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S.B.1016 AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO

Feb. 5, 2013

Dear Environment Committee,

For the record my name is Caryn Rickel of 13 Edgehill Terr., Seymour , CT. I am writing to support the intent of S.B.1016 with the addition of an Assignment of Liability, and to include the scientific name of the bamboo to be added as: *Phyllostachys aureosulcata* McClure (1945) common name: yellow groove.

An Assignment of Liability is needed each time the bamboo invades. The invasion and damages are continual each year. Each successive invasion is more destructive than the previous year's invasion. Yellow groove bamboo is impossible to contain.

Yellow groove bamboo is like cancer to land. Being invaded by yellow groove bamboo is the worst continual nuisance I can imagine anyone inflicting on his neighbor as 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.

In an effort to save my own land and help others whose land has also been compromised by the continual damages of yellow groove bamboo, I founded the Institute of Invasive Bamboo Research. Starting in 2010, I documented approximately 310 invasions of *Phyllostachys aureosulcata* - yellow groove bamboo. 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, 2013).

*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 invasion and damages are continual each year. From July to September rhizomes deeply invade underground, undetected in a 360 pattern around each cane. The bamboo then goes dormant until late April. From late April through June the invasion appears as spikes which shoot off the previous year's rhizomes. The culms can grow two feet per day. The bamboo is highly destructive and destroys everything in its path. Each successive invasion is more destructive than the previous year's. The spread is rapid in all directions. What may start from a single rhizome purchased on eBay, a single willow stalk bought from an online site such as Craigslist, YouTube or a single plant shared from a neighbor, turns into a full-blown giant timber bamboo

forest and a homeowner's worst nightmare. The rhizome web which is interconnected is one organism. One infestation can invade 9.3 miles. The height and thickness of the culms increases each successive year as well as the length of the rhizomes. The underground rhizome web is likened to horticultural concrete below ground. It only takes one escaped rhizome to invade the neighborhood. A person in New Jersey emailed images of rhizomes invading 27 inches deep destroying a built in swimming pool. The barriers fail fast as it is impossible to confine.

I am living a nightmare today and know firsthand how destructive yellow groove bamboo is. My properties are contaminated by my neighbor's intentional planting of yellow groove bamboo. They sat by and watched the bamboo invade all adjoining properties as if nothing out of the ordinary were happening. They told me it was my problem because there was no law. These 6 tiny plants grew to be a 90 foot wide bamboo forest (approximately 35- 40 feet high). I have spent the last 30 years creating gardens that are now all lost.

I cannot even get a shovel into the ground to plant anything. I have totally lost free - use and enjoyment of my property. We do not use our yard anymore. The bamboo has cracked a sidewalk, driveway and invaded under a central a/c at my rental property. We have spent hours digging bamboo and hauling rhizomes. Last year's invasion that shot up on April 28, 2012 is now, 18 tall bamboo trees, with rhizomes extending over the septic field at my rental property. This is new bamboo that has invaded from my neighbor's mother plant which is approximately forty feet away at my rental property next door. My rental property now has land contaminated with bamboo that had no bamboo ten months ago. This spring all the landscape will need to be destroyed to remove this new bamboo growth. We do not know how far the rhizomes have spread underground until everything is dug. The bamboo is within and under all the landscape. My blue-stone patio is down to dirt, the soil is all rhizomes and bamboo stumps. All the landscape is destroyed. I cannot get a shovel into the soil to plant anything. The soil is full of thick rhizomes and is like 'horticultural' concrete, rendering it useless. I used to have weekend garden parties for family and friends every weekend using this patio. I have not used this patio in three years. All new bamboo is shooting up. Some new bamboo is shooting up just three feet from my gazebo and may go under the cedar floor. This is a rhizome that will not die. This is horrifying to me.

I am worried that my husband will injure his knees or cut his hands trying to remove bamboo. This is as close to living in hell as I can imagine. My husband built our home in 1977 when he was 23 years old. Now we can hardly bear this nightmare which has no end in sight. It is impossible to contain a mature grove. One cannot simply rush to install plastic into rhizome contaminated soil with all bamboo still on the outside and say, " Done, contained after 17 years of allowing it to invade."

My neighbor's today, even with full knowledge of containment, have a huge yellow groove stand on their front corner which they are allowing to freely invade. This stand has been top cut by them as a camouflage effort to appear very small and harmless. Last May, over a hundred spikes were shooting up at least 80 feet across their front yard and along their side property down to the next neighbor's property. They ran out to cut the spikes (culms) each day to hide the evidence only to have them reshoot overnight. They continued this camouflage effort until the end of June when the bamboo finally stopped shooting up culms and went into the rhizome

growth period. They are allowing the bamboo to invade right up to the road's edge, right up to the street's water drain, and down Riviera Terrace approaching the next neighbor's trees and driveway.

We are on well water here and I fear I will not even be able to drink the water because of the bamboo invasion. During my entire life of gardening I always went the extra mile to use all organic products and never use chemicals. The invasion in 2010, which destroyed my patio, was so bad that I was forced to try a great deal of herbicides in order to try to save the blue-stone patio. This did not work at all. New bamboo is shooting closer and all around the patio now. I do not want to use any more herbicides for fear I may be at risk and later have health issues. It is hard to believe today this is all because of yellow groove bamboo.

My most valuable asset, my land, cannot even be sold. In 2012, I was approved for a 'Property Tax Assessment Appeal' by which the Town of Seymour applied a 33 percent reduction to the market value of the land at each of my two properties:

- 1) my residence at: 13 Edgehill Terr., Seymour, CT
- 2) my rental property at: 11 Edgehill Terr., Seymour, CT

An Assignment of Liability was recommended by our Connecticut Invasive Plants Council as shown in item # 3 below:

The Connecticut Invasive Plants Council has stated that it will be supportive of legislation that would (1) require sellers of running bamboo to educate customers about the plant, (2) require property owners who plant bamboo to install and maintain proper containment, and (3) assign liability in situations where property owners fail to prevent the spread of bamboo.

Assignment of liability is shown on page 3 of the:

INVASIVE PLANTS COUNCIL TENTH Annual Report Dec.11, 2012  
[http://www.cipwg.uconn.edu/pdfs/2012Minutes/2012\\_IPC\\_AnnualReport.pdf](http://www.cipwg.uconn.edu/pdfs/2012Minutes/2012_IPC_AnnualReport.pdf)

Sample could be:

Duty to confine bamboo - In the event the species *Phyllostachys aureosulcata* yellow groove bamboo in the State of Connecticut, the owner or occupant of said property within 100 feet of abutting property or right-of-way shall confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any abutting property or right-of-way and bear the cost of removal and damages to abutting property and structures which it is allowed to invade. The liability for damage to abutting property is placed on the bamboo owner each time the bamboo invades and is considered a new occurrence.

Assignment of Liability would provide that the bamboo would be off our land at no cost to us each time it invades. This would provide relief for this continual nuisance and continual trespass, and restore quality of life to the bamboo victims in Connecticut. I applaud the intent of this bill and thank the Environment Committee and the Invasive Plants Council.

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

EXHIBIT I

Strict Liability:

- A. No owner or occupant of property or person, corporation or other entity shall plant, install, or cause or permit the planting, installation or maintenance of existing stands of *Phyllostachys aureosulcata* - yellow groove bamboo upon any property within 100 feet of abutting property or right - of - way to exist without containment. The liability and cost for damages from encroaching yellow groove bamboo to abutting landowners is placed on the owner of such existing yellow groove bamboo and yellow groove bamboo must be contained within six months of this law.
- B. Duty to confine bamboo. In the event the species *Phyllostachys aureosulcata* yellow groove bamboo in the State of Connecticut, the owner or occupant of said property within 100 feet of abutting property or right-of-way shall confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any abutting property or right-of-way and bear the cost of removal and damages to abutting property and structures which it is allowed to invade. The liability for damage to abutting property is placed on the bamboo owner each time the bamboo invades and is considered a new occurrence.
- C. The State of Connecticut shall notify the owner or occupant of the property which is in violation of Subsection A or B above and the notice shall specify a time, not less than 15 days, to comply with the provisions therein. Said notice shall be in writing and served personally or by certified mail. Service shall be deemed complete on the day the delivery or mail is completed.
- D. “Bamboo Owner”. Any property owner or resident who has planted and/or grows or permits yellow groove bamboo to grow or remain on his/her property even if the bamboo has spread from an adjoining property. Any property owner or resident at whose property yellow groove bamboo is found will be considered a bamboo owner, except any property owner who:  
Did not plant or grow yellow groove bamboo on his property, and can show proof he/she has initiated steps for the removal of the yellow groove bamboo from the said property within six months of this law.

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In tort law strict liability has traditionally been applied for damages caused by animals. Because animals are not governed by a conscience and possess great capacity to do mischief if not restrained, those who keep animals have a duty to restrain them. In most jurisdictions the general rule is that keepers of all animals, including domesticated ones, are strictly liable for damage resulting from the [Trespass](#) of their animals on the property of another.

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