

MICHIGAN DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT
PESTICIDE AND PLANT PEST MANAGEMENT DIVISION
EMERALD ASH BORER INTERIOR QUARANTINE
(Revised February 10, 2016)

WHEREAS, the Director, Michigan Department of Agriculture and Rural Development, having found that an exotic pest, known as the emerald ash borer, *Agrilus planipennis* (Fairemaire), has been detected in this state; and

WHEREAS, the emerald ash borer has been found infesting and killing ash, *Fraxinus* spp., trees in certain counties; and

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

WHEREAS, ash trees represent a significant component of the natural environment in Michigan; and

NOW, THEREFORE, the Director of the Michigan Department of Agriculture and Rural Development by the authority of Act No. 72 of the Public Acts of 1945, as amended, does promulgate this quarantine to prevent the further spread of this pest and sets forth: definitions, regulated articles, quarantined areas, conditions of movement, violations and penalties, and special exemptions. This revised quarantine shall become effective immediately and will remain in effect until rescinded by the Director.

I. DEFINITIONS.

The following terms shall be construed to mean:

- (A) **COMMERCIAL SHIPMENT** means movement for a business purpose that involves a sale or financial transaction.
- (B) **COMPLIANCE AGREEMENT** means a written agreement between a person moving or receiving regulated articles and the Director.
- (C) **DIRECTOR** means the Director of the Michigan Department of Agriculture and Rural Development or his or her authorized representative.
- (D) **LOG** means tree parts cut into lengths four feet or longer.
- (E) **MICHIGAN'S LOWER PENINSULA** means the area that consists of those 68 contiguous Michigan counties lying between the Michigan-Indiana/Ohio state line to the south and the northernmost point of Emmet County to the north.
- (F) **MICHIGAN'S UPPER PENINSULA** means the area that consists of those 15 contiguous Michigan counties including, and lying between, the eastern most point of Chippewa County to the east, the western most point of Gogebic County to the west, the southern most point of Menominee County to the south and the northern most point of Keweenaw County to the north.
- (G) **MOVED (MOVE, MOVEMENT)** means shipped, held for shipment, received for shipment, transported, carried, or allowed to be moved or shipped.
- (H) **LUMBER** means timber sawed into boards, planks, or other structural members.
- (I) **PALLET** means a portable platform used for moving cargo or freight.

- (J) **BARK** means the natural bark of a tree, including the ingrown bark around knots and bark pockets between rings of annual growth and an additional ½ inch of wood, including the vascular cambium.
- (K) **BARK-FREE WOOD** means a piece of wood from which the bark has been removed. See I. (J).
- (L) **FIREWOOD** means tree parts cut into lengths shorter than four feet.

II. REGULATED ARTICLES.

- (A) **The emerald ash borer**, *Agrilus planipennis* (Fairemaire), in any living stage of development.
- (B) **Entire ash** (*Fraxinus* spp.) **trees**.
- (C) **Ash limbs and branches**.
- (D) **Ash stumps**.
- (E) **Ash logs with bark** as described in I. (J).
- (F) **Ash lumber with bark** as described in I. (J).
- (G) **Non-coniferous** (hardwood) **wood chips and non-coniferous** (hardwood) **bark chips** larger than one inch in two dimensions.
- (H) **Firewood of any non-coniferous** (hardwood) **species**. Firewood that has been certified for the Federal Emerald Ash Borer Quarantine by the United States Department of Agriculture's Animal and Plant Health Inspection Service (USDA-APHIS) is exempt if it is packaged, bears a USDA compliance stamp and is clearly marked with the producer's name and address.
- (I) **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**.

III. QUARANTINED AREAS.

The counties listed below are designated as quarantined areas. In addition, the Director may designate any area as quarantined for the emerald ash borer in the future. Information on additional quarantined areas will be provided on the Michigan Department of Agriculture and Rural Development website located at www.michigan.gov/eab. A current printed copy of the quarantine is available upon request through the Michigan Department of Agriculture and Rural Development Pesticide and Plant Pest Management Division Lansing Office, P.O. Box 30017, Lansing, Michigan 48909, 800-292-3939.

Michigan's emerald ash borer internal quarantine encompasses tribal lands. Each tribe may have in effect a similar quarantine that regulates the movement of ash trees, ash wood, hardwood firewood, wood chips, and bark chips. The violation of quarantine regulations on tribal lands could be punishable by criminal prosecution.

(A) **Quarantine Level I**

All sixty-eight (68) Counties of the Lower Peninsula are designated as Quarantine Level I, based on the general presence of emerald ash borer.

(B) **Quarantine Level II**

The counties below are designated as Quarantine Level II, based on the presence of emerald ash borer. In addition, geography of a county may necessitate establishment of quarantine at this level as well.

Alger County

Baraga County

Chippewa County

Delta County

Dickinson County

Houghton County

Keweenaw County

Luce County

Mackinac County

Marquette County

Menominee County

Schoolcraft County

IV. CONDITIONS OF MOVEMENT OF REGULATED ARTICLES.

- (A) The sale and/or movement of all ash (*Fraxinus* spp.) nursery stock within, out of or into Michigan is prohibited under all conditions.
- (B) Ash wood material, including ash lumber, used in the State of Michigan for the manufacture of pallets and wood crating must be bark free, as described in Section I. (K).
- (C) The movement of regulated articles out of the Quarantine Level I area is prohibited, except with a Compliance Agreement.
- (D) The movement of regulated articles out of a Quarantine Level II area is prohibited, except with a Compliance Agreement. (Regulated articles may be moved out of the Quarantine Level II area in the eastern portion of Michigan's Upper Peninsula into the Quarantine Level I area of Michigan's Lower Peninsula without a Compliance Agreement.)
- (E) Regulated articles may be moved out of a non-quarantined area into a Quarantine Level I or II area without a Compliance Agreement.
- (F) Shipping documents are required for, and must accompany, any commercial shipment of a regulated article unless all movement of the regulated article occurs within the quarantine level or non-quarantined area from which it originates. Shipping documents must include a description of the regulated article, the point of origin and final destination of the regulated article by township, county, and state.

- (G) A regulated article being moved with a Compliance Agreement out of a Quarantine Level I or II area may only move to a facility with a Compliance Agreement for processing, utilization and/or disposal and can only move from October 1 through April 30.
- (H) A regulated article originating from a non-quarantined area which is moved into a quarantined area shall be considered to have originated from the quarantined area it is moved into and may only be moved out of that quarantined area back into a non- quarantined area under the conditions noted above or through the following provision:
1. Passage through the quarantined area is made without stopping except to refuel or for traffic conditions.
- (I) Regulated articles may not be moved out of any area in Michigan to the following areas without a Compliance Agreement:
1. The Beaver Island Archipelago (including North Fox Island and South Fox Island) in Lake Michigan
 2. Big Charity Island and Little Charity Island in Saginaw Bay/Lake Huron
 3. Isle Royale National Park in Lake Superior
 4. North Manitou Island and South Manitou Island, in Lake Michigan, which are part of the Sleeping Bear National Lakeshore
- (J) The risk of spreading Emerald Ash Borer created by regulated articles moved in violation of this quarantine shall be immediately mitigated under the direction of the Director at the expense of the owner or owners.

V. VIOLATIONS AND PENALTIES.

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

VI. EXEMPTIONS.

- (A) The Director may allow, with written approval, the movement of regulated articles, into or within Michigan for research purposes.
- (B) Firewood that has been certified for the Federal Emerald Ash Borer Quarantine by the United States Department of Agriculture's Animal and Plant Health Inspection Service (USDA-APHIS). Certified firewood must be packaged, bear a USDA compliance stamp and be clearly marked with the producer's name and address.



Jamie Clover Adams, Director
Michigan Department of Agriculture and Rural Development



Date