



Date: 04/02/2019

To: Whitney Place, Minnesota Department of Agriculture Assistant Commissioner

Through: Kimberly Thielen Cremers, Plant Protection Section Manager

From: Mark Abrahamson, Plant Protection Division Director

**RE: Signature Needed for Emerald Ash Borer (EAB) Emergency Quarantine-
STEARNS COUNTY, MN**

I am seeking the approval and signature of the Commissioner on the enclosed emergency emerald ash borer (EAB) quarantine.

This is the emergency quarantine for EAB for Stearns County. The emergency quarantine will be followed up with the implementation of a formal quarantine once the public comment period has ended.

Once signed, please return the original signed document to me for filing within the division and posting on the MDA website. Please let me know if you have any questions.

**MINNESOTA DEPARTMENT OF AGRICULTURE
STATE EMERGENCY QUARANTINE
EMERALD ASH BORER**

Section I: Declaration of Emergency Quarantine

Whereas, the Commissioner of the Minnesota Department of Agriculture, having found that an exotic pest, known as the emerald ash borer, *Agrilus planipennis* Fairmaire, has been detected in Minnesota and neighboring states and has a limited distribution at this time; and

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

Whereas, ash trees are a valuable resource for the nursery, landscaping, and timber industries in Minnesota; and

Whereas, ash trees represent a significant component of the natural, urban and rural forest environments in Minnesota; and

Whereas, the United States Department of Agriculture, Animal and Plant Health Inspection Service ("APHIS") has ordered an interstate commerce quarantine that parallels the emergency quarantine and will parallel this quarantine; and

Whereas, APHIS will quarantine less than an entire state of Minnesota only if Minnesota adopts and enforces restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by the APHIS interstate quarantine; and

Whereas, this quarantine is consistent with and does not exceed the APHIS quarantine insofar as it affects interstate commerce;

Now, therefore, the Commissioner of the Minnesota Department of Agriculture by the authority of Minnesota Statutes Section 18G.06 (2008) declares 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 quarantine shall become effective immediately and will remain in effect until withdrawn or superseded.

Section II: Definitions

"Ash" means all species of the genus *Fraxinus*.

"Certificate" means a document authorized or prepared by the Commissioner or an APHIS employee or designee that affirms, declares, or verifies that movement or use of a regulated article complies with this quarantine, the APHIS quarantine and other legal requirements.

Section III: Regulated Articles

Regulated articles are as follows:

- (A) The emerald ash borer, *Agrilus planipennis* Fairmaire, in any stage of development.
- (B) All plants and plant parts of the genus *Fraxinus*, including but not limited to:
 - i. Logs and green lumber
 - ii. Nursery stock, scion wood, and bud wood
 - iii. Chips and mulch, either composted or uncomposted
 - iv. Stumps, roots, and branches
- (C) Firewood of any non-coniferous (hardwood) species
- (D) Any article, product, or means of conveyance which the Commissioner determines to present a risk of spread of EAB and the Commissioner has notified the person in possession of that article, product, or means of conveyance, is subject to this quarantine.
- (E) Exceptions are:
 - i. Ash seeds and leaves that contain no ash twigs, branches, and wood
 - ii. Processed lumber that is generally bark free, kiln dried, and with squared edges
 - iii. Finished wood products without bark, including furniture, baskets, and baseball bats

Section IV: Quarantined Areas

- (A) **Stearns County in Minnesota.**
- (B) The Commissioner may designate additional quarantined areas based upon future confirmation of the presence of the emerald ash borer. Such designations or changes will become effective upon the posting of notification on the Minnesota Department of Agriculture website located at <http://www.mda.state.mn.us/eab> and in the printed listing available upon request through the Minnesota Department of Agriculture Plant Protection Division, 625 N. Robert St., St. Paul, MN 55155, 651-201-6684 or 1-888-545-6684. In addition, notification will be made according to the requirements in Minnesota Statutes Section 18G.06, subd. 3(c).

Section V: Restrictions on Regulated Articles

- (A) Use of Regulated Articles in a Quarantined Area.
 - 1. The use of ash wood material for the manufacture of pallets and wood crating is prohibited in the quarantined areas, unless the wood is treated by methods approved by the Commissioner and takes place under a Compliance Agreement.
- (B) Movement From a Quarantined Area to a Non-Quarantined Area.

(G) Documentation.

1. All regulated articles originating from the quarantined area that are moved within Minnesota or that have been moved within Minnesota must be accompanied by certifications and/or shipping documents showing the movement was in accordance with this quarantine. Such documents must be shown to the Commissioner or any APHIS employee when requested.

Section VI: Penalties

- (A) Any person violating these quarantine regulations is subject to the civil penalties up to \$7,500.00 per day of violation or misdemeanor penalties set forth in Minnesota Statutes Sections 18J.10 (2011) and may be subject to criminal penalties set forth in Minnesota Statutes Sections 18J.11 (2011).

Section VII: Special Exemptions

- (A) The Commissioner may allow, with written approval, the movement of emerald ash borer, in any living stage of development, into or within Minnesota for research purposes.

This Notice and State Emergency Quarantine are effective April 2, 2019.



Thom Petersen
Commissioner
Minnesota Department of Agriculture