



**OHIO DEPARTMENT OF AGRICULTURE
DIVISION OF PLANT HEALTH
PLANT PEST CONTROL SECTION**

Invasive Plant Regulations

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Ohio Department of Agriculture



The mission of the Ohio Department of Agriculture is to protect Ohio citizens by ensuring the safety of the state's food supply and the health of Ohio's food animals and plant life, and to create economic opportunities for Ohio's farmers, food processors and agribusinesses.

Ohio Department of Agriculture

- Division of Plant Health
 - Pesticide and Fertilizer
 - Grain, Feed and Seed
 - Plant Pest Control
 - Apiary
 - Asian Longhorned Beetle
(Clermont County)
 - Gypsy Moth (seasonal)
 - Plant Certification Unit
 - Diagnostic Labs (OPDN)
 - Noxious Weeds and Invasive Plants



PPC Duties

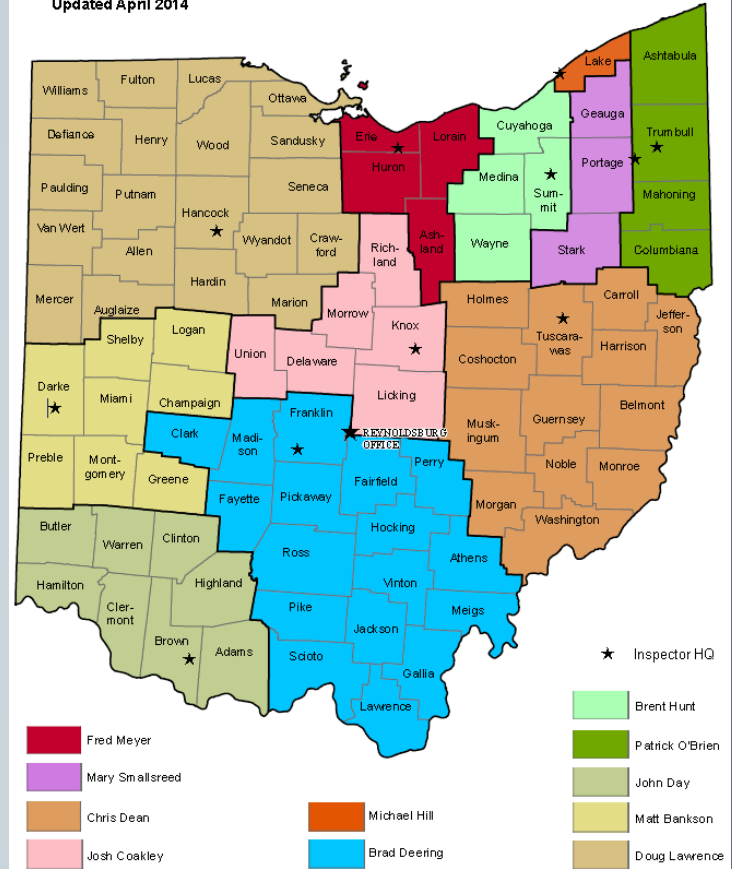
- License and inspect approximately 6000 nurseries and garden centers each year
- Certify over 5000 loads of plant based commodities for export to foreign destinations each year
- Surveys for the presence or absence of exotic and domestic plant pests
- Enforce nursery stock and quarantine regulations
- Carry out Asian Longhorned Beetle, Gypsy Moth, Hemlock Woolly Adelgid, etc. program work
- Assist with outreach and education regarding emerging plant pest



Department of
Agriculture

PPC Inspectors
Plant Health Division

Updated April 2014



Nursery and Dealer Certification

- Baseline Requirements (General Terms)
 - All nursery stock being offered for sale must have passed an inspection.
 - Nurseries must be inspected annually
 - All persons/businesses selling or installing nursery stock must be licensed.
 - Dealers are inspected as resources allow



Invasive Plant Law

Added by 130th General Assembly File No. TBD, SB 192, §1, eff. 9/4/2014

901.50 Regulation of invasive plant species.

- Invasive plant species - means plant species that are not native to this state whose introduction causes or is likely to cause economic or environmental harm or harm to human health as determined by scientific studies.



Invasive Plant Law

Added by 130th General Assembly File No. TBD, SB 192, §1, eff. 9/4/2014

901.50 Regulation of invasive plant species.

- **Exempts:** Cultivated plants grown as food or livestock feed in accordance with generally accepted agricultural practices, including all plants authorized by USDA - APHIS



- Economic Harm

- Reduction in yields
- Increase in production costs
- Impacts on market access

- Environmental Harm

- Reduction in biodiversity
- Alters ecosystem processes (water quality)
- Impacts on native plants, animals and other organism

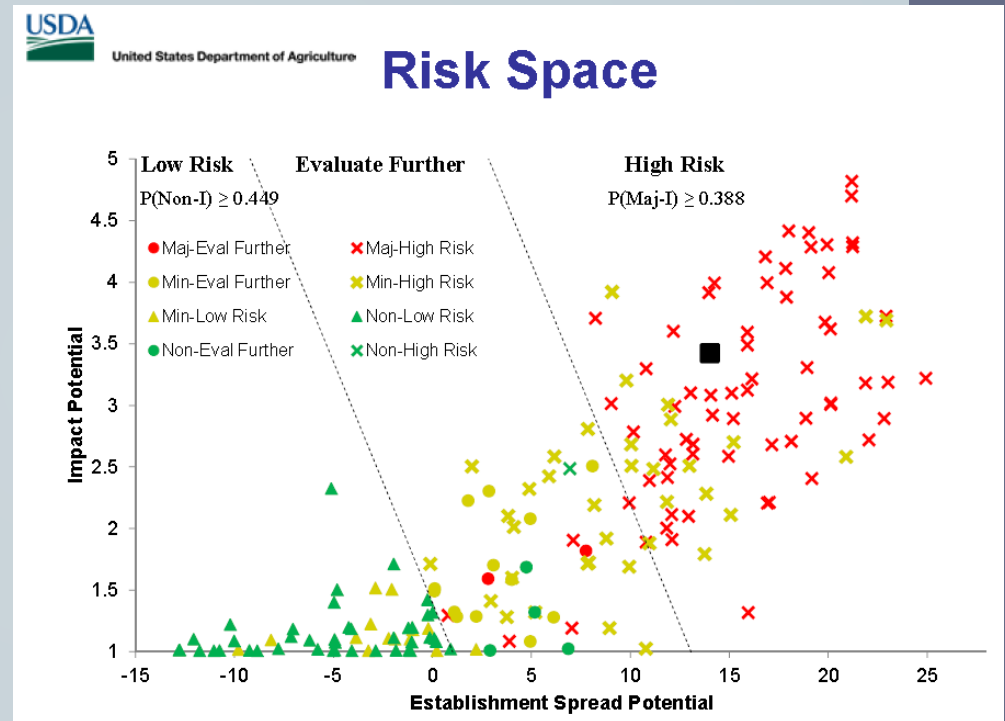
- Human Health

- Rashes, burns
- Hinder recreation
- Damage infrastructure



Risk Assessment Protocols

- Helps make informed management decisions
- Goal is to prevent or reduce the economic & ecological harm caused by weedy & invasive plants
- Some WRA are predictive and measure uncertainty
- USDA, OIPC, Australian, other states



Snapshots of OIPC Protocol

Step II: Invasion Status

1) Current Invasion in Ohio

- | | |
|--|---|
| a. plant is not found in natural areas | 0 |
| b. plant is found in natural areas but only because it persists from previous planting in that location (e.g. old home site) | 0 |
| c. plant is only expanding from sites of previous planting | 1 |
| d. plant occurs in natural areas away from sites of planting | 3 |
| e. information is unknown | U |

2) State Distribution

This question pertains to the ODW regional map of Ohio (split into five regions based on counties).

- | | |
|--|---|
| a. plant is not naturalized in any region of Ohio | 0 |
| b. plant is naturalized in only one region in Ohio | 1 |
| c. plant is naturalized in two regions in Ohio | 2 |
| d. plant is naturalized in three regions in Ohio | 3 |
| e. plant is naturalized in four regions in Ohio | 4 |
| f. plant is naturalized in five regions in Ohio | 5 |
| g. information is unknown | U |

3) Regional/US Distribution¹

- | | |
|---|---|
| a. plant is not considered to be a problem in any other state | 0 |
| b. plant is not considered to be a problem in any state but is a widespread problem in similar habitat outside the US | 1 |
| c. plant has been reported as a widespread problem in another non-neighboring state within the USDA Plant Hardiness Zones 5-6 | 1 |
| d. plant has been reported to be a widespread problem in 1-2 adjoining states | 3 |
| e. plant has been reported to be a widespread problem in 3 or more adjoining states | 5 |
| f. information is unknown | U |

Step II: Biological Characters

4) Vegetative Reproduction

- | | |
|--|---|
| a. no vegetative reproduction | 0 |
| b. reproduces readily within the original site | 1 |
| c. has runners or spreading rhizomes that root easily ² | 3 |
| d. fragments easily and fragments can be easily dispersed | 4 |
| e. true for both c. and d. above | 5 |
| f. information is unknown | U |

5) Sexual Reproduction

- | | |
|--|---|
| a. no sexual reproduction | 0 |
| b. infrequent sexual reproduction | 1 |
| c. frequent sexual reproduction, but high variation among years in seed production | 3 |
| d. frequent sexual reproduction (one or more events per year) | 5 |
| e. information is unknown | U |

6) Number of Viable Seeds or Propagules per Plant

- | | |
|---------------------------|---|
| a. few (0-10) | 1 |
| b. moderate (11-1,000) | 3 |
| c. prolific (>1,000) | 5 |
| d. information is unknown | U |

7) Flowering Period³

- | | |
|-------------------------------|---|
| a. one month or less per year | 0 |
| b. between one to two months | 1 |
| c. between two to five months | 2 |
| d. longer than five months | 3 |
| e. information is unknown | U |

8) Dispersal Ability

- | | |
|--|---|
| a. seeds/propagules lack characteristics promoting long-distance dispersal (e.g. fruits attractive to birds or mammals, or with adaptations to wind dispersal) | 0 |
| b. seeds/propagules have characteristics promoting long-distance dispersal, but no evidence of seeds traveling > 1km | 3 |
| c. seeds/propagules have characteristics promoting long-distance dispersal, and evidence of seeds traveling > 1km | 5 |
| d. information is unknown | U |

9) Generation Time⁴

- | | |
|--|---|
| a. long juvenile period (5 or more years for trees and shrubs, 3 or more years for other growth forms) | 0 |
| b. short juvenile period (<5 years for trees and shrubs, <3 years for other forms) | 3 |
| c. information is unknown | U |

Invasive Plant Rules

Ohio Administrative Code Chapter 901:5-30

- After nearly two years of stakeholder outreach, new rules have been established and are effective as of January 7, 2018
- PROHIBITS SALES : No person shall sell, offer for sale, propagate, distribute, import or intentionally cause the dissemination of any invasive plant in the state of Ohio.

LIST OF INVASIVE PLANTS

The following plants are considered invasive in the State of Ohio effective

January 7, 2018 except as otherwise noted:

Ailanthus altissima, tree-of-heaven
Alliaria petiolata, garlic mustard
Berberis vulgaris, common barberry
Butomus umbellatus, flowering rush
Celastrus orbiculatus, Oriental bittersweet
Centaurea stoebe ssp. *Micranthos*, spotted knapweed
Dipsacus fullonum, common teasel
Dipsacus laciniatus, cutleaf teasel
Egeria densa, Brazilian elodea
Elaeagnus angustifolia, Russian olive
Elaeagnus umbellata, autumn olive
Epilobium hirsutum, hairy willow herb
Frangula alnus, glossy buckthorn
Heracleum mantegazzianum, giant hogweed
Hesperis matronalis, dame's rocket
Hydrilla verticillata, hydrilla
Hydrocharis morsus-ranae, European frog-bit
Lonicera japonica, Japanese honeysuckle
Lonicera maackii, amur honeysuckle
Lonicera morrowii, Morrow's honeysuckle
Lonicera tatarica, tatarian honeysuckle

Lythrum salicaria, purple loosestrife
Microstegium vimineum, Japanese stiltgrass
Myriophyllum aquaticum, parrotfeather
Myriophyllum spicatum, Eurasian water-milfoil
Nymphoides peltata, yellow floating heart
Phragmites australis, common reed
Potamogeton crispus, curly-leaved pondweed
Pueraria montana var. *lobata*, kudzu
Ranunculus ficaria, fig buttercup, lesser celandine
Rhamnus cathartica, European buckthorn
Rosa multiflora, multiflora rose
Trapa natans, water chestnut
Typha angustifolia, narrow-leaved cattail
Typha x glauca, hybrid cattail
Vincetoxicum nigrum, black dog-strangling vine, black swallowwort
***Lythrum virgatum*, European wand loosestrife
(effective January 7, 2019)**
***Pyrus calleryana*, callery pear
(effective January 7, 2023)**

Draft Invasive Plant Rules

GRACE PERIOD

- The sale prohibition does not apply to the following:
- *Lythrum virgatum*, European wand loosestrife
 - until one year after the effective date of this rule
- *Pyrus calleryana*, callery pear
 - until five year after the effective date of this rule



EXEMPTIONS

A person may conduct the following activities in a manner that does not result in the further spread of those species:

- Dispose of the plant;
- Controlling the plant; and
- Using the plant for research or educational purposes pursuant to a compliance agreement issued by the department.

Draft Invasive Plant Rules

ENFORCEMENT ACTIONS

The director of the Ohio department of agriculture or his authorized representative may seize, order removed from sale, or order destroyed any plant listed as invasive

CULTIVARS of Invasive Plants

The director may exempt a cultivar of any invasive plant species if scientific evidence is presented that the cultivar is not invasive



ODA Advisory Committee

The regulation has created the ODA Invasive Plants Advisory Committee for the purposes of providing advice to the director regarding invasive plants. The Committee is comprised of the following members:

- (1) The Ohio Department of Agriculture designee (Chair) – Dan Kenny
- (2) The Ohio Department of Natural Resources designee – Tom Macy
- (3) The Ohio Environmental Protection Agency designee – Michael See
- (4) A member of academia with knowledge of invasive plants and horticulture employed at college or university located in Ohio – Theresa Culley
- (5) An individual who represents the interests of the nursery and landscaping industry – Kyle Natorp

ODA Advisory Committee

- The advisory committee shall hold at least one regular meeting each year
- May hold additional meetings as appropriate
- The advisory committee may create subcommittees that it considers appropriate to make recommendations
 - Possible examples: aquatics, economic analysis, cultivar analysis, taxonomic support, emerging issues...
- Meetings are public, and will follow open meeting procedures as required by Ohio Law (*RC 121.22*)



ODA Advisory Committee

- Has held two meetings both in Reynoldsburg
- Is proposing changes to the rule this year
- Will proceed with early stakeholder outreach on 28 more species sent to ODA for consideration, which include 19 aquatic species.
- Also considering data for exemption of sterile or reduced risk cultivars



Invasive Plant Regulation

Process going forward:

- Ideas, Recommendations, Evidence or Input for changes can be submitted to ODA prior to the meeting of the Advisory Committee
- An agenda will be generated
- Advisory Committee can review and consider issues
- Committee may develop a subcommittee, ask questions of existing stakeholder groups (ONLA, AmericanHort, OIPC, Researchers, OAIWG, or other early stakeholder solicitation
- Information may be provided from the Advisory Committee to the Director of Agriculture who holds the ultimate decision on any rule change proposals



Invasive Plant Regulation

- Plants added to the list by the Director would follow the rule making process in Chapter 119 of the Ohio Revised Code
- This process will includes:
 - Business Impact Analysis
 - Review by the Common Sense Initiative
 - Open comment period
 - Public Meeting
 - Hearing before the Joint Committee on Agency Rule Review
- Process takes ~6 months



Contact Information

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