



The Connecticut Agricultural Experiment Station

123 HUNTINGTON STREET, P.O. BOX 1106, NEW HAVEN, CONNECTICUT 06504

*Putting Science to Work for Society
Protecting Agriculture, Public Health, and the Environment*

Founded 1875

STATE OF CONNECTICUT EMERALD ASH BORER INTERIOR QUARANTINE

WHEREAS, the Director, The Connecticut Agricultural Experiment Station, having found that a dangerous exotic pest, known as the emerald ash borer, *Agrilus planipennis* (Fairemaire), has been detected in this state and has additional distribution at this time; and

WHEREAS, the emerald ash borer has been found infesting and killing ash, *Fraxinus* spp., trees in New Haven, Fairfield, Litchfield, and Hartford Counties and certain cities and towns; and

WHEREAS, ash trees are a valuable resource for the nursery, landscaping, and timber industries in Connecticut; and

WHEREAS, ash trees represent an important component of the natural and urban environment in Connecticut;

WHEREAS, a public hearing was held August 28, 2013 in Prospect, CT, Connecticut, and

NOW, THEREFORE, the Director of The Connecticut Agricultural Experiment Station by the authority of Connecticut General Statute Section 22-84 and regulations 22-84-5d through 22-84-5g, as amended, does promulgate this quarantine to prevent the further spread of this pest and sets forth: definitions, regulated articles, regulated areas, conditions of movement, violations and penalties, and special exemptions. **This quarantine, originally effective August 9, 2012, is hereby expanded on August 29, 2013 and will remain in effect until rescinded by the Director.**

I. DEFINITIONS.

The following terms shall be construed to mean:

- (A) DIRECTOR means The Director of The Connecticut Agricultural Experiment Station.
- (B) 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 intrastate movement of regulated articles.
- (C) EMERALD ASH BORER means the insect of the genus and species *Agrilus planipennis* (Fairemaire) [Coleoptera: Buprestidae] in any stage of development.
- (D) INFESTATION means the presence of the emerald ash borer or the existence of the circumstances that make it reasonable to believe that the emerald ash borer is present.
- (E) REGULATED ARTICLE means any stage of emerald ash borer, or any living or dead plant material including nursery stock or wood products, or any means of conveyance that is infested

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or has the potential to be infested or may contribute to the spread of the emerald ash borer as listed or otherwise designated by an authorized person as a regulated article in 7 CFR 301.53-2(a); 7 CFR 301.53-2(b); and Connecticut regulations Section 22-84-5d through Section 22-84-5g.

- (F) REGULATED AREA means a geographic area infested or potentially infested with the emerald ash borer that is established by the Director to quarantine regulated articles.
- (G) PERMIT means a document issued or authorized to be issued by the Director, including state-issued certificates of quarantine compliance, state phytosanitary certificates, and certificates by a person operating under a Connecticut compliance agreement or specialized permit to allow the intrastate movement of regulated articles that such article is eligible for intrastate movement in accordance with this quarantine.
- (H) CONNECTICUT COMPLIANCE AGREEMENT OR SPECIALIZED PERMIT means a written agreement or permit issued to a person by The Connecticut Agricultural Experiment Station to authorize the movement of regulated articles intrastate wherein the former shall comply with the requirements specified in the specialized permit.
- (I) PERSON means an individual, society, association, partnership, corporation, or other organized entities.
- (J) MOVED (MOVE, MOVEMENT) means shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved or shipped.

II. REGULATED ARTICLES.

Regulated articles include, but are not limited to:

- (A) The emerald ash borer, *Agrilus planipennis* (Fairemaire) [Coleoptera: Buprestidae], in any living stage of development.
- (B) Ash (*Fraxinus* spp.) nursery stock, ash green lumber, ash wood-packing material, entire ash trees, ash limbs and branches, and ash logs or untreated ash lumber with bark attached.
- (C) Uncomposted ash chips, uncomposted ash bark chips, or wood debris greater than 1 inch in diameter in any two dimensions.
- (D) Other material, living, dead, cut or fallen, including logs, stumps, roots, branches of the genus *Fraxinus* or may potentially contain the same.
- (E) Any article, product or means of conveyance not listed in this section or defined as a regulated article when it is determined by the Director to present the risk of spread of the emerald ash borer, *Agrilus planipennis* (Fairemaire).
- (F) Firewood of all hardwood (non-coniferous) species.

III. REGULATED AREAS.

The county or counties as listed below are designated as regulated areas, based on the confirmed presence of emerald ash borer, *Agrilus planipennis* (Fairemaire). In addition, the Director may designate as regulated any area where the presence of the emerald ash borer, *Agrilus planipennis* (Fairemaire), is confirmed in the future. Information on additional regulated counties not listed within

this quarantine notice will be discussed in a public hearing and provided on The Connecticut Agricultural Experiment Station website located at www.ct.gov/caes. Thereafter, the movement of any regulated article from a county designated as regulated will be subject to this quarantine. As soon as practicable, this county will be added to the list of regulated areas within this quarantine and the Director will post an update to the quarantine on The Connecticut Agricultural Experiment Station website provided above. A current printed listing will also be available upon request at The Connecticut Agricultural Experiment Station, 123 Huntington Street, New Haven, Connecticut 06511 and through the Division of Forestry, Department of Energy and Environmental Protection, 89 Elm Street, Hartford, Connecticut 48909.

New Haven County

Quarantine Boundary – the entirety of New Haven County.

Fairfield County

Quarantine Boundary – the entirety of Fairfield County.

Litchfield County

Quarantine Boundary – the entirety of Litchfield County.

Hartford County

Quarantine Boundary – the entirety of Hartford County.

IV. CONDITIONS OF MOVEMENT OF REGULATED ARTICLES.

(A) Movement of the regulated articles from any regulated area to any destination outside the regulated area is prohibited, except under the following conditions:

1. With a Connecticut compliance agreement, permit, or specialized permit; or under a compliance agreement with the Plant Protection and Quarantine (PPQ), Animal and Plant Health Inspection Service (APHIS), of the United States Department of Agriculture (USDA) for interstate movement confirming that the subject regulated article may be transported from an area currently under federal and state quarantine and attached in accordance with 7CFR 301.53-5; 301.53-8, and Section 22-84-5d through Section 22-84-5g.
2. A thorough examination of all regulated articles and treatment methods must take place. A permit may be issued based upon the determination by an authorized person, or person authorized to conduct such inspection under a Connecticut compliance agreement or specialized permit, that no life stages of emerald ash borer *Agrilus planipennis* (Fairemaire) are present, based on conditions or treatments administered in accordance with methods approved by the Director.
3. Regulated materials of *Fraxinus* species and firewood of all hardwood species has been treated in one of the following manners pursuant to federal standards articulated in the USDA Plant Protection and Quarantine Treatment Manual or otherwise handled in accordance with the conditions of an applicable Connecticut compliance agreement or specialized permit or a USDA APHIS compliance agreement.
 - A. Firewood of all hardwood species:
 - a) Removal of the bark and additional ½ inch of wood;
 - b) Kiln sterilization treatment (APHIS Treatment T404-b-4);
 - c) Fumigation according to a treatment schedule (APHIS Treatment T-404-b-1 methyl bromide); or
 - d) Heat treatment (APHIS Treatment T314-a) (140°F or 60°C for 60 minutes) from qualified treatment facility.
 - B. Chips and mulch:
 - a) Chip or mulch to less than one inch in at least two dimensions; or
 - b) Follow an APHIS approved mulching or composting procedure.

- C. Nursery stock of *Fraxinus* species: No APHIS approved treatment is available for shipment out of a regulated area.
 - D. Green lumber of *Fraxinus* species:
 - a) Removal of the bark and additional ½ inch of wood;
 - b) Kiln sterilization treatment (APHIS Treatment T404-b-4);
 - c) Fumigation according to a treatment schedule (APHIS Treatment T-404-b-1 methyl bromide); or
 - d) Heat treatment (APHIS Treatment T314-a) (140°F or 60°C for 60 minutes) from qualified treatment facility.
4. A copy of the permit shall be attached to the regulated articles and shall remain with the regulated articles until such articles reach their final destination. A permit can be attached to the shipping document when the regulated article is adequately described on the shipping document or on the inspection permit.
 5. A regulated (untreated) article may move outside of the quarantined area to a facility under a Connecticut compliance agreement or specialized permit approved by the Director from October 1 to March 31 for processing, utilization, and/or disposal in accordance with that facility's Connecticut compliance agreement or specialized permit.
 6. Persons engaged in handling or moving regulated articles intrastate may obtain a Connecticut compliance agreement or specialized permit from The Connecticut Agricultural Experiment Station if such persons review with an authorized person each provision of the Connecticut compliance agreement or specialized permit and agree to comply with the provisions of this quarantine.
 7. Persons requiring a permit, specialized permit, Connecticut compliance agreement, inspection, or other services must request the services from an inspector or authorized person at least 72 hours before services are needed.
- (B) All regulated articles originating outside the regulated area may move through the regulated area without a certificate of inspection for this pest, under the following conditions:
1. Passage through the regulated area is made during the period of October 1 through March 31 and when the ambient air temperature is below 40 degrees F. and passage is made without stopping except to refuel or for traffic conditions; or during the period of April 1 through September 30 or when the temperature is 40 degrees F. or higher if the articles are shipped in an enclosed vehicle or are completely enclosed by a covering adequate to prevent access by the emerald ash borer, *Agrilus planipennis* (Fairemaire).
 2. The point of origin of the regulated article must be indicated on the bill of lading or shipping documents.
- (C) Regulated articles originating outside any regulated area, which are moved into the regulated area and exposed to potential infestation by emerald ash borer, *Agrilus planipennis* (Fairemaire), shall be considered to have originated from a regulated area. These regulated articles may only be moved from the regulated area under the conditions noted in IV (A) above.
- (D) Movement of regulated articles from any regulated area through any non-regulated area to a regulated destination is prohibited without a permit for this pest, except under the following conditions:

1. Passage through a non-regulated area is made during the period of October 1 through March 31 and the passage is made without stopping except for refueling or for traffic conditions; or during the period of April 1 through September 30 if the articles are shipped in an enclosed vehicle or completely enclosed by a covering adequate to prevent the escape of any emerald ash borer, *Agrilus planipennis* (Fairemaire).
 2. The county and state of origin and the final destination of the regulated articles must be indicated on the bill of lading or shipping documents.
- (E) The bill of lading or shipping documents accompanying any shipment of regulated articles within or through Connecticut shall indicate the county and state of origin of the regulated articles.

V. VIOLATIONS AND PENALTIES.

- (A) Any regulated article from the quarantined area, moved within Connecticut in violation of this quarantine shall be removed from the non-regulated area immediately or destroyed by chipping or burning at the expense of the owner or owners, under the direction of the Director. The Director may instead seize regulated articles from the quarantined area which are moved within Connecticut in violation of this quarantine.
- (B) Any permit, specialized permit, or Connecticut compliance agreement may be revoked orally or in writing by an inspector whenever an inspector determines that the person who has obtained the specialized permit or Connecticut compliance agreement has not complied with the conditions of the quarantine, Connecticut compliance agreement or specialized permit. If the revocation is oral, the revocation will be effective immediately and the revocation and reasons for the revocation will be confirmed in writing as soon as circumstances permit. Any person whose specialized permit or Connecticut compliance agreement has been revoked may appeal the decision to the Director in writing within 10 days after receiving the written revocation notice.
- (C) Any violation of this quarantine is subject to the full authority of Section 22-84, as amended.

VI. SPECIAL EXEMPTIONS AND COOPERATION WITH FEDERAL REGULATORY ENFORCEMENT.

- (A) The Director may allow, via a permit, the movement of live emerald ash borer, *Agrilus planipennis* (Fairemaire), into or within Connecticut for research purposes.
- (B) Inspectors or other authorized persons may encounter violations of a federal quarantine or federal compliance agreement that involves interstate shipment of regulated articles. State regulatory officials will take action to safeguard regulated articles and contact local federal officials at Plant Protection and Quarantine, Animal Plant Health Inspection Service, United States Department of Agriculture.



Kirby C. Stafford III, Acting Director

August 29, 2013

Date