

Executive Summary

Legislative and Regulatory Efforts to Control Invasive Species



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Pennsylvania is a global leader in agriculture, food and lumber production, and its economy depends on environmental conditions that support these industries. Furthermore, the Commonwealth's extensive network of rivers serves both commercial and recreational interests. Invasive species jeopardize land and water, and they threaten the future well-being of the Commonwealth.

Research Background

To gain an understanding of government approaches to dealing with threats from invasive species, this research examined how governments address these threats through the enactment of statutes and the implementation of regulations. To complete the study, the researchers identified existing statutes and regulations, as well as funding streams, related to controlling invasive species at the national and state levels.

At the federal level, this review began by examining public documents from the National Invasive Species Council's existing Management Plans. The research then shifted to identifying and reviewing public documents from Pennsylvania's Invasive Species Council and existing state Management Plans. Much of the project was devoted to the examination of other states' statutory and regulatory efforts to control invasive species, including sources of funding. Finally, the researchers examined international efforts, specifically focusing on Canada and the United Kingdom.

After the evaluation of the broad array of programs, the researchers contacted states with invasive species programs that related to threats in Pennsylvania. The research team sent emails



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The Center for Rural Pennsylvania is a bipartisan, bicameral legislative agency that serves as a resource for rural policy within the Pennsylvania General Assembly. It was created in

1987 under Act 16, the Rural Revitalization Act, to promote and sustain the vitality of Pennsylvania's rural and small communities.

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to state agencies to request information regarding budgetary resources devoted to controlling invasive species and any research reports on the effectiveness of the programs.

Finally, the research team completed four case studies related to invasive species identification, suppression, and eradication.

The first two case studies on gypsy moths and invasive weeds were selected based on the researchers' interactions with members of the Governor's Invasive Species Council.

The management of gypsy moths has been ongoing in Pennsylvania since the 1970s and represents the longest continued effort to address an invasive species within the Commonwealth. The emphasis on invasive weeds can be traced to the recent passage of the Noxious Weed Control Law (Act 46 of 2017) and the subsequent advisory role given to the Governor's Invasive Species Council.

The third and fourth case studies on invasive species pathways and rapid response teams were chosen based on a review of the literature on prevention, as well as U.S. Department of Agriculture data and reports. The prevalence of state policies on these topics, as well as conversations with staff at the Pennsylvania Department of Conservation and Natural Resources, informed the case study selection.

Research Findings

Government efforts to control invasive species can be characterized as slow and reactionary. Pennsylvania's efforts fit into this pattern with

the Pennsylvania Invasive Species Council being created only in 2004, and with the first comprehensive species management plan implemented before the end of the Rendell administration. The council entered a dormant period during the Corbett administration and was only reinvigorated by Governor Wolf in 2017. Furthermore, Pennsylvania has no dedicated funding streams for addressing outbreaks of invasive species. Rather, when threats arise from invasive species, departments use general fund monies or rely on grants from the federal government until the next budget cycle.

The researchers created a database of invasive species statutes and regulations; the database contains references to 493 statutes and regulations.

The five states with the greatest number of statutes and regulations are: California (25), New York (24), Maine (18), Washington (18), and Wisconsin (18). The two states with the least regulation of invasive species are Alaska (3) and Connecticut (3).

The researchers classified the statutes and regulations according to their goals. Approximately 50 percent of the efforts to address invasive species were related to control, often of specific insects, plants, or aquatic life. Nine percent of the statutes and regulations were focused on prevention, while only 4 percent emphasized eradication. Roughly 18 percent of the efforts had mixed goals (typically, control and prevention) and another 18 percent were classified as other. This last category included the development of administrative structures, including state invasive species councils. While



Invasive species may be defined as species that are not native to the ecosystem under consideration, and their establishment causes or are likely to cause economic, environmental, or human harm. Examples include the spotted lanternfly, zebra mussel, and brown marmorated stinkbug.



it was difficult to ascertain the date the original statutes and regulations were adopted, it appears that the states with the earliest efforts to control invasive species were Illinois (1919) and Michigan (1929).

An analysis of the statutory and regulatory efforts to control invasive species indicated that there is no uniform approach to addressing them. As stated earlier, government efforts to control invasive species can be characterized as slow and reactionary. Congress has paid sporadic attention to these issues, leaving most efforts to regulatory agencies (typically, the U.S. Department of Agriculture and the U.S. Department of the Interior). Once invasive species are detected, state efforts focus on control; less effort is dedicated to prevention, and little is directed toward eradication.

Policy case studies show the benefits of inter-agency cooperation and interstate coordination. Management expertise and funding are critical because invasive species do not respect agency or state boundaries. Efforts to control and prevent the spread of invasive species require a holistic approach to be effective.

When reviewing reports from federal and state agencies involved in controlling the spread of invasive species, a common theme emerged – namely, inadequate funding. The federal government provides funding primarily through programs under the U.S. Department of Agriculture. Funding is typically associated with the Farm Bill and directly linked to invasive species that threaten agriculture, while funding to address invasive aquatic species comes from the U.S. Fish and Wildlife Service.

Furthermore, federal agency efforts rely on cooperation with their state counterparts. States use a variety of funding mechanisms to support efforts to detect, suppress, and eradicate invasive species. The report details innovative funding schemes from 11 states, including Maryland and New York.

Policy Considerations

Based on the evaluation of existing state statutes and regulations, as well as the four case studies, the researchers identified the following five policy considerations.

- Provide institutional support and dedicated funding for the Governor’s Invasive Species Council, including a statewide invasive species coordinator.
- Promote interagency cooperation to solve problems with noxious weeds along state highways
- Develop regulations for mandatory inspection of watercraft and a timetable for implementation, including a fee structure and personnel needs and costs.
- Develop a funding mechanism to support early detection and rapid response, and provide agencies with sufficient discretion in accessing the funds*.
- Consult with the Governor’s Office of General Counsel regarding the development of policies related to access to private property to promote early detection and rapid responses to address threats from invasive species.

The full report, *Legislative and Regulatory Efforts to Control Invasive Species*, is available on the Center’s website at www.rural.palegislature.us.

*Note: On July 1, 2019, Gov. Wolf signed into law the Pennsylvania Farm Bill. The law includes a \$4 million Pennsylvania Rapid Response Disaster Readiness Account to provide quick responses to agricultural disasters and to continue the fight against the spread of the Spotted Lanternfly.

