

Testimony regarding HB 1015, The Knotweed Bill
Commerce and Consumer Committee

New Hampshire bill HB 1015 is an important step in recognizing the importance of invasive plant species, the impact they can have to society and ecosystems, and encouraging responsibility in addressing invasive species. I recently retired from 35 years' experience in federal and state service emphasizing natural resource science and management. Invasive species were often a key factor in addressing natural resource challenges (e.g., phragmites in coastal wetlands and cheatgrass in sagebrush steppe). The information provided below was gleaned from the review of more than 20 published scientific articles involving Japanese knotweed.

Invasive species are having a massive impact to society and ecosystems across the U.S., exceeding \$26 billion of economic impact per year since 2010. Japanese knotweed (*Reynoutria japonica*) in New Hampshire is a "Prohibited Species" - No person shall collect, transport, import, export, move, buy, sell, distribute, propagate or transplant any living and viable portion of any plant species.

Impact of Japanese Knotweed - Knotweed is widely distributed in New Hampshire found in wetlands, roadside, fields, lawns, disturbed sites, and forest edges. It forms a dense canopy that shades out native plants and depletes water, minerals and nutrients. It also produces alleopathic compounds that poison other plants. The loss of native plants affects ecosystems up through the food chain negatively impacting insects, invertebrates, birds, amphibians, and mammals. Increased erosion is documented from streambanks covered with knotweed versus native plant cover. Knotweed shoots push through cracks in asphalt, concrete pavement, foundations, and other infrastructure. Knotweed is commonly found in road rights-of-way due to it being spread via vehicles and maintenance activities, which encumbers management of roadsides.

Control of Japanese Knotweed – Knotweed is a pernicious invasive plant, easily spread and difficult to control. New plants (and patches) are easily propagated from short segments of stem or rhizomes (underground stems). In New Hampshire, it can also spread by seed (97% fertility rate). A new plant quickly forms a clump and extends to create an extensive patch with a broad network of interconnected roots and plants. Knotweed is a perennial, above ground parts dying back with the first frost and overwintering in the below ground clumps and rhizomes. Mowing or cutting the patches does not control knotweed, and is a common way for it to spread. Digging out the plant is almost impossible as a control method – roots can be 6 feet deep and run horizontally for 20' or more. They also can lie dormant for 20 years. Any remaining fragment could produce new plants. Excavation is expensive and you still need to dispose of the dugout material. Small patches on level ground can be smothered (cut stems down and cover with opaque tarp for 5 years). The best success towards eradication has been with herbicide (glyphosate) applied at the correct rate and time of year. It still requires monitoring and repeated treatment to ensure

eradication. Presence of knotweed on a property represents a clear impact and liability to the property owner and neighbors if it spreads.

Legal implications of Japanese knotweed – legal cases are beginning to appear in the U.S., and knotweed has been covered by law in other countries (e.g., mandatory disclosure in United Kingdom).

- Most states list Japanese knotweed as an invasive species, many states also list it as a prohibited species (with some type of control on its sale or transport).
- Nuisance and Negligence: In [Inman v. Scarsdale Shopping Center](#) (NY, 2016), homeowners successfully sued a commercial property for allowing knotweed to spread to their residential land, highlighting liability for allowing the plant to cross property lines.
- Failure to Disclose (Fraud): In [Trites v. Cricones](#) (MA, 2023), a developer failed to disclose that they spread contaminated soil over a new home site. The court found this was a violation of consumer protection laws.
- Liability for Property Damage: While rarer, cases can be brought for structural damage (e.g., foundations, walls) caused by the invasive roots.

Importance of NH bill HB 1015 – The state of New Hampshire does a good job seeking to manage the risk of invasive species. The NH Prohibited Species list helps limit the spread of species, NH Department of Agriculture conducts surveys and provides information about invasive species and Best Management Practices (BMP), University of New Hampshire Extension Service provides training and technical assistance, NH Department of Transportation regularly manages for invasive species and issued BMPs. However, new invasive species are appearing and already listed species continue to spread. Additional help is needed. HB 1015 recognizes the risk and liability associated with Japanese knotweed on a property. It advances awareness of Japanese knotweed across the state and in real estate transactions. HB 1015 keeps the burden low. I support the Bill. Knotweed is not difficult to identify and is most commonly found along roads and streamsides. Disclosure is required if known. Recognition of knotweed on a property will encourage landowners to seek to control it. Awareness is the first step towards addressing a growing problem with invasive species.

Thank you for the opportunity to provide testimony.

Paul F. Steblein
60 Esty Road
Westmoreland, NH 03462

pfstblein@gmail.com