

**MICHIGAN DEPARTMENT OF AGRICULTURE
PESTICIDE AND PLANT PEST MANAGEMENT DIVISION
EMERALD ASH BORER INTERIOR QUARANTINE**
(Revised November 30, 2009)

WHEREAS, the Director, Michigan Department of Agriculture, 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, cities, and townships; 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 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 This revised quarantine shall become effective immediately and will remain in effect until rescinded by the Director.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) **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, limited permits, and multiple-use quarantine certificates to allow the movement of regulated articles to any destination.
- (B) **COMMERCIAL SHIPMENT** means movement for a business purpose that involves a sale or financial transaction.
- (C) **COMPLIANCE AGREEMENT** means a written agreement between a person moving or receiving regulated articles and the Director.
- (D) **DIRECTOR** means the Director of the Michigan Department of Agriculture or his or her authorized representative.
- (E) **INFESTATION** means the presence of the emerald ash borer or the existence of the circumstances that make it reasonable to believe that the emerald ash borer is present.
- (F) **LOG** means tree parts cut into lengths 4 feet or longer.
- (G) **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.
- (H) **MOVED (MOVE, MOVEMENT)** means shipped, held for shipment, received for shipment, transported, carried, or allowed to be moved or shipped.

- (I) **LUMBER** means timber sawed into boards, planks, or other structural members of standard or specified length.
- (J) **PALLET** means a portable platform used for moving cargo or freight
- (K) **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.
- (L) **BARK-FREE WOOD** means a piece of wood from which the bark has been removed. See I.(K).
- (M) **FIREWOOD** means tree parts cut into lengths shorter than 4 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.(K).
- (F) Ash lumber with bark as described in I.(K).
- (G) Non-coniferous (hardwood) wood chips and non-coniferous (hardwood) bark chips larger than 1 inch in two dimensions.
- (H) 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.
- (I) Firewood of any non-coniferous (hardwood) species.

III. QUARANTINED AREAS.

The counties and portions of 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 website located at www.michigan.gov/eab. A current printed copy of the quarantine is available upon request through the Michigan Department of Agriculture Pesticide and Plant Pest Management Division Lansing Office, P.O. Box 30017 Lansing, Michigan 48909, 1 517-373-1087.

(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 portions of counties described below are designated as Quarantine Level II, based on the several isolated occurrences of emerald ash borer in a contiguous area.

Alger County -

City of Munising - the entirety

AuTrain Township - the entirety
Grand Island Township - the entirety
Munising Township - the entirety

Chippewa County –

City of Sault Sainte Marie - the entirety
Bay Mills Township - the entirety
Dafer Township - the entirety
Soo Township – excluding Neebish Island
Sugar Island Township - the entirety
Superior Township - the entirety

Delta County –

Fairbanks Township – the entirety
Garden Township – the entirety
Nahma Township – the entirety

Houghton County –

City of Hancock – the entirety
Calumet Township – the entirety
Franklin Township – the entirety
Hancock Township – the entirety
Osceola Township – the entirety
Quincy Township – the entirety
Schoolcraft Township – the entirety
Torch Lake Township – the entirety

Mackinac County –

City of St. Ignace – the entirety
Brevort Township – the entirety
Moran Township – the entirety
St. Ignace Township – the entirety

Schoolcraft County –

Inwood Township – the entirety
Thompson Township – the entirety

(C) Quarantine Level III

The balance of a county not contained in a Level II quarantine area. In addition, geography of a county may necessitate establishment of quarantine at this level as well.

All of the remaining portion of Alger County not listed as Quarantine Level II above is designated as Quarantine Level III.

All of the remaining portion of Chippewa County not listed as Quarantine Level II above is designated as Quarantine Level III.

All of the remaining portion of Delta County not listed as Quarantine Level II above is designated as Quarantine Level III.

All of the remaining portion of Houghton County not listed as Quarantine Level II above is designated as Quarantine Level III.

Keweenaw County – the entirety

Luce County - the entirety

All of the remaining portion of Mackinac County not listed as Quarantine Level II above is designated as Quarantine Level III.

All of the remaining portion of Schoolcraft County not listed as Quarantine Level II above is designated as Quarantine Level III.

*Michigan's emerald ash borer internal quarantine encompasses tribal lands. Each tribe has in effect a similar quarantine that regulates the movement of ash wood products. The violation of quarantine regulations on tribal lands is also punishable by criminal prosecution.

IV. CONDITIONS OF MOVEMENT OF REGULATED ARTICLES.

- (A) The sale and/or movement of all ash 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 from a Quarantine Level I area to any destination outside of the Quarantine Level I is prohibited, except with a Compliance Agreement.
- (D) The movement of regulated articles, originating from a Quarantine Level II area to any destination outside of the Quarantine Level II area is prohibited, except with a Compliance Agreement. (Regulated articles may move from the Quarantine Level II area in Mackinac County to the Quarantine Level I area of the Lower Peninsula without a Compliance Agreement.)
- (E) Regulated articles may not move between the Quarantine Level II areas of Delta and Schoolcraft Counties and the Quarantine Level II area of Alger County without a Compliance Agreement.
- (F) The movement of regulated articles, originating from a Quarantine Level III area to a non-quarantined area is prohibited, except with a Compliance Agreement.
- (G) Regulated articles may move from a Quarantine Level III area to a Quarantine Level II area without a Compliance Agreement.
- (H) Regulated articles may move from a non-quarantined area into a Quarantine Level I, II, or III area without a compliance Agreement.
- (I) 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.
- (J) A regulated article being moved with a Compliance Agreement from a Quarantine Level I, II or III 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.
- (K) A regulated article originating from a non-quarantined area which is moved into or through a quarantined area shall be considered to have originated from the quarantined area it is moved

into and may only be moved from that 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.
- (L) A regulated article originating from a Quarantine Level III area which is moved into or through an adjoining Quarantine Level II area shall be considered to have originated from the Quarantine Level II area and may only be moved from the Quarantine Level II area under the conditions noted above or through the following provision:
1. Passage through the Quarantine Level II area is made without stopping except to refuel or for traffic conditions.
- (M) 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. SPECIAL EXEMPTIONS.

- (A) The Director may allow, with written approval, the movement of regulated articles, into or within Michigan for research purposes.



Donald Koivisto, Director

11/30/09

Date