

**Department of
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PUBLIC NOTICE

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the proposed amendments made to Chapter 901:1-25 of the Ohio Administrative Code.

Chapter 901:5-52 of the Ohio Administrative Code establishes a quarantine against the highly destructive insect *Lymantria dispar*, more commonly known as the gypsy moth. The Ohio Department of Agriculture (Department) established this quarantine to prevent the gypsy moth's artificial spread in the state of Ohio in order to protect Ohio's forest, timber and wildlife resources from this destructive pest. The rules are more specifically outlined on the following page.

The hearing will be held on:

May 24, 2016 at 9:00 A.M.

**Ohio Department of Agriculture
Bromfield Administration Building
Hearing Room 129 (Seminar "A")
8995 East Main Street
Reynoldsburg, Ohio 43068-3399.**

The hearing will be conducted in accordance with Chapter 119 of the Revised Code. Any person affected by the no change rule package may appear and be heard in person, by his attorney, or both, may present his position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the no change rule package, if adopted or effectuated, will be unreasonable or unlawful.

More information on the rule package, including a business impact analysis and copies of the rules, can be found at <http://www.agri.ohio.gov/proposedrules/proposedrules.aspx> or by visiting the Register of Ohio at www.registerofohio.state.oh.us.

Any person who wishes to present his position, arguments, or contentions in writing, other than at the public hearing, may do so by either mailing his or her written comments to the Ohio Department of Agriculture, c/o Legal Section, 8995 East Main Street, Reynoldsburg, Ohio 43068; by email at ecomments@agri.ohio.gov, or by transmitting by facsimile at (614) 995-4585. Written comments sent by mail shall be postmarked no later than the day of the hearing. Written comments transmitted by facsimile shall be received no later than 5:00 p.m. on the day of the hearing.



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The rules to be reviewed are as follows:

OAC § 901:5-52-01 sets out the notice of quarantine and the general rule that no person shall transport any regulated article from a regulated area to a non-regulated area in the state. The current OAC § 901:5-52-01 is being rescinded and replaced by the proposed new version. The rescission is due to changing more than 50% of the original rule in accordance with the Legislative Services Commissions' administrative rule drafting manual. While a new rule is being proposed, there are no substantive changes to this rule. The rule has been amended to make a stylistic change that places the rule in line with the other plant pest quarantine rules administered by the Department.

OAC § 901:5-52-02 outlines the definitions that are used in the chapter. The rule has been amended to ensure that the defined terms match the actual terms used in the chapter. Further, a definition of the term "Department" was added. Unused terms were deleted from this rule. Finally, a minor change was made to ensure compliance with the incorporation by reference standards.

OAC § 901:5-52-03 sets forth the regulated articles for the quarantine. Unless specified elsewhere, a regulated article cannot move from a regulated area into a non-regulated area. The rule was amended to remove two articles from the list. However, even with the removal of those articles, the articles may be subject to quarantine if it is determined by an inspector that the article is carrying the plant pest.

OAC § 901:5-52-04 outlines the regulated areas in the state. The rule was amended to comply with the incorporation by reference standards, as well as, to make stylistic changes to the rule. Further, due to expansion of the plant pest, the following counties were added as a regulated area: Seneca, Franklin, Delaware, Morrow, Marion, Crawford, Athens, and Vinton. At the time of filing, 51 of Ohio's 88's counties are now under quarantine.

OAC § 901:5-52-05 outlines the exceptions to the general rule found in OAC § 901:5-52-01. The rule is being amended to make stylistic changes which do not impact the substance of the rule.

OAC § 901:5-52-06 sets out the authority and procedure for the inspection and disposal of any regulated articles which are believed to be or have been found to be carrying the plant pest. The rule has been amended to make stylistic changes which do not impact the substance of the rule.

OAC § 901:5-52-07 states that when feasible articles and areas found to be infested with the plant pest may be treated rather than destroyed. The rule has been amended to make stylistic changes which do not impact the substance of the rule.

OAC § 901:5-52-08 outlines the Gypsy moth suppression program. The gypsy moth suppression program is a landowner/community requested program in counties and locations where the pest is already established. Landowners in coordination with the Department request that their lands be treated with a variety of products which have been proven to slow the growth of the pest. The



rule outlines the process in which the landowners are accepted into the program. The rule has been amended to make stylistic changes which do not impact the substance of the rule.



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