01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

DIVISION OF ANIMAL AND PLANT HEALTH

Chapter 275: EMERALD ASH BORER QUARANTINE

SUMMARY: This chapter establishes a quarantine against the Emerald Ash Borer (*Agrilus planipennis*) (EAB) to prevent its movement from infested areas outside the State and parts of Aroostook, Franklin, Oxford, Penobscot, Piscataquis and Somerset Counties and all of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo and York Counties within the State to uninfested parts of the State, to protect Maine's forest, ornamental tree, and timber resources.

SECTION 1: DEFINITIONS

1. **Certificate**. A document in which an inspector affirms that a specified regulated article is free of emerald ash borer and may be moved to any destination outside the area under quarantine.

2. **Compliance Agreement**. A written agreement between the State of Maine, Department of Agriculture, Conservation and Forestry, and a person engaged in growing, handling, receiving, or moving regulated articles, in which the person agrees to comply with its specified provisions.

3. **Infested.** The presence of emerald ash borer or the existence of the circumstances that make it reasonable to believe that the emerald ash borer is established.

4. **Inspector**. Any Maine Department of Agriculture, Conservation and Forestry employee or other person authorized by the commissioner to enforce this chapter. The State Plant Regulatory Official may also authorize an inspector from another state where the regulated article originates.

5. **Limited Permit**. A document in which an inspector affirms that the regulated article identified on the document is eligible for movement in accordance with this chapter only to a specified destination and only in accordance with specified conditions.

6. **Person**. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

7. **Trip Ticket**. A form used to identify the origin and destination of a truckload of wood in accordance with 10 M.R.S. Chapter 501, Subchapter II-A.

SECTION 2: EMERALD ASH BORER QUARANTINE

A quarantine is established against the following pest and possible carriers.

1. **Pest**. Emerald ash borer (*Agrilus planipennis*).

2. **Regulated Articles**

   A. The emerald ash borer;

   B. Firewood of all hardwood (non-coniferous) species;

   C. Ash (*Fraxinus spp.*) species: rooted plants, green lumber with any bark, live edge, or wane, and other material living, dead, cut, or fallen, including logs, stumps, roots, and branches of the genus Fraxinus; and

   D. Any other article, product, or means of conveyance not listed in paragraphs A, B, or C may be designated as a regulated article if an inspector determines that it presents a risk of spreading emerald ash borer and notifies the person in possession of the article, product, or means of conveyance that it is subject to the restrictions of the regulations.

3. **Area Under Quarantine**.

   A. The entire counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York;

   B. The northeast portion of Aroostook County including the following Minor Civil Divisions: Allagash, Caswell, Connor Twp, Cross Lake Twp (T17 R5 WELS), Cyr Plt, Eagle Lake, Fort Kent, Frenchville, Grand Isle, Hamlin, Madawaska, Madawaska Lake Twp (T16 R4 WELS), New Canada, New Sweden, Saint Agatha, Saint Francis, Saint John Plantation, Sinclair Twp (T17 R4 WELS), Stockholm, T16 R5 WELS, T16 R6 WELS, T16 R8 WELS, T16 R9 WELS, Van Buren Cove Township (T17 R3 WELS), Van Buren, and Wallagrass;

   C. Southern Franklin County including the following Minor Civil Divisions: Avon, Carthage, Chesterville, Farmington, Industry, Jay, Madrid Twp, New Sharon, New Vineyard, Perkins Twp, Phillips, Rangeley, Rangeley Plt, Sandy River Plt, Strong, Temple, Township 6 North of Weld, Township D, Township E, Washington Twp, Weld, and Wilton;

   D. Most of Oxford County including the following Minor Civil Divisions: Adamstown Twp, Albany Twp, Andover, Andover North Surplus Twp, Andover West Surplus Twp, Batchelders Grant Twp, Bethel, Brownfield, Buckfield, Byron, C Surplus, Canton, Denmark, Dixfield, Fryeburg, Gilead, Grafton Twp, Greenwood, Hanover, Hartford, Hebron, Hiram, Lincoln Plt, Lovell, Magalloway Twp, Mason Twp, Mexico, Milton Twp, Newry, Norway, Otisfield, Oxford, Paris, Peru, Porter, Richardsontown Twp, Riley Twp, Roxbury, Rumford, Stoneham, Stow, Sumner, Sweden, Township C, Upton, Waterford, West Paris, and Woodstock;

   E. Southern Penobscot County including the following Minor Civil Divisions: Alton, Argyle Twp, Bangor, Bradford, Brewer, Carmel, Charleston, Corinna, Corinth, Dexter, Dixmont, Eddington, Etna, Exeter, Garland, Glenburn, Hampden, Hermon, Holden, Hudson, Indian Island, Kenduskeag, Levant, Newburgh, Newport, Old

Town, Orono, Orrington, Plymouth, Stetson, and Veazie;

F. Southern Piscataquis County including the following Minor Civil Divisions: Abbot, Atkinson Twp, Dover-Foxcroft, Guilford, Milo, Orneville Twp, Parkman, Sangerville, Sebec, and Wellington;

G. Southern Somerset County including the following Minor Civil Divisions: Anson, Athens, Brighton Plt, Cambridge, Canaan, Cornville, Detroit, Fairfield, Harmony' Hartland, Madison, Mercer, Norridgewock, Palmyra, Pittsfield, Ripley, Saint Albans, Skowhegan, Smithfield, Solon, and Starks;

AND

H. Within the United States, entire states of Alabama, Arkansas, Connecticut, District of Columbia, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and any additional parishes, counties or other civil divisions that are infested with emerald ash borer as determined by the state agency with regulatory authority, United States Department of Agriculture, Animal & Plant Health Inspection Service or the United States Forest Service. Including all areas listed on the most current version of the Emerald Ash Borer Known Infested Counties map as published by USDA-APHIS-PPQ and currently found on the World Wide Web at: https://www.aphis.usda.gov/aphis/maps/plant-health/eab-map;

AND

I. All Canadian provinces, counties, regional districts, or other civil divisions infested with emerald ash borer as determined by provincial authorities or the Canadian Food Inspection Agency (CFIA). Including all areas listed on the most current version of the Emerald Ash Borer Regulated Areas of Canada map published by CFIA on the World Wide Web at https://www.inspection.gc.ca/DAM/DAM-plants-vegetaux/STAGING/text-texte/pestrava_agrpla_ministerial_pdf_1337372111445_eng.pdf.

AND

J. Any other infested areas as determined by the Commissioner of the Department of Agriculture, Conservation and Forestry and posted on a map published on the Department website.

SECTION 3: MOVEMENT OF REGULATED ARTICLES

1. Regulated articles may be moved from a quarantined area only if moved under the conditions described in Sections 4 and 5 of this rule.

SECTION 4: INTRASTATE MOVEMENT OF REGULATED ARTICLES

1. **Movement within Quarantined Areas** – Movement of a regulated article solely within the quarantined area of the state is allowed without restriction.

2. **Movement out of a Quarantined Area with Certificate** – Regulated articles for which a certificate has been issued in accordance with this chapter may be moved out of a quarantined area provided the following conditions are met:

   A. The regulated article originated outside the quarantine area and has not been exposed to emerald ash borer while in this area; OR

   B. The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs) or has been stored, packed, or handled at locations approved by an inspector as not posing a risk of infestation by emerald ash borer; OR

   C. The regulated article has been grown, produced, manufactured, stored, or handled in a manner that, in the inspector's judgment, prevents the regulated article from presenting a risk of spreading emerald ash borer.

3. **Movement out of a Quarantined Area without a Certificate** – Regulated articles for which no certificate has been issued in accordance with this chapter may be moved out of a quarantined area provided the article is moved by the Maine Department of Agriculture, Conservation and Forestry for experimental or scientific purposes.

4. **Movement out of a Quarantined Area Pursuant to a Limited Permit** - Regulated articles may be moved out of a quarantined area under a limited permit issued by the Maine Department of Agriculture, Conservation and Forestry if the regulated article is to be moved to a specified destination for specified handling, processing, or utilization, and this movement will not result in the spread of the emerald ash borer. The destination and other conditions must be listed in the limited permit.

5. **Movement under a Compliance Agreement** - Regulated articles may be moved out of a quarantined area if the regulated article is to be moved under a compliance agreement for specified handling, processing, or utilization, and this movement will not result in the spread of the emerald ash borer. The destination and other conditions must be listed in the compliance agreement.

6. **Transiting Quarantined Areas** – Regulated articles that originate outside the quarantined area may transit through the quarantined area without a certificate or limited permit only if:

   A. The regulated article is safeguarded in an enclosed vehicle or with adequate covering against infestation during the months of May through September; and

   B. The point of origin of the regulated article is specified on the waybill, invoice, or shipping document accompanying the shipment.

7. **Transiting Non-Quarantined Areas** – Regulated articles which move from a quarantined area to another quarantined area and which transit a non-quarantined area may do so under a limited permit or compliance agreement provided the regulated article is in a completely enclosed vehicle during the months of May through September, and the vehicle moves through the quarantined area without stopping, except for drop-off loads, refueling, or traffic conditions such as traffic lights or stop signs.

8. **Other Federal or State Requirements** - The regulated article moving under a certificate or limited permit must also be eligible for unrestricted movement under all other Federal and State quarantines applicable to the regulated article.

SECTION 5: IMPORTING EMERALD ASH BORER; PROHIBITION

1. No person may import living emerald ash borer (*Agrilus planipennis*) into Maine except pursuant to a limited permit specifically authorizing movement of this pest.

2. No person may import into Maine any of the regulated articles listed in Section 2 of this rule if those regulated articles originate from or have been exposed to the environment in any infested area except pursuant to a limited permit specifically authorizing the movement of that article.

SECTION 6: ATTACHMENT AND DISPOSITION OF CERTIFICATES AND LIMITED PERMITS

1. **Attachment** - A certificate or limited permit required for the movement of a regulated article must be attached to the outside of the container containing the regulated article or to the regulated article itself, if not in a container, at all times during the movement. The requirements of this section may also be met by attaching the certificate or limited permit to the consignee's copy of the waybill, invoice, or shipping document, provided the regulated article is sufficiently described on the certificate or limited permit and on the waybill, invoice, or shipping document, to identify it. For logs, the requirements of this section may also be met by a statement stamped on a trip ticket accompanying the shipment, which attests to the fact that the regulated articles in the shipment are being moved under a certificate or limited permit issued by the State of Maine and meets all the terms and conditions of this chapter. Stamps attesting to these requirements can only be affixed to a trip ticket by a person who has entered into a compliance agreement with the State of Maine.

2. **Disposition** - The certificate or limited permit for the movement of a regulated article must be furnished by the carrier to the consignee at the destination of the regulated article.

SECTION 7: VIOLATIONS

1. The Maine Department of Agriculture, Conservation and Forestry may cancel a written compliance agreement or limited permit based on a violation of, or non-compliance with, any of its terms or conditions or any other provision of this rule. If the person has been given notice of cancellation orally, written confirmation of the decision and the reasons for it will be provided within ten working days. The Department may reinstate written agreements if it finds that the reason(s) for cancellation has (have) been rectified.

2. A person who violates this rule commits a civil violation punishable under 7 M.R.S.A. § 2303.

EFFECTIVE DATE:
April 10, 2019 – filing 2019-062

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March 15, 2020 – filing 2020-049
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