

PROPOSED FINAL WORDING
October 30, 2009

The Connecticut Agricultural Experiment Station
Concerning
Asian Longhorned Beetle (*Anoplophora glabripennis*)
And
Emerald Ash Borer (*Agrilus planipennis*) Quarantine

Section 22-84

The Regulations of Connecticut State Agencies are amended by adding sections 22-84-5d through 22-84-5f, inclusive, as follows:

(NEW) Section 22-84-5d Definitions

For the purposes of sections 22-84-5e and 22-84-5f, 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; and to enforce quarantine regulations, including restrictions on intrastate movement of regulated articles.
- (4) "Regulated article" means any stage of Asian longhorned beetle or Emerald ash borer; living or dead woody plant material including nursery stock, wood products, or any means of conveyance that is infested, or have 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 (hardwoods), and wood debris of one-half inch or more in diameter;
 - (C) Any item identified as a "regulated article" by an authorized person.

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

(NEW) **Section 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 must comply with permit provisions pursuant to 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 certificate issued by 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 three days from the date of issuance. Notice of abatement orders shall be provided by personal service, certified mail or publishing in two local newspapers. Any person aggrieved by any abatement order may appeal to the Superior Court for appropriate relief. When infested regulated articles are received or quarantined by authorized persons for the purpose of destruction, written certificates shall be given 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.

(NEW) Section 22-84-5f 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 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.

Statement of purpose: To suppress, control, or eradicate infestations of Asian longhorned beetle or Emerald ash borer in regulated areas by prohibiting or restricting the movement of these insect pests or the movement of infested nursery stock, cut logs, firewood, or other regulated articles. These insect pests destroy a wide range of hardwood tree species, many of which are important for nursery trade, furniture production, building materials, maple syrup production, enhancing tourism, or environmental quality. The quarantine program will prevent the spread of the insect pests and provide measures for suppression and control. The regulations provide specific guidelines and procedures for the management of pest infestations under the authority of Connecticut General Statute 22-84.