

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 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.

Replaces: 901:5-57-03

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 927.52, 927.71
Rule Amplifies: 927.71
Prior Effective Dates: 09/18/2011