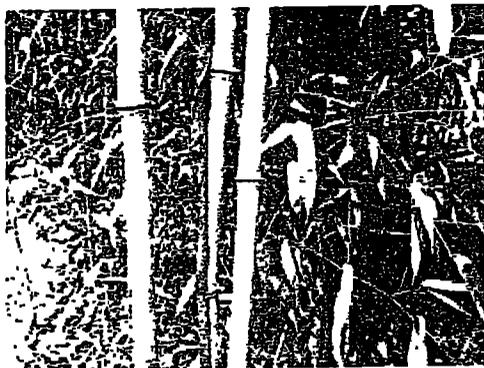
IT LAUGHS AT
PLASTIC
BARRIERS.

Newsday<http://www.newsday.com/long-island/towns/long-island-now-1.1732330/11-places-on-li-that-have-banned-bamboo-1.5192218>

Long Island Now

11 places on LI that have banned bamboo

Friday May 3, 2013 3:28 PM By Carl Corry



Bans on bamboo across Long Island, like the one passed by the village of Malverne on Wednesday, have gained momentum in the past few years.

Advocates for banning the plant say it is invasive and encroaches on properties, causing damage.

How far back do bamboo bans go?

The Fire Island village of Ocean Beach banned the plant in 1981, according to its village code. It took 27 years for the next area to take up the cause. The village of Saltaire, also on Fire Island, passed a ban in 2008, followed by the villages of Woodsburgh and

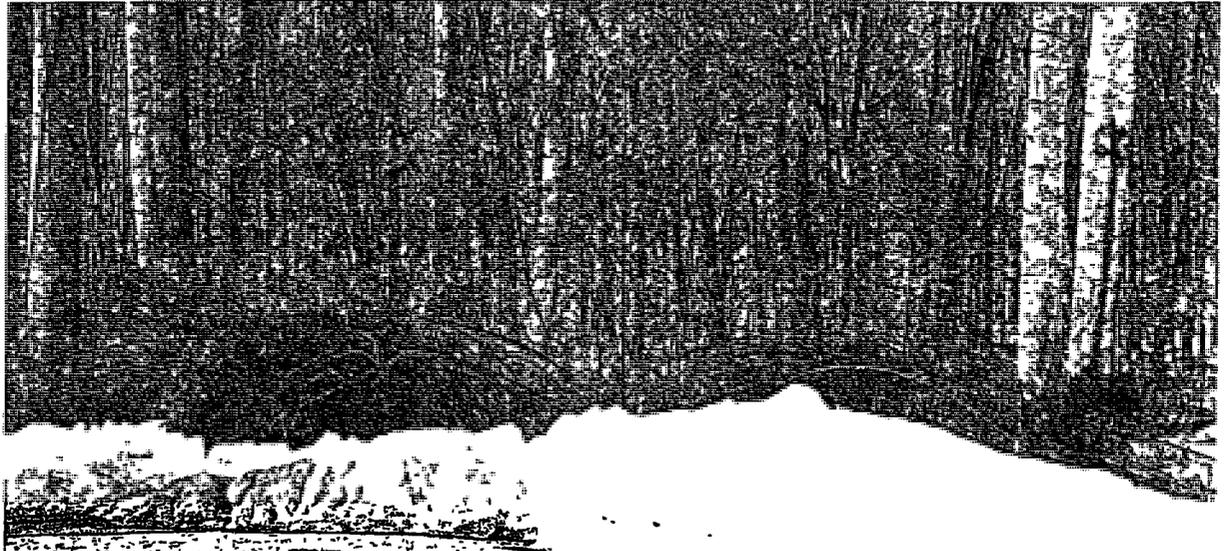
Babylon and the Town of Smithtown in 2011. The towns of Brookhaven and Hempstead and the city of Long Beach approved bans in 2012.

This year, the Town of Huntington and the village of Lindenhurst joined the act, with Malverne the latest.

Penalties for growing or maintaining bamboo vary among Long Island municipalities; Malverne might be the only place that offers the potential for jail time – up to 15 days – for violating the law.

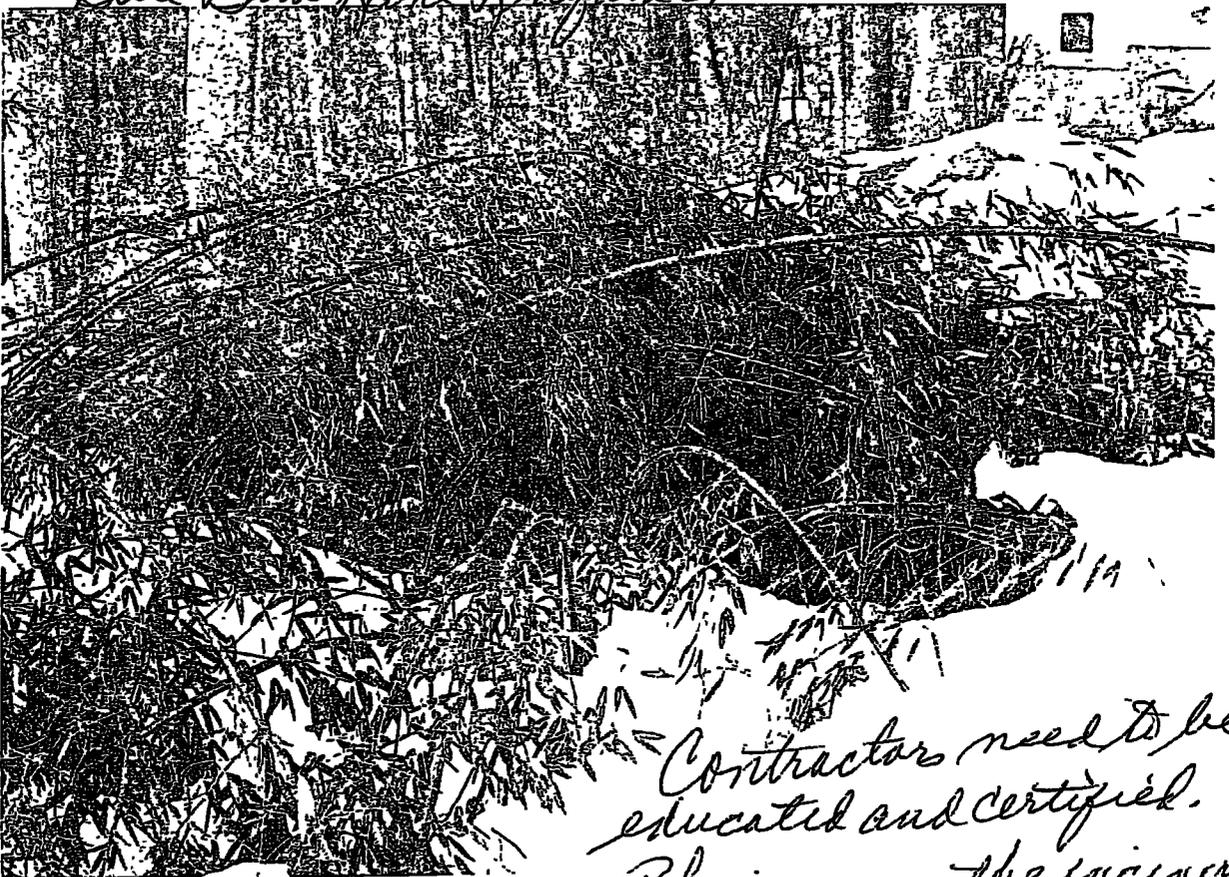
Municipalities on LI that have passed bamboo bans:

- Malverne – May 2013
- Huntington – April 2013
- Lindenhurst – March 2013
- Long Beach – August 2012
- Hempstead – July 2012
- Brookhaven – July 2012
- Babylon Village – September 2011
- Smithtown – August 2011
- Woodsburgh – April 2011
- Saltaire – 2008
- Ocean Beach – 1981



Bamboo was dumped in this
cut de sac and took root and will
invade surrounding properties

Blue Bird Lane Ledyard CT



Contractors need to be
educated and certified.
Rhizomes must be incinerated.

**Local Law #4 of 2013 entitled the "Bamboo Amendment"
amending Local Law 1-2011- "Property Maintenance Code of the Inc.
Village of Malverne" adding Sec. 20A-12**

Purpose: The planting or growing of bamboo has been determined to be a community problem due to the destructive nature of the plant to uproot asphalt, concrete and fences of adjoining property owners. Bamboo has a remarkable ability to propagate and spread at an alarming rate, causing harm to adjoining landowners. For this reason, the Board of Trustees has determined it to be necessary to prohibit the planting, growing or maintaining of bamboo on outdoor improved or vacant unimproved property (excluding the inside of a residence as a plant).

Provision: It shall be unlawful for any owner, agent of such owner, and/or any person, firm or corporation in possession of any improved real property or vacant unimproved real property, excluding the possession of a plant inside a residence, within the Village of Malverne, to permit planting, growing and/or maintaining of bamboo, whether originating on said property or encroaching thereon from any neighboring property.

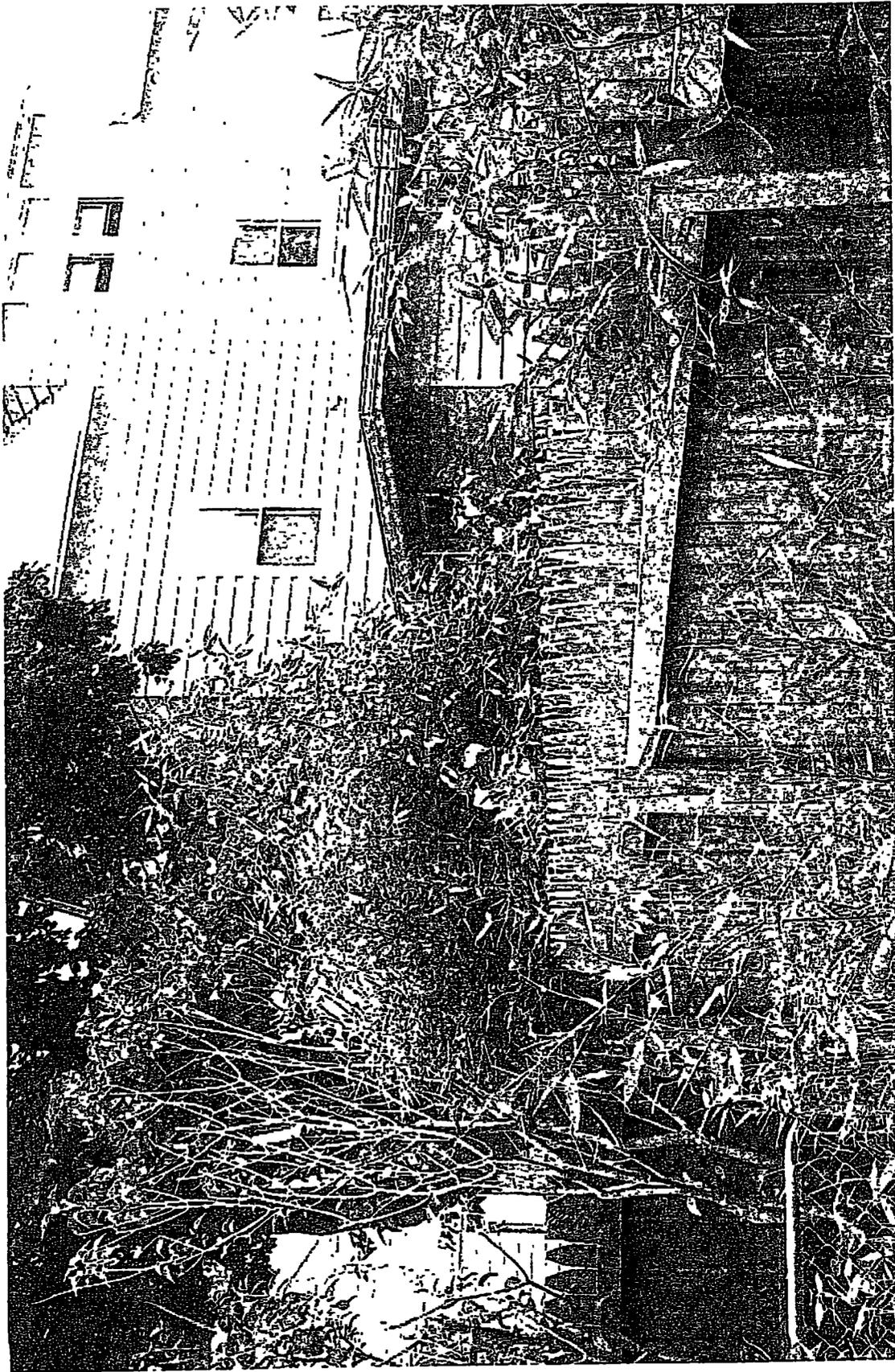
The term "bamboo" shall be defined as any tropical or semi-tropical grass of the genera Bambusa, Dendrocalamus, or of any other related genera.

Penalties: The Department of Buildings (i.e. Building Inspector) has the authority to issue a summons for a violation of the provisions of this local law. If necessary, the Department of Buildings can issue a summons once per week in the event an owner, owner's agent, person or corporation fails to remedy an existing condition after being notified by the Department of Buildings of a bamboo condition by being issued an initial summons and failing to remedy the condition within seven (7) days after receipt of the initial summons.

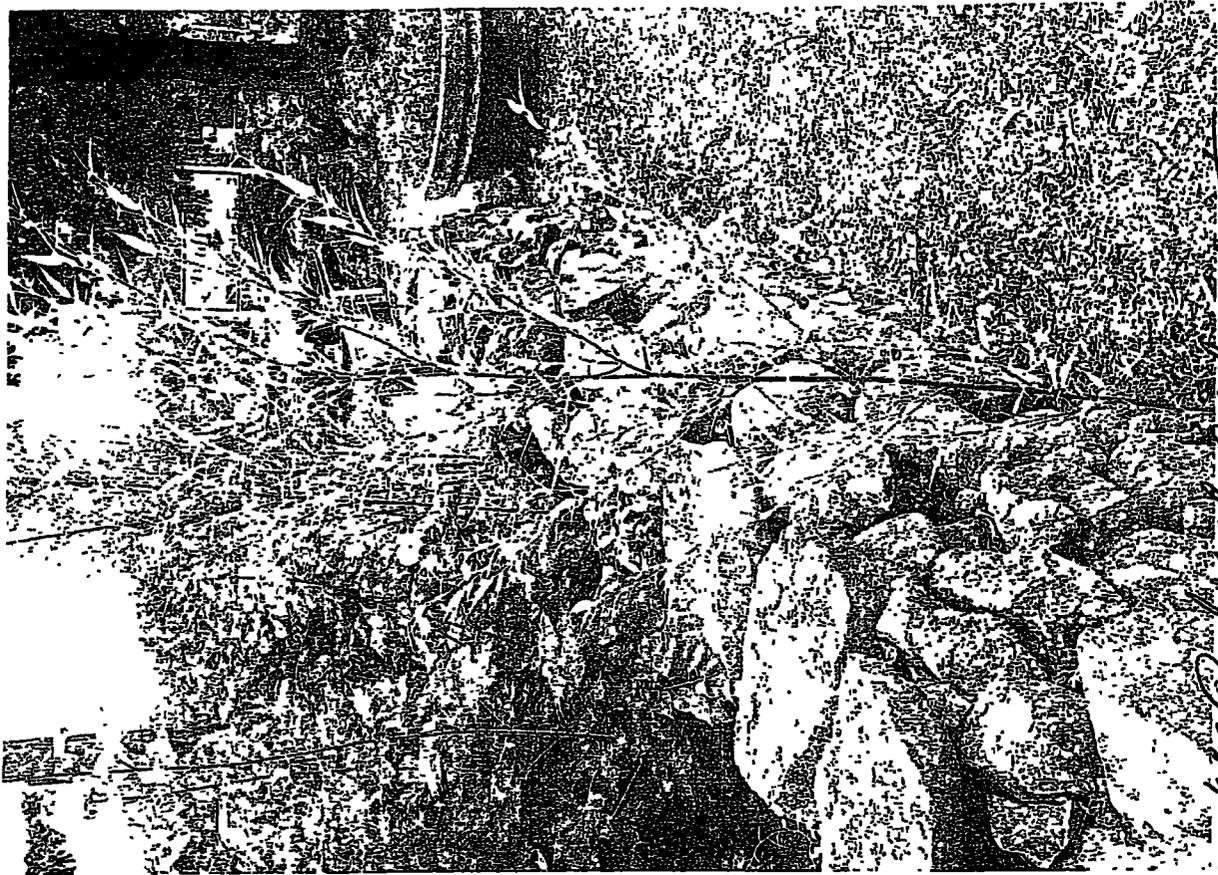
A violation of this provision shall be punishable by a fine of not more than \$350.00 for any such violation or an individual may be subject to up to 15 days incarceration. This law to take effect immediately.

Resolution: # 130501A

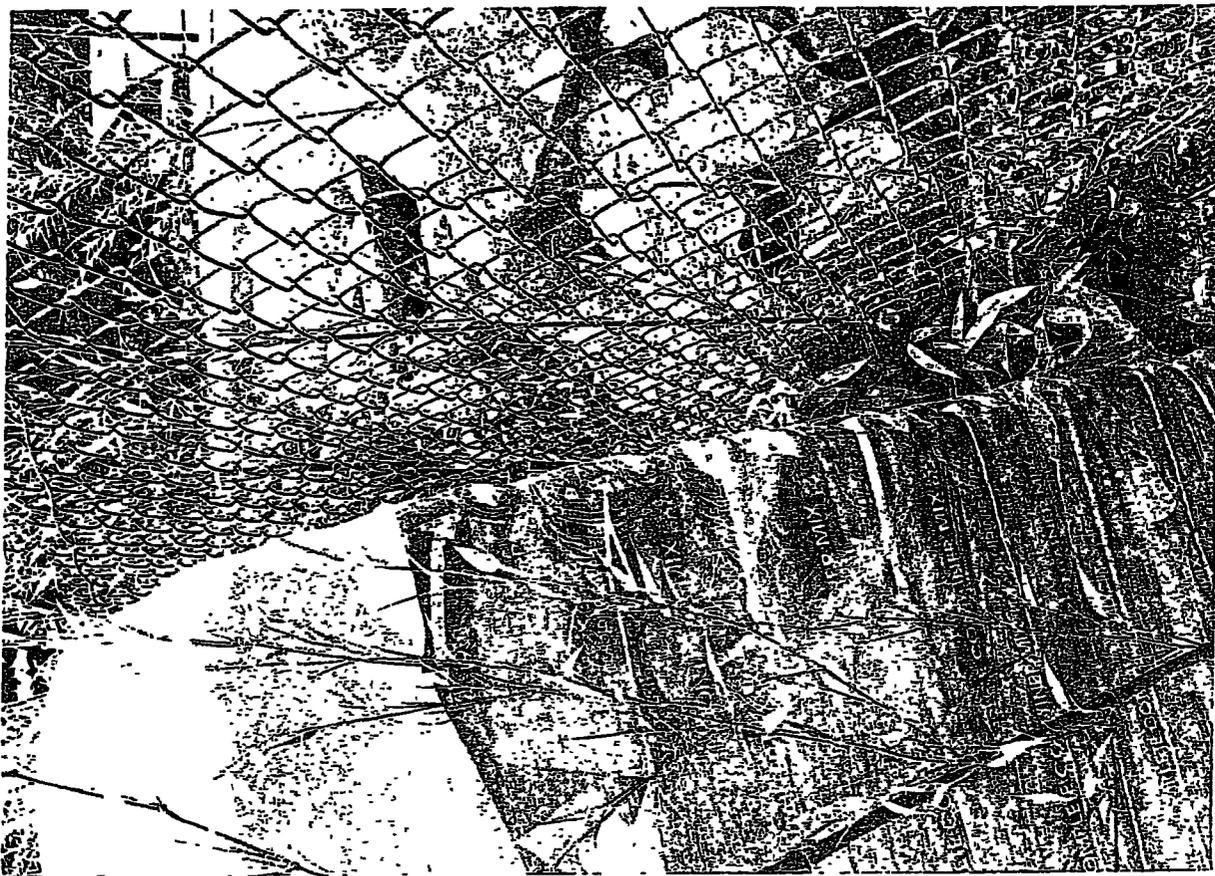
Passed on: May 1, 2013



*Bamboo invades 3 properties.
A no bamboo buffer zone is necessary.*



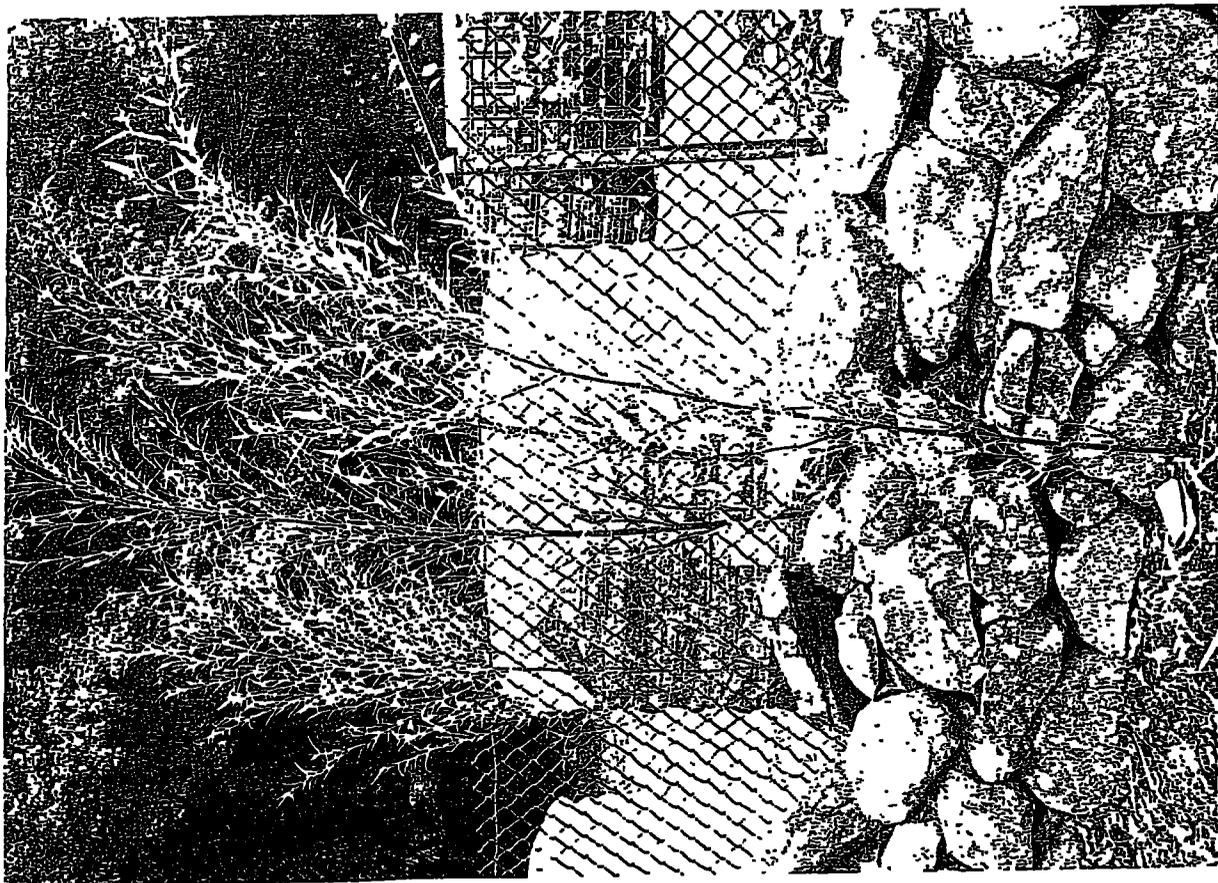
Thylactacthys Bambusa nana @ local garden center



Thylactacthys Bambusa nana

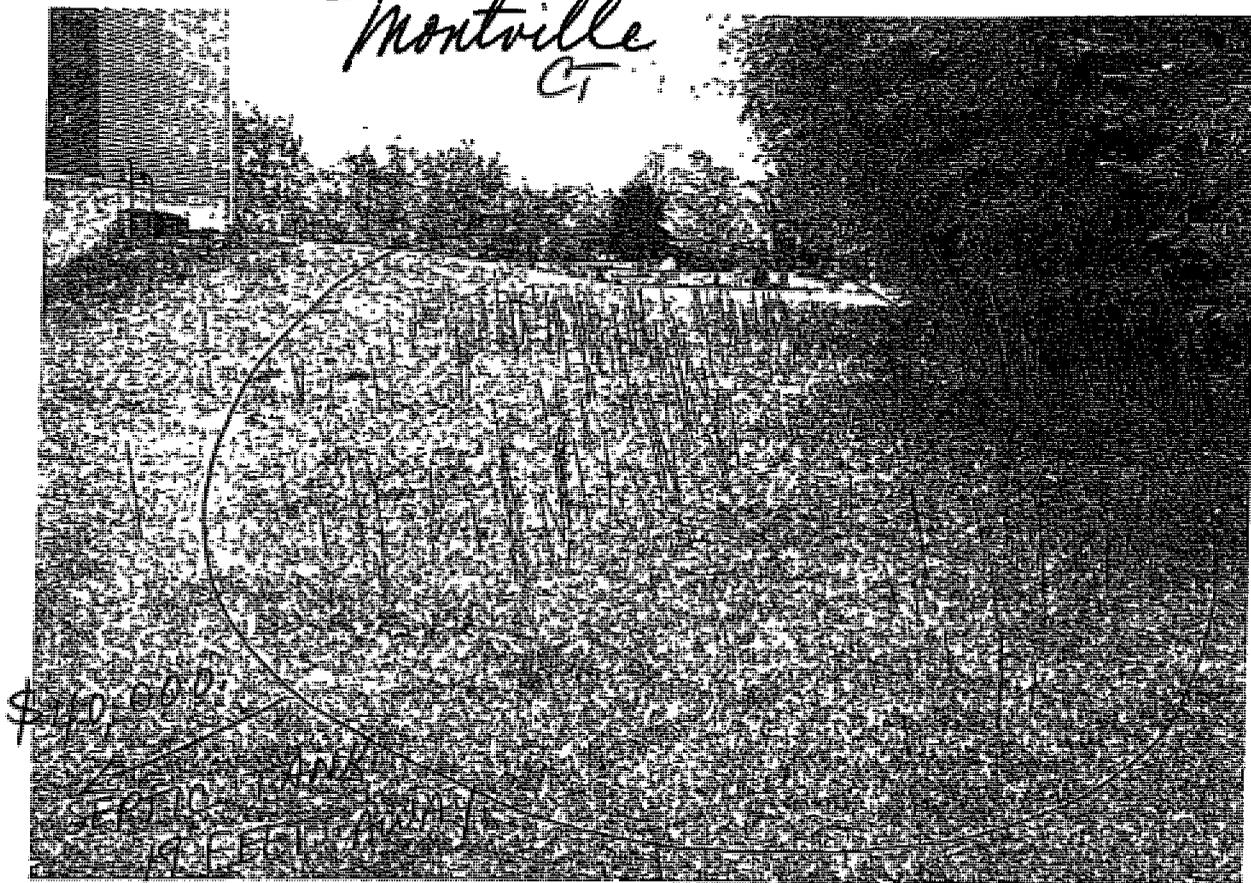


Bamboo escapes @ local garden center



←

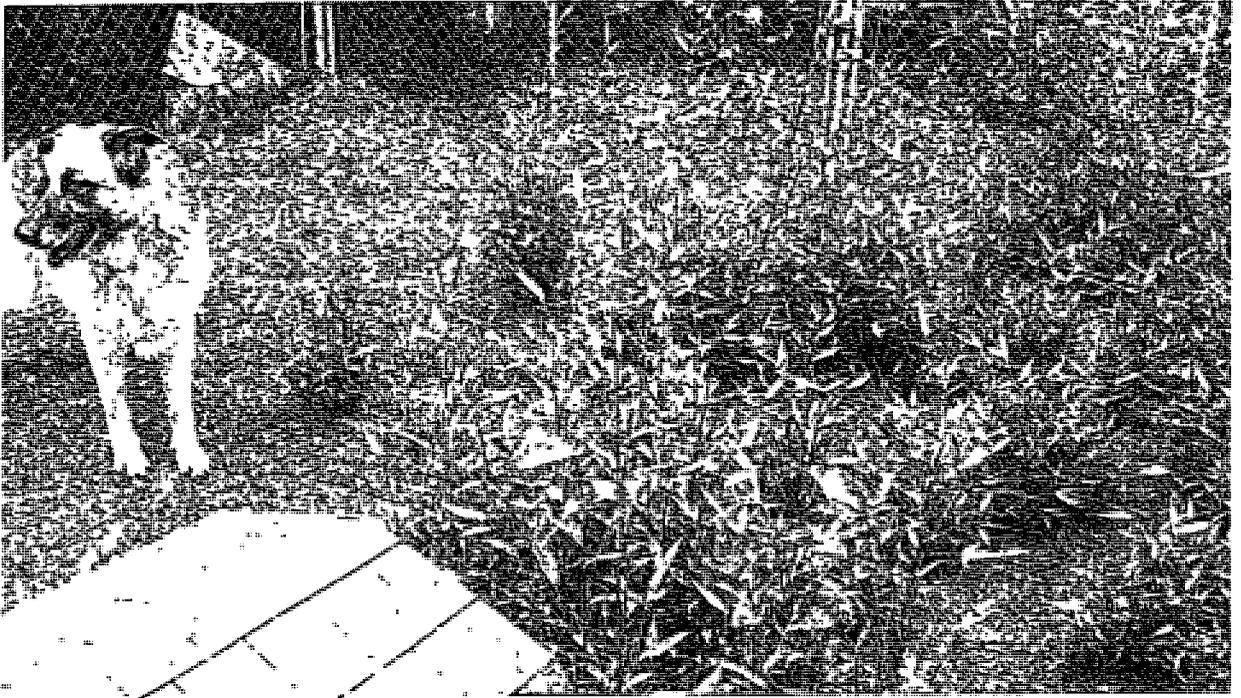
Montville
CT



\$10,000



this is
deciduous growth



Poor dog!
A 100 ft no bamboo buffer
zone would have prevented
his misery.

To the Environment Committee February 19, 2014

Dear Members of the committee,

Thank you for giving me the opportunity to speak and bring this very important issue to your attention. As you know the encroachment of bamboo (*Phyllostachys*, including *Phyllostachys aureosulcata*) onto properties is causing tremendous damage to land and existing infrastructure.

Damage to the land:

- *Demineralization and depletion of the soil of all nutrients, so nothing will grow there for long period of time,
- *Destruction of the native plants, trees and shrubs,
- *Overgrowth of wetlands and parks,
- *Growing under the railroad tracks

Damage to the infra-Structure

It is known that bamboo will grow through gas lines, sewer systems, foundation of houses, under the siding of houses, swimming pools, asphalt streets; it runs under the rail road tracks, it leans on electric lines, (and snow weighs them down and breaks them), grows into transformers, under decks; it crosses separating walls between properties, and in my case it even grew into my beehive and destroyed a whole colony.

Looking at all this destruction and the state Connecticut in general, which has a lots of dense urban areas where properties are at a close proximity to each other, I would like SB 72 to include running bamboo declared a nuisance, with a 40 ft. setback on EXISTING bamboo. (There cannot be any bamboo in the setback area, above or below ground).

We cannot keep looking at the symptom and forget the cause.

In this case, the causing organism is the existing bamboo that spreads exponentially. Unless we get this under control, all other efforts are secondary. Because of this reason we need to include the EXISTING bamboo in SB 72.

Thank you for your time,

Gabriele Kallenborn

Westport, CT 06880

203-222-7557