



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

## **Plant Pest Control Program Overview**

### **Invasive Plant Draft Regulations and Noxious Weeds**

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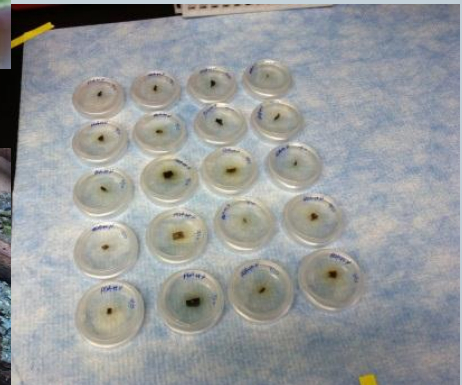
# Ohio Department of Agriculture



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



# Plant Pest Control Section

- The Plant Pest Control Section certifies Ohio's nursery stock producers and dealers by performing inspections to help ensure their proper labeling, viability and freedom from pests and diseases. These inspections increase the likelihood of consumers receiving pest-free plants and helps prevent the introduction of new pests.
- The section helps facilitate commerce by assisting shippers of plant based commodities with the various federal and state quarantines that restrict the movement of articles capable of harboring targeted pests.





# Plant Pest Control Section

- Plant Pest Control provides inspections and phytosanitary certificates for shipments of grain, seed, logs, lumber, greenhouse plants, and other plant based commodities destined for other states or countries.
- Our inspectors and surveyors also play a role in protecting our forest resources, environment and food supply by performing exotic invasive pest surveys to detect any new infestations through our Asian Longhorned Beetle, Emerald Ash Borer, Gypsy Moth, CAPS, and Apiary programs.



# PPC Duties

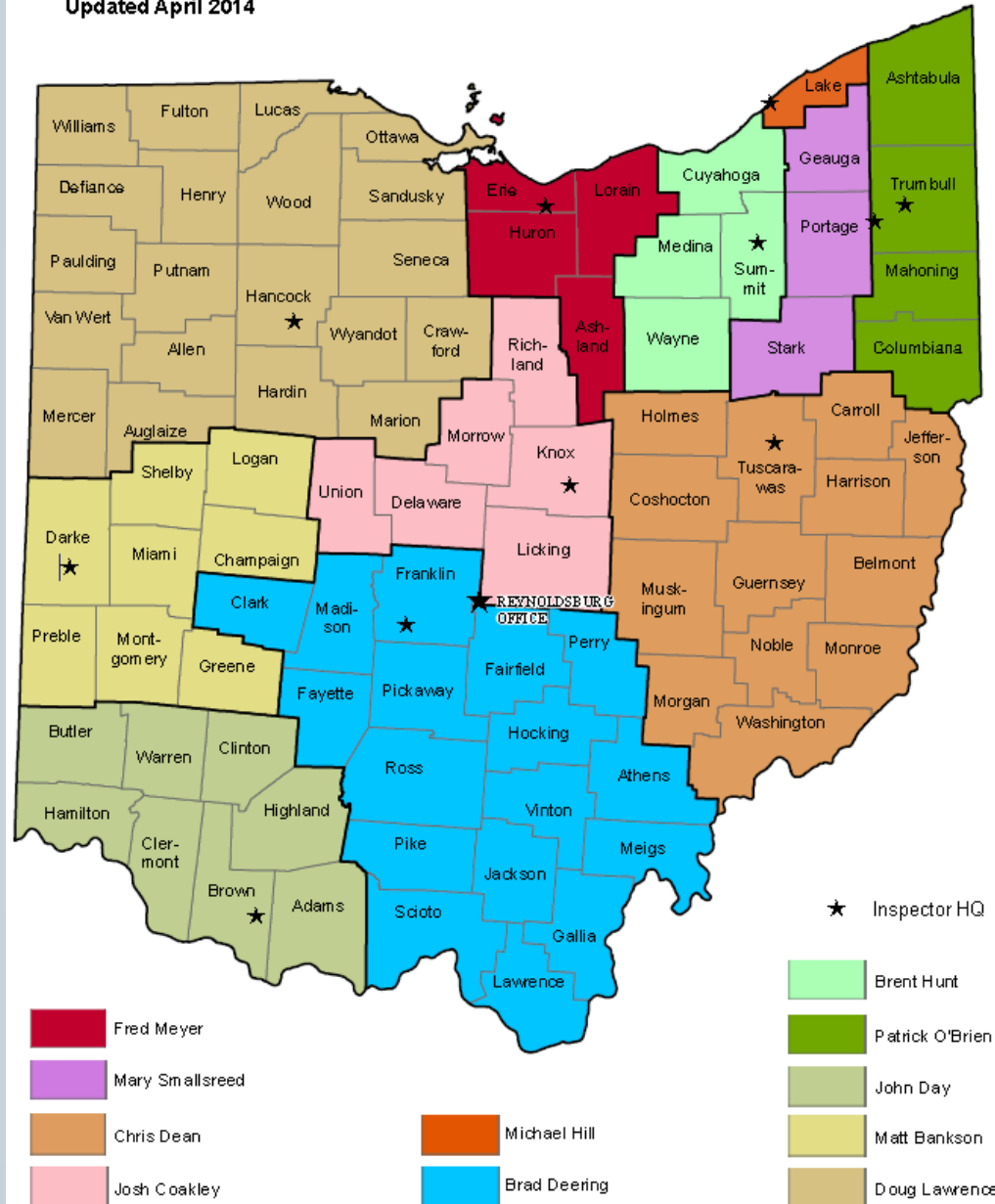
- License and inspect approximately 6000 nurseries and garden centers each year
- Certify plant based commodities for export
- Surveys for the presence or absence of exotic and domestic plant pests
- Assist with outreach and education regarding emerging plant pests and regulations
- Enforce nursery stock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



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.
- **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

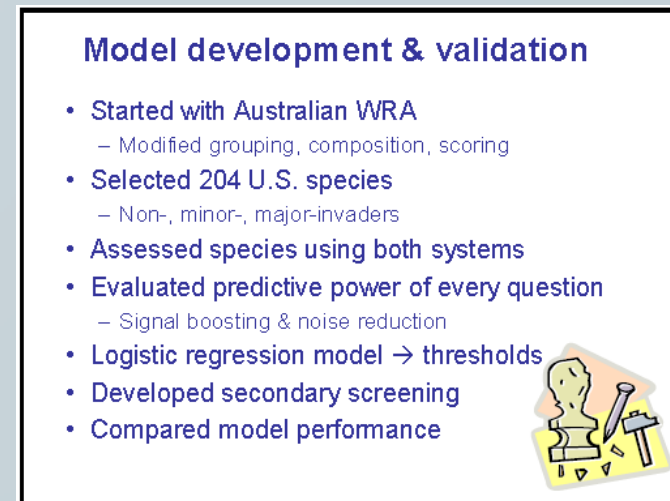
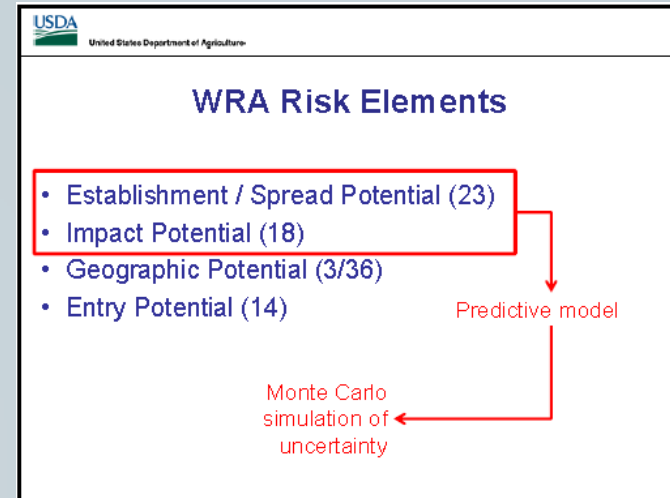
- Human Health

- Rashes, burns
- Hinder recreation
- Damage infrastructure



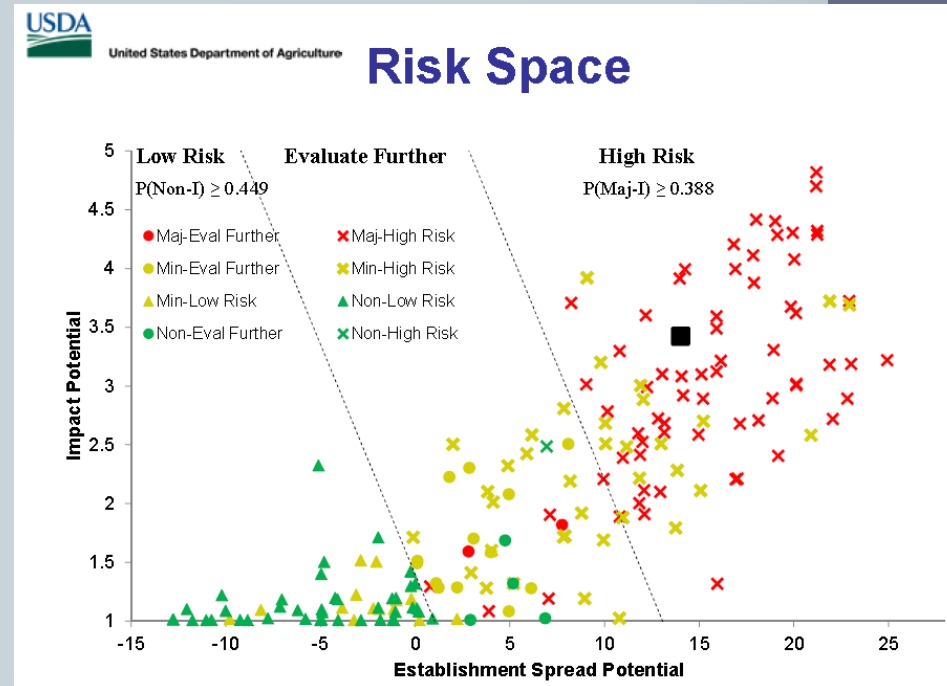
# Weed Risk Assessment Protocols

- What is a WRA:
  - An evaluation of the probability of the entry, establishment, & spread of a plant, & its potential consequences.
- USDA currently has a protocol that is used to evaluate the risk plant species that have been requested to be imported or used in a different way to the US.



# Weed Risk Assessment Protocols

- Helps them make informed management decisions
- Goal is to prevent or reduce the economic & ecological harm caused by weedy & invasive plants
- This WRA is predictive and measures uncertainty
- Was developed by Dr. Tony Koop with USDA – APHIS
- [Link to Excel WRA tool](#)



# Challenges

- Lack of data to analyze new plants or cultivars
- How to access cultivars?
- Is the “cat out of the bag” for some invasive
  - Cost benefit of regulation
- Cross pollination or reversion of a “sterile” cultivars to the “non-sterile” form



breeding  
→

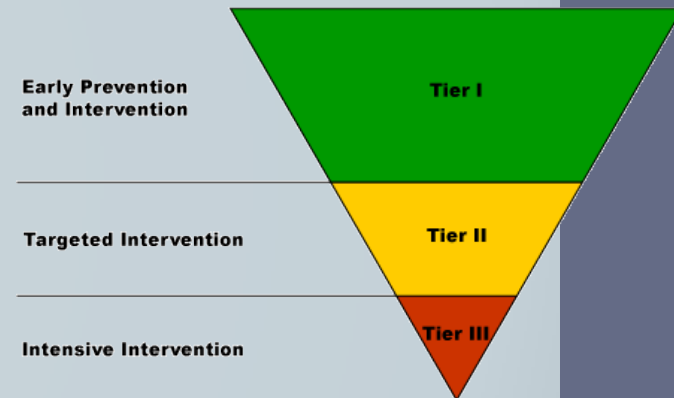


←  
reversion

- Breeding to change plant traits
- Reversion - cultivated plant loses bred traits

# Other States Examples

- Many states have Invasive Plant Regulations
- They are for the most part very different in how they are being administered
  - Invasive Species Councils
  - Advisory Boards
  - Some have “clean plants lists”
  - Many have taken a tiered approach





# Draft Invasive Plant Rules

- Currently compiling input from stakeholders on the most recent draft
- Continuing to talk with stakeholder groups
  - Ohio Nursery and Landscape Association
  - Ohio Invasive Plants Council
  - Ohio Environmental Protection Agency
  - Ohio Department of Natural Resources
  - Ohio Department of Transportation
  - Ohio Forestry Association
  - Ohio State University
  - Ohio Seed Improvement Association
  - The Nature Conservancy
- Others?
  - Aquatic Invasive Species Committee



# Draft Invasive Plant Rules

## PROHIBITS SALES AND DEFINES PHASE OUT PERIOD

- (B) Except as provided in paragraphs (C) and (D) of this rule, no person shall sell, offer for sale, propagate, distribute, import or intentionally cause the dissemination of any invasive plant as defined in paragraph (A) of this rule in the state of Ohio.
- (C) The prohibitions listed in paragraph (B) does not apply to the following:
  - (1) *Lythrum virgatum*, European Wand Loosestrife until one year after the effective date of this rule.
  - (2) *Phalaris arundinacea*, Reed Canarygrass until one year after the effective date of this rule.

# Draft Invasive Plant Rules



## EXEMPTIONS

- (D) A person may conduct the following activities with the species listed in paragraphs (A)(1) through (A)(38) of this rule in a manner that does not result in the further spread of those species:
  - (1) Dispose of the plant;
  - (2) Controlling the plant; and
  - (3) Using the plant for research or educational purposes pursuant to a compliance agreement issued by the department.

# Draft Invasive Plant Rules

## REGULATORY ACTIONS AND CULTIVARS

- (E) The director of the Ohio department of agriculture or his authorized representative may seize, order removed from sale, or order destroyed any plant described in paragraph (A) of this rule which has been found in violation of paragraph (B) of this rule.
- (F) The director may exempt a cultivar of any invasive plant species defined in paragraph (A) of this rule if scientific evidence is presented that the cultivar is not invasive.

# Draft Invasive Plant Rules

- (C) The advisory committee shall consist of the following members:
  - (1) The director of the department of agriculture or his designee, who shall be the chairperson of the advisory committee;
  - (2) The director of the Ohio department of natural resources or his designee;
  - (3) The director of the Ohio environmental protection agency or his designee; and
  - (4) The following representatives as appointed by the director of the department of agriculture:
    - (a) A professor of an agriculture or natural resources department of a college or university located in this state; and
    - (b) An individual who represents the interests of the nursery and landscaping industry.



# Draft Invasive Plant Rules

## MEETINGS AND SUBCOMMITTEES

- (D) The advisory committee shall hold at least one regular meeting each year and may hold additional meetings at times that the chairperson or a majority of the advisory committee members considers appropriate.
- (E) A majority of the advisory committee constitutes a quorum. The advisory committee may act only if a quorum is present and only by a majority vote of the members. The advisory committee may create subcommittees that it considers appropriate to make recommendations to the council. Subcommittees may include members who do not serve on the council.

# Early Feedback on the 1<sup>st</sup> Draft

- Feedback has been generally very supportive. A few of the main questions/points:
  - Is “Cat is out of the bag” on some species
  - Plants in trade must be phased out
  - Can I still sell these out of state?
  - Don’t do phase out
  - Be proactive
  - Changes to the advisory committee
  - What protocol will be used
  - ADD THIS PLANT!



# Draft Invasive Plant Rules

- Development of thee Ohio Invasive Plant List
  - Other states lists
  - OIPC list
  - OEPA/USACE List
  - ODNR lists
  - Aquatics Lists
- Advisory Committee can make a recommendation
- Information will be provided to the Director of Agriculture who holds the ultimate decision
- 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 a Business Impact Analysis

# Draft Invasive Plant List

- (1) *Ailanthus altissima*, Tree-of-Heaven;
- (2) *Alliaria petiolata*, Garlic Mustard
- (3) *Berberis vulgaris*, Common Barberry;
- (4) *Bromus inermis*, Smooth Brome;
- (5) *Butomus umbellatus*, Flowering Rush;
- (6) *Celastrus orbiculatus*, Oriental Bittersweet;
- (7) *Centaurea stoebe* ssp. *Micranthos*, Spotted Knapweed;
- (8) *Dipsacus fullonum*, Common Teasel;
- (9) *Dipsacus laciniatus*, Cutleaf Teasel;
- (10) *Egeria densa* Brazilian, Elodea;
- (11) *Elaeagnus angustifolia*, Russian olive;
- (12) *Elaeagnus umbellata*, Autumn Olive;
- (13) *Frangula alnus*, Glossy Buckthorn;
- (14) *Heracleum mantegazzianum*, Giant Hogweed;
- (15) *Hesperis matronalis*, Dame's Rocket;
- (16) *Hydrilla verticillata*, Hydrilla;
- (17) *Hydrocharis morsus-ranae*, European frog-bit;
- (18) *Lonicera japonica*, Japanese honeysuckle;
- (19) *Lonicera maackii*, Amur honeysuckle;

# Draft Invasive Plant List

- (20) *Lonicera morrowii*, Morrow's honeysuckle;
- (21) *Lonicera tatarica*, Tatarian honeysuckle;
- (22) *Lythrum salicaria*, Purple Loosestrife;
- (23) *Lythrum virgatum*, European Wand Loosestrife;
- (24) *Microstegium vimineum*, Japanese stiltgrass;
- (25) *Myriophyllum aquaticum*, Parrotfeather;
- (26) *Myriophyllum spicatum*, Eurasian water-milfoil;
- (27) *Nymphoides peltata*, Yellow Floating Heart;
- (28) *Phalaris arundinacea*, Reed Canarygrass;
- (29) *Phragmites australis*, Common Reed;
- (30) *Potamogeton crispus*, Curly-Leaved Pondweed;
- (31) *Pueraria montana* var. *lobata*, Kudzu;
- (32) *Ranunculus ficaria*, Fig Buttercup/Lesser celandine;
- (33) *Rhamnus cathartica*, European buckthorn;
- (34) *Rosa multiflora*; Multiflora Rose
- (35) *Trapa natans*, Water Chestnut;
- (36) *Typha angustifolia*, Narrow-Leaved Cattail;
- (37) *Typha x glauca*, Hybrid Cattail; and
- (38) *Vincetoxicum nigrum*, Black dog-strangling vine, black swallowwort.



# Next Steps

- ODA will file a draft rule for more notice and comment via the RC 119 rule making process
  - Copies sent out to stakeholders
  - Reviewed by the Common Sense Initiative, Legislative Service Commission, Secretary of State, and the Joint Committee on Agency Rule Review (JCARR)
  - Public Hearing is held typically at ODA
  - Hearing is held with members of the General Assembly serving on JCARR at the State House
  - Process takes around ~180 days



# Noxious Weed Regulation

- Director of Agriculture has the authority to designate noxious weeds per Ohio Revised Code 5579.04
- Originally developed for agronomic weeds
- Requires managers of roads, rail lines etc. to control weeds along those right of ways
- Authority for enforcement rests with Township or Municipality



## 901:5-37-01 Prohibited noxious weeds.

The following plants are hereby designated "prohibited noxious weeds":

- (A) Shatter cane (*Sorghum bicolor*).
- (B) Russian thistle (*Salsola Kali* var. *tenuifolia*).
- (C) Johnsongrass (*Sorghum halepense* L. (Pers.)).
- (D) Wild parsnip (*Pastinaca sativa*).
- (E) Wild carrot (Queen Annes lace) (*Daucus carota* L.).
- (F) Oxeye daisy (*Chrysanthemum leucanthemum* var. *pinnatifidum*).
- (G) Wild mustard (*Brassica kaber* var. *pinnatifida*).
- (H) Grapevines: when growing in groups of one hundred or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years.
- (I) Canada thistle (*Cirsium arvense* L. (Scop.)).
- (J) Poison hemlock (*Conium maculatum*).
- (K) Cressleaf groundsel (*Senecio glabellus*).
- (L) Musk thistle (*Carduus nutans*).
- (M) Purple loosestrife (*Lythrum salicaria*).
- (N) Mile-A-Minute Weed (*Polygonum perfoliatum*).
- (O) Giant Hogweed (*Heracleum mantegazzianum*).
- (P) Apple of Peru (*Nicandra physalodes*).
- (Q) Maretail (*Conyza canadensis*).
- (R) Kochia (*Bassia scoparia*).
- (S) Palmer amaranth (*Amaranthus palmeri*).
- (T) Kudzu (*Pueraria montana* var. *lobata*).
- (U) Japanese knotweed (*Polygonum cuspidatum*).

R.C. [119.032](#) review dates: 03/23/2012 and 03/23/2017



# Noxious Weed Regulation

- ODA also has regulations in place to address weed seed contaminants in seed or feed products that are distributed in Ohio
- Conduct testing on seed mixes and feed products and may embargo or reject adulterated products



# Noxious Weed Regulation

- Palmer amaranth
  - Herbicide Resistance
  - Prolific seeder



- Giant hogweed
  - 15 ft. tall biennial with large interesting flowers
  - Causes serious burns in some cases





# Contact Information

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