



State of Connecticut

HOUSE OF REPRESENTATIVES STATE CAPITOL

REPRESENTATIVE CHARLES J. FERRARO
ONE HUNDRED SEVENTEENTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING, ROOM 4200
300 CAPITOL AVENUE
HARTFORD, CT 06106

CAPITOL: (860) 240-8700
TOLL FREE: (800) 842-1423
Charles.Ferraro@housegop.ct.gov

MEMBER
APPROPRIATIONS COMMITTEE
HUMAN SERVICES COMMITTEE
PUBLIC SAFETY AND SECURITY COMMITTEE

*Testimony by Representative Charles Ferraro
Before the Environment Committee
Senate Bill 79
February 19, 2016*

Good morning Chairmen Kennedy and Albis, Ranking Members Chapin and Shaban, and members of the Environment Committee. I am State Representative Charles Ferraro and I represent the towns of Milford, Orange and West Haven. Thank you for allowing me the opportunity today to testify on SB 79, AN ACT CLARIFYING PROVISIONS OF THE GENERAL STATUTES REGARDING THE USE OF PROPERLY INSTALLED AND CONSTRUCTED BARRIER SYSTEMS FOR CERTAIN PLANTINGS. My thanks to Honorable Co-Chairs and the entire Environmental Committee for your consideration today for addressing this problematic issue of "Running Bamboo".

While I was extremely interested to see this bill raised, I was disappointed when I read the text of the bill. Rather than clarifying the provisions of the General Statutes Concerning the Use of Barrier Systems for Certain Plantings as the title of the Bill states this Bill as I read it is simply only a restatement of the current statute. The only addition that I am able to find seems to be a reference for removing the language of the barrier systems.

In Milford, one of the towns that I represent, according to the City Open Space Agent Steve Johnson there are 70 locations where this invasive species of running bamboo has grown. Included in these 70 locations are three open space conservations areas. When unwanted bamboo spreads to open space conservation areas, or private lands, it creates a hardship of time and expense as well as a decrease in conservation value. In extreme cases it can threaten to damage existing structures. For many homeowners the effort to keep the bamboo from encroaching upon their property is extremely labor intensive and often more expensive than what they can afford. For municipalities who may be charged with enforcing the statute it creates a burden both in time and financial expense.

While SB 79 does address restrictions to planting it does not address the spread of running bamboo into abutting properties or into public rights of way within the 40-foot “buffer”. It also does not define the enabling process to enforce the statute at the municipality level. Because this enforcement process will require municipalities to bring litigation in their efforts to hold accountable those not heeding the law, the municipality who is undertaking the prosecution of such incidences should be entitled to all or a significant part of the fines associated with the infraction as well as court, legal and other expenses associated related to a prevailing judgement.

This bill should address the proper disposal of any remnants of the underground bamboo rhizomes. They should be dried and incinerated to prevent further spread of running bamboo. The Guidelines for Disposal of Terrestrial Invasive Plants, published by the Connecticut Department of Energy and Environmental Protection and the University of Connecticut in 2014, could serve as source material for the disposal of running bamboo even if those species are considered regulated and not invasive. http://cipwg.uconn.edu/wp-content/uploads/sites/244/20114/01/InvasivePlantDisposal_2014-01-23.pdf

I would recommend that following additions to the bill:

1. Section 1. Subsection (c), No Person shall plant running bamboo or allow running bamboo to be planted [**or to grow**] on his or her property... [add the words “or to grow” as shown.]
2. Add Subsection (g) – “**A private right of action may be maintained by an adjoining property owner to enforce the provisions of [subsection (c)] of this statute. The plaintiff is entitled to attorneys’ fees, and costs and disbursements if he/she is the prevailing party.**” This is critical to allow private parties to be reimbursed for costs associated with any civil litigation.

I would like to thank the committee for the opportunity to present this testimony.

Rep. Charles Ferraro