

TO BE RESCINDED

901:5-43-01 **Suppression and control of the white pine blister rust disease.**

- (A) Pursuant to section 927.52 of the Revised Code, white pine blister rust disease (*Cronartium ribicola*, Fischer) is hereby declared a plant pest.
- (B) In order to suppress and control the spread of this pest, it shall be unlawful for any person to possess, transport, plant, propagate, sell, or offer for sale, plants, roots, scions, seeds, or cuttings of European blackcurrant (*Ribes nigrum*) or any variety of the species in or into this state.
- (C) Recognized varieties produced by the hybridization of *Ribes nigrum* L. or a variety thereof with a resistant or immune species, known to be immune or highly resistant to the white pine blister rust disease are exempt from the restrictions imposed by paragraph (B) of this rule. A list of such varieties is maintained by the United States department of agriculture and can be found here: <http://www.ars.usda.gov/>.

Effective: 10/28/2021

Five Year Review (FYR) Dates: 8/10/2021

CERTIFIED ELECTRONICALLY

Certification

10/18/2021

Date

Promulgated Under: 119.03
Statutory Authority: 927.52, 927.71
Rule Amplifies: 927.52, 927.71
Prior Effective Dates: 02/23/1974, 11/29/2015

TO BE RESCINDED

901:5-58-01 **Notice of quarantine.**

- (A) Pursuant to Chapter 927. of the Revised Code, the highly destructive insect walnut twig beetle and associated disease known as thousand cankers is classified as a plant pest due to its invasive and devastating impact on the environment.
- (B) Except as provided in rule 901:5-58-05 of the Administrative Code, no person shall transport any regulated articles as defined in rule 901:5-58-03 of the Administrative Code from a regulated area as defined in rule 901:5-58-04 of the Administrative Code into or through a non-regulated area in the state of Ohio.

Effective: 10/28/2021

Five Year Review (FYR) Dates: 8/10/2021

CERTIFIED ELECTRONICALLY

Certification

10/18/2021

Date

Promulgated Under: 119.03
Statutory Authority: 927.71, 927.52
Rule Amplifies: 927.71
Prior Effective Dates: 09/07/2012, 12/26/2013, 06/16/2018

TO BE RESCINDED

901:5-58-02 **Definitions.**

As used in Chapter 901:5-58 of the Administrative Code:

- (A) "Bark" means the visible natural bark of a tree and an additional one-half inch of wood, including the vascular cambium.
- (B) "Certificate" means a document issued by an inspector which allows the movement of regulated articles.
- (C) "Compliance agreement" means a written agreement between the Ohio department of agriculture and a person that provides conditions under which regulated articles from a regulated area may qualify for entry into the state of Ohio or from the state of Ohio into another state.
- (D) "Department" means the Ohio department of agriculture.
- (E) "Firewood" means wood, either split or unsplit, in sections less than four feet in length.
- (F) "Heat treated" means the product has been heated to a minimum core temperature of sixty degrees Celsius and that temperature has been maintained for a minimum duration of sixty minutes.
- (G) "Pest" means the insect known as walnut twig beetle, *Pityophthorus juglandis* or the associated fungal pathogen known as thousand cankers disease, *Geosmithia morbida* or other causal agent, in any living stage of development.
- (H) "Regulated area" means either the entire quarantined state or a portion of the quarantined state to which the application of this quarantine is limited to as defined and in rule 901:5-58-04 of the Administrative Code.
- (I) "Walnut" means all *Juglans* spp.

Effective: 10/28/2021

Five Year Review (FYR) Dates: 8/10/2021

CERTIFIED ELECTRONICALLY

Certification

10/18/2021

Date

Promulgated Under: 119.03
Statutory Authority: 927.52, 927.71
Rule Amplifies: 927.71
Prior Effective Dates: 09/07/2012, 12/26/2013, 06/16/2018

TO BE RESCINDED

901:5-58-03 **Regulated articles.**

(A) The articles listed in paragraph (A) of this rule are regulated articles subject to the quarantine established in rule 901:5-58-01 of the Administrative Code.

- (1) Walnut nursery stock of any size;
- (2) Walnut logs;
- (3) Walnut lumber (green);
- (4) Walnut limbs, roots, and branches;
- (5) Bark from walnut trees and wood chips from walnut trees;
- (6) Any firewood; and
- (7) Any other product, article, or means of conveyance when it is determined by the department that a life stage of the pest is in proximity to such articles, thereby presenting a risk of spreading the pest, and the person in possession of those articles has been so notified.

(B) The walnut articles listed in paragraph (B) of this rule are not subject to the quarantine established in rule 901:5-58-01 of the Administrative Code.

- (1) Nut meats and hulls;
- (2) Processed lumber (one hundred per cent bark-free and heat treated or kiln-dried);
- (3) Finished wood products without bark; and,
- (4) Wood veneer.

Effective: 10/28/2021

Five Year Review (FYR) Dates: 8/10/2021

CERTIFIED ELECTRONICALLY

Certification

10/18/2021

Date

Promulgated Under: 119.03
Statutory Authority: 927.52, 927.71
Rule Amplifies: 927.71
Prior Effective Dates: 09/07/2012, 12/26/2013, 06/16/2018

TO BE RESCINDED

901:5-58-04 **Regulated areas.**

- (A) All counties of the following states: Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah and Washington.
- (B) Any counties in the following states where the pest has been officially confirmed to be established: Maryland, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia.
- (C) Any other area where the pest has been officially confirmed to be established.

Effective: 10/28/2021

Five Year Review (FYR) Dates: 8/10/2021

CERTIFIED ELECTRONICALLY

Certification

10/18/2021

Date

Promulgated Under: 119.03
Statutory Authority: 927.52, 927.71
Rule Amplifies: 927.71
Prior Effective Dates: 09/07/2012, 12/26/2013, 06/16/2018

TO BE RESCINDED

901:5-58-05 **Conditions for movement.**

- (A) No person shall move from any regulated area as defined by rule 901:5-58-04 of the Administrative Code any regulated article as defined by rule 901:5-58-03 of the Administrative Code unless the person has first entered into a compliance agreement and has been issued a certificate from either the department or the regulated article's state of origin.
- (B) Persons receiving regulated articles from sources outside of Ohio shall retain a copy of shipping records, invoices, waybills, bills of lading, certificates of origin and/or quarantine compliance and/or certificates for a period of thirty-six months.
- (C) As a condition of issuance of certificates for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a compliance agreement, stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector. Any compliance agreement may be canceled for failure to comply with the provisions of this quarantine or any conditions imposed pursuant to it.

Effective: 10/28/2021

Five Year Review (FYR) Dates: 8/10/2021

CERTIFIED ELECTRONICALLY

Certification

10/18/2021

Date

Promulgated Under: 119.03
Statutory Authority: 927.52, 927.71
Rule Amplifies: 927.71
Prior Effective Dates: 09/07/2012, 12/26/2013, 06/16/2018