

EMERGENCY ADOPTION

AGRICULTURE

(a)

DIVISION OF PLANT INDUSTRY

Spotted Lanternfly Quarantine

Adopted Emergency New Rules and Concurrent Proposed New Rules: N.J.A.C. 2:20-10

Emergency New Rules Adopted and Concurrent Proposed New Rules Authorized: July 25, 2018, by the State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Filed: July 30, 2018, as R.2018 d.161.

Gubernatorial Approval: July 30, 2018.

Authority: N.J.S.A. 4:1-21.2, 4:1-21.5, 4:1-21.6, and 4:7-1 et seq.

Calendar Reference: See the notice introduction below for explanation of exception to calendar requirement.

Concurrent Proposal Number: PRN 2018-078.

Emergency Rules Effective Date: July 30, 2018.

Emergency Rules Expiration Date: September 28, 2018.

Submit written comments by September 19, 2018, to:

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New Jersey Department of Agriculture
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This amendment is adopted on an emergency basis and will become effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c) as implemented by N.J.A.C. 1:30-6.5(b)). Concurrently, the provisions of this emergency adoption are proposed for readoption pursuant to the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The readopted new rules will be effective upon acceptance for filing by the Office of Administrative Law (N.J.A.C. 1:30-6.5(d)), if filed on, or prior to, the expiration date of the emergency adopted new rules.

As this rulemaking involves an imminent peril subject to provisions of N.J.S.A. 52:14B-4(c), it is exempted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)3.

The agency emergency adoption and concurrent proposal follows:

Summary

The New Jersey Department of Agriculture (Department) adopts emergency new rules at N.J.A.C. 2:20, to respond to a situation of imminent peril and serious harm to the agricultural industries, environmental resources, and residential areas of New Jersey, and to minimize further economic damage to the lumber, viticulture, nursery, and tourism industries in the Northeastern United States by the Spotted Lanternfly, *Lycorma delicatula*. This insect was initially discovered in Berks County, Pennsylvania in 2014. Since then, it has been found in 13 counties in Pennsylvania. The Spotted Lanternfly has recently been discovered and confirmed to be in Southern Warren and Northern Mercer counties in New Jersey.

The Department has determined this insect to be a dangerous insect that is destructive to the agriculture, horticulture, and forest industries of New Jersey, and has declared a quarantine of this injurious insect pursuant to N.J.S.A. 4:1-21.5. The quarantine will allow the Department to take immediate action to prevent the further spread of this exotic insect pest and work to eliminate it from New Jersey.

The Spotted Lanternfly is indigenous to China, India, and Vietnam. It undergoes three stages of development: egg stage, nymphs, and adult. During both the nymph and adult stages, the Spotted Lanternfly sucks plant sap and sugars from a wide variety of tree species, native vines, wild grapes, small fruits, vegetables, herbs, and especially the Tree of Heaven, *Alainthus altissima*. The insects are gregarious in nature,

producing large volumes of “honeydew” excretions that allow the development of sooty mold, which covers plant tissues, reducing the photosynthetic ability of infested plants, resulting in the death of the plant. These “honeydew” excretions also attract hornets, wasps, and other stinging insects that aggregate to the area causing potential human health issues and nuisance.

The unabated spread of Spotted Lanternfly would seriously threaten all agricultural industries and the environment of this State and related industries throughout the Northeastern United States. The most effective method to eradicate this insect is to spot treat all life stages of the Spotted Lanternfly with general use pesticides, bark spray treatment, use of tree banding techniques on Tree of Heaven in the habitat, and destroying egg masses that overwinter and hatch the following spring.

The purpose of the quarantine and the new rules is to minimize the environmental and economic damage to the nursery, horticultural, fruit, vegetable, orchard, and viticulture industries that will be severely affected by infestations, along with reducing the nuisance of honeydew excretions affecting the public wellbeing.

N.J.A.C. 2:20-10.1 sets forth the definitions regarding the Spotted Lanternfly, including defining the pest and identifying the major host plant as the Tree of Heaven.

N.J.A.C. 2:20-10.2 declares the Spotted Lanternfly to be a nuisance and dangerously injurious insect plant pest by the State Board of Agriculture.

N.J.A.C. 2:20-10.3 identifies regulated articles as the Spotted Lanternfly itself, as well as materials that are capable of carrying the insect, which include, but are not limited to, plants and plant parts, outdoor industrial and construction materials and equipment, packing materials, such as wood crates or boxes, outdoor household items, and conveyances of any type, such as vehicles or trailers.

N.J.A.C. 2:20-10.4 sets forth the quarantine area. The Spotted Lanternfly has been identified in the municipalities of Pohatcong Township in Warren County, and in Ewing Township in Mercer County. Due to these positive identifications by the United States Department of Agriculture (USDA), these counties are included in the quarantine area. Hunterdon County is also included in the quarantine area as this county is between the multiple locations in southern Warren and northern Mercer counties where Spotted Lanternfly has been confirmed. These counties are close together and all have multiple crossings to Pennsylvania across the Delaware River. The counties in Pennsylvania across from these three New Jersey counties are all currently under a Spotted Lanternfly quarantine order. The decision to quarantine by county was made based upon Spotted Lanternfly reporting protocols developed by the USDA Animal and Plant Inspection Services Plant Protection and Quarantine (USDA APHIS PPQ), as well as Pennsylvania’s approach, which utilizes counties as boundaries and scientific data regarding the speed and ease in which the Spotted Lanternfly travels. It may be necessary to add additional counties in the future, if the Spotted Lanternfly is detected in other counties.

N.J.A.C. 2:20-10.5 provides access to property for Department, USDA, or USDA-contracted agents where Spotted Lanternfly is suspected or confirmed, in order to evaluate and treat the property, if necessary.

N.J.A.C. 2:20-10.6 sets forth a Notice of Infestation-Treatment Order to be provided to property owners when Spotted Lanternfly has been confirmed on a parcel of land.

N.J.A.C. 2:20-10.7 provides conditions for movement of regulated articles and declares that they may not be moved unless certain conditions are met. There are three sets of compliance procedures: one for the general public, one for businesses conducting business within and outside of the quarantine area, and one for businesses operating exclusively within the quarantine area.

Under subsection (b), members of the general public would be required to obtain and fill out a checklist prior to movement of regulated articles. This checklist would remain with the regulated articles and would only need to be provided to the Department upon request. This

checklist will serve to educate the public on the Spotted Lanternfly and inform members of the public on how to identify all life stages of the insect and minimize or eliminate the movement of this insect through the travels of the members of the public. The checklist will be available on the Department's website and also available in paper format, upon request.

Business entities that travel in the quarantine area would be required to comply with subsection (c). Under this subsection, businesses are required to take, and pass, training regarding the Spotted Lanternfly that is currently available for free from the Pennsylvania Department of Agriculture, and can be found at: http://www.agriculture.pa.gov/Plants_Land_Water/PlantIndustry/Entomology/spotted_lanternfly/quarantine/Documents/2018%20Permit%20Training.pptx and <https://www.surveymonkey.com/t/slfpermitexam>. The subsection also provides for the Department to develop its own training program; however, it is anticipated that the Pennsylvania training will be sufficient, as it is readily available online and has no cost associated. Businesses can have one individual trained who can pass the knowledge along to other members of the organization. Upon completion of the training and passing a test, businesses can obtain a Pennsylvania permit. Businesses would be required to closely monitor regulated articles and remove any life stages of the Spotted Lanternfly prior to movement within or outside of the quarantine area. Further, businesses would be required to package and sufficiently safeguard items conveyed under either a closed container, or other form of covering.

An important aspect of the rulemaking, at subsection (d), allows for flexibility in that the Department will accept a valid Pennsylvania permit in satisfaction of the Department's requirements. It is anticipated, and strongly recommended, that everyone conducting business that entails travel in and out of the quarantine zone obtain a Pennsylvania permit due to the extensive system already in place, the ease of completing the free online training, and continuity of uninterrupted business activities into other states or areas. Having the Pennsylvania permit would benefit those traveling into other states who may be stopped at border crossings and asked for proof of compliance with the Spotted Lanternfly requirements due to their origin within the New Jersey quarantine area.

Businesses conducting business solely within the quarantine area would be subject to N.J.A.C. 2:20-10.7(e). These persons would be required to treat, process, inspect, and dispose of regulated articles and provide that shipments must be inspected within five days of shipment.

N.J.A.C. 2:20-10.8 provides requirements for travel through the quarantine area for business purposes. Movement through the quarantine area is freely allowable for businesses, as long as the vehicle originates outside of the quarantine area and for movement during April through December, regulated articles must be covered to prevent exposure. Stopping for refueling, traffic control, or emergency conditions would be permitted.

N.J.A.C. 2:20-10.9 sets forth the recordkeeping requirements that require documentation of compliance measures, training, and allows for the inspection of such records upon request. Records would be required for a period of two years.

Social Impact

The emergency adopted and concurrent proposed new rules will have a positive social impact, as they will control the spread of the invasive plant pest, the Spotted Lanternfly. They will allow for the continued supply of quality agricultural crops to residents in New Jersey, and outside of the State, and will protect the environment from damage caused by this insect. The Spotted Lanternfly is a good hitchhiker, especially in the nymph stage, and it is easy for the small flies to be transported on clothing or vehicles, and there are no known predators for the Spotted Lanternfly.

Not only does the Spotted Lanternfly pose a threat to agricultural industries in New Jersey, it also may be a nuisance to the general population. The "honeydew" excretions are attractive to hornets, wasps, and other stinging insects that aggregate to the area causing potential human health issues and nuisance.

Economic Impact

Infestations of this foreign insect would negatively impact the overall \$1.1 billion agricultural industries of the State. The Spotted Lanternfly

has the potential to degrade and destroy crops, which could cause considerable economic impact to the trade and marketing of New Jersey's agricultural crops, as well as to the viability of the New Jersey farming community. While exact numbers on how much the Spotted Lanternfly has negatively affected Pennsylvania crops and/or nursery stock are not available, it is reported that there has been a significant impact on the agricultural and logging industries within the Commonwealth.

The new rules would place restrictions on property owners, cities and municipalities, nurserymen, farmers, and other industries conducting business within those areas of New Jersey subject to the quarantine. Property owners in the quarantine areas whose properties are found to be infested would be required to pay for the cost of removal of Tree of Heaven and as such, may face economic impacts. Persons and entities that do business inside and outside of the quarantine areas would be required to take training to become knowledgeable about how to ensure they are not moving life stages of this insect to uninfested areas. As Spotted Lanternfly egg masses are not easy to identify and due to the ability of the insect to "hitchhike" easily, members of the general public moving regulated articles from the quarantine area who carry a completed checklist will show that items have been inspected. In the past, with the gypsy moth, there were instances where people inadvertently moved egg masses to other areas of the country. The checklist will serve to inform members of the public about Spotted Lanternfly.

Nurseries, garden centers, farmers, and general businesses within the quarantine area may not ship regulated articles outside the quarantine area without permits, compliance agreements, or phytosanitary inspections, which could cause delays in conducting routine business.

Prevention of further spread, and eradication, of the Spotted Lanternfly will protect forested residential and agricultural areas in the State of New Jersey from the damaging effects of this insect pest.

Federal Standards Statement

A Federal standards analysis is not required, since there are no Federal standards that govern the Spotted Lanternfly.

Jobs Impact

The Department has evaluated the new rules and determined that they will not have an impact on jobs within the State. Accordingly, no further analysis is required.

Agriculture Industry Impact

The quarantine rules will affect the routine business activities of agricultural and transportation industries conducting business within the counties under quarantine. Nurseries or garden centers within the quarantine area may not ship regulated articles outside the quarantine area without the possession of a permit issued by the Pennsylvania Department of Agriculture or comply with the Department's rules.

Regulatory Flexibility Analysis

The emergency adopted and concurrent proposed new rules impose compliance requirements on small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. No professional services are likely to be needed to comply with the rules, other than those provided by the Department or the United States Department of Agriculture Animal and Plant Health Inspection Services (USDA APHIS). Agricultural producers and transportation industries within the quarantine area may not move or ship regulated articles outside the quarantine area without a permit issued by the Pennsylvania Department of Agriculture. Disposal of the Tree of Heaven may be done by a professional tree service or by landowners themselves.

There will be a greater effect on arborists or tree removal businesses working within the quarantine area, which may only haul wood debris to State-approved disposal facilities. These businesses will have to obtain either a permit issued by the Pennsylvania Department of Agriculture or comply with the Department's rules.

However, should control measures need to be implemented, then the burden of undertaking Spotted Lanternfly remedial measures on crops may be imposed upon the individual agricultural businesses affected. This burden, of course, is in counterpoise to the overwhelming risks that the unabated spread of the Spotted Lanternfly would have upon the rest

of New Jersey and North American agriculture especially in the Northeastern United States.

The Department believes that the costs of compliance with the emergency adopted and concurrent proposed new rules depend on which life stage Spotted Lanternfly is detected, and the speed of which host tree removal and treatment is initiated in the infested areas. Delays in property treatment resulting in the spread of the insect to other trees and areas would affect the operation of the business and would be expected to have a disproportionately harsher impact on a small business with small resources.

The Department has provided no lesser or differing requirements based upon business size. The Department has determined that the emergency adopted and concurrent proposed new rules represent the minimum standards necessary to protect against the potential endangerment to the agricultural and natural sources of the State that might result from the spread of Spotted Lanternfly.

Housing Affordability Impact Analysis

The emergency adopted and concurrent proposed new rules will have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the emergency adopted and concurrent proposed new rules would evoke a change in the average costs associated with housing because the rules relate to quarantines against the introduction and control of the Spotted Lanternfly in order to protect New Jersey's agricultural industry from highly injurious invasive pest threats.

Smart Growth Development Impact Analysis

The emergency adopted and concurrent proposed new rules will have an insignificant impact on smart growth. There is an extreme unlikelihood that the emergency adopted and concurrent proposed new rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the emergency adopted and concurrent proposed new rules relate to quarantines against the Spotted Lanternfly, a plant pest recently discovered in the State, therefore, they do not impact smart growth.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the emergency adoption and concurrent proposal follows:

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.

"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.

"Spotted Lanternfly" means *Lycorma delicatula*.

"Treatment Order" or "Order" means any Notice of Infestation–Treatment Order as set forth 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 and 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, 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, or 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 articles, 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 Animal and Plant Inspection Services Plant Protection and Quarantine, 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; and

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 thereto, 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 by N.J.S.A. 4:7-13, 14, and 18, incorporated herein by reference.

2:20-10.6 Notification of Infestation-Treatment Order

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 in this section.

(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 rules governing air quality and where buried, such burial shall comply with all laws and rules governing water quality. Final disposal of regulated articles shall be in a manner that does not leave material that 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 under (c) above. Copies of such permits may be e-mailed to SLF-plantindustry@ag.nj.gov, or mailed to:

Division of Plant Industry
 New Jersey Department of Agriculture
 PO 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 (e)2 below.

2. Any stage of living life cycle(s) of the 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 rules governing air quality and where buried, such burial shall comply with all laws and rules governing water quality. Final disposal of regulated articles shall be in a manner that does not leave material that may be infected or allow movement of the Spotted Lanternfly.

3. Regulated articles must be shipped within five 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, the covering shall 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, 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 outside of 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 years with copies provided to the Department upon request.