



Department of  
Agriculture

## Division of Plant Health

Ohio's Approach to Invasive Plant Regulation

Ohio Invasive Species Committee

May 13th, 2022



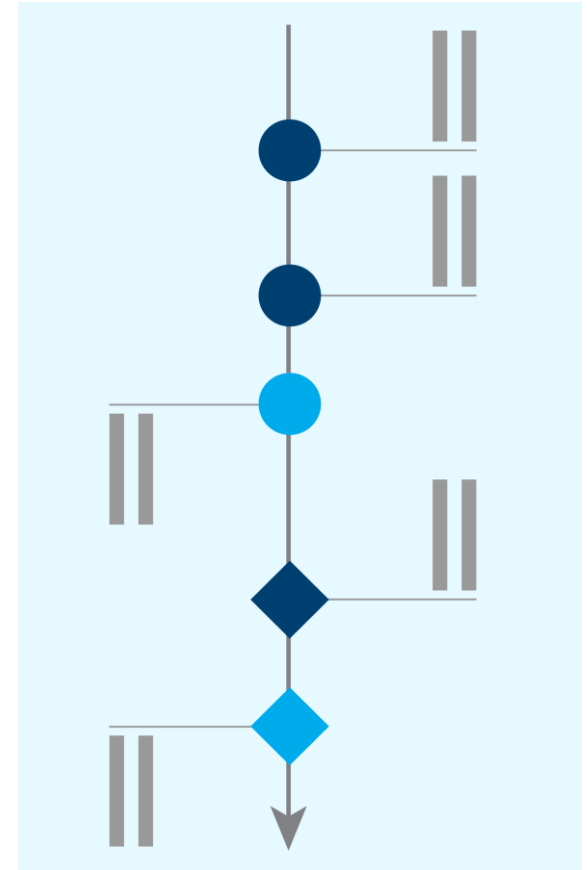
# Nursery and Dealer Certification

- 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



# History of Invasive Plants Legislation

- Ohio Nursery and Landscape Association pushed for the statute to legislature to put the inspection/enforcement authority with ODA in 2013
- A bill to grant the Director of Agriculture exclusive authority to regulate invasive plant species in Ohio that was introduced by Senator Gale Manning, was signed by Governor Kasich on June 5, 2014.
- During the committee process the Ohio Invasive Plants Council and the Ohio Farm Bureau provided testimony in support of the bill.
- On March 19, 2014 the bill received full House approval on May 21, 2014. The wording approved by the House was then approved by the Senate ('concurrence') on May 28, 2014.
- On June 5, 2014, Governor Kasich signed this bill into law. The next step will be the drafting of rules to implement the law.



# Invasive Plant Law

Added by 130th General Assembly, 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.

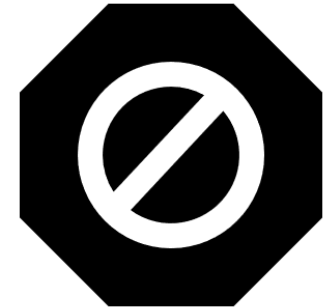
- **Exempts:** Cultivated plants grown as food or livestock feed in accordance with generally accepted agricultural practices, including all plants authorized by USDA - APHIS



# Invasive Plant Rules

## Ohio Administrative Code Chapter 901:5-30

- After nearly two years of stakeholder outreach, new rules were established and became effective January 7, 2018.
- Overall goal: Establish one list for Ohio and prohibit distribution of IP.
- Rules do not address control of existing populations of IP.
- These rules are just one component to address invasive plants in Ohio.



# 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



## ALLOWED ACTIVITIES

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.

# 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

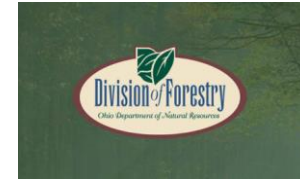
The director may exempt a cultivar of any invasive plant species if scientific evidence is presented that the cultivar is not invasive



# 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) Jim Slyh
- 2) The Ohio Department of Natural Resources designee – Tom Macy
- 3) The Ohio Environmental Protection Agency designee – Matthew Lamoreaux
- 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



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## ODA Advisory Committee

- Meeting are traditionally held at ODA HQ in Reynoldsburg.
- Updates to the rule moving ahead now.
  - Corrections to the original rule (Typos and *Frangula alnus*)
  - Addition of aquatic species
  - Addition of terrestrial species
- Next major question: considering a process for exemption of sterile or reduced risk cultivars – watching the PA process now.

# 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 include:
  - Informal Stakeholder Review (\*key step\*)
  - Business Impact Analysis
  - Review by the Commonsense Initiative
  - Open comment period
  - Public Meeting
  - Hearing before the Joint Committee on Agency Rule Review
- Process takes at least ~8 months





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# Administrative Rule Review Status

<https://agri.ohio.gov/divisions/legal-office/Admin-Rules>

-or-

Go to ODA's website

Find the "Legal Office" page

Click on Administrative Rules

Tabs indicate the status of various rule packages.



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