

State Exterior Quarantine (TEMPLATE): Spotted Lanternfly; import controls and quarantine.

(1) DEFINITIONS. In this section:

(a) **“Living Life Stage”** means all living life stage of the spotted lanternfly, *Lycorma delicatula* (White) including, but not limited to, adults, nymphs, or viable egg masses of spotted lanternfly.

(b) **“Plant”** means all plant parts, including whole plants, roots, scions, seeds, and/or cuttings.

(c) **“Person”** means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof.

(d) **“Regulated Articles”** means the plant pest spotted lanternfly along with any plant, plant product, storage place, packaging, conveyance, container, soil, and any other organism, object, or material capable of harboring or spreading pests and deemed to require phytosanitary measures, particularly where interstate transportation is involved [adapted from FAO, 1990; revised FAO, 1995; IPPC, 1997].

(e) **“Move; movement”** means shipped, offered, or received for shipment, carried, transported, or relocated into or through any area of the State/Province of the infested area.

(f) **“Spotted Lanternfly”** means the invasive insect having the scientific name *Lycorma delicatula*, in any life stage.

(g) **“Reproducing Population”** means biological evidence including, but not limited to an egg mass, visibly mated females, early instar nymphs, or multiple life stages present within one year, indicating successful reproduction in the environment.

(h) **“Infestation”** means an established, reproducing population of spotted lanternfly as designated or determined by the State Plant Regulatory Agency of that state.

(i) **“Infested area”** means any state, province, political sub-division, nation or any delineated area within a state or nation that the United States Department of Agriculture, United States Forest Service, or respective State Plant Pest Regulatory Agency has declared to have an infestation of, or quarantined for, spotted lanternfly.

(j) **“Compliance Agreement”** means a written agreement between a person engaged in handling, receiving, or moving regulated articles and the State Plant Regulatory Agency wherein the former agrees to fulfill the requirements of the compliance agreement and comply with provisions of this regulation.

(k) **“Phytosanitary Certificate”** means a document issued by an authorizing official that certifies a commodity has been inspected and found to be apparently free from specific pests.

(l) **“Permit”** means a document issued by a State Plant Regulatory Agency that certifies that a person has successfully completed training regarding spotted lanternfly and agrees to the conditions specified by the permit.

(m) **“Treatment”** means official procedure for the killing, inactivation, or removal of pests, or for rendering pests infertile or for devitalization. [FAO, 1990; revised FAO,

1995; ISPM 15, 2002; ISPM 18, 2003; ICPM, 2005].

(2) **KNOWINGLY IMPORTING PLANT PEST; PROHIBITION.** No person may knowingly import living spotted lanternfly, *Lycorma delicatula*, into this state, except pursuant to a permit specifically authorizing movement of this pest. Said permit is independent of the permit detailed in Section 5.

(3) **IMPORTING REGULATED ARTICLES FROM INFESTED AREAS; PROHIBITION.** Except as provided in Section 5, no person may import any of the following regulated articles into this state if those regulated articles originate from and/or have been exposed to the environment in any infested area:

(a) **Any living life stage of the spotted lanternfly, *Lycorma delicatula*.**

(b) **All plants and plant parts.** This shall include, but is not limited to, live or dead trees of any species, nursery stock (or as your state defines nursery stock), budwood, lumber, firewood, logs, perennial plants, garden plants and produce, stumps, roots, branches, mulch, and composted and uncomposted chips, bark, and yard waste.

(c) **Outdoor industrial and construction materials, equipment and waste:** This shall include, but is not limited to concrete barriers or structures, stone, quarry material, ornamental stone or concrete, wood, and construction, landscaping, and remodeling waste.

(d) **Shipping and storage containers** including but not limited to, wood crates, pallets, boxes, personal moving containers, and barrels.

(e) **Outdoor household articles** including, but not limited to recreational vehicles, lawn tractors and mowers, mower decks, grills, grill and furniture covers, tarps, mobile homes, tile, stone, deck boards, fire pits, and any equipment, trucks, boats, or vehicles not stored indoors.

(f) **Conveyances** of any type, whether utilized for movement of the materials previously listed or not, and any trailers, wagons, or other equipment attached thereto.

(g) **Agricultural equipment** including, but not limited to tractors, harvesting equipment, and rigid containers.

(h) **Any other article, object, materials, or means of conveyance** when it is determined by an inspector to present a risk of carrying or spreading any life stage of spotted lanternfly, *Lycorma delicatula*.

(4) **EXEMPTIONS.** A regulated article, including any vehicle or conveyance, may move through the **infested area** without a permit or compliance agreement if the following criteria are met:

(a) The regulated articles and the points of origin and destination are outside of an infested area established by this quarantine rule, other State, Commonwealth, or District where an infestation of the spotted lanternfly, *Lycorma delicatula*, has been confirmed by a federal, state, or other regulatory agency. The destination and points of origin must be indicated on a waybill accompanying the regulated article;

AND

If moving during the period of March through December, the regulated article is moved into the infested area in an enclosed vehicle or conveyance or is completely covered, such as by a tarp or full shrink wrapping, to prevent exposure to the plant pest spotted lanternfly, *Lycorma delicatula*. The covering must be kept on the regulated article until leaving the infested area and thereafter be inspected and found to be free of spotted lanternfly. If life stages are found, the article, must be decontaminated, or destroyed;

AND

If moving during the period of March through December, the regulated article, including the vehicle and conveyance, is moved directly through the infested area without stopping (except for refueling or for traffic control devices or conditions) and has been stored, packed, or handled only at locations outside the infested area.

OR

(b) Any articles transported by a means of conveyance that provides global positioning system (GPS) data indicating that the conveyance did not travel through an infested area.

OR

(c) Indoor articles not exposed to the environment, including but not limited to, household articles, house plants, and indoor furnishings.

OR

(d) Treatment for the spotted lanternfly has been conducted on the regulated articles and the articles are free from any living life stage of spotted lanternfly. Documentation of treatment must be maintained and must accompany the regulated article during movement.

(5) REQUIREMENTS FOR MOVEMENT OF REGULATED ARTICLES FROM INFESTED AREA(S). Material specified in sub (3) (a), (b), (c), (d), (e), (f), (g), and (h) that are accompanied by a written permit or Compliance Agreement:

(a) *Permit required for the movement of all vehicles and means of conveyances.* If any other area inside or outside of this state is determined by Federal, State, or another Regulatory Agency to be an infested area, movement from that area into this state shall require a permit. A person required to obtain a permit for movement of regulated articles within or from the infested area shall comply with the all permit requirements.

(b) Inspection required. All regulated articles originating from an infested area, or that enter an infested area and do not move for an extended amount of time exposed to the environment, must be inspected prior to leaving the infested area to ensure spotted lanternfly is not present on the regulated articles.

(6) REQUIREMENTS FOR COMPLIANCE AGREEMENT OR PHYTOSANITARY CERTIFICATE, IF REQUIRED.

Compliance Agreement in Place. Plant products may be imported from an infested area in compliance with a written agreement between the importer and the department that includes all of the following:

1. The name and address of the importer.
2. The type and volume of material that may be imported under the agreement.
3. The names and addresses of the persons to whom, and the locations to which the materials may be imported under the agreement.
4. The locations from which the material may be imported under the agreement.
5. The method by which the material may be imported.
6. The time period covered by the agreement.
7. The compliance agreement holder's commitment to keep complete records of each import shipment and to submit those records to the department for inspection and copying upon request.
8. Specific import terms and conditions that will, in the department's opinion, effectively ensure that materials imported pursuant to the agreement will not introduce the spotted lanternfly into this state.
9. A provision authorizing the department to terminate the agreement, without prior notice, for any reason.
10. A shipping certificate must accompany each shipment indicating that the product is under a compliance agreement.

Phytosanitary Certificate. Regulated articles from infested areas may only enter this state if they are inspected by an inspector of the State Plant Regulatory Agency of the originating state and a phytosanitary certificate is issued for the article. The phytosanitary certificate must state that no spotted lanternfly was found on the regulated articles and the certificate must accompany the regulated article through all movement. The phytosanitary certificate does not exempt the means of conveyance or vehicle, which may require a permit.

(7) CHECKLIST REQUIRED FOR INDIVIDUALS NOT DOING BUSINESS MOVING REGULATED ARTICLES FROM AREAS WHERE SPOTTED LANTERNFLY IS KNOWN TO BE ESTABLISHED. A regulated article, including any vehicle or conveyance, delineated in this quarantine rule may only be moved from the infested area with a valid checklist issued by the State Plant Regulatory Agency and completed by the individual. The completed checklist must be signed and shall accompany the regulated article(s). The checklist certificate is a form available from the department's website and is to be completed by the individual prior to moving the article(s) from the infested area.