

R68. Agriculture and Food, Plant Industry.

R68-14. Quarantine Pertaining to Gypsy Moth - Lymantria Dispar.

R68-14-1. Authority.

Promulgated under authority of 4-2-2 and 4-35-9.

R68-14-2. Purpose.

For the following reasons this rule is enacted:

1. Gypsy Moth (*Lymantria dispar*) has recently been found in the state of Utah, and
2. it will survive and multiply rapidly in the state of Utah, and
3. it is a serious pest to forest, residence, park, and agricultural tree plantings, and
4. it is capable of destroying watershed areas, orchards, or ornamentals, and
5. it is also a nuisance to the general public.

R68-14-3. Definitions.

The definitions set forth in this section shall apply throughout this chapter.

A. "Commissioner" means the Commissioner of Agriculture and Food of this state, or a duly authorized representative.

B. "Department" means the Utah State Department of Agriculture and Food.

C. "Interior quarantine" means a quarantine within the state of Utah established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified as being infested by the Utah State Department of Agriculture and Food.

D. "Exterior quarantine" means a quarantine established against the movement into Utah State of designated plant pests, life stages, their hosts, and possible carriers from areas identified as being infested by the Utah State Department of Agriculture and Food.

E. "Gypsy Moth (*Lymantria dispar*)" means a lepidopterous insect of the family Lymantriidae which in the larval stage defoliates many species of trees and shrubs.

F. "Qualified certified applicator (QCA)" means any individual who is (1) certified pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (86 Stat. 983; 7 U.S.C. 136b) as a certified commercial applicator in a category allowing use of the Restricted Use Pesticides recommended for use in the treatment of outdoor household articles for gypsy moth and (2) who has attended and completed a workshop segment approved by USDA Animal and Plant Health Inspection Service on the identification and treatment of gypsy moth life stages on regulated articles.

G. Regulated Articles: are those articles and commodities listed in R68-14-5 A.-E.

R68-14-4. Quarantine - Gypsy Moth - Area Under Order.

A. Interior Quarantine. Real and personal properties within the State where the department identified multiple gypsy moth life stages and where occupants and/or owners of those properties have been notified by the department of the gypsy moth infestation and to the effect that the subject property is under quarantine pursuant to Title 4, Chapter 2, Section 2. The department shall post quarantined areas both at entrance points and exit points with signs no smaller than 22" x 34".

B. Exterior Quarantine. All areas of the United States and Canada that are declared high risk by the United States Department of Agriculture, Animal and Plant Health Inspection Service, plant protection and quarantine or Utah Commissioner of Agriculture and Food.

R68-14-5. Quarantine/Gypsy Moth Hosts and Carriers.

The following regulated articles and commodities are placed under quarantine when located within or originating from an area as described in R68-14-4

A. Trees, shrubs with persistent woody stems, Christmas trees, and parts of such trees and shrubs (except seeds, fruits and cones).

B. Timber and building materials, including but not limited to such items as lumber, planks, poles, logs, firewood, pulpwood, fencing, and building blocks.

C. Mobile homes, recreational vehicles, trailers, boats, camping gear, and associated equipment.

D. Outdoor household articles including but not limited to such items as furniture, toys, garden tools, garden machinery, animal houses, storage sheds.

E. Any other items or means of conveyance not covered above when that item or conveyance is determined by the Commissioner to present a hazard of the spread of any life stage of gypsy moth.

R68-14-6. Gypsy Moth Quarantine Restrictions - Interior.

Items under quarantine are prohibited of movement from the area under quarantine except as follows:

A. Any item under quarantine may be inspected and certified for movement by a Department or Federal Inspector. In addition, OHA's can be certified if inspected and found free of all stages of gypsy moth by QCA or the homeowner.

B. Garden prunings from trees and shrubs may be removed from quarantine areas only when they are moved in tarped vehicles to the city or county dumps where such material is to be burned,

incinerated, buried, composted, or otherwise treated or handled in a manner that is approved by the Commissioner and does not pose a hazard to the spread of gypsy moth life stages.

C. Such items cleaned or treated shall be certified by a Department or Federal Inspector, before movement from the quarantine area. In addition, OHA's can also be cleaned or treated by a QCA or homeowner before movement from the quarantine area.

D. Expense of cleaning or treatment of articles or commodities for gypsy moth shall be the responsibility of the person in possession of the articles or commodities, or the consignee in case of commercial shipment by common carriers of household goods.

R68-14-7. Gypsy Moth Quarantine Restrictions - Exterior.

Quarantined articles and commodities are prohibited entry into the state of Utah from areas described by R68-14-5 B. except under the following conditions:

A. All move-ins to the State of Utah from an area known to be infested with Gypsy Moth will be required to register their Utah residence with the State Department of Agriculture and Food within thirty days of entering the State of Utah. The Department of Agriculture and Food shall provide at points of entry, Driver License Offices, and County Courthouses self-addressed, postage paid notice forms, or

B. Submission to the Commissioner of a completed "Gypsy Moth Outdoor Household Articles Transit Inspection Follow-up Worksheet" or other official State or APHIS Inspection Form stating:

1. origin of regulated articles prior to movement to Utah;
2. Utah address stating where regulated articles are destined;
3. address of owner if different from (2) above.

C. The Department of Agriculture and Food may inspect all regulated articles of move-ins from quarantined areas. The Department will maintain a Gypsy Moth trap for two entire seasons at residences of all new move-ins from quarantined areas.

D. A person's failure to provide the Department of Agriculture and Food with the official Notice Form or form described in R68-14-7(B) above within the prescribed time shall be in violation of this quarantine and may be liable for costs associated with any eradication program caused by failure to notify the Department.

R68-14-8. Certification of QCA's.

A. To facilitate the issuance of certification for property movement out of quarantined areas the Commissioner shall provide training certification workshops to certify licensed pesticide

applicators to become QCA's as defined in the definitions. QCA may charge for inspections.

R68-14-9. Forms.

A. Inspection certificate: The following form shall be issued by the Commissioner or QCA after thorough inspection.

R68-14-10. Violations and Penalties.

A. Any fraudulent use of or use of incorrect information on any forms used in the enforcement of this quarantine is a violation of this quarantine.

B. Any intentional movement of Gypsy Moth life stages from any infested area is a violation. Failure to perform or have inspection will constitute intentional movement as well as willfully moving property after notification.

C. Failure to register with the Department of Agriculture and Food within 30 days of moving to Utah from an area defined in R68-14-4 B, is a violation of this quarantine.

D. Failure to comply with any provisions of this quarantine shall be a violation of this quarantine.

E. Violators of this quarantine shall be subject to civil penalties of not more than \$5,000 per violation as defined in 4-2-15.

KEY: quarantine

Date of Enactment or Last Substantive Amendment: 1989

Notice of Continuation: March 26, 2018

Authorizing, and Implemented or Interpreted Law: 4-2-2; 4-35-9