

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**901:5-30-01**      **Invasive Plant Species.**

(A) In order to protect native plant species and thwart the growth of invasive plant species, the director of the Ohio department of agriculture pursuant to section 901.50 of the Revised Code hereby declares the plants listed in paragraphs (A)(1) through (A)(38) of this rule as invasive plants. The invasive plants are first designated by the plant's botanical name and then by the plants common name. The botanical name is the official designation for the plant.

- (1) *Ailanthus altissima*, tree-of-heaven;
- (2) *Alliaria petiolata*, garlic mustard
- (3) *Berberis vulgaris*, common barberry;
- (4) *Butomus umbellatus*, flowering rush;
- (5) *Celastrus orbiculatus*, oriental bittersweet;
- (6) *Centaurea stoebe* ssp. *Micranthos*, spotted knapweed;
- (7) *Dipsacus fullonum*, common teasel;
- (8) *Dipsacus laciniatus*, cutleaf teasel;
- (9) *Egeria densa* Brazilian, elodea;
- (10) *Elaeagnus angustifolia*, russian olive;
- (11) *Elaeagnus umbellata*, autumn olive;
- (12) *Epilobium hirsutum*; hairy willow herb;
- (13) *Frangula alnus*, glossy buckthorn;
- (14) *Heracleum mantegazzianum*, giant hogweed;
- (15) *Hesperis matronlis*, dame's rocket;
- (16) *Hydrilla verticillata*, hydrilla;
- (17) *Hydrocharis morsus-ranae*, european frog-bit;
- (18) *Lonicera japonica*, japanese honeysuckle;
- (19) *Lonicera maackii*, amur honeysuckle;
- (20) *Lonicera morrowii*, morrow's honeysuckle;
- (21) *Lonicera tatarica*, tatarian honeysuckle;
- (22) *Lythrum salicaria*, purple loosestrife;
- (23) *Lythrum virgatum*, european wand loosestrife;

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(24) *Microstegium vimineum*, japanese stiltgrass;

(25) *Myriophyllum aquaticum*, parrotfeather;

(26) *Myriophyllum spicatum*, eurasian water-milfoil;

(27) *Nymphoides peltata*, yellow floating heart;

(28) *Phragmites australis*, common reed;

(29) *Potamogeton crispus*, curly-leaved pondweed;

(30) *Pueraria montana* var. *lobata*, kudzu;

(31) *Pyrus calleryana*, callery pear;

(32) *Ranunculus ficaria*, fig buttercup/lesser celandine;

(33) *Rhamnus cathartica*, european buckthorn;

(34) *Rosa multiflora*; multiflora rose

(35) *Trapa natans*, water chestnut;

(36) *Typha angustifolia*, narrow-leaved cattail;

(37) *Typha x glauca*, hybrid cattail; and

(38) *Vincetoxicum nigrum*, black dog-strangling vine, black swallowwort.

(B) Except as provided in paragraphs (C) and (D) of this rule, no person shall sell, offer for sale, propagate, distribute, import or intentionally cause the dissemination of any invasive plant as defined in paragraph (A) of this rule in the state of Ohio.

(C) The prohibitions listed in paragraph (B) does not apply to the following:

(1) *Lythrum virgatum*, european wand loosestrife until one year after the effective date of this rule.

(2) *Pyrus calleryana*, callery pear until five year after the effective date of this rule.

(D) A person may conduct the following activities with the species listed in paragraphs (A)(1) through (A)(38) of this rule in a manner that does not result in the further spread of those species:

(1) Dispose of the plant;

(2) Controlling the plant; and

(3) Using the plant for research or educational purposes pursuant to a compliance agreement issued by the department.

(E) The director of the Ohio department of agriculture or his authorized representative may seize, order removed from sale, or order destroyed any plant described in paragraph (A) of this rule which has been found in violation of paragraph (B) of this rule.

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(F) The director may exempt a cultivar of any invasive plant species defined in paragraph (A) of this rule if scientific evidence is presented that the cultivar is not invasive.

**901:5-30-02      Invasive Plant Advisory Committee.**

(A) There is hereby created an invasive plant advisory committee.

(B) The advisory committee shall be considered a part of the department of agriculture for the purposes of providing advice to the director on matters regarding invasive plants, including but not limited to the identification of invasive plant species and cultivars and the establishment of prohibited activities regarding those species and cultivars.

(C) The advisory committee shall consist of the following members:

(1) The director of the department of agriculture or his designee, who shall be the chairperson of the advisory committee;

(2) The director of the Ohio department of natural resources or his designee;

(3) The director of the Ohio environmental protection agency or his designee; and

(4) The following representatives as appointed by the director of the department of agriculture:

(a) A member of academia with knowledge of invasive plants and horticulture employed at college or university located in this state; and

(b) An individual who represents the interests of the nursery and landscaping industry.

(D) The advisory committee shall hold at least one regular meeting each year and may hold additional meetings at times that the chairperson or a majority of the advisory committee members considers appropriate.

(E) A majority of the advisory committee constitutes a quorum. The advisory committee may act only if a quorum is present and only by a majority vote of the members. The advisory committee may create subcommittees that it considers appropriate to make recommendations to the council. Subcommittees may include members who do not serve on the council.

(F) Members of the advisory committee shall receive no compensation for their services and may be removed from the advisory committee at anytime by the director.