

**6 NYCRR Part 575**  
**Prohibited and Regulated Invasive Species**  
**September 10, 2014**

**ALGAE AND CYANOBACTERIA**

**Prohibited:**

*Caulerpa taxifolia*, Killer Green Algae  
*Didymosphenia geminata*, Didymo  
*Prymnesium parvum*, Golden Algae

**Regulated:**

*Cylindrospermopsis raciborskii*, Cylindro  
*Grateloupia turuturu*, Red Algae

**PLANTS**

**Prohibited:**

*Acer pseudoplatanus*, Sycamore Maple  
*Achyranthes japonica*, Japanese Chaff Flower  
*Alliaria petiolata*, Garlic Mustard  
*Ampelopsis brevipedunculata*, Porcelain Berry  
*Anthriscus sylvestris*, Wild Chervil  
*Aralia elata*, Japanese Angelica Tree  
*Artemisia vulgaris*, Mugwort  
*Arthraxon hispidus*, Small Carpet Grass  
*Berberis thunbergii*, Japanese Barberry  
*Brachypodium sylvaticum*, Slender False Brome  
*Cabomba caroliniana*, Fanwort  
*Cardamine impatiens*, Narrowleaf Bittercress  
*Celastrus orbiculatus*, Oriental Bittersweet  
*Centaurea stoebe* (*C. biebersteinii*, *C. diffusa*, *C. maculosa misapplied*, *C. xpsammogena*), Spotted Knapweed  
*Cirsium arvense* (*C. setosum*, *C. incanum*, *Serratula arvensis*), Canada Thistle  
*Cynanchum louiseae* (*C. nigrum*, *Vincetoxicum nigrum*), Black Swallow-wort  
*Cynanchum rossicum* (*C. medium*, *Vincetoxicum medium*, *V. rossicum*), Pale Swallow-wort  
*Dioscorea polystachya* (*D. batatas*), Chinese Yam  
*Dipsacus laciniatus*, Cut-leaf Teasel  
*Egeria densa*, Brazilian Waterweed  
*Elaeagnus umbellata*, Autumn Olive  
*Euphorbia cyparissias*, Cypress Spurge  
*Euphorbia esula*, Leafy Spurge  
*Ficaria verna* (*Ranunculus ficaria*), Lesser Celandine  
*Frangula alnus* (*Rhamnus frangula*), Smooth Buckthorn  
*Glyceria maxima*, Reed Manna Grass  
*Heracleum mantegazzianum*, Giant Hogweed  
*Humulus japonicus*, Japanese Hops  
*Hydrilla verticillata*, Hydrilla/ Water Thyme  
*Hydrocharis morsus-ranae*, European Frogbit  
*Imperata cylindrica* (*I. arundinacea*, *Lagurus cylindricus*), Cogon Grass  
*Iris pseudacorus*, Yellow Iris

*Lepidium latifolium*, Broad-leaved Pepper-grass  
*Lespedeza cuneata*, Chinese Lespedeza  
*Ligustrum obtusifolium*, Border Privet  
*Lonicera japonica*, Japanese Honeysuckle  
*Lonicera maackii*, Amur Honeysuckle  
*Lonicera morrowii*, Morrow's Honeysuckle  
*Lonicera tatarica*, Tartarian Honeysuckle  
*Lonicera x bella*, Fly Honeysuckle  
*Ludwigia hexapetala* (*L. grandiflora*), Uruguayan Primrose Willow  
*Ludwigia peploides*, Floating Primrose Willow  
*Lysimachia vulgaris*, Garden Loosestrife  
*Lythrum salicaria*, Purple Loosestrife  
*Microstegium vimineum*, Japanese Stilt Grass  
*Murdannia keisak*, Marsh Dewflower  
*Myriophyllum aquaticum*, Parrot-feather  
*Myriophyllum heterophyllum*, Broadleaf Water-milfoil  
*Myriophyllum heterophyllum x M. laxum*, Broadleaf Water-milfoil Hybrid  
*Myriophyllum spicatum*, Eurasian Water-milfoil  
*Nymphoides peltata*, Yellow Floating Heart  
*Oplismenus hirtellus*, Wavyleaf Basketgrass  
*Persicaria perfoliata* (*Polygonum perfoliatum*), Mile-a-minute Weed  
*Phellodendron amurense*, Amur Cork Tree  
*Phragmites australis*, Common Reed Grass  
*Phyllostachys aurea*, Golden Bamboo  
*Phyllostachys aureosulcata*, Yellow Groove Bamboo  
*Potamogeton crispus*, Curly Pondweed  
*Pueraria montana*, Kudzu  
*Reynoutria japonica* (*Fallopia japonica*, *Polygonum cuspidatum*), Japanese Knotweed  
*Reynoutria sachalinensis* (*Fallopia sachalinensis*, *Polygonum sachalinensis*), Giant Knotweed  
*Reynoutria x bohemica* (*Fallopia x bohemica*, *Polygonum x bohemica*), Bohemian Knotweed  
*Rhamnus cathartica*, Common Buckthorn  
*Rosa multiflora*, Multiflora Rose  
*Rubus phoenicolasius*, Wineberry  
*Salix atrocinerea*, Gray Florist's Willow  
*Silphium perfoliatum*, Cup-plant  
*Trapa natans*, Water Chestnut  
*Vitex rotundifolia*, Beach Vitex

**Regulated:**

*Acer platanoides*, Norway Maple  
*Clematis terniflora*, Japanese Virgin's Bower  
*Euonymus alatus*, Burning Bush  
*Euonymus fortunei*, Winter Creeper  
*Miscanthus sinensis*, Chinese Silver Grass  
*Robinia pseudoacacia*, Black Locust

**FISH**

**Prohibited:**

*Channa argus*, Northern Snakehead

*Channa marulius*, Bullseye Snakehead  
*Channa micropeltes*, Giant Snakehead  
*Clarias batrachus*, Walking Catfish  
*Gambusia affinis*, Western Mosquitofish  
*Gambusia holbrooki*, Eastern Mosquitofish  
*Hypophthalmichthys harmandi*, Largescale Silver Carp  
*Hypophthalmichthys molitrix*, Silver Carp  
*Hypophthalmichthys nobilis*, Bighead Carp  
*Misgurnus anguillicaudatus*, Oriental Weatherfish  
*Mylopharyngodon piceus*, Black Carp  
*Neogobius melanostomus*, Round Goby  
*Petromyzon marinus*, Sea Lamprey  
*Proterorhinus semilunaris (P. marmoratus)*, Tubenose Goby  
*Tinca tinca*, Tench

**Regulated:**

*Carassius auratus*, Goldfish  
*Cyprinella lutrensis*, Red Shiner  
*Cyprinus carpio*, Common Carp/ Koi  
*Gymnocephalus cernuus*, Ruffe  
*Monopterus albus*, Asian Swamp Eel  
*Oreochromis aureus*, Blue Tilapia  
*Oreochromis niloticus*, Nile Tilapia  
*Pterois miles*, Common Lionfish  
*Pterois volitans*, Red Lionfish  
*Sander lucioperca (Stizostedion lucioperca)*, Zander  
*Scardinius erythrophthalmus*, Rudd

**AQUATIC INVERTEBRATES**

**Prohibited:**

*Bellamyia chinensis (Cipangopaludina chinensis)*, Chinese Mystery Snail  
*Bellamyia japonica*, Japanese Mystery Snail  
*Bithynia tentaculata*, Faucet Snail  
*Bythotrephes longimanus (B. cederstroemi)*, Spiny Water Flea  
*Cercopagis pengoi*, Fishhook Water Flea  
*Corbicula fluminea*, Asian Clam  
*Crassostrea ariakensis*, Suminoe Oyster  
*Didemnum spp.*, Carpet Tunicate  
*Dreissena polymorpha*, Zebra Mussel  
*Dreissena rostriformis bugensis*, Quagga Mussel  
*Eriocheir sinensi*, Chinese Mitten Crab  
*Hemigrapsus sanguineus*, Asian Shore Crab  
*Hemimysis anomala*, Bloody Red Shrimp  
*Orconectes rusticus*, Rusty Crayfish  
*Potamopyrgus antipodarum*, New Zealand Mud Snail  
*Rapana venosa*, Veined Rapa Whelk  
*Styela plicata*, Asian Sea Squirt

**Regulated:**

*Carcinus maenas*, European Green Crab  
*Daphnia lumholtzi*, Water Flea  
*Hemigrapsus takanoi (H. penicillatus)*, Brush-clawed Shore Crab/ Grapsid Crab

**TERRESTRIAL INVERTEBRATES**

**Prohibited:**

*Achatina achatina*, Giant Ghana Snail  
*Achatina fulica (Lissachatina fulica)*, Giant African Land Snail  
*Adelges tsugae*, Hemlock Woolly Adelgid  
*Agrilus planipennis*, Emerald Ash Borer  
*Amyntas spp.*, Asian Earthworms  
*Anoplophora glabripennis*, Asian Longhorn Beetle  
*Apis mellifera scutellata x A. mellifera ligustica/ A. mellifera iberiensis*, Africanized Honey Bee  
*Archachatina marginata*, Giant West African Snail  
*Cryptococcus fagisuga*, Beech Scale  
*Lymantria dispar*, Asian and European Gypsy Moth  
*Monochamus alternatus*, Japanese Pine Sawyer  
*Pityophthorus juglandis*, Walnut Twig Beetle  
*Sirex noctilio*, Sirex Woodwasp

**TERRESTRIAL AND AQUATIC VERTEBRATES**

**Prohibited:**

*Cygnus olor*, Mute Swan  
*Lepus europaeus*, European Hare  
*Myocastor coypus*, Nutria  
*Nyctereutes procyonoides*, Asian Raccoon Dog  
*Sus scrofa (excluding Sus scrofa domestica)*, Eurasian Boar

**Regulated:**

*Alopochen aegyptiacus*, Egyptian Goose  
*Cairina moschata*, Muscovy Duck  
*Myiopsitta monachus*, Monk Parakeet  
*Oryctolagus cuniculus*, European Rabbit  
*Trachemys scripta elegans*, Red-eared Slider  
*Xenopus laevis*, African Clawed Frog

**FUNGI**

**Prohibited:**

*Amylostereum areolatum*, Sirex Wasp Fungus  
*Geomyces destructans*, White-nose Syndrome  
*Geosmithia morbida*, Thousand Canker Disease  
*Phytophthora ramorum*, Sudden Oak Death

For the official regulations and species lists please see: <http://www.dec.ny.gov/animals/265.html>.

**New York State Department of Environmental Conservation  
Part 575 Invasive Species Regulations  
Questions and Answers**

**What are invasive species?**

Invasive species means a species that is non-native to the ecosystem under consideration; and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

**Why are invasive species a problem?**

Invasive species have a detrimental effect upon the State's natural communities and systems by out-competing native species, diminishing biological diversity, altering community structure and, in some cases, changing ecosystem processes. They can even harm human health.

**How will these regulations help?**

The regulations were developed by the Department of Environmental Conservation, in cooperation with the Department of Agriculture and Markets. These regulations, once implemented, are expected to help control invasive species by reducing the introduction and spread of invasive species populations by limiting commerce in such species, thereby having a positive impact on the environment.

**How were the lists of species in the regulations developed?**

The lists of prohibited and regulated species were developed using the standardized species assessment and listing process outlined in the 2010 report "A Regulatory System for Non-native Species". Lists of candidate non-native invasive species were compiled by reviewing other state regulations, reports, lists and consulting with agency experts. A rapid assessment was conducted to determine if the species warranted listing and was already federally regulated. Ecological invasiveness assessments were conducted on each potential invasive species followed by a socio-economic assessment for those ranking High or Very High. The assessment team then placed the species in the appropriate regulatory classification of Prohibited or Regulated. The initial recommendations were submitted to the Invasive Species Advisory Committee (25 Non-Government Organizations) and Council (9 State Agencies) for review and comment. The lists were then incorporated into the regulations.

**Why isn't a particular species included on the prohibited or regulated lists?**

Due to staffing limitations and time constraints, the initial list of prohibited and regulated species is not all-encompassing. We anticipate that the regulations will be updated on a regular basis. The regulations include language for petitioning for addition or removal of species from the prohibited and regulated lists. Some species were assessed, but do not meet the criteria for prohibition or regulation.

**Aren't some of the species listed as either prohibited or regulated already established?**

Yes, however, there are areas of the State in which they have not yet established populations and these regulations are intended to slow the spread by reducing the number of individuals of a species released into a region, to which they are not native, associated with the sale and introduction of such species.

**When did the regulation become final?**

The part 575 invasive species regulations were proposed, and a 60 day to public comment held between October and December 2013. During this time, four public hearings were scheduled across the State. All comments received were reviewed and a summary of public comments and agency responses was compiled. Required changes were made to the final regulations. A summary of the final regulations was published in the State Register September 10, 2014 and the full express terms were published on the Department's website.

**Once finalized, when will the regulations become implemented?**

A summary of the final regulations was published in the State Register September 10, 2014. The part 575 regulations take effect 6 months later (March 10, 2015).

**What is the difference between prohibited and regulated invasive species?**

Prohibited invasive species cannot be knowingly possessed with the intent to sell, import, purchase, transport or introduce. In addition, no person shall sell, import, purchase, transport, introduce or propagate prohibited invasive species. Regulated invasive species, on the other hand, are species which cannot be knowingly introduced into a free-living state, or introduced by a means that one should have known would lead to such an introduction, although such species shall be legal to possess, sell, buy, propagate and transport.

**What is considered a free-living state?**

A species is considered in a free-living state if it is introduced to public lands or lands connected to public lands, natural areas, and public waters or waters connected to public waters.

**Are there any exceptions to the definition of a free-living state?**

Yes, such exceptions include artificial ponds and water gardens with no outlet to public waters, waters entirely within private land not connected to public waters, and water-use facilities with outflows not providing access to public waters.

**Do the regulations require existing populations of species on the prohibited and regulated lists be managed or destroyed by the land-owner?**

No, existing populations of non-native invasive species listed as prohibited or regulated and established prior to the implementation of the final part 575 regulations do not require management by the owner. However, once implemented, the final regulations do prohibit commerce involving those species listed as prohibited species and the release of regulated species into a free-living state.

**What species have grace periods established in the regulations?**

A one year grace period is included in the regulations for Japanese Barberry (*Berberis thunbergii*), during which existing stock of this species may be sold. In addition, a person may possess, sell, offer for sale, distribute, transport, or otherwise market or trade live Eurasian boars (*Sus scrofa*) until September 1, 2015. No person shall knowingly import, propagate or introduce Eurasian boars into a free-living state.

**Will there be a fee for permits?** No fee is anticipated for permits issued for research, education or other approved activity.

**Who will enforce the final regulations?**

The regulations will be enforced by the Department of Environmental Conservation, with assistance from the Department of Agriculture and Markets.