

901:5-56-01**Notice of quarantine.**

(A) Pursuant to sections 927.70 and 927.52 of the Revised Code, the director has determined the insect *Lycorma delicatula*, more commonly known as the spotted lanternfly, to be destructive and dangerously harmful pest due to the spotted lanternfly's impact on agriculture and the environment.

(B) Except as provided in rule 901:5-56-05 of the Administrative Code, no person shall transport any regulated articles, as defined in rule 901:5-56-03 of the Administrative Code, from a regulated area, as defined in rule 901:5-56-04 of the Administrative Code, into or through a non-regulated area in the state of Ohio.

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CERTIFIED ELECTRONICALLY

Certification

10/18/2021

Date

Promulgated Under: 119.03
Statutory Authority: 927.52
Rule Amplifies: 927.71

901:5-56-02

Definitions.

As used in this chapter:

- (A) "Compliance agreement" means a written agreement between a person engaged in growing, selling, processing, or moving regulated articles, and a department of agriculture or regulatory equivalent setting forth specified measures for the person to implement to prevent the spread of the spotted lanternfly.
- (B) "Department" means the Ohio department of agriculture.
- (C) "Director" means the director of the Ohio department of agriculture.
- (D) "Infestation" means either the presence of the spotted lanternfly in any living stage, or evidence that the spotted lanternfly is present in any living stage (egg, nymph, adult).
- (E) "Official Certificate" means a compliance agreement certificate, certificate of quarantine compliance, permit, or other document approved by the Ohio department of agriculture and the origin state or USDA, which allows the movement of regulated articles.
- (F) "Person" means any individual, partnership, corporation, company, society, association, unit of government, or other organized group.
- (G) "Spotted lanternfly" means the live insect, *Lycorma delicatula*, in any life stage (egg, nymph, adult).

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901:5-56-03**Regulated articles.**

The articles listed in paragraphs (A) to (C) of this rule are regulated articles subject to the quarantine established in rule 901:5-56-01 of the Administrative Code.

(A) The spotted lanternfly in any living stage of development;

(B) Plants and plant parts, which include, but are not limited to, live or dead trees, nursery stock, firewood, logs, perennial plants, garden plants, agricultural produce, stumps, branches; and

(C) Any other products, articles, or means of conveyance that pose a reasonable risk of spreading spotted lanternfly as determined by the director.

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901:5-56-04**Regulated area.**

The areas listed in this rule are declared to be regulated areas where a spotted lanternfly infestation is known to exist at a level which poses a risk of spreading the pest to non-infested areas of Ohio and other states.

(A) The following states or portions of states infested with the spotted lanternfly as listed here: Pennsylvania, New York, Connecticut, New Jersey, Maryland, Virginia, West Virginia, Delaware, and Ohio.

(B) A list of regulated areas may be found at the Ohio department of agriculture's website: www.agri.ohio.gov. Inclusion on the list published at the Ohio department of agriculture's website is considered as written notice in accordance with division (B) of section 927.71 of the Revised Code.

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901:5-56-05**Conditions of movement.**

(A) No person shall move regulated articles that have originated from a regulated area into a non-regulated area within the state of Ohio unless:

(1) Such regulated article is accompanied by an official certificate approved by the department or will be moved into the state of Ohio for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed in writing by the department; or

(2) Such regulated article has been loaded, handled, or shipped in a manner reasonably designed to prevent the regulated article from becoming infested with or harboring spotted lanternfly; and

(3) The regulated article is accompanied by a waybill that sets forth the regulated article's point of origin and intended destination.

(B) Regulated articles moved through regulated areas may enter the state of Ohio provided that the regulated article has not originated from a regulated area and:

(1) Such regulated article is accompanied by a waybill that sets forth the regulated article's point of origin and intended destination; and

(2) Such regulated article has moved directly through a quarantine area without stopping except for refueling and traffic conditions.

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901:5-56-06

Inspection and disposition of shipments.

- (A) The department may inspect any container, conveyance, package, or vehicle reasonably believed to contain a regulated article.
- (B) When a regulated article has been moved into the state of Ohio in violation of this rule, an inspector may take action as authorized by the director to mitigate the risk of introduction or spread of the spotted lanternfly.
- (C) If a regulated article is found to be infested with or harboring spotted lanternfly, such regulated article must be rendered free of infestation without cost to the state of Ohio.

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