



REQUEST FOR PUBLIC COMMENT Asian Longhorn Beetle – Five Year Rule Review

The rules in this package have been reviewed pursuant to Chapter 119 of the Revised Code and are being proposed as follows. **The comment period will remain open through May 18, 2017.** 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 *Anoplophora glabripennis*, more commonly known as the Asian longhorned beetle (hereinafter “ALB” or “plant pest”). 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.

In June 2011, ALB was discovered in Tate Township in Clermont County. This plant pest has no known natural predators and poses a threat to Ohio’s hardwood forests (more than \$2.5 billion in standing maple timber) and the state’s \$5 billion nursery industry which employs nearly 240,000 people. To keep this plant pest from spreading across Ohio, the Department has established a quarantine restricting movement of regulated articles throughout the quarantine area.

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 silviculture industry.

OAC § 901:5-57-01 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 term “Department” was added.

OAC § 901:5-57-02 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 The current OAC § 901:5-57-02 is being rescinded and replaced by the proposed new version.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.

OAC § 901:5-57-03 outlines the conditions of movement as exceptions to the general rule found in OAC § 901:5-57-02. The current OAC § 901:5-57-02 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.



OAC § 901:5-57-04 sets forth the regulated articles for the quarantine. The current OAC § 901:5-57-04 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 minor substantive changes to this rule. First, 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, Celtis, commonly known as Hackberry, has been removed from this list.

OAC § 901:5-57-05 outlines the regulated areas in the state. The rule was amended to comply with the incorporation by reference standards, as well as, to make stylistic changes to the rule. Further, due to expansion of the plant pest, additional areas were added to the rule. These areas were established as regulated areas prior to this rule's proposal upon publication pursuant to ORC 927.71(B)(1).

