

New York State Department of Environmental Conservation
Part 575 Invasive Species Regulations
Questions and Answers

What are invasive species?

Invasive species means a species that is non-native to the ecosystem under consideration; and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

Why are invasive species a problem?

Invasive species have a detrimental effect upon the State's natural communities and systems by out-competing native species, diminishing biological diversity, altering community structure and, in some cases, changing ecosystem processes. They can even harm human health.

How will these regulations help?

The regulations were developed by the Department of Environmental Conservation, in cooperation with the Department of Agriculture and Markets. These regulations, once implemented, are expected to help control invasive species by reducing the introduction and spread of invasive species populations by limiting commerce in such species, thereby having a positive impact on the environment.

How were the lists of species in the regulations developed?

The lists of prohibited and regulated species were developed using the standardized species assessment and listing process outlined in the 2010 report "A Regulatory System for Non-native Species". Lists of candidate non-native invasive species were compiled by reviewing other state regulations, reports, lists and consulting with agency experts. A rapid assessment was conducted to determine if the species warranted listing and was already federally regulated. Ecological invasiveness assessments were conducted on each potential invasive species followed by a socio-economic assessment for those ranking High or Very High. The assessment team then placed the species in the appropriate regulatory classification of Prohibited or Regulated. The initial recommendations were submitted to the Invasive Species Advisory Committee (25 Non-Government Organizations) and Council (9 State Agencies) for review and comment. The lists were then incorporated into the regulations.

Why isn't a particular species included on the prohibited or regulated lists?

Due to staffing limitations and time constraints, the initial list of prohibited and regulated species is not all-encompassing. We anticipate that the regulations will be updated on a regular basis. The regulations include language for petitioning for addition or removal of species from the prohibited and regulated lists. Some species were assessed, but do not meet the criteria for prohibition or regulation.

Aren't some of the species listed as either prohibited or regulated already established?

Yes, however, there are areas of the State in which they have not yet established populations and these regulations are intended to slow the spread by reducing the number of individuals of a species released into a region, to which they are not native, associated with the sale and introduction of such species.

When did the regulation become final?

The part 575 invasive species regulations were proposed, and a 60 day to public comment held between October and December 2013. During this time, four public hearings were scheduled across the State. All comments received were reviewed and a summary of public comments and agency responses was compiled. Required changes were made to the final regulations. A summary of the final regulations was published in the State Register September 10, 2014 and the full express terms were published on the Department's website.

Once finalized, when will the regulations become implemented?

A summary of the final regulations was published in the State Register September 10, 2014. The part 575 regulations take effect 6 months later (March 10, 2015).

What is the difference between prohibited and regulated invasive species?

Prohibited invasive species cannot be knowingly possessed with the intent to sell, import, purchase, transport or introduce. In addition, no person shall sell, import, purchase, transport, introduce or propagate prohibited invasive species. Regulated invasive species, on the other hand, are species which cannot be knowingly introduced into a free-living state, or introduced by a means that one should have known would lead to such an introduction, although such species shall be legal to possess, sell, buy, propagate and transport.

What is considered a free-living state?

A species is considered in a free-living state if it is introduced to public lands or lands connected to public lands, natural areas, and public waters or waters connected to public waters.

Are there any exceptions to the definition of a free-living state?

Yes, such exceptions include artificial ponds and water gardens with no outlet to public waters, waters entirely within private land not connected to public waters, and water-use facilities with outflows not providing access to public waters.

Do the regulations require existing populations of species on the prohibited and regulated lists be managed or destroyed by the land-owner?

No, existing populations of non-native invasive species listed as prohibited or regulated and established prior to the implementation of the final part 575 regulations do not require management by the owner. However, once implemented, the final regulations do prohibit commerce involving those species listed as prohibited species and the release of regulated species into a free-living state.

What species have grace periods established in the regulations?

A one year grace period is included in the regulations for Japanese Barberry (*Berberis thunbergii*), during which existing stock of this species may be sold. In addition, a person may possess, sell, offer for sale, distribute, transport, or otherwise market or trade live Eurasian boars (*Sus scrofa*) until September 1, 2015. No person shall knowingly import, propagate or introduce Eurasian boars into a free-living state.

Will there be a fee for permits? No fee is anticipated for permits issued for research, education or other approved activity.**Who will enforce the final regulations?**

The regulations will be enforced by the Department of Environmental Conservation, with assistance from the Department of Agriculture and Markets.