

901:5-58-05

Conditions of movement.

- (A) Regulated articles may move into or through regulated areas provided that the regulated article has not originated from a regulated area and:
- (1) Such regulated articles are accompanied by a waybill that sets forth the regulated article's point of origin and intended destination; or
 - (2) Such regulated articles have moved directly through a regulated area without stopping except for refueling and traffic conditions; or
 - (3) Such regulated articles are in transit through the regulated area for no more than eight hours and which are safeguarded from infestation by tarping or enclosure and are not unloaded or commingled with regulated articles of different origins for the purposes of a delivery route; or
 - (4) Such regulated articles are moved into the regulated area for the purpose of immediate installation or delivery to a licensed dealer or producer of nursery stock.
- (B) The director may allow movement of regulated articles which originate within a regulated area to areas outside of the regulated area through a written compliance agreement issued by the director provided the regulated articles:
- (1) Have been grown, handled and shipped in accordance with the stipulations and provisions of a valid compliance agreement issued by the department, or has been reviewed and approved by the department and issued by USDA or another state's regulatory equivalent; and
 - (2) Are accompanied by an official certificate or markings authorizing such movement.
- (C) A person engaged in growing, handling, or moving a regulated article intrastate may request a compliance agreement with the department. The department may, in its sole discretion, issue or decline to issue a compliance agreement. Any authorized holder of a compliance agreement shall comply with the provisions of this part and any conditions imposed under the compliance agreement. Any compliance agreement may be canceled by the department, either orally or in writing, whenever the director determines, that the authorized holder of the compliance agreement has not complied with this rule or the conditions imposed under the compliance agreement.

Effective: 4/11/2024

Five Year Review (FYR) Dates: 04/11/2029

CERTIFIED ELECTRONICALLY

Certification

04/01/2024

Date

Promulgated Under: 119.03
Statutory Authority: ORC 927.52
Rule Amplifies: ORC 927.71