

SUBCHAPTER 20

QUARANTINES

SUBCHAPTER 10. SPOTTED LANTERNFLY

2:20-10.1 Definitions

As used in this subchapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

“Agent” means a representative of the New Jersey Department of Agriculture or the United States Department of Agriculture, or any individual under contract with the Department or USDA to apply pesticide treatments or otherwise.

"APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.

“Checklist” or “Spotted Lanternfly Checklist” means a document prepared by the Department and is available at <https://www.state.nj.us/agriculture/divisions/pi/prog/spottedlanternfly.html>.

"Department" means the New Jersey Department of Agriculture.

“Eradication” means the elimination or removal of a pest from a defined geographic area.

"Exposed" means a determination by an inspector to be at risk for spreading Spotted Lanternfly.

"Infestation" means the presence of Spotted Lanternfly in any life stage.

"Inspector" means any person officially designated by the Department, or APHIS authorized to enforce the provisions of this subchapter.

"Move" means to ship, carry, transport, offer for shipment, receive for shipment, or allow to be transported by any means.

"Movement" means the act of shipping, carrying, transporting, offering for shipment, receiving for shipment, or allowing to be transported by any means.

"Notice of Infestation-Treatment Order" means an official written order issued by the Department specifying conditions found, actions the recipient shall carry out, and a specified time frame by which the order must be complied with, pursuant to N.J.A.C. 2:20- 10.5.

"Person" means an individual, partnership, association, firm, corporation, limited liability corporation, state agency, municipality or other governmental unit or agency or any other legal entity.

"Plant" means any part of a plant, tree, aquatic plant, plant product, shrub, vine fruit, rhizome, sod, vegetable, seed, bulb, stolon, tuber, corm, pip, cutting, scion, bud, graft or fruit.

"Quarantined area" means any area designated as a quarantined area in accordance with N.J.A.C. 2:20-10.5.

"Spotted Lanternfly" means *Lycorma delicatula*.

"Regulated article" means any article listed under N.J.A.C. 2:20-10.3.

"Regulated fruit, regulated plant, regulated seed, regulated tree" means any fruit, plant, seed, or tree defined as a regulated article under N.J.A.C. 2:20-10.3.

"Secretary" means the Secretary of the New Jersey Department of Agriculture. "Treatment Order" or

"Order" means any Notice of Infestation-Treatment Order as defined in N.J.A.C. 2:20-10.6.

"Tree of Heaven" means any life stage of the plant *Ailanthus altissima*.

"USDA" means the United States Department of Agriculture.

2:20-10.2 Spotted Lanternfly declared a nuisance

The State Board of Agriculture declares that the Spotted Lanternfly, a dangerously injurious insect and plant pest not known to be native to New Jersey, that damages nursery stock, agricultural crops, and the environment of the State, to be a nuisance.

2:20-10.3 Regulated articles

(a) The Spotted Lanternfly, along with any material or object that may carry or spread the dangerously injurious insect, are considered regulated articles shall not be moved out of or within the quarantined area unless done in accordance N.J.A.C. 2:20-10.7.

(b) Regulated articles include:

1. Any living life stage of the Spotted Lanternfly;
2. Plants and plant parts which include, but are not limited to, live or dead trees, nursery stock, budwood, green lumber, firewood, logs, perennial plants, garden plants, agricultural produce, stumps, roots, branches, mulch, and composted and uncomposted chips, bark, and yard waste;
3. Outdoor industrial and construction materials and equipment, concrete barriers or structure, stone, quarry material, ornamental stone or concrete, construction, landscaping and remodeling waste;
4. Packing materials such as wood crates or boxes;
5. 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 equipment, trucks or vehicles not stored indoors;
6. Means of conveyance of any type, whether utilized for movement of the materials previously listed, or personal use, and any trailers, wagons or other means of conveyance, and equipment attached thereto; or

7. Any other article, materials or means of conveyance when it is determined by an inspector to present a risk of spread of any life stage of Spotted Lanternfly.

2:20-10.4 Quarantine area

(a) By order of the State Board of Agriculture and pursuant to N.J.S.A. 4:1-21.5, in order to control the spread of the dangerously injurious insect, the Spotted Lanternfly, a menace to the State's agricultural industries, environment and residential areas of New Jersey, the following New Jersey counties are hereby quarantined in their entirety:

1. Warren;
2. Hunterdon; and
3. Mercer.

(b) The Secretary of Agriculture may temporarily designate any nonquarantined area in New Jersey as a quarantined area, if the Secretary has reason to believe that the Spotted Lanternfly is present based on positive confirmation of any life stage of this insect by the Department, or by agents of the USDA APHIS.

2:20-10.5 Right of access

(a) Duly authorized representatives of the Department, the USDA, or their agents may enter upon any lands or premises, public or private, within the State for the purpose of conducting necessary inspections and surveys for Spotted Lanternfly, for the removal and treatment of condemned host trees, to undertake eradication measures for the Spotted Lanternfly, and to determine compliance.

1. Prior to carrying out any treatment procedure, the Department shall notify the property owner in writing with a Notice of Infestation-Treatment Order. Any agent of the Department or USDA is authorized to enter the premises during reasonable hours to carry out the eradication or control measures.

2. Pursuant to any Notice of Infestation-Treatment Order, and any addendums thereto, the property owner shall take the following treatment actions:

- i. The property owner shall allow control procedures to occur to eliminate any life stage of the Spotted Lanternfly on the property;
- ii. Control procedures may include tree banding, pesticide application, or removal of any Tree of Heaven, or any combination thereof, to reduce the available host of the Spotted Lanternfly and to decrease the population of Spotted Lanternfly. All control procedures shall conform with methods approved by the Department and USDA APHIS PPQ, in addition to all applicable federal, state, and municipal laws and ordinances.
- iii. Control work shall be performed by a contractor under agreement with the USDA APHIS to carry out the necessary control procedures on the owner's property.
- iv. Property owners may be requested by the Department to remove and dispose of host trees, such as Tree of Heaven. The cost of any such removal shall be the responsibility of the property owner.
- v. The obligation of the property owner to allow control of the Spotted Lanternfly by state or federally contracted licensed pesticide applicators shall continue so long as the Spotted Lanternfly exists on the property.

(b) The Department will continue to survey and monitor all properties within the quarantine areas set forth in N.J.A.C. 2:20-10.4, and any other areas identified within the State as having Spotted Lanternfly, until such quarantine area is rescinded. The Department, USDA, or its agents may enter onto any premises within the quarantine areas or any Notice of Infestation-Treatment Order, or any subsequent addendums hereto, to survey, collect samples, investigate, determine compliance and carry out eradication or control measures where necessary. Persons interfering with or obstructing the Department or an inspector or agent in the conduct of inspections, surveys, treatments and removals for Spotted Lanternfly shall be

subject to the sanctions provided as amended and supplemented, incorporated herein by reference and N.J.S.A. 4:7-13, 14 and 18.

2:20-10.6 Notification of Infestation-Treatment Order

(a) A written Notice of Infestation--Treatment Order shall be issued to the affected property owner, by the Secretary of Agriculture, following positive confirmation of the Spotted Lanternfly by the Department or USDA. All host plant material specified in the order must be treated or eliminated to eradicate Spotted Lanternfly in a manner approved by the Secretary of Agriculture, which may include destruction of trees.

2:20-10.7 Restrictions on movement and conditions of movement

(a) No person may move any Spotted Lanternfly, plant material, or regulated articles containing any life stage of the Spotted Lanternfly, which are subject to the requirements of Spotted Lanternfly quarantine, outside the quarantine areas designated in N.J.A.C. 2:20-10.4 unless in compliance with the requirements set forth herein.

(b) Members of the general public who move any regulated articles inside the quarantine area or to outside of the quarantine area shall be required to complete a Spotted Lanternfly Checklist prior to movement of any regulated article(s).

1. The Spotted Lanternfly Checklist shall be provided by the Department at the following web address: <https://www.state.nj.us/agriculture/divisions/pi/prog/spottedlanternfly.html>.

2. The signed checklist shall remain with the regulated article(s).

3. Upon request by the Department, a copy of the signed checklist shall be provided to the Department within three calendar days by the person possessing the regulated article.

(c) Persons moving regulated materials for business purposes from, or into the quarantine area shall be required to:

1. Undertake training on the Spotted Lanternfly. The owner, manager, supervisor or other person(s) with authority to bind the entity and train other employees (hereinafter "designated employee(s)") shall take training provided by either by the Department, the Pennsylvania Department of Agriculture, Penn State Cooperative Extension, Rutgers Cooperative Extension or others, who have participated in a "Train the Trainer" course approved and recognized by the Department, and shall have passed an examination administered by an employee or agent of the Department or the Pennsylvania Department of Agriculture, demonstrating they have an understanding and knowledge of the pest and of the procedures necessary to prevent the spread of the pest.

i. Upon successful completion of the training and passing the required test, the designated employee(s) shall be responsible for training other employees of that entity and documenting such training.

ii. In conjunction with taking the examination, the designated employee(s) shall record, preserve, maintain and provide to the Department as needed, at a minimum, the following information:

(1) The name, telephone number, and e-mail address of the designated employee taking the required test;

(2) The legal name, address, business telephone number and e-mail address of the primary business location;

(3) The number of vehicles and conveyances utilized; and

(4) An attestation that the person shall comply with all requirements of this subchapter.

2. The Secretary may request, in writing, additional information, if necessary, for evaluating the potential risk to the State.

3. Any employee responsible for driving any vehicle or conveyance, or handling, shipping, packaging or loading any regulated article shall be trained by a designated employee who has taken the training, and passed the exam. Multiple employees in a business

may take the training and examination if the business deems that necessary to build sufficient training capacity within their organization.

4. All regulated articles, including conveyances and vehicles, shall be inspected and all egg masses and other life stages of the Spotted Lanternfly shall be removed and destroyed prior to being moved within or out of the quarantine area. A record of such inspection shall be kept and recorded as set forth in N.J.A.C. 2:20-10.9.

5. Regulated articles, other than the vehicles and conveyances themselves, shall be packaged and safeguarded sufficiently, such as within a closed container, shrink wrap, tight tarp or similar covering, to maintain isolation from the domestic environment during storage or transportation.

6. Any stage of living life cycle(s) of the insect, Spotted Lanternfly, found during any inspection, and/or other debris, off-fall or by-products, shall remain within the quarantine area, be placed in a separate area away from other regulated articles and shall be processed, treated, burned or buried, in accordance with all federal, state or local laws. Burning shall be done in accordance with laws and regulations governing air quality and where buried, such burial shall comply with all laws and regulations governing water quality. Final disposal of regulated articles shall be in a manner does not leave material which may be infected or allow movement of the Spotted Lanternfly.

(d) Submission to the Department of a valid permit issued by the Pennsylvania Department of Agriculture, or any other State issuing such permit for the Spotted Lanternfly, will be accepted in satisfaction of the elements required in (c) above.

1. Copies of such permits may be emailed to SLF-plantindustry@ag.nj.gov, or mailed to:

Division of Plant Industry

New Jersey Department of Agriculture

P.O. Box 330

Trenton, New Jersey 08625-0330

(e) Persons moving regulated materials for business purposes exclusively within the quarantine area shall be required to:

1. Treat, process, inspect or dispose of regulated articles received and stored in a manner that complies with the methods of treatment described in N.J.A.C. 2:20- 10.7(e)(2).
2. Any stage of living life cycle(s) of the insect, Spotted Lanternfly, found during the inspection, and/or other debris, off-fall or by-products, shall remain within the quarantine area, be placed in a separate area away from other regulated articles and shall be processed, treated, burned or buried, in accordance with all federal, state or local laws. Burning shall be done in accordance with laws and regulations governing air quality and where buried, such burial shall comply with all laws and regulations governing water quality. Final disposal of regulated articles shall be in a manner that does not leave material which may be infected or allow movement of the Spotted Lanternfly.
3. Regulated articles must be shipped within five (5) days of inspection, processing or treatment and safeguarded in such a manner, such as storage inside an enclosed building or shrink wrapping, as to prevent infestation.

2:20-10.8 Other Movement Provisions for Businesses

(a) A regulated article, including any vehicle or conveyance, may be shipped through the quarantine area if the regulated article and the vehicle and conveyance originates outside the quarantine area and all the following criteria are met:

1. The points of origin and destination are outside of the quarantine area established by N.J.A.C. 2:20-10.4, and are indicated on a waybill accompanying the regulated article.
2. No point of origin is within an area of the State, where the presence of the Spotted

Lanternfly has been confirmed by a federal, state or other regulatory agency.

3. If moving during the period of April through December, the regulated article is moved into the quarantine area in an enclosed vehicle or conveyance or is completely covered, such as by a tarp or full shrink wrapping, to prevent exposure to the Spotted Lanternfly. The covering must be kept on the regulated article until leaving the quarantine area and thereafter be inspected, decontaminated, or destroyed.

4. The regulated article, including the vehicle and conveyance, is moved directly through the quarantine area without stopping (except for refueling or for traffic control devices or emergency conditions) and has been stored, packed or handled only at locations outside the quarantine area.

(b) If any other area inside or outside of this State is determined by a federal, state or other regulatory agency to have the Spotted Lanternfly present, movement from that area into the State shall require a Permit issued either under the provisions of this subchapter, or a Department approved Permitting process or other program carried out by the State of origin.

2:20-10.9 Recordkeeping

(a) Documentation of required inspections and compliance measures taken when shipping regulated articles, including vehicles and conveyances within or from the quarantine area, shall be kept by each individual, employee or person conducting activity within the quarantine area. These inspection records shall include recording of any living life stage finds and method utilized for destruction of the Spotted Lanternfly.

(b) Documentation shall be kept listing each individual training as a designated employee as set forth in N.J.A.C. 2:20-10.7(c)(1).

(c) Incoming and outgoing shipment records are to detail the kind and quantity of regulated article shipped, shipper name, date of shipment, source or destination information, and corresponding inspection treatment and mitigation records.

(d) Inspection, treatment and mitigation records, including dates and outcomes, shall be kept in accordance with this section.

(e) Records are to be maintained for a minimum of two (2) years with copies provided to the Department upon request.