

Special Advisory Bulletin



A Special Report of the Mulch & Soil Council

January 2007

Emerald Ash Borer Quarantine

Geographic Area Affected

The U. S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) has announced the expansion of its Emerald Ash Borer (EAB) quarantine to include the entire states of Illinois, Indiana and Ohio (see quarantine map, Figure 1). The new quarantine became effective on December 1, 2006, following the issuance of a federal order. The entire lower peninsula of Michigan is already under a federal quarantine for EAB. Additionally, one area in Maryland is reported to have a small infestation in Prince Georges County, but there is no state-wide quarantine.

The federal order prohibits interstate movement (state to state) of regulated articles in the states that are quarantined. This means that regulated articles cannot move from Ohio (a quarantined state) to Kentucky (a non-quarantined state) but also from one quarantined state to another (e.g. Ohio to Indiana). EAB poses an enormous threat to urban and rural forests, because it is a small, fast-moving, aggressive pest that can kill healthy ash trees within two or three years after they become infested. To date, USDA has spent more than \$100 million on research, eradication and reforestation efforts. APHIS estimates that if EAB is not contained or eradicated, it has the potential to cost state and local governments approximately \$7 billion over the next 25 years to remove and replace dead and dying ash trees that can pose a safety hazard in urban and suburban areas.

Regulated Articles

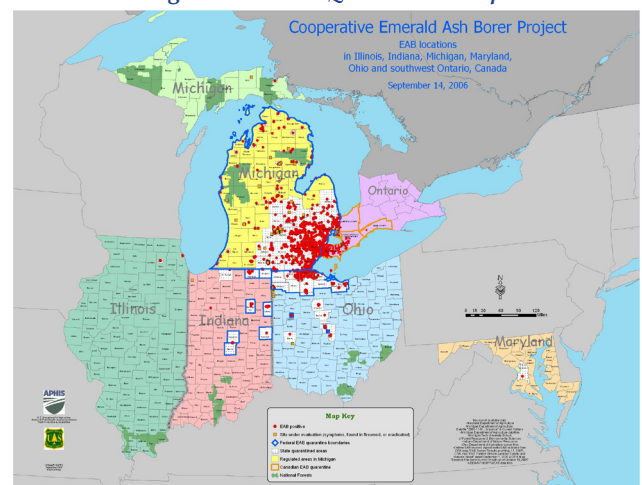
Regulated articles include ash nursery stock and green lumber; any other ash material including logs, stumps, roots, branches, as well as composted and un-composted wood chips. Due to the difficulty in distinguishing between species of hardwood firewood, all hardwood firewood, including ash, oak, maple and hickory are regulated articles.

According to the National Wood Pallet & Container Association (NW-PCA), the quarantine also applies to wood pallets used for the transport of products from within the quarantine area to any point outside the quarantine area. Hardwood mulch products are included in the APHIS quarantine for the 4-state area. Pine mulch is not included.

Wood Chips Less Than 1" Diameter Are Exempt

An exemption exists for composted and uncomposted wood chips less than 1-inch diameter. According to the APHIS EAB office, this exemption was applied because the wood mass is too small to support the EAB through its entire life cycle.

Figure 1: APHIS Quarantine Map



Mulch Exemption Requested

MSC has requested a ruling from the APHIS Scientific Advisory Panel to treat shredded hardwood mulch the same as wood chips less than 1-inch diameter. While the initial response from a science advisor was positive, a formal ruling is needed to exempt shredded hardwood from the present quarantine. If granted, the exemption would very likely NOT apply to ash hardwood nuggets and mini-nuggets greater than 1-inch diameter.

Beware of Two-Tiered Quarantine Effect

While APHIS sets forth federal regulations on interstate movement of regulated articles, the four states also have their own quarantines that restrict intrastate (within a state) movement. The result is a two-tiered regulation that will likely cause some confusion. Unlike other federal pest quarantines, regulated materials for EAB cannot be moved across state boundaries even within a quarantine area without permits or certificates.

If a regulated product originates within a STATE quarantine area, i.e., a county in the state, it cannot leave the state quarantine area without a certificate or permit even though its destination is still inside the federal quarantine area in that same state.

Freight Routing Is Critical

Any regulated product originating OUTSIDE the quarantine area becomes quarantined upon entering a quarantined area. For the federal quarantine, this means interstate shipping around the quarantine zone is necessary. For example, a hardwood mulch made from ash and originating in western Kentucky cannot pass through Ohio to reach a destination in western Pennsylvania. The exception to this rule is that a load shipped in a sealed container stopping in the quarantine area only long enough to refuel does not automatically become quarantined.

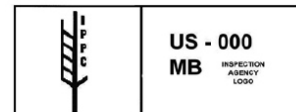
For STATE quarantines, the regulations become more complicated. Regulated materials originating outside the federal quarantine zone and loads originating inside the federal quarantine but outside the state quarantine may assume a state quarantine status upon entering a state quarantine area. The same exemption for sealed containers stopped only for refueling should apply, but contact the state EAB office for details.

Pallets May Impact Unregulated Products

MSC members shipping bagged products need to monitor the regulations as they apply to pallets. Presently, it appears that pallets manufactured within the quarantine area must be inspected and treated. Also, pallets entering from outside the quarantine area will assume quarantine status. Even unregulated products like pine mulch may need permits if using non-compliant pallets for transportation.

The NWPCA is currently seeking a change to the quarantine regulations to recognize pallets treated under the ISPM-15 standard as “treated” for EAB compliance. Look for the ISPM-15 logo stamped on pallets for shipments destined outside the EAB quarantine. MSC will advise members if and when APHIS accepts the ISPM-15 standard for compliance.

ISPM-15 symbols for pallet treatment using heat (HT) or Methyl bromide (MB).



Product Treatment

MSC has been advised that compliance treatment for mulch greater than 1-inch square dimension will likely follow the same procedures as Sub-part “N” of the Gypsy Moth quarantine for heat treatment of compost. Check with your state EAB office to determine how they will regulate program compliance in your area. With state acceptance of your process control, producers may be able to self-certify for quarantine compliance. A certificate of compliance should accompany every load with the bill of lading. Check with your state EAB office for their guidelines on compliance.

Penalties

Penalties for violating the EAB quarantine may be up to \$250,000 per occurrence.

State EAB Offices

The following contact numbers are provided for state EAB programs. Ask for the EAB information officer when requesting additional information on your area:

Michigan 866-325-0023 (toll free)

Ohio 888-644-6322 (toll free)

Indiana 812-358-9034

Illinois 815-787-5476

Maryland 410-841-5920

Indiana Quarantine Area

The area shown in YELLOW indicates the APHIS quarantine for Emerald Ash Borer. The counties shown in RED indicate the Indiana Department of Agriculture EAB quarantine.

For more information on the Indiana quarantine, contact the state EAB office at 812.358.9034.

Figure 2: Indiana EAB Quarantine

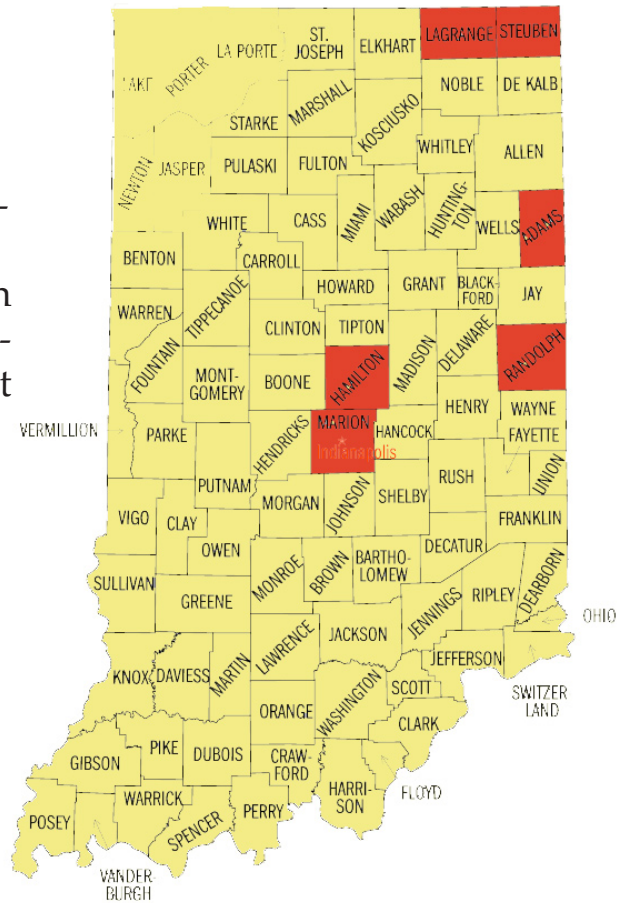
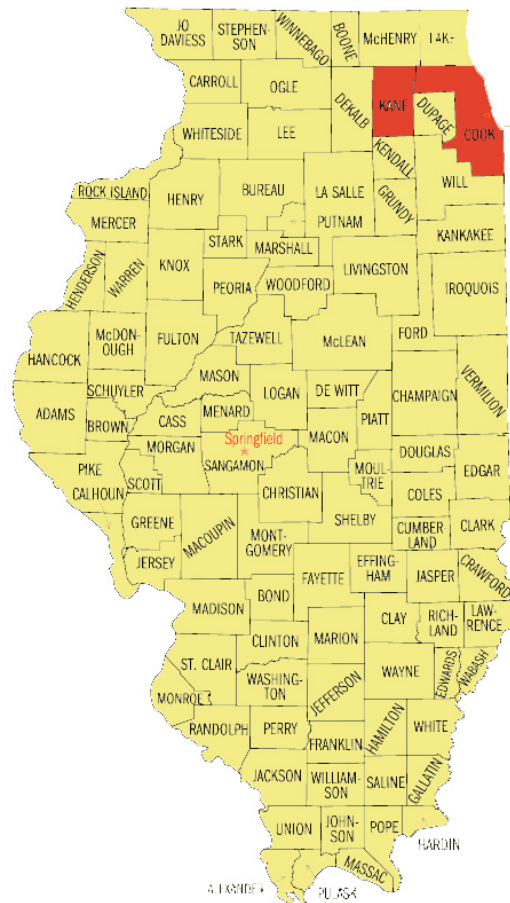


Figure 3: Illinois EAB Quarantine

Illinois Quarantine Area



The area shown in YELLOW indicates the APHIS quarantine for Emerald Ash Borer. The counties shown in RED indicate the Illinois Department of Agriculture EAB quarantine.

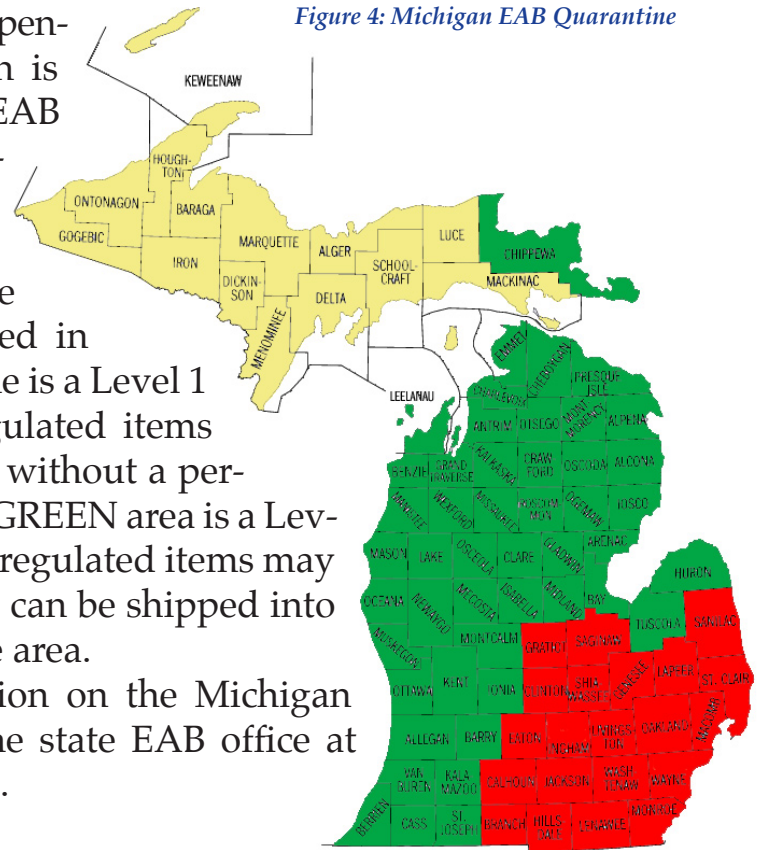
For more information on the Illinois quarantine, contact the state EAB office at 815.787.5476.

**Michigan
Quarantine
Area**

The entire lower peninsula of Michigan is under the APHIS EAB quarantine. The Michigan Department of Agriculture also has placed a two-tier state quarantine as indicated in Figure 4. The RED zone is a Level 1 quarantine where regulated items cannot leave the zone without a permit or certificate. The GREEN area is a Level 2 quarantine where regulated items may not leave the state but can be shipped into the Level 1 quarantine area.

For more information on the Michigan quarantine, contact the state EAB office at 866.325.0023 (toll free).

Figure 4: Michigan EAB Quarantine



**Ohio
Quarantine
Area**

The area shown in YELLOW indicates the APHIS quarantine for Emerald Ash Borer. The counties shown in RED indicate the Ohio Department of Agriculture EAB quarantine.

For more information on the Ohio quarantine, contact the state EAB office at 888.644.6322 (toll free).

Figure 5: Ohio EAB Quarantine

