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The Connecticut Agricultural Experiment Station

Sec. 22-84-1. Plant quarantine

Transporting of prohibited articles out of quarantined area. No contraband or prohibited articles or materials, or regulated articles or materials, shall be carried without the required certificates from points within any quarantined area to points outside the quarantined areas, even though patrolmen are not present.

Sec. 22-84-2. Persons to stop for examination

The operators or drivers of all vehicles, boats and packanimals and all other persons shall stop when signaled by an inspector in uniform and wearing the badge of the Connecticut Agricultural Experiment Station, shall furnish such information as is required by such inspector and shall permit the examination of the contents of any vehicles, packages, cargoes or shipments.

Sec. 22-84-3. Employer not to prevent employee from stopping on signal

No employer, officer or manager of any firm or corporation shall instruct, order, aid or in any manner assist an employee to refuse to stop on signal or to permit inspection of contents of any vehicles, packages, cargoes or shipments.

Sec. 22-84-4. Quarantined area for European chafer

The following area is proclaimed as a quarantined zone for plant pests: * * * *The towns of Berlin, Meriden and Southington*. No soil or plants bearing soil may be moved from this area without

(1) inspection and certification for freedom from infestation by the European chafer, or

(2) treatment by a supervised method approved by the director of the Connecticut Agricultural Experiment Station as effective in killing European chafers.

(Effective April 21, 1964.)

Longhorned Beetle (*Callidiellum rufipenne*) Quarantine

Sec. 22-84-5a. Regulated items

Regulated items are Arbovitae (*Thuja*), Juniper (*Juniperus*), Cedar (*Chamaecyparis*), and Pine (*Pinus*), trees, and raw wood products, including cut logs, infested by all living stages of a longhorned beetle (*Callidiellum rufipenne*).

(Adopted effective June 24, 1999)

Sec. 22-84-5b. Survey and eradication program in infested areas of Connecticut

Nursery stock and other regulated items shall be examined by state inspectors or other persons authorized by the Director of The Connecticut Agricultural Experiment Station. Upon discovery of living *Callidiellum rufipenne*, state inspectors shall quarantine regulated items and survey public and private areas surrounding the initial point of infestation to determine the extent of the insect pest's geographic distribution. Infested trees or other regulated items shipped into Connecticut may be returned to the point of origin by the Connecticut receivers at the shipper's expense or, upon direction by authorized state officials, may be ordered destroyed by incineration, burning, burial or other approved methods or treated by acceptable procedures without expense to or indemnity paid by The Connecticut Agricultural Experiment Station or the State of Connecticut. When infested regulated items are received by state inspectors or authorized persons for the purpose of destruction, a

certificate shall be given to the owner of said regulated items indicating the number of trees or amounts of regulated materials surrendered by the owner.

(Adopted effective June 24, 1999)

Sec. 22-84-5c. Records of infestations in Connecticut

The Office of the State Entomologist at The Connecticut Agricultural Experiment Station, 123 Huntington Street, P.O. Box 1106, New Haven, Connecticut 06504-1106, shall maintain records of survey results and a list of towns where infested regulated items have been found. This list shall be available on request.

(Adopted effective June 24, 1999)

Sec. 22-84-5d. Definitions

For purposes of sections 22-84-5e through 22-84-5g inclusive, the following definitions apply:

(1) “Asian longhorned beetle” means an invasive insect to the United States of genus and species *Anoplophora glabripennis*.

(2) “Emerald ash borer” means an invasive insect to the United States of genus and species *Agrilus planipennis*.

(3) “Authorized person” means an inspector or other person authorized by the Director of The Connecticut Agricultural Experiment Station to examine regulated articles, implement survey, suppression, control or eradication activities, establish regulated areas, and enforce quarantine regulations, including restrictions on intra-state movement of regulated articles.

(4) “Regulated article” means any stage of Asian longhorned beetle or Emerald ash borer, or any living or dead plant material including nursery stock or wood products, or any means of conveyance that is infested or has the potential to be infested or may contribute to the spread of the Asian longhorned beetle or Emerald ash borer. “Regulated articles” include, but are not limited to:

(A) Trees of the following genera: Maple, Boxelder (*Acer* spp.); Horse-chestnut, buckeye (*Aesculus* spp.); Birch (*Betula* spp.); Katsura (*Cercidiphyllum* spp.); Willow (*Salix* spp.); Elm (*Ulmus* spp.); Ash (*Fraxinus* spp.); Sycamore (*Platanus* spp.); Poplar (*Populus* spp.); Mimosa (*Albizia* spp.); Mountain-ash (*Sorbus* spp.); Hackberry (*Celtis* spp.);

(B) Raw wood products, including composted or uncomposted chips of *Fraxinus* spp. for Emerald ash borer quarantines, green lumber, cut logs, all firewood, and wood debris greater than one inch in two dimensions;

(C) Any other item identified by an authorized person to be a “regulated article” that is infested or has potential to be infested by the Asian longhorned beetle or Emerald ash borer or that has the ability to contribute to the spread of the Asian longhorned beetle or Emerald ash borer.

(5) “Regulated area” means a geographic area infested with Asian longhorned beetle or Emerald ash borer or an adjacent area potentially infested with either such insect that is established by an authorized person to quarantine regulated articles.

(6) “Firewood” means any kindling, logs, timber or other portions of a tree of any hardwood species or length, cut or split, or not cut or split but intended to be cut or split into a form and size appropriate for use as fuel for fires in open pits, grills, fireplaces, stoves, or other wood burning furnaces or devices. “Firewood” does not include kiln dried dimensional lumber or wood that has been chipped to a maximum piece size that is no greater than one inch in two dimensions.

(7) “Director” means the Director of the Connecticut Agricultural Experiment Station.

(8) “Quarantined areas” means areas, counties, or regions of a state that are designated as part of a federally imposed quarantine area related to Emerald ash borer or Asian longhorned beetle.

(9) “Non-quarantined areas” means areas, counties, or regions of a state not subject to a federal quarantine for Emerald ash borer or Asian longhorned beetle.

(10) “Limited permit” means a United States Department of Agriculture document in which a United States Department of Agriculture Inspector or a person operating in accordance with a compliance agreement affirms that the article not eligible for a certificate is eligible for interstate movement only to a specified destination and in accordance with conditions specified on the permit.

(11) “Certificate” means a United States Department of Agriculture document that is issued for a regulated article by a United States Department of Agriculture inspector or other person operating in accordance with a compliance agreement and that represents such article is eligible for interstate movement.

(12) “Compliance agreement” means a written agreement between the United States Department of Agriculture-Animal and Plant Health Inspection Service and a person engaged in growing, handling, or moving regulated articles that are moved interstate, in which the person agrees to comply with federal quarantine regulations as applicable and any conditions imposed by federal authorities under such a quarantine.

(13) “Specialized permit” means a permit issued by the Connecticut Agricultural Experiment Station to a person engaged in growing or handling regulated articles that places conditions on the intrastate movement of regulated articles that are required to be met to comply with federal or state quarantine regulations or orders imposed by The Connecticut Agricultural Experiment Station.

(14) “Treatment certificate or label” means official documentation affixed to a load of firewood that indicates the firewood to which it is affixed was treated in accordance with applicable federal standards by an authorized facility.

(15) “Waybill” means an official shipping document that travels with a shipment, identifies its consignor, consignee, origin and destination, describes the goods, and shows their weight and freight.

(Adopted effective March 25, 2010; amended December 28, 2012)

Sec. 22-84-5e. Prohibition or restriction on transport; survey and eradication programs in regulated areas of Connecticut

(a) No person shall transport any regulated article in the State of Connecticut that is:

(1) Infested or potentially infested with Asian longhorned beetle or Emerald ash borer; or

(2) Subject to quarantine pursuant to subsections (c) and (d) of this section.

(b) Nursery stock and other regulated articles may be inspected by authorized persons for the purpose of ascertaining the presence of Asian longhorned beetle or Emerald ash borer.

(c) Upon discovery of Asian longhorned beetle or Emerald ash borer, authorized persons may cooperate with federal, state, and local officials and survey public and private areas surrounding the initial point of infestation to determine the extent of the insect pest’s geographic distribution, establish the regulated area in the state or any portion thereof, and quarantine regulated articles. Infested trees, firewood, or other regulated articles in regulated areas or shipped into Connecticut, upon direction by an authorized person and after notice specified in subsection (d) of this section, may be destroyed by chipping, incineration, burning, or other approved methods or treated by acceptable procedures without expense to or indemnity paid by The

Connecticut Agricultural Experiment Station or the State of Connecticut. Intrastate movement of regulated articles is restricted and shall comply with permit or specialized permit provisions established pursuant to subsection (d) of this section.

(d) Authorized persons shall notify persons in possession of inspected, regulated articles that such articles are subject to quarantine restrictions and that regulated articles cannot be moved anywhere without obtaining a permit or specialized permit from the Director or an authorized person. The Director shall issue a permit or specialized permit to ensure proper movement and disposal of regulated articles. Regulated articles infested with Asian longhorned beetle shall not be moved from a quarantined area within Connecticut unless chipped to one-inch or less in two dimensions. Requests for a permit or specialized permit to move regulated articles shall be submitted to the Director or an authorized person. Authorized persons may issue quarantine or abatement orders concerning Asian longhorned beetle or Emerald ash borer infestations. Affected parties shall be provided five days notice prior to public hearing on any quarantine order in accordance with *Section 22-84 of the Connecticut General Statutes*. Abatement orders may require the destruction or treatment of trees, firewood or other regulated articles not less than five days from the date of issuance. Notice of abatement orders shall be provided by personal service, certified mail or publishing in two local newspapers. When infested regulated articles are received by authorized persons and destroyed, written documentation shall be given by the Director or authorized persons to the owner of said regulated articles identifying the quantity and type of regulated materials surrendered by the owner. Copies of such certificates shall be maintained by the Office of the State Entomologist.

(Adopted effective March 25, 2010; amended December 28, 2012)

Sec. 22-84-5f. Records of infestations in Connecticut

In the Office of the State Entomologist at The Connecticut Agricultural Experiment Station, 123 Huntington Street, P. O. Box 1106, New Haven, Connecticut 06504-1106, the Director shall maintain records of destroyed regulated articles, survey results, and of a list of towns where infested regulated articles have been found. This list shall be available upon request.

(Adopted effective March 25, 2010)

Sec. 22-84-5g. Regulation of firewood transported into and within Connecticut

(a) Transport of firewood

(1) Notwithstanding section 22-84-5e of the Regulations of Connecticut State Agencies, no person shall transport firewood, by any means, originating from quarantined areas into Connecticut without:

(A) a certificate or limited permit issued under a compliance agreement with the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) confirming that the subject firewood may be transported interstate from an area currently under federal quarantine and that it has been handled or treated in accordance with the conditions of an applicable compliance agreement or treated in accordance with the following applicable federal standards articulated in the USDA Plant Protection and Quarantine Treatment Manual and addenda as may be revised from time to time:

- (i) Removal of the bark and additional one-half inch of wood;
- (ii) Kiln sterilization treatment;
- (iii) Fumigation according to a treatment schedule; or

(iv) Heat treatment;

(B) a certificate issued by an APHIS inspector pursuant to 7 CFR 301.53-5(a) or 7 CFR 301.51-5(a); or

(C) a limited permit issued by an APHIS inspector pursuant to 7 CFR 301.53-5(b) or 7 CFR 301.51-5(b).

(2) Notwithstanding section 22-84-5e of the Regulations of Connecticut State Agencies, no person may transport firewood, by any means, originating from a non-quarantined area and not passing through a quarantined area into the state of Connecticut without:

(A) a permit or specialized permit from the Director;

(B) a treatment certificate or label from a United States Department of Agriculture qualified treatment facility indicating that the firewood has been treated to protect against the Emerald ash borer and Asian longhorned beetle in accordance with applicable federal standards articulated in the USDA Plant Protection and Quarantine Treatment Manual and addenda as may be revised from time to time;

(C) documentation from the USDA or a state agency with authority to control, suppress, or exterminate plant pests and diseases indicating that the firewood has been treated to protect against the Emerald ash borer and Asian longhorned beetle in accordance with applicable federal standards articulated in the USDA Plant Protection and Quarantine Treatment Manual and addenda as may be revised from time to time; or

(D) a treatment certificate or label from the Canadian Food Inspection Agency or a facility authorized by the Canadian Food Inspection Agency to issue such documentation.

(3) Notwithstanding section 22-84-5e of the Regulations of Connecticut State Agencies, no person may transport firewood, by any means, originating from a non-quarantined area and passing through an area quarantined for Emerald ash borer into the state of Connecticut unless the firewood is handled and transported in compliance with the applicable requirements of 7 CFR 301.53-4(b)(2).

(4) Notwithstanding section 22-84-5e of the Regulations of Connecticut State Agencies, no person may transport firewood, by any means, originating from a non-quarantined area and passing through an area quarantined for Asian longhorned beetle into the state of Connecticut unless the firewood is handled and transported in compliance with the applicable requirements of 7 CFR 301.51-4(a)(2)(ii).

(5) Notwithstanding subdivisions (1) to (4), inclusive, of this subsection, the United States Department of Agriculture may move firewood into the state of Connecticut for scientific and experimental purposes in accordance with 7 CFR 301.53-4(b)(1) or 7 CFR 301.51-4(a)(1).

(b) The Director or an authorized person may issue written permission to transport firewood into Connecticut from a non-quarantined area without a treatment certificate or label, or other documentation referenced in subdivision (a)(2) of this section on a case-by-case basis if, after review, and in consultation with the Commissioner of Energy and Environmental Protection or the Commissioner's designee, it is determined that:

(1) The firewood does not present a threat of Emerald ash borer or Asian longhorned beetle infestation because of verifiable origin from a non-quarantined area; and

(2) the firewood has been examined by an authorized inspector or authorized certified forester, its handling was conducted in accordance with 7 CFR 301.53-4(b)(2) or 7 CFR 301.51-4(a)(2)(ii), or it was otherwise treated to eliminate any threat.

(c) The Director or authorized persons may inspect any firewood being transported into or through Connecticut, being sold, or intended for sale, and may obtain information concerning the verifiable origin of that firewood and, if necessary upon inspection, request production of necessary certificates, waybill, labels, or limited permits regarding its origin or treatment.

(d) All transporters and retail sellers of firewood in Connecticut shall be able to demonstrate that any firewood in their possession or offered for sale is:

(1) Of a verifiable in-state origin and complies with any applicable requirements of a state or federal quarantine imposed in the state of Connecticut; or

(2) accompanied by a certificate, a limited permit, treatment certificate or label, or waybill verifying its origin and handling in accordance with subsection (a) of this section, if the firewood originated from out-of-state.

If the transporter or retail seller is not able to produce evidence of conformity with subdivision (1) or (2) of this subsection, the firewood shall be subject to confiscation by the Director or authorized persons in accordance with section 22-84 of the Connecticut General Statutes.

(e) Any firewood, transported into or possessed within Connecticut, that is of undisclosed or unverifiable origin or that lacks treatment certificates, appropriate labels, permits, or certificates required by this section or that of a federal or state quarantine shall be returned to its point of origin, disposed of at the site of detection if feasible, or transported via a tarped or otherwise enclosed vehicle to the nearest facility designated by the Department of Energy and Environmental Protection (DEEP) for responsible disposal, including a DEEP permitted resource recovery facility or solid-waste facility, unless otherwise directed by the Director or authorized person.

(Effective December 28, 2012)