

**MICHIGAN DEPARTMENT OF AGRICULTURE
PESTICIDE AND PLANT PEST MANAGEMENT DIVISION
(Revised) EMERALD ASH BORER INTERIOR QUARANTINE**

WHEREAS, the Director, Michigan Department of Agriculture, having found that an exotic pest, known as the emerald ash borer, Coleoptera: Buprestidae: *Agilus planipennis*, has been detected in this state and has a limited distribution at this time; and

WHEREAS the emerald ash borer has been found infesting and killing ash, *Fraxinus* spp. trees in Livingston, Macomb, Oakland, Washtenaw and Wayne Counties; and

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

WHEREAS, the Secretary of Agriculture of the United States has not issued a quarantine regulating this pest;

NOW, THEREFORE, the Director of the Michigan Department of Agriculture by the authority of Section 6 of Act No. 72 of the Public Acts of 1945, as amended, and Quarantine Regulation No. 620, 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 This quarantine shall become effective on July 16, 2002 and will remain in effect until rescinded by the Director.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 Michigan Department of Agriculture or his or her authorized representative.
- (B) **INSPECTOR** means an employee of the Department of Agriculture authorized to enforce the provisions of this quarantine
- (C) **INFESTATION** means the presence of the ash borer or the existence of the circumstances that make it reasonable to believe that the ash borer is present.
- (D) **CERTIFICATE** and **CERTIFICATE OF INSPECTION** mean a document issued or authorized to be issued by the Director, including state-issued certificates of quarantine compliance, state phytosanitary certificates and multiple-use quarantine certificates, to allow the movement of regulated articles to any destination.
- (E) **COMPLIANCE AGREEMENT** means a written agreement between a person moving regulated articles and the Department of Agriculture wherein the former agrees to comply with the requirements of the agreement
- (F) **PERSON** means an individual, society, association, partnership, corporation or other organized entities.
- (G) **MOVED (MOVE, MOVEMENT)** means shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved or shipped.

II. REGULATED ARTICLES.

- (A) The emerald ash borer, Coleoptera: Buprestidae: *Agrilus planipennis*., in any living stage of development.
- (B) Entire ash trees.
- (C) Ash limbs and branches or cut ash firewood.
- (D) Logs or untreated ash lumber with bark attached.
- (E) Uncomposted ash chips and uncomposted ash bark chips larger than 1 inch in diameter.
- (F) Any article, product or means of conveyance when it is determined by the Director to present the risk of spread of the emerald ash borer, Coleoptera: Buprestidae: *Agrilus planipennis*.

III. REGULATED AREAS.

- (A) The entirety of Livingston, Macomb, Oakland, Washtenaw, and Wayne Counties shall be considered regulated areas on the basis of confirmed presence of the emerald ash borer, Coleoptera: Buprestidae: *Agrilus planipennis*

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. A thorough examination of all regulated articles and treatment methods must take place. A certificate of inspection may be issued based upon the determination by the inspector, grower, or shipper authorized to conduct such inspection under a Compliance Agreement, that no life stages of emerald ash borer, Coleoptera: Buprestidae: *Agrilus planipennis* are present; based on conditions or treatments administered in accordance with methods approved by the Director.
 - 2. The certificate of inspection shall be attached to the regulated articles, and shall remain on the regulated articles until such articles reach their final destination, except when the certificate of inspection is attached to the shipping document and the regulated article is adequately described on the shipping document or on the certificate of inspection.
- (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 September 1 through April 30 or 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 May 1 through August 31 when the temperature is 40 degrees F. or higher if the articles are shipped in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by the emerald ash borer, Coleoptera: Buprestidae: *Agrilus planipennis*.

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, Coleoptera: Buprestidae: *Agrilus planipennis*, 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 certificate of inspection for this pest, except under the following conditions:

1. Passage through a non-regulated area is made during the period of September 1 through April 30 and the passage is made without stopping except for refueling or for traffic conditions; or during the period of May 1 through August 31 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, Coleoptera: Buprestidae: *Agrilus planipennis*

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 Michigan 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 Michigan in violation of this quarantine shall be removed from the non-regulated area immediately or destroyed at the option and expense of the owner or owners, under the direction of the Director.

(B) Any violation of this quarantine is subject to the full authority of Act No. 72, Public Acts of 1945, as amended.

VI. SPECIAL EXEMPTIONS.

The Director may allow, with written approval, the movement of emerald ash borer, Coleoptera: Buprestidae: *Agrilus planipennis*, into or within Michigan for research purposes.

Revised August 5, 2002 at Lansing, Michigan

Dan Wyant, Director

