

# Compliance Agreement Requirements

## FEDERAL SPONGY (GYPSY) MOTH QUARANTINE – 7 CFR 301.45;

### REGULATION SUMMARY:

The grower/shipper (establishment) accepts responsibility to ensure that all cut Christmas trees, being shipped out of the generally infested area are free from all spongy moth (gypsy moth/*Lymantria dispar*) life stages and meet the following certification guidelines. The establishment shall provide a valid copy of its Federal/State certificate, for each consignment, attesting to freedom from all life stages of spongy moth and that the following certification guidelines have been met.

### CERTIFICATION GUIDELINES:

1. The regulated articles must be eligible for unrestricted movement under all Federal and State domestic plant quarantines and regulations applicable (e.g., must not be restricted by Elongate Hemlock Scale, European Pine Shoot Moth or Cereal Leaf Beetle Quarantines).
2. Determination of freedom from all viable spongy moth life stages, performed by a representative of the U.S. Department of Agriculture (USDA) or MDARD, will be based upon visual survey of the regulated articles, premises, and environs of the establishment.
3. The establishment will inspect regulated articles prior to shipping and thoroughly remove all spongy moth egg masses.
4. A regulatory treatment with an insecticide application may be required by the USDA and/or MDARD to assure proper control of spongy moth on the regulated articles, premises and environs of the establishment known to be infested or at risk of being infested by spongy moth. Regulatory treatments shall be applied at the correct time, during the spray window identified by MDARD via the MSU Enviroweather website. A list of approved insecticides will be provided by MDARD each year.
5. When transporting regulated articles through generally infested areas the establishment must safeguard all certified regulated articles with a covering adequate to prevent access by any spongy moth life stage.
6. If receiving regulated articles from other establishments within the generally infested areas for shipment outside the generally infested area, the establishment will (1) only accept regulated articles accompanied by a valid Federal/State certificate or (2) immediately arrange to have regulated articles inspected by either a USDA or MDARD inspector. The establishment is responsible for inspecting these articles prior to shipping (see #3).
7. Regulated articles and/or documentation will be presented to USDA or MDARD inspectors upon request.

### RECORDKEEPING:

1. A uniquely numbered record of each shipment must be maintained by the establishment for a minimum of 36 months and furnished to a representative of the USDA or MDARD upon request for examination. This must include the consignee's name and address, the name, quantity of the regulated article shipped, date of shipment, and origin.
2. All treatment records must be maintained for a minimum of twelve months and include the brand name or active ingredient, EPA registration number, application rate, applicator name, product treated, and date.
3. For nurseries with multiple fields or whenever regulated articles are purchased elsewhere, the statement of origin and the original certification that document that the regulated articles have met all necessary federal/state plant quarantines, must be maintained for a minimum of twelve months, and furnished to a representative of MDARD upon request.

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**Compliance Agreement - Cut Christmas Trees & Other Seasonal Forest Products**  
**Expiration Date: December 31, 2024**

Agreement No.: \_\_\_\_\_ Firm Name: \_\_\_\_\_  
Grower/Manager: \_\_\_\_\_ Address: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

1. The firm/person named above hereby enters into an agreement with the Michigan Department of Agriculture and Rural Development (MDARD) and agrees to meet the requirements contained in this agreement (see page 1). Based on the ability and willingness of the above to abide by the conditions and meet the requirements described in this agreement, MDARD agrees to provide the necessary certification to enable this firm/person to ship cut Christmas trees to interstate destinations.
2. The undersigned agrees that certificates in their possession will be protected from theft and unauthorized use.
3. The firm agrees to retain copies, for a period of 36 months, of all certificates utilized and any related shipping documents.
4. This compliance agreement may be immediately cancelled or revoked for non-compliance. The violation of federal or state regulations may result in criminal or civil penalty.

Grower/Manager (print and sign): \_\_\_\_\_

Title \_\_\_\_\_ Date: \_\_\_\_\_

MDARD Representative (print and sign): Amber Neils \_\_\_\_\_

Title: Export & Compliance Specialist \_\_\_\_\_ Date: \_\_\_\_\_

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**Type of certificates needed – check all that apply:**

- Standard cut Christmas tree certificate
  - Certificate for wreaths, boughs, or other holiday greenery
  - Certificate for other seasonal forest products (e.g., birch poles)
  - Other state certification (i.e., California, Hawaii, Montana, Wisconsin)
  - Invoice imprint authorization
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- Request to remove from mailing list - check the box if you would like your name removed.

Return completed form to: [MDARD-NurseryCE@michigan.gov](mailto:MDARD-NurseryCE@michigan.gov)