



REQUEST FOR PUBLIC COMMENT Walnut Twig Beetle Quarantine – Five Year Rule Review

The rule in this package has been reviewed pursuant to Chapter 119 of the Revised Code and is being proposed as follows. **The comment period will remain open through February 16, 2018.** Comments may be emailed to ecomments@agri.ohio.gov or mailed to Legal Section, Ohio Department of Agriculture, 8995 E. Main St., Reynoldsburg, Ohio 43068

The rules contained in this chapter establish a quarantine against the highly destructive insect *Pityophthorus juglandis*, more commonly known as the Walnut twig beetle (hereinafter “WTB” or “plant pest”) and the associated disease known as thousand cankers disease. The Ohio Department of Agriculture (Department) established this quarantine to prevent the plant pest’s artificial spread in the state of Ohio in order to protect Ohio’s forest, timber and wildlife resources from this destructive pest.

WTB poses a threat to Ohio’s hardwood forests. Estimates by the US Forest Service rank Ohio as high as 2nd in the nation for eastern black walnut timber inventory. It is one of the most valued timber species in Ohio. Ohio’s forest products industry contributed an estimated \$22.05 billion to Ohio’s economy in 2010. Total employment was 118,000 full-time and part-time jobs, with wages and benefits amounting to \$5.69 billion. To protect against new introductions of this plant pest into Ohio, the Department, in 2012, enacted an exterior state quarantine regulating the transportation of walnut products from areas of the affected states. In August 2013 scientists from the Ohio Plant Diagnostic Network, a cooperative partnership between the Department and The Ohio State University, isolated the disease from walnut branch samples from the Butler County area, marking the first time the disease was confirmed in Ohio.

The rules contained in this package focus on science-based practices which support responsible agriculture practices while allowing Ohio to continue to grow its vital forest economy.

OAC § 901:5-58-01 sets out the notice of quarantine and the general rule that no person shall transport any regulated article from a regulated area to a non-regulated area in the state. The current OAC § 901:5-58-01 is being rescinded and replaced by the proposed new version. The rescission is due to changing more than 50% of the original rule in accordance with the Legislative Services Commission’s administrative rule drafting manual. While a new rule is being proposed, there are no substantive changes to this rule. The rule has been amended to make a stylistic change that places the rule in line with the other plant pest quarantine rules administered by the Department.

OAC § 901:5-58-02 outlines the definitions that are used in the chapter. The rule has been amended to ensure that the defined terms match the actual terms used in the chapter. Further, a definition of the terms “Certificate” and “Department” were added.



OAC § 901:5-58-03 sets forth the regulated articles for the quarantine. The rule has been amended to make a stylistic change that places the rule in line with the other plant pest quarantine rules administered by the Department. Secondly, the rule has been formatted which should allow for easier comprehension of the regulated articles.

OAC § 901:5-58-04 outlines the regulated areas in the state. The rule was amended to comply due to expansion of the plant pest. Specifically, Maryland was added to the list of regulated areas.

OAC § 901:5-58-05 outlines the conditions of movement as exceptions to the general rule found in OAC § 901:5-58-01. The current OAC § 901:5-58-05 is being rescinded and replaced by the proposed new version. The rescission is due to changing more than 50% of the original rule in accordance with the Legislative Services Commissions' administrative rule drafting manual. While a new rule is being proposed, there are no substantive changes to this rule. The rule has been amended to make a stylistic change that places the rule in line with the other plant pest quarantine rules administered by the Department.

