

Chapter 901:5-52
Gypsy Moth

901:5-52-01 Notice of quarantine.

It has been determined that a highly destructive insect known as the gypsy moth, *Lymantria dispar*, has become established in parts of Ohio, that it has become necessary to quarantine the state of Ohio, and to adopt rules 901:5-52-01 to 901:5-52-07 of the Administrative Code to prevent or retard the spread of this pest into, within, or from this state.

HISTORY: Eff 12-24-86

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 927.52

Rule amplifies: RC 927.52, 927.70, 927.71

119.032 Review Date: 4-21-00; 4-21-05

901:5-52-02 Definitions.

(A) "Associated equipment" means any article associated with mobile homes and recreational vehicles, such as awnings, tents, outdoor furniture, trailer blocks and trailer skirts.

(B) "Certificate" means a document issued by an inspector which allows the movement of regulated articles.

(C) "Compliance agreement" means a written agreement between an individual or a concern engaged in growing, selling, processing, or moving regulated articles, and the Ohio department of agriculture setting forth specified conditions to prevent the spread of the gypsy moth.

(D) "Federal quarantine areas" means those states or portions of states regulated under the United States department of agriculture gypsy moth quarantine (7 CFR 301.45).

(E) "Gypsy moth" means the live insect, *Lymantria dispar*, in any life stage (egg, larva, pupa, adult).

(F) "Infestation" means the presence of the gypsy moth or the existence of circumstances that make it reasonable to believe that the gypsy moth is present in any living stage (egg, larva, pupa, adult).

(G) "Inspector" means any employee of the state of Ohio or another state of the Union, the United States department of agriculture, or any other person authorized by any of the above agencies to enforce the provisions of this quarantine.

(H) "Mobile home" means any vehicle, other than a recreational vehicle, designed to serve, when parked, as a dwelling or place of business.

(I) "Person" means any individual, partnership, corporation, company, society, association, or other organized group.

(J) "Recreational vehicle" means any highway vehicle, including pickup truck campers, one-piece motor homes, and travel trailers, designed to serve as a temporary place of dwelling.

HISTORY: Eff 12-24-86

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 927.52

Rule amplifies: RC 927.71

119.032 Review Date: 4-21-00; 4-21-05

901:5-52-03 Regulated articles.

"Regulated articles" are those products or commodities that have been demonstrated to harbor and transmit various life stages of the gypsy moth, when such articles are situated within or in proximity to an infestation. Specifically:

- (A) The gypsy moth, *Lymantria dispar*, in any living stage of development (i.e., egg, larva, pupa, or adult).
- (B) Trees and woody shrubs, including cut Christmas trees.
- (C) Logs, pulpwood, slabwood, firewood, and wood chips.
- (D) Recreational vehicles, boats, trailers, tents, mobile homes, and associated equipment.
- (E) Outdoor household articles, including but not limited to, tables, benches, chairs, doghouses, birdhouses and feeders, planters, utility sheds, grills, garden equipment and machinery, firewood, and children's playthings, such as playhouses and sandboxes.
- (F) Any other products, articles, or means of conveyance, of any character whatsoever, when it is determined by an inspector that a life stage of the gypsy moth is in proximity to such articles, thereby presenting a risk of spreading the gypsy moth, and the person in possession of those articles has been so notified.

HISTORY: Eff 12-24-86

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 927.52

Rule amplifies: RC 927.71

119.032 Review Date: 4-21-00; 4-21-05

901:5-52-04 Regulated area.

(A) Areas designated as "gypsy moth regulated areas are those counties, or portions of counties, where one or more gypsy moth infestations are known to exist at levels which pose a risk of spread to non-infested areas of Ohio and other states.

(B) Gypsy moth regulated areas in the state of Ohio are:

- (1) Ashtabula county – the entire county,
- (2) Lake county – the entire county,
- (3) Geauga county – the entire county,
- (4) Trumbull county – the entire county,
- (5) Mahoning county – the entire county,
- (6) Columbiana county – the entire county,
- (7) Lucas county – the entire county,
- (8) Cuyahoga county – the entire county,
- (9) Summit county – the entire county,
- (10) Portage county – the entire county,
- (11) Stark county – the entire county,
- (12) Carroll county – the entire county,
- (13) Jefferson county – the entire county,
- (14) Belmont county – the entire county,
- (15) Coshocton county – the entire county,
- (16) Guernsey county – the entire county,
- (17) Harrison county – the entire county,
- (18) Holmes county – the entire county,
- (19) Lorain county – the entire county,
- (20) Medina county – the entire county,
- (21) Monroe county – the entire county,
- (22) Ottawa county – the entire county,
- (23) Tuscarawas county – the entire county,
- (24) Wayne county – the entire county,
- (25) Ashland county – the entire county,
- (26) Defiance county – the entire county,
- (27) Erie county – the entire county,
- (28) Fulton county – the entire county,
- (29) Henry county – the entire county,
- (30) Licking county – the entire county,
- (31) Muskingum county – the entire county,
- (32) Noble county – the entire county,
- (33) Sandusky county – the entire county,
- (34) Williams county – the entire county,
- (35) Wood county – the entire county,
- (36) Huron county – the entire county,
- (37) Richland county – the entire county,

- (38) Knox county – the entire county,
- (39) Washington county – the entire county,
- (40) Fairfield county – the entire county,
- (41) Morgan county – the entire county,
- (42) Perry county – the entire county,
- (43) Hocking county – the entire county.

HISTORY: Eff 12-24-86; 9-8-92; 11-21-94; 8-28-98; 7-7-99; 5-19-00; 6-29-01; 6-28-02

Rule promulgated under: RC 119.03

Rule authorized by: RC 927.71, 927.52

Rule amplifies: RC 927.71

R.C. 119.032 review dates: 6/29/2006

901:5-52-05 Conditions of movement.

No common carrier or other person shall move from any regulated area (as defined by rule 901:5-52-04 of the Administrative Code) or from any federal quarantine area any regulated article (as defined by rule 901:5-52-03 of the Administrative Code) except in accordance with the conditions specified herein.

(A) A certificate must accompany the movement of regulated articles from any regulated area or from any federal quarantine area into or through any non-regulated point in Ohio. A copy of the certificate must be forwarded to the Ohio department of agriculture within seven calendar days of movement. Certificates may be issued by an inspector if the regulated articles:

(1) Have originated in non-infested premises and have not been exposed to infestation while within the regulated area or federal quarantine area; or

(2) Upon examination, have been found free of infestation; or

(3) Have been treated to destroy any infestation in accordance with approved procedures; or

(4) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby; or

(5) Will be handled, utilized, processed, or treated at the destination in such a manner that their movement will not hazard a spread of the gypsy moth.

(B) There are no restrictions imposed on the movement of regulated articles within regulated areas or within federal quarantine areas, provided they do not transit any non-regulated points in Ohio.

(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 thereto.

HISTORY: Eff 12-24-86

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 927.52

Rule amplifies: RC 927.71

119.032 Review Date: 4-21-00; 4-21-05

901:5-52-06 Inspection and disposal.

Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving within the state of Ohio upon probable cause to believe that such person or means of conveyance is carrying infested articles; and, such inspector is authorized to seize, treat, destroy, or otherwise dispose of articles found to be moving in violation of this chapter. Items will be destroyed only if it is determined by any ODA inspector that destruction is the only feasible method to avoid transportation of the life stages of gypsy moth.

HISTORY: Eff 12-24-86

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 927.52

Rule amplifies: RC 927.70, 927.71

119.032 Review Date: 4-21-00; 4-21-05

901:5-52-07 Treatment of infestations.

When feasible, areas found infested, or which are so situated as to be subject to infestation, such as campgrounds and roadside rests, shall be treated to eradicate or otherwise suppress the infestation to whatever extent possible.

HISTORY: Eff 1-15-87

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 927.52

Rule amplifies: RC 927.52, 927.70, 927.71

119.032 Review Date: 4-21-00; 4-21-05