

**Emergency Order Restricting the Movement
of Certain Ash (*Fraxinus* spp.) Products
and Any Untreated Firewood
From Emerald Ash Borer Infested Areas**

AUTHORITY: 12 M.R.S. § 8305

DATE: December 22, 2022

BACKGROUND

The emerald ash borer (EAB), *Agrilus planipennis* Fairmaire, is a highly destructive, introduced pest of forest and ornamental ash trees (*Fraxinus* spp.). Since its initial detection in southeastern Michigan near Detroit in the summer of 2002, it has spread rapidly.

Ash trees infested with EAB may die within 2 to 3 years. Since its introduction, EAB has killed hundreds of millions of ash trees in infested states and provinces. It has cost hundreds of millions of dollars to municipalities, property owners, nursery operators, and forest products industries.

In response to the significant ecological and economic threat posed by EAB, Canada and the state of Michigan established EAB quarantines in 2002. In 2003, the United States Department of Agriculture—Animal and Plant Health Inspection Service (USDA-APHIS) established a federal quarantine to restrict the movement of potentially infested material. The Federal Government eliminated its quarantine on EAB, effective January 14, 2021. Maine is one of several states that maintains a quarantine on emerald ash borer.

Ash trees comprise four percent of Maine’s hardwood forest, are a valuable timber species, an important street tree, and an important cultural resource for the Wabanaki. EAB threatens all species of ash trees (*not* mountain-ash, *Sorbus* spp.) and will have significant ecological and economic impacts on the state. Though pesticide treatments can protect individual trees, there are no practical means to control EAB in forested areas. A quarantine can help slow the spread of this pest.

Reducing the rate of spread of emerald ash borer by limiting the movement of ash from infested areas is critical to our forest ecosystems and those who rely on ash for their livelihoods.

Regulated materials include:

The emerald ash borer; firewood of all hardwood (non-coniferous) species; nursery stock, green lumber, and other material living, dead, cut, or fallen, including logs, stumps, roots, branches, of the genus *Fraxinus*.

To continue in the efforts to protect the ash resources of the state of Maine from the free spread and establishment of a destructive tree-killing forest pest, the Director of the Maine Bureau of Forestry hereby issues the following Order to restrict the movement of regulated products from outside the area currently within [the State of Maine Emerald Ash Borer Quarantine Rules](#) (Maine DACF, Agriculture Rules, Chapter 275) under authority granted by 12 M.R.S. § 8305:

EMERGENCY ORDER
TO ENTITIES AND INDIVIDUALS TRANSPORTING, SELLING, OR
PURCHASING ASH (*FRAXINUS* SPP.) LOGS/ROUNDWOOD, GREEN
LUMBER, HARDWOOD FIREWOOD, AND ASH NURSERY STOCK

1. Regulated Articles:

- a) Ash roundwood (logs, pulpwood, etc.);
- b) Ash green lumber;
- c) Hardwood firewood; and,
- d) Rooted ash (*Fraxinus* spp.) for planting.

2. Order Area: The following areas:

- a. **In Androscoggin County:** Auburn, Durham, Greene, Lewiston, Lisbon, Mechanic Falls, Minot, Poland, Sabattus, Turner, and Wales;
- b. **In Kennebec County:** Albion, Belgrade, Benton, China, Clinton, Litchfield, Oakland, Rome, Sidney, Vassalboro, Waterville, and Winslow;
- c. **In Oxford County:** Albany Twp, Batchelders Grant Twp, Lovell, Mason Twp, Norway, Otisfield, Oxford, Stoneham, Stow, Sweden, and Waterford; and
- d. **In Sagadahoc County:** Bowdoin and Topsham
- e. **In Somerset County:** Fairfield, Norridgewock, Skowhegan, and Smithfield.

Important note: This order area is in addition to areas described in the existing [state quarantine](#), Maine DACF, Agriculture Rules, Chapter 275.

3. Prohibition on the movement of Regulated Articles from the Order Area. To limit the potential inadvertent spread of infested ash material into uninfested areas of Maine, no Regulated Articles (Item 1) originating in the Order Area (Item 2) may be moved into unregulated areas of Maine except as follows:

All shipments of Regulated Articles from the Order Area to unregulated portions of the state will require a valid compliance agreement or shipping permit issued by the DACF Bureau of Forestry.

- a) Regulated articles which move from within an Order Area or Maine's quarantine area to areas of Maine outside the Order Area or Maine's Quarantine area (Regulated Areas) may do so under a limited permit or compliance agreement provided the Regulated Article is in a completely enclosed vehicle during May through September, and the vehicle moves through the Regulated Areas without stopping, except for drop-off loads, refueling, or traffic conditions such as traffic lights or stop signs.
- b) Regulated Articles going to processing facilities in accordance with a state-issued compliance agreement that authorizes receipt and processing of Regulated Articles.

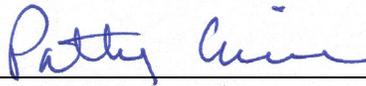
- c) Regulated Articles that have been treated by a method approved and certified by the DACF, Bureau of Forestry such that they pose no risk of spreading EAB.

[Firewood originating outside of Maine](#) must be heat treated in a certified process to a core temperature of at least 160 degrees Fahrenheit for 75 minutes.

Plant Products Potentially Exposed to EAB.

- a) Ash articles originating from outside the Order Area but held within the Order Area will be considered potentially infested and therefore are Regulated Articles for purposes of this Order.
- b) Rooted Ash (*Fraxinus* spp., but not Mountain-ash, *Sorbus* spp.) that at any time has been held in the Order Area is considered to be potentially infested, irrespective of origin or visual sign of infestation, and therefore constitutes a Regulated Article for purposes of this Order.

- 4. **Penalty.** In accordance with 12 M.R.S. § 8307, any person who violates any requirement of this Emergency Order commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged. Each day of a violation shall be considered a separate offense.
- 5. **Authority.** The authority for this Emergency Order is 12 M.R.S. § 8305.
- 6. **Effective Date.** This Emergency Order is effective upon signature by the Director of the Maine DACF, Bureau of Forestry, and shall remain in force for 180 days. The Director may amend this order at any time to respond to changing conditions.



Patty Cormier, Director
Bureau of Forestry

Date: December 22, 2022