

## FAQs

### Q. What is the purpose of this rulemaking?

A. *The purpose of this rulemaking is to help control the spread of invasive species by reducing the introduction of new and the spread of existing populations of invasive species.*

### Q. Who needs to put a tag on a Regulated plant?

A. *Any business/person selling a regulated plant – whether wholesaler, distributor, retailer or other – must make sure the warning statement is on the plant at time of sale.*

### Q. What must the tag on the Regulated plant say?

A. *Genus species, Common Name “Invasive Species- Harmful to the Environment” (in 14 point font). The tag must also list alternative plants and instructions to prevent spread. (Sample tag that meets or exceeds requirements can be viewed at:*

*[http://www.agriculture.ny.gov/PI/invasive\\_species\\_label.pdf](http://www.agriculture.ny.gov/PI/invasive_species_label.pdf)*

### Q. Can I sell my remaining stock of the prohibited plants?

A. *No. Plants on the prohibited species list may not be sold or propagated.*

### Q. Are there any exemptions for sterile cultivars?

A. *As of 6/28/17 there are exemptions for eight cultivars of plants. The following cultivars may be sold without a warning statement: Berberis thunbergii ‘Aurea’, UCONNBTCP4N ‘Crimson Cutie’, UCONNBTB113 ‘Lemon Cutie’, and UCONNBTB048 ‘Lemon Glow’ Miscanthus sinensis ‘NCMS1’ ‘My Fair Maiden’ and Tift M77 ‘Scout’ Euonymus fortunei ‘Kewensis’ and ‘Vanilla Frosting’*

For current exemptions, visit:  
<http://www.dec.ny.gov/animals/99141.html>

### How can I get more information?

For more information about these regulations, a full list of prohibited and regulated species, and a list of alternatives, please visit:

[www.agriculture.ny.gov/PI/invasive\\_species.html](http://www.agriculture.ny.gov/PI/invasive_species.html)

### For questions or concerns, please contact:

NYS Department of Agriculture and Markets,  
Division of Plant Industry  
Phone: 518-457-2087  
Email: [plants@agriculture.ny.gov](mailto:plants@agriculture.ny.gov)

Contact your local Horticultural Inspector with specific questions about selling plants from your nursery, greenhouse, garden center, etc.

Horticultural Inspectors are listed at  
[http://www.agriculture.ny.gov/PI/staff\\_contact\\_list.pdf](http://www.agriculture.ny.gov/PI/staff_contact_list.pdf)

**Regulated Plants = OK to sell  
with warning statement and info**

**Prohibited Plants = CANNOT  
sell in New York.**



**Agriculture  
and Markets**



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## Complying With the Law

### What Plants are part of the NYS Invasive Species Regulations?

### NYCRR Part 575

Prohibited and Regulated Invasive  
Species Regulations (effective 3/10/15)

**Division of Plant Industry**

<http://www.agriculture.ny.gov/>

**REGULATED PLANTS:** May be sold provided they have the required warning statement. The following six species of plants are **regulated** and must list: the Genus species, the warning statement in 14-point font **“Invasive Species-Harmful to the Environment,”** alternative plants and instructions to prevent spread.

Scientific Name	Common Name
(i) <i>Acer platanoides</i>	Norway Maple
(ii) <i>Clematis terniflora</i>	Japanese Virgin's Bower
(iii) <i>Euonymus alatus</i>	Burning Bush
(iv) <i>Euonymus fortunei</i> *	Winter Creeper
(v) <i>Miscanthus sinensis</i> *	Chinese Silver Grass
(vi) <i>Robinia pseudoacacia</i>	Black Locust

**PROHIBITED PLANTS:** May NOT be sold in New York. Possession with intent to sell, import, purchase, transport, introduce or propagate is prohibited.

**\*The 69 PROHIBITED plant species are:**

Scientific Name	Common Name
(i) <i>Acer pseudoplatanus</i>	Sycamore Maple
(ii) <i>Achyranthes japonica</i>	Japanese Chaff Flower
(iii) <i>Alliaria petiolata</i>	Garlic Mustard
(iv) <i>Ampelopsis brevipedunculata</i>	Porcelain Berry
(v) <i>Anthriscus sylvestris</i>	Wild Chervil
(vi) <i>Aralia elata</i>	Japanese Angelica Tree
(vii) <i>Artemisia vulgaris</i>	Mugwort
(viii) <i>Arthraxon hispidus</i>	Small Carpet Grass
(ix) <i>Berberis thunbergii</i>	Japanese Barberry
(x) <i>Brachypodium sylvaticum</i>	Slender False Brome
(xi) <i>Cabomba caroliniana</i>	Fanwort

Scientific Name	Common Name
(xii) <i>Cardamine impatiens</i>	Narrowleaf Bittercress
(xiii) <i>Celastrus orbiculatus</i>	Oriental Bittersweet
(xiv) <i>Centaurea stoebe</i> ( <i>C. biebersteinii</i> , <i>C. diffusa</i> , <i>C. maculosa</i> misapplied, <i>C. xpsammogena</i> )	Spotted Knapweed
(xv) <i>Cirsium arvense</i> ( <i>C. setosum</i> , <i>C. incanum</i> , <i>Serratula arvensis</i> )	Canada Thistle
(xvi) <i>Cynanchum louiseae</i> ( <i>C. nigrum</i> , <i>Vincetoxicum nigrum</i> )	Black Swallow-wort
(xvii) <i>Cynanchum rossicum</i> ( <i>C. medium</i> , <i>Vincetoxicum medium</i> , <i>V. rossicum</i> )	Pale Swallow-wort
(xviii) <i>Dioscorea polystachya</i> ( <i>D. batatas</i> )	Chinese Yam
(xix) <i>Dipsacus laciniatus</i>	Cut-leaf Teasel
(xx) <i>Egeria densa</i>	Brazilian Waterweed
(xx) <i>Elaeagnus umbellata</i>	Autumn Olive
(xxii) <i>Euphorbia cyparissias</i>	Cypress Spurge
(xxiii) <i>Euphorbia esula</i>	Leafy Spurge
(xxiv) <i>Ficaria verna</i> ( <i>Ranunculus ficaria</i> )	Lesser Celandine
(xxv) ** <i>Frangula alnus</i> ( <i>Rhamnus frangula</i> )	Smooth Buckthorn
(xxvi) <i>Glyceria maxima</i>	Reed Manna Grass
(xxvii) <i>Heracleum mantegazzianum</i>	Giant Hogweed
(xxviii) <i>Humulus japonicus</i>	Japanese Hops
(xxix) <i>Hydrilla verticillata</i>	Hydrilla, Water Thyme
(xxx) <i>Hydrocharis morus-ranae</i>	European Frogbit
(xxxi) <i>Imperata cylindrica</i> ( <i>I. arundinacea</i> , <i>Lagurus cylindricus</i> )	Cogon Grass
(xxxii) <i>Iris pseudacorus</i>	Yellow Iris
(xxxiii) <i>Lepidium latifolium</i>	Broad-leaved Peppergrass
(xxxiv) <i>Lespedeza cuneata</i>	Chinese Lespedeza
(xxxv) <i>Ligustrum obtusifolium</i>	Border Privet
(xxxvi) <i>Lonicera japonica</i>	Japanese Honeysuckle
(xxxvii) <i>Lonicera maackii</i>	Amur Honeysuckle
(xxxviii) <i>Lonicera morrowii</i>	Morrow's Honeysuckle
(xxxix) <i>Lonicera tatarica</i>	Tartarian Honeysuckle
(xl) <i>Lonicera x bella</i>	Fly Honeysuckle
(xli) <i>Ludwigia hexapetala</i> ( <i>L. grandiflora</i> )	Uruguayan Primrose Willow
(xlii) <i>Ludwigia peploides</i>	Floating Primrose Willow
(xliii) <i>Lysimachia vulgaris</i>	Garden Loosestrife

Scientific Name	Common Name
(xliv) <i>Lythrum salicaria</i>	Purple Loosestrife
(xlv) <i>Microstegium vimineum</i>	Japanese Stilt Grass
(xlvii) <i>Murdannia keisak</i>	Marsh Dewflower
(xlviii) <i>Myriophyllum aquaticum</i>	Parrot-feather
(xlviii) <i>Myriophyllum heterophyllum</i>	Broadleaf Water-milfoil
(xlix) <i>Myriophyllum heterophyllum x M. laxum</i>	Broadleaf Water-milfoil Hybrid
(l) <i>Myriophyllum spicatum</i>	Eurasian Water-milfoil
(li) <i>Nymphoides peltata</i>	Yellow Floating Heart
(lii) <i>Oplismenus hirtellus</i>	Wavyleaf Basketgrass
(liii) <i>Persicaria perfoliata</i> ( <i>Polygonum perfoliatum</i> )	Mile-a-minute Weed
(liv) <i>Phellodendron amurense</i>	Amur Cork Tree
(lv) <i>Phragmites australis</i>	Common Reed Grass
(lvi) <i>Phyllostachys aurea</i>	Golden Bamboo
(lvii) <i>Phyllostachys aureosulcata</i>	Yellow Groove Bamboo
(lviii) <i>Potamogeton crispus</i>	Curly Pondweed
(lix) <i>Pueraria montana</i>	Kudzu
(lx) <i>Reynoutria japonica</i> ( <i>Fallopia japonica</i> , <i>Polygonum cuspidatum</i> )	Japanese Knotweed
(lxi) <i>Reynoutria sachalinensis</i> ( <i>Fallopia sachalinensis</i> , <i>Polygonum sachalinensis</i> )	Giant Knotweed
(lxii) <i>Reynoutria x bohemica</i> ( <i>Fallopia x bohemica</i> , <i>Polygonum x bohemica</i> )	Bohemian Knotweed
(lxiii) <i>Rhamnus cathartica</i>	Common Buckthorn
** <i>Rhamnus frangula</i> ( <i>Frangula alnus</i> )	Smooth Buckhorn
(lxiv) <i>Rosa multiflora</i>	Multiflora Rose
(lxv) <i>Rubus phoenicolasius</i>	Wineberry
(lxvi) <i>Salix atrocinerea</i>	Gray Florist's Willow
(lxvii) <i>Silphium perfoliatum</i>	Cup-plant
(lxviii) <i>Trapa natans</i>	Water Chestnut
(lxix) <i>Vitex rotundifolia</i>	Beach Vitex

**\*PROHIBITED SPECIES– MAY NOT BE SOLD IN NEW YORK STATE ( EFFECTIVE 3/10/15)**

\*\*This plant is listed twice for clarity in the change of the scientific name