

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.