

3287. Spotted Lanternfly Exterior Quarantine.

A quarantine is established against the following pest, its hosts, and possible carriers:

(a) Pest: Spotted lanternfly, *Lycorma delicatula*, a lanternfly in the Order Hemiptera, Family Fulgoridae.

(b) Definitions

(1) "Compliance Agreement" means a written agreement between a person engaged in handling, receiving, or moving regulated articles and a state plant regulatory agency, such as a state department of food and agriculture, wherein the former agrees to fulfill the requirements of the compliance agreement and comply with the provisions of this regulation.

(2) "Covering" means a rigid or flexible sheet that can be secured over an otherwise open load to prevent the egress of spotted lanternfly. If woven or of mesh, openings in the weave must be 1 millimeter or less.

(3) "Exposed to the environment" means exposed to the outdoors without a barrier present.

(4) "Infestation" means an established, reproducing population of spotted lanternfly as designated or determined by the Department. Any of the following shall be sufficient evidence of an infestation: One viable egg mass, one living nymph, one living visibly mated female, or two living adults found in the environment within a state or county within one year.

(5) "Infested area" means the entire state where an infestation is present in the absence of detailed information regarding the pest's distribution within a state, or nation where an infestation has been detected, or the counties in which the infestation is documented if survey data provided by the state plant regulatory agency or the United States Department of Agriculture allows detailed delimitation of the extent of the infestation within a state. The Department may remove a county or state from quarantine if surveys in the area previously designated as infested indicate an infestation is no longer present.

(6) "Living Life Stage" means all life stages of the spotted lanternfly, including, but not limited to, adults, nymphs, or viable egg masses.

(7) "Move; movement" means shipped, offered or received for shipment, carried, transported, or relocated.

(8) "Moving through the infested area" means the regulated article, including the vehicle and conveyance, is moved directly through the infested area without stopping (except for refueling or for traffic control devices or conditions) and has been stored, packed, or handled only at locations outside the infested area.

(9) "Permit" means a document issued by a state plant regulatory agency that certifies that a person has successfully completed training regarding spotted lanternfly and agrees to the conditions specified by the permit.

(10) "Person" is defined as any individual, partnership, association, corporation, limited liability company, or any organized group of persons whether incorporated or not.

(11) "~~Phytosanitary~~ Certificate of Inspection" means a document issued by an authorizing official that certifies a commodity has been inspected or treated and found to be ~~apparently~~ free from specific pests. For the purposes of this section, a certificate of inspection includes a phytosanitary certificate issued for plants or plant parts, a certificate of apiary inspection issued for bee colony boxes, or any other official certificate of inspection issued by a state department of agriculture issued pursuant to this section.

(12) "Regulated Article or Articles" means the plant pest spotted lanternfly along with any plant, plant product, storage place, packaging, conveyance, container, soil, and any other organism, object, or material capable of harboring or spreading pests and deemed to require phytosanitary measures, particularly where interstate transportation is involved.

(13) "Reproducing Population" means biological evidence including, but not limited to, a viable egg mass, a living nymph, a living, visibly mated female, or two living adults found in the environment within a county within one year, indicating successful reproduction in the environment.

(14) "Treatment" means official procedure for the killing, inactivation, or removal of pests, for rendering pests infertile, or for devitalization.

(c) Area Under Quarantine. An area shall be designated as under quarantine when an infestation is present and the Department has established the boundaries of the infested area. The Department shall update the maps of the infested areas as new information is made available to the Department to reflect the current quarantine areas. This map is available on the Department's Plant Health and Plant Protection Services Pest Exclusion program website.

(d) Articles and Commodities Covered. The following are hereby declared to be hosts and possible carriers of the pest quarantined against:

(1) Any living life stage of the spotted lanternfly.

(2) All plants and plant parts: This shall include, but is not limited to, any species of live or dead tree, nursery stock, budwood, lumber, firewood, logs, perennial plants, garden plants and produce, stumps, roots, branches, mulch, and composted and uncomposted chips, bark, and yard waste.

(3) Outdoor industrial and construction materials, equipment and waste: This shall include, but is not limited to, concrete barriers or structures, stone, quarry material, ornamental stone or concrete, wood, and construction, landscaping, and remodeling waste.

(4) Shipping and storage containers: This shall include, but is not limited to, wood crates, pallets, boxes, personal moving containers, and barrels.

(5) Outdoor household articles: This shall include, but is not limited to, lawn tractors and mowers, mower decks, grills, grill and furniture covers, tarps, mobile homes, tile, stone, deck boards, fire pits, and any equipment not stored indoors.

(6) Conveyances of any type, including, but not limited to, cars, trucks, trains, recreational vehicles, and boats, whether utilized for movement of the materials previously listed or not, and any trailers, wagons, or other equipment attached thereto.

(7) Agricultural equipment including, but not limited to, tractors, harvesting equipment, and rigid containers, including bee colony boxes and pallets.

(8) Any other article, object, materials, or means of conveyance when it is determined by a California State Plant Quarantine Officer to present a risk of carrying or spreading any life stage of spotted lanternfly. When making this determination, a California State Plant Quarantine Officer shall consider, amongst other factors, whether the article, object, material, or means of conveyance originated from an infested area and whether it was exposed outdoors at a time favorable to spotted lanternfly oviposition.

(9) Exemptions. The following articles and commodities are exempt from the quarantine:

a. All processed agricultural products, including not dried, shelled, heated, frozen, and products submerged in liquid of any kind. This does not include firewood.

b. All aquatic plants.

c. All subterranean plants or plant parts, including but not limited to, fleshy roots, corms, tubers, bulbs, and rhizomes.

d. Harvested fruits, leafy greens, and grains.

e. Green waste or other plant material if shredded to one inch (1") or smaller pieces.

f. Soil and potting media.

g. Sand, rocks, stones, concrete, and other construction material of two-inch (2") size in maximum dimension.

(e) Restrictions. All articles and commodities covered are prohibited entry into California from the area under quarantine with the following exceptions:

(1) Certificate of Treatment. All of the articles and commodities covered are approved for entry into California when accompanied by a certificate issued by an authorized state agricultural official declaring that the article or shipment was treated at origin for spotted

lanternfly prior to shipment in accordance with methods and procedures approved and prescribed by the Secretary.

All treatments shall be performed under direct supervision of an authorized state agricultural official or by the shipper under a compliance agreement with the authorized state agricultural official to perform the treatments.

OR

(2) If originating outside of the infested area and moving through the infested area during the period of March through December, the regulated article is moved into the infested 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 plant pest spotted lanternfly. The covering must be kept on the regulated article until leaving the infested area and thereafter be inspected and found to be free of spotted lanternfly. If life stages are found, the article must be decontaminated or destroyed.

OR

(3) Any articles transported by means of a conveyance that has a global positioning system (GPS) data report indicating that the conveyance did not travel through an infested area.

OR

(4) Indoor articles not exposed to the environment, including, but not limited to, household articles, house plants, and indoor furnishings.

OR

(5) Movement of Regulated Articles from Infested Area(s).

Material specified in subdivisions (d)(1), (2), (3), (4), (5), (6), (7), and (8) that is accompanied by the appropriate permit, phytosanitary certificate, Compliance Agreement, or checklist will be allowed entry under the following conditions:

(A) Permit required for the movement of commercial vehicles and means of conveyance. Movement from an infested area into California shall, subject to passing inspection, be allowed under a permit, that may comprise a Compliance Agreement. A person required to obtain a permit for movement of regulated articles within or from the infested area shall comply with all permit requirements.

(B) Phytosanitary Certificate. Any regulated commodity originating from an infested area, or that enter an infested area and are exposed to the environment shall, subject to passing inspection, be allowed entry if accompanied by a valid phytosanitary certificate.

(C) Requirements for Compliance Agreement or Phytosanitary Certificate.

1. Compliance Agreement in Place. Plant products may be imported from an infested area in compliance with a written agreement between the ~~importer~~ shipper and the origin state department ~~that includes all of the following~~ of agriculture under the following conditions:-

- ~~a. The name and address of the importer.~~
- ~~b. The type and volume of material that may be imported under the agreement.~~
- ~~c. The names and addresses of the persons to whom, and the locations to which the materials may be imported under the agreement. The state will accept "various" under "names and addresses of the persons" and will accept "California" as the destination location.~~
- ~~d. The locations from which the material may be imported under the agreement.~~
- ~~e. The method by which the material may be imported.~~
- ~~f. The time period covered by the agreement.~~
- ~~g. The compliance agreement holder's commitment to keep complete records of each import shipment and to submit those records to the department for inspection and copying upon request.~~
- ~~h. Specific import terms and conditions that will, in the department's opinion, effectively ensure that materials imported pursuant to the agreement will not introduce the spotted lanternfly into California.~~
- ~~i. A provision authorizing the department to terminate the agreement, without prior notice, for any reason.~~
- ~~j. A shipping certificate must accompany each shipment indicating that the product is under a compliance agreement.~~

A. One or more employees designated by the shipper shall complete federal or state-approved training on spotted lanternfly, which shall, at minimum, include information on spotted lanternfly life cycle, feeding habits, host plants, environmental impacts, likely sites for egg-laying, and inspection procedures. The designated employee(s) shall train all other employees involved in inspecting articles prior to those inspections. Training shall be repeated, at minimum, annually.

B. The shipper shall record, preserve, maintain for two years, and provide to the Department or origin state department of agriculture upon request, the following information:

1. Name, telephone number, and email address of the designated employee(s).
2. A log of all employees trained by the designated employee(s), including the names of employees trained, name of trainer (designated employee), and date of training.
3. The legal name, address, telephone number, and email address of the primary business location of the permit holder.
4. Records, including type and quantity, of all regulated articles shipped into California.
5. Records of all inspections, including any spotted lanternflies of any life stages found and action taken.
6. The source of the training or other indication of training provided; e.g. the website of the training or other source.

2. All articles (including conveyances) shall be inspected by the designated employee or an employee trained by the designated employee prior to leaving the area under quarantine for any life stages of spotted lanternfly. Any spotted lanternflies of any life

stage found must be removed, destroyed, and then reported to the origin state department of agriculture.

3. All regulated articles, other than the vehicles or other conveyances themselves, must be packaged and safeguarded to exclude spotted lanternflies during storage and transportation.

4. The origin state department of agriculture shall monitor shippers to ensure that the conditions of the compliance agreement are met.

5. Each shipment shall be accompanied by a certificate issued by an authorized representative of the origin state department of agriculture affirming that the shipment meets the requirements of California Code of Regulations Section 3287 for spotted lanternfly. The certificate shall also provide the name and address of the shipper. In lieu of a paper certificate, a sticker or stamp-type certificate may be used with the following format: Shipments from (origin state) by (shipper, address) are valid until December 31, 20XX under Authority of CCR 3287. Approved by the (origin state department of agriculture, signature of authorized representative)

6. All articles shipped to California are subject to inspection upon arrival by the Department or county agricultural commissioner. Any shipment found to be infested with any viable life stage of spotted lanternfly or improperly certified shall be rejected.

7. Upon notification from the Department that a shipment is found to be infested with spotted lanternfly or improperly certified, the origin state department of agriculture, in consultation with the Department, shall investigate the nature of the violations involved and determine and implement any action necessary to resolve the violation(s).

(D) ~~Phytosanitary Certificate~~. Certificate of Inspection. Regulated commodities from infested areas may only enter this state if they are inspected by an inspector of the state plant regulatory agency of the originating state and a ~~phytosanitary certificate of inspection~~ of inspection is issued for the article. The ~~phytosanitary certificate~~ must state that no spotted lanternfly was found on the regulated articles and the certificate must accompany the regulated article through all movement within California. The ~~phytosanitary certificate of inspection~~ does not exempt the means of conveyance or vehicle, which may require a permit.

(f) Checklist Required for Individuals Not Doing Business Moving Regulated Articles from Infested Areas. A regulated article, including any vehicle or conveyance, covered by this quarantine rule may be moved from an infested area with a valid checklist issued by ~~a state plant regulatory agency~~ an origin state department of agriculture and completed by the person moving the article(s). The checklist may be issued by any state plant regulatory agency. The completed checklist must be signed and shall accompany the article(s). A checklist certificate is a form titled Checklist Guide For Individuals Moving Non-Commercial Items From A Spotted Lanternfly Quarantine Area ~~(May 2024-October 2025)~~, which is available on the Department's website and is hereby incorporated by reference.

Credits

NOTE: Authority cited: Section 5301, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code