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901:5-57-01 Definitions.

As used in Chapter 901:5-57 of the Administrative Code:

- (A) “Compliance agreement” means a written accord between the Ohio department of agriculture and a person subject to a quarantine, containing the requirements the person must comply with in order to move regulated articles from, into, through, or within a regulated or quarantined area.
- (B) "Department" means the Ohio department of agriculture.
- ~~(B)~~(C) "Firewood" means wood, either split or unsplit, in sections less than four feet in length.
- ~~(B)~~(D) –“Infestation” means the presence of Asian longhorned beetle, in any life stage, or signs of Asian longhorned beetle damage giving ~~or circumstantial~~ evidence of its presence.
- ~~(C)~~(E) –“Person” means person as defined in division (C) of section 1.59 of the Revised Code.
- ~~(D)~~(F) –“Pest” means the destructive insect known as Asian longhorned beetle (Anoplophora glabripennis) in any living stage of development.
- ~~(E)~~(G) –“Regulated area” means the portion of the quarantined state and appropriate environs with an infestation of the Asian longhorned beetle as declared by the director in accordance with section 927.71 of the Revised Code, to which this quarantine is limited.
- ~~(F)~~(H) –“Regulated article” means any item, combination of items, or means of conveyance determined by the director of agriculture to be capable of or having the potential to harbor, spread, or assist in the spreading of Asian longhorned beetle.

901:5-57-02 Notice of quarantine.

- (A) Pursuant to Chapter 927. of the Revised Code, the highly destructive insect known as the Asian longhorned beetle (Anoplophora glabripennis) is classified as a plant pest due to its invasive and devastating impact on the environment.
- (B) Except as provided in rule 901:5-57-03 of the Administrative Code, no person shall move or cause to be moved any regulated article, as defined in rule 901:5-57-04 of the Administrative Code, from or within a regulated area, as defined in rule 901:5-57-05 of the Administrative Code, into or through a non-regulated area in the state of Ohio.

901:5-57-03 Conditions of movement.

- (A) As stated in rule 901:5-57-02 of the Administrative Code, no person shall move from any regulated area as defined by rule 901:5-57-04 of the Administrative Code any regulated article as defined by rule 901:5-57-05 of the Administrative Code except in accordance with the conditions specified herein:
- (1) The person has first entered into a compliance agreement with the department or the United States department of agriculture;
- (2) The regulated article is accompanied by an official certificate from the the department or United States

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department of agriculture verifying that the regulated article complies with the conditions of the associated compliance agreement; and

(3) The compliance agreement may require and specify the manner in which a regulated article is harvested, treated, stored, moved, processed, or disposed. The compliance agreement may contain any other requirements that the department determines are necessary to ensure that the purpose of the quarantine is not compromised.

(B) As stated in rule 901:5-57-02 of the Administrative Code, no person shall move within any regulated area as defined by rule 901:5-57-04 of the Administrative Code any regulated article as defined by rule 901:5-57-05 of the Administrative Code except in accordance with the conditions specified herein:

(1) The points of origin and destination are indicated on a waybill accompanying the regulated article;

(2) The regulated article is moved through the quarantined area without stopping, or has been stored, packed, or handled at locations approved by the department as not posing a risk of infestation by the pest; and

(3) The article has not been combined or commingled with other articles so as to lose its individual identity.

(C) As a condition of issuance of certificates for the movement of regulated articles, any person engaged in purchasing, selling, assembling, exchanging, handling, processing, harvesting, 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 department. Any compliance agreement may be canceled for failure to comply with the provisions of this quarantine or any conditions imposed pursuant to it.

901:5-57-04 Regulated articles.

The articles listed in this rule are regulated articles subject to the quarantine established in rule 901:5-57-7 of the Administrative Code

(A) Firewood, stumps, roots, branches, debris and other material living, dead, cut, or fallen from all hardwood species; and

(B) Lumber, nursery stock and logs of the following genera:

(1) Acer (maple),

(2) Aesculus (horse chestnut),

(3) Albizia (mimosa),

(4) Betula (birch),

(5) Cercidiphyllum (katsura),

(6) Fraxinus (ash),

(7) Koelteria (golden raintree),

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(8) Platanus (sycamore),

(9) Populus (poplar),

(10) Salix (willow),

(11) Sorbus (mountain ash), and

(12) Ulmus (elm).

(C) 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.

901:5-57-05 Regulated areas.

The areas listed in this rule are declared to be regulated areas where the pest 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) Tate township, Clermont County;

(B) All acreage in East Fork State Park;

(C) All public lands in Williamsburg Township south of Clover Rd. from where Clover Rd. ends at Harsha Lake following a line due west to the closest point that intersects the boundary of Tate Township and Williamsburg Township; and

(D) Portions of Batavia and Monroe townships, Clermont County, which are identified on the map attached to this rule as Appendix A.

(E) Additional regulated areas may be designated as quarantined by the Ohio department of agriculture pursuant to 927.71 of the Revised Code. Detailed maps of the most current regulated areas can be found by visiting the department's website: www.agri.ohio.gov.