

NOTICE

Order of Quarantine

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Spotted lanternfly

Recitals.

- A. Spotted lanternfly, *Lycorma delicatula*, is a new pest to the United States and has been detected in the Commonwealth. This is a dangerous insect to forests, ornamental trees, orchards and grapes and not widely prevalent or distributed within or throughout the Commonwealth or the United States.
- B. The Plant Pest Act (Act)(act of December 16, 1992, P.L. 1228, No. 162)(3 P. S. §§ 258.1—258.27) empowers The Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. These powers include the authority, under section 258.21 of the Act, to establish quarantines to prevent the spread of plant pests within this Commonwealth (act of December 16, 1992, P.L. 1228, No. 162, § 21) (3 P.S. § 258.21).
- C. Under the authority of section 258.20 of the Act (related to pests declared public nuisance)(act of December 16, 1992, P.L. 1228, No. 162, § 20) (3 P.S. § 258.20) the Department may declare a plant pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraph A above, the Department declares *Lycorma delicatula* to be a public nuisance.
- D. Once a plant pest is declared a nuisance, “It shall be unlawful for any person knowingly to permit any plant pest so declared to exist on his premises or to sell, offer for sale, give away or move any plants, plant products or other material capable of harboring the pest.” (act of December 16, 1992, P.L. 1228, No. 162, § 20)(3 P.S. § 258.20)
- E. Where the Department detects or confirms any plant pest established in this Order of Quarantine – Spotted lanternfly, *Lycorma delicatula* – the place or area in which any of these plant pests are detected or confirmed shall be subject to this Order of Quarantine.
- F. The place or area in which the plant pest is detected or confirmed shall be added to this Order of Quarantine through an addendum delineating the specific location and geographic parameters of the area or place. Such addendum shall be published in the *Pennsylvania Bulletin* and enforcement of this Order of Quarantine with regard to that place or area shall become effective immediately upon such publication in the *Pennsylvania Bulletin*.

Definitions.

Associated equipment. Articles associated and moved with mobile homes and recreational vehicles, such as, but not limited to awnings, tents, tarps, outdoor furniture, and furniture covers, trailer blocks and trailer skirts.

Bark products. Products containing pieces of bark including bark chips, bark nuggets, bark mulch, and bark compost.

Landscaping, remodeling or construction waste. Includes living or dead plants, stones, lumber, deck boards, wood and drywall products, windows and insulation products, packing materials and any other flat surface product produced in the course of or resulting from landscaping, remodeling or construction activities, including associated equipment.

Mobile home. Any vehicle, other than a recreational vehicle, designed to serve, when parked, as a dwelling or place of business.

Outdoor household articles. Articles associated with a household that have been kept outside the home such as, but not limited to awnings, barbecue grills, grill covers, bicycles, boats, boat tarps and covers, dog houses, firewood, garden tools, hauling trailers, outdoor furniture and furniture covers, toys, stone or tile not permanently installed as a part of a residence or landscape feature, mobile fire pits, recreational vehicles and associated equipment, and tents.

Recreational vehicles. Articles associated with recreational vehicles, but not limited to, highway vehicles, including pickup truck campers, all-terrain vehicles (ATV), motor cycles, snow mobiles, boats, tarps and covers for all these vehicles, one-piece motor homes, and travel trailers, designed to serve as temporary places of dwelling.

ORDER

Under authority of section 21 of the Act (act of December 16, 1992, P.L. 1228, No. 162, § 21) (3 P. S. § 258.21), and with the Recitals and definitions previously listed incorporated into this Order of Quarantine by reference, the Department orders the following:

1. Establishment of Quarantine.

A quarantine is hereby established with respect to District Township and Pike Township in Berks County and any other area or place delineated in an addendum to this Order of Quarantine as set forth in Paragraphs E. and F. of the “*Recitals*” to this Order of Quarantine.

2. Regulated Articles and Limitations Imposed. The plant pest established by this Order of Quarantine - Spotted lanternfly, *Lycorma delicatula* - along with any material or object that may carry or spread the plant pest (the plant pest and its eggs and nymphs can exist on and be spread through conveyance of any object with a flat surface) such as the following objects or materials,

are considered regulated articles under this Order of Quarantine and may not be moved out of the quarantined area, unless done in accordance with Paragraph 3 of this Order of Quarantine:

- Any living life stage of the Spotted lanternfly, *Lycorma delicatula*.
- Brush, debris, bark, or yard waste.
- Landscaping, remodeling or construction waste
- Logs, stumps or any tree parts
- Firewood of any species.
- Packing materials, such as wood crates or boxes.
- All plants and plant parts. This shall include, but is not limited to, all live, dead, infected or non-infected trees, nursery stock, budwood, scionwood, green lumber, firewood, perennial plants, garden plants and produce and other material living, dead, cut, fallen including stumps, roots, branches, mulch, and composted and uncomposted chips.
- Outdoor household articles including recreational vehicles, lawn tractors and mowers, mower decks, grills, grill and furniture covers, tarps, mobile homes, tile, stone, deck boards, mobile fire pits, any associated equipment and trucks or vehicles not stored indoors.
- Grapevines for decorative purposes or as nursery stock.
- Any other article or means of conveyance when it is determined by an inspector to present a risk of spread of Spotted lanternfly, *Lycorma delicatula* in any life stage and is in proximity to such articles and the articles presenting a high risk of artificial spread and the person in possession thereof has been notified.

3. *Movement of regulated articles from quarantined areas.* A regulated article, delineated in Paragraph 2 of this Order of Quarantine, may be moved from a quarantined area only under the following circumstances:

a. *With* a valid certificate or limited permit attached and issued in accordance with the provisions of Paragraph 4 or Paragraph 6 of this Order of Quarantine. The valid certificate or limited permit shall be attached to the regulated article(s) as set forth in Paragraph 5 of this Order of Quarantine.

b. *Without* a certificate or limited permit attached and issued in accordance with the provisions of Paragraph 4 of this Order of Quarantine if the regulated article originates outside the quarantined area and is moved intrastate through the quarantined area under the following conditions:

- i. The points of origin and destination are indicated on a waybill accompanying the regulated article; and
- ii. The regulated article, if moved into the quarantined area during the period of April through December and is moved in an enclosed vehicle or is completely covered, such as by a tarp or full shrink wrapping, to prevent exposure to Spotted lanternfly, *Lycorma delicatula* or access to the regulated article by any of the plant pest established in this Order of Quarantine and the tarp or shrink wrapping is destroyed

by burning prior to leaving the quarantined area or is left behind in the quarantined area; and

- iii. The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed or handled at locations approved by the Department inspector as not posing a risk of infestation by or exposure to Spotted lanternfly, *Lycorma delicatula*; and
- iv. No common carrier or other person may move intrastate from any generally infested area any regulated article or outdoor household articles as defined; and
- v. The article has not been combined or commingled with other articles so as to lose its individual identity.

4. *Obtaining a Certificate or Limited Permit from the Department for Movement of Articles.*

The Department or a person operating under a compliance agreement, as set forth in Paragraph 6 of this Order of Quarantine, may issue a certificate or stamp authorizing the movement of a regulated article, delineated in Paragraph 2 of this Order of Quarantine, if it is satisfied that all of the following criteria are accurate and will be met:

a. The regulated article is to be moved in compliance with the provisions of this Order of Quarantine and any additional emergency conditions that the Department may impose under the Plant Pest Act in order to prevent the artificial spread of Spotted lanternfly, *Lycorma delicatula*; and

b. The regulated article is either of the following:

- i. The regulated article is determined to be free of Spotted lanternfly, *Lycorma delicatula*, based on inspection; or the regulated article has been grown, produced, manufactured, stored or safeguarded during the months of April – December in a manner that, in the judgment of the Department, prevents the regulated article from presenting a risk of spreading Spotted lanternfly, *Lycorma delicatula*; or
- ii. The regulated article is to be moved to a specified destination for specific processing, handling or utilization (the destination and other conditions to be listed on the advance written permission), and the Department has determined this movement will not result in the spread of Spotted lanternfly, *Lycorma delicatula* because the plant pests will have been destroyed by the specific processing, handling or utilization process undertaken and completed prior to movement of the regulated article.

5. *Documentation to Accompany Regulated Articles in Movement from a Quarantined Area.* If a regulated article(s), delineated in Paragraph 2 of this Order of Quarantine, is to be moved from a quarantined area, the regulated article(s) shall be plainly marked with the name and address of the consignor and any person utilized in processing the regulated article for movement and the name and address of the consignee and must have a copy of the applicable Department-issued or

Department-authorized (by compliance agreement as described in Paragraph 6 of this Order of Quarantine) certificate or limited permit securely attached to each regulated article itself or the container carrying each regulated article and such certificate or limited permit shall be attached to the consignee's copy of the accompanying waybill at all times during movement. The description of the regulated article(s) on the certificate or limited permit, and on the waybill, shall be sufficient to identify each regulated article. The consignor shall be responsible for compliance with such documentation standards and shall assure the carrier furnishes the certificate or limited permit authorizing the movement of the regulated article to the consignee at the destination of the shipment. The consignor, carrier and the consignee shall keep a copy of the certificate or limited permit. All such records shall be maintained by the consignee, consignor and carrier for a period of 2 years. Such records shall be made available to the Department for inspection upon request.

6. *Compliance Agreements.* The Department will consider entering into a compliance agreement with any person that demonstrates an understanding of the requirements of this Order of Quarantine and satisfies the Department that said person is capable of issuing certificates or limited permits in accordance with the requirements of this Order of Quarantine. The Department shall either provide blank certificates and limited permits to a person operating under a compliance agreement or authorize reproduction of the certificates or limited permits on shipping containers, or both, as determined by the Department at its sole discretion. These certificates and limited permits may then be completed and used, as needed, for the movement of regulated articles that have met all of the requirements of Paragraph 4 of this Order of Quarantine. Originals of each certificate or limited permit issued by a person operating under a compliance agreement shall be kept by said person for a period of 2 years and shall be made available to the Department upon request.

7. *Cancellation of a Certificate, Limited Permit or Compliance Agreement.* Any certificate, stamp, or limited permit or any Compliance Agreement may be canceled orally or in writing by the Department whenever the Department determines that the holder of the certificate or limited permit or the Compliance Agreement has not complied with a provision of the Act, regulations or this Order of Quarantine. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit.

8. *Federal Requirements for Interstate Movement of Articles.* This Order of Quarantine is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the movement of articles from the quarantined area or this Commonwealth.

9. *Contacting the Department.* A person seeking information about the requirements of this Order of Quarantine, or a limited permit or certificate for movement of a regulated article(s), or a compliance agreement for intrastate movement of a regulated article(s), shall contact the Department at: Pennsylvania Department of Agriculture, Bureau of Plant Industry, Attention: Dana Rhodes, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5205, danrhodes@pa.gov.

11. *Violations.* In accordance with the provisions of section 258.22 of the Act (act of December 16, 1992, P.L. 1228, No. 162, § 22)(3 P.S. § 258.22) it shall be unlawful to violate or fail to comply with any provision of the Act, regulations or this Order of Quarantine.

12. *Criminal and Civil Penalties.* In accordance with the provisions of the Act, at sections 258.23 and 258.24 (act of December 16, 1992, P.L. 1228, No. 162, §§ 258.23, 258.24)(3 P.S. §§ 258.23 and 258.24), a person who violates this Order of Quarantine may face summary criminal prosecution carrying up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Order of Quarantine may be assessed a civil penalty of up to \$20,000 with respect to each violation.

13. *Cooperation with other agencies.* As authorized by section 258.26 of the Act (act of December 16, 1992, P.L. 1228, No. 162, § 258.26)(3 P.S. § 258.26), the Department will consult with other State agencies, Federal agencies, Pennsylvania State University, and the Pennsylvania State University Cooperative Extension with respect to the most efficacious measures to survey for and detect Spotted lanternfly, *Lycorma delicatula* to slow the spread or eradicate these plant pests.

14. *Effective Date.* This quarantine is effective upon signature and shall be published in the *Pennsylvania Bulletin* and shall remain in effect until rescinded by subsequent order.