



Emerald Ash Borer

Emergency orders, quarantines and rulemaking

Gary Fish

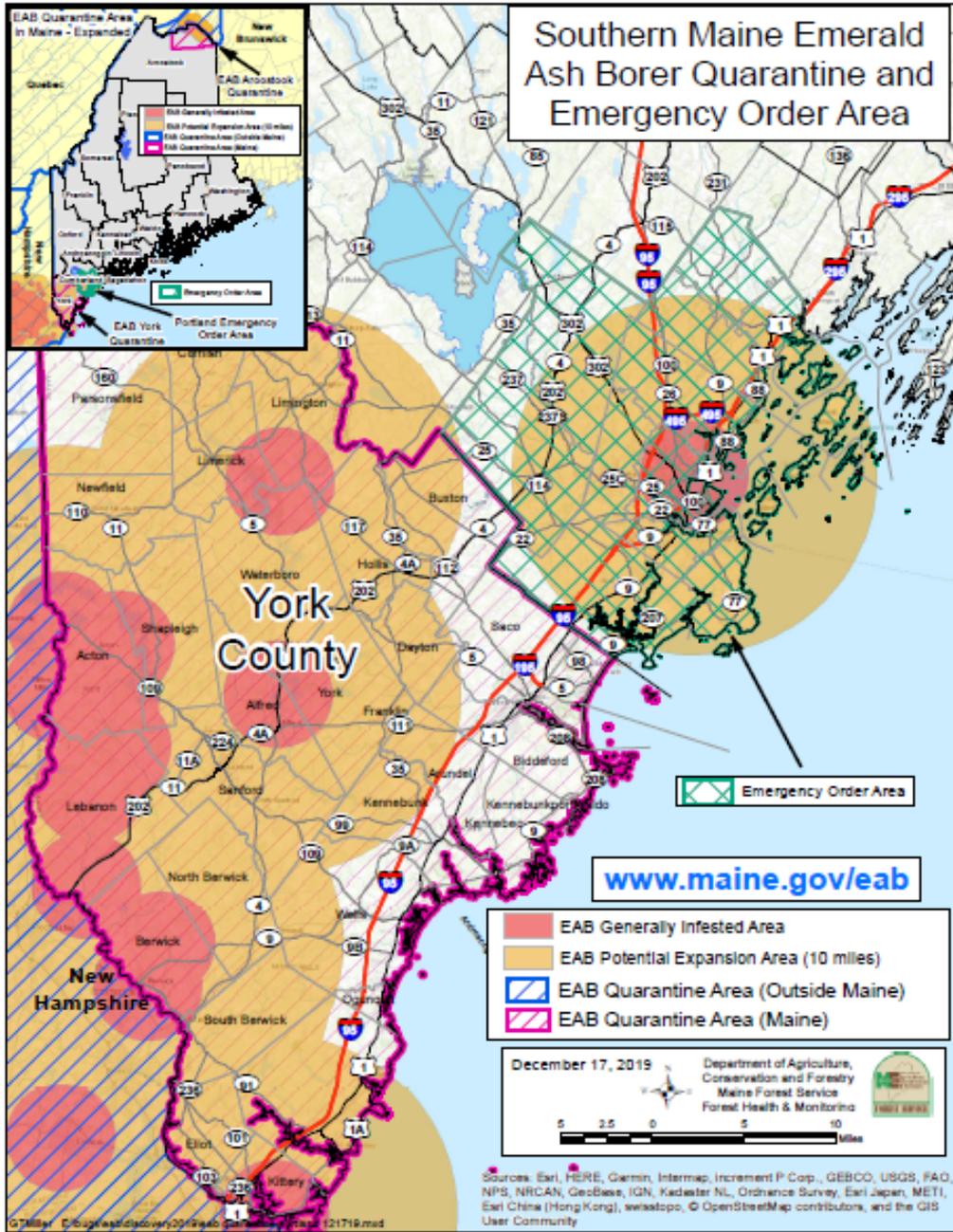
State Horticulturist

State Plant Regulatory Official

207-287-7545

gary.fish@maine.gov





Quarantine Areas:

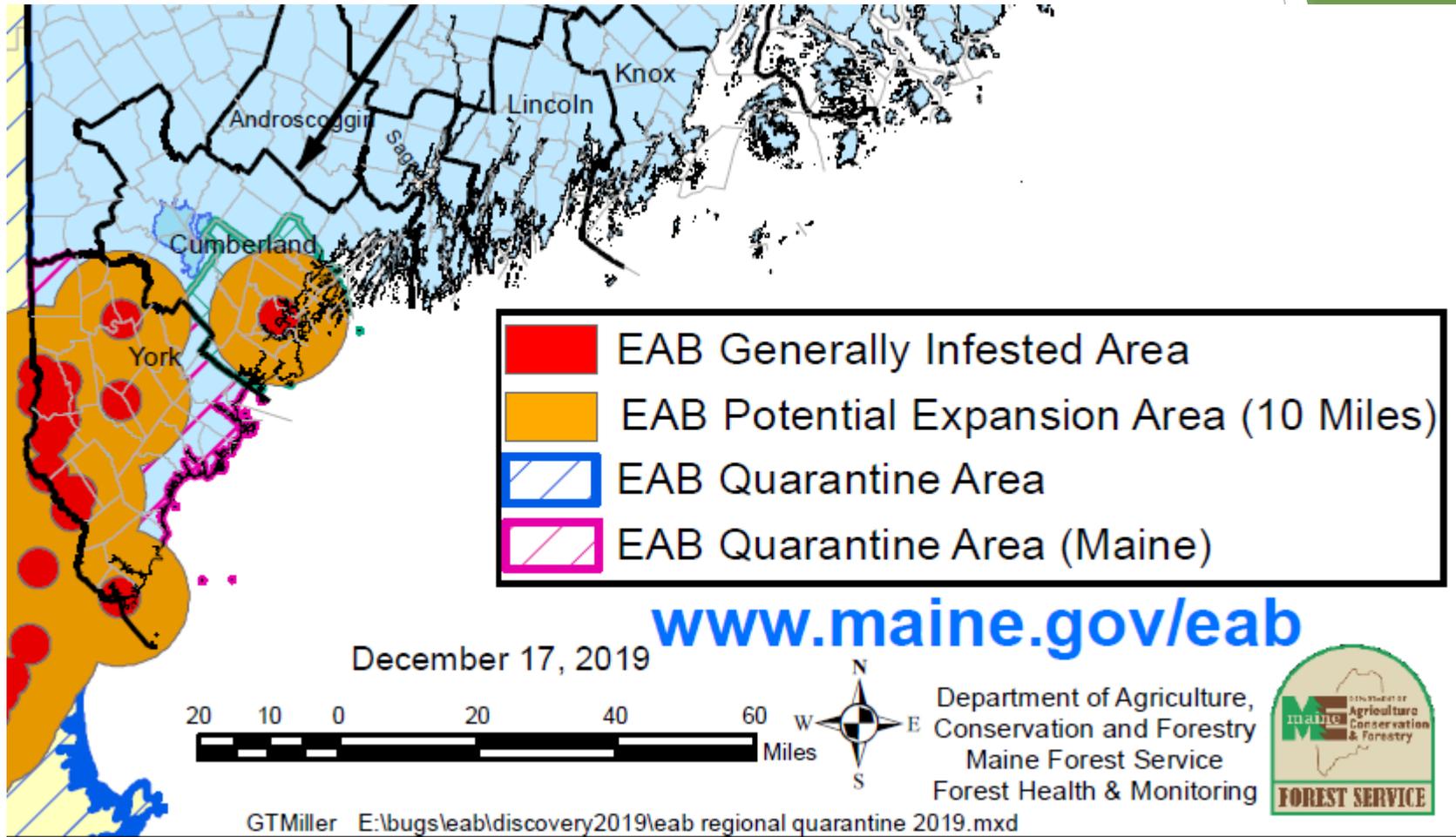
Aroostook: Frenchville, Madawaska, Grand Isle
York: Entire County

Emergency Order Area:

Cumberland: Cape Elizabeth, Chebeague Island, Cumberland, Falmouth, Gorham, Long Island, North Yarmouth, Portland, Scarborough, South Portland, Westbrook, Windham, and Yarmouth

- ▶ Based on a single detection in a purple trap
- ▶ Kept small to limit spread
- ▶ Any future detections would influence Order Area
- ▶ Final draft quarantine proposal may be for all of Cumberland County and a portion of southern Oxford County

Potential quarantine expansion



Regulated Articles

Based on Federally Regulated Articles

(true ash, not mountain-ash)

- ▶ Ash roundwood
- ▶ Ash green lumber
- ▶ Chipped material with ash
- ▶ Hardwood firewood that has not undergone certified heat treatment
- ▶ Rooted ash

Affects material that originated within the Order Area or has been held within the Order Area



Options for moving ash originating in the regulated area

- ▶ Ash moves freely within the regulated area, including interstate and international
- ▶ Compliance agreements
 - ▶ Easier to move when EAB adults are not present (October - March)
- ▶ Approved treatment (heat, fumigation, etc.)
- ▶ Certified ash free firewood or biomass chips (a possibility)



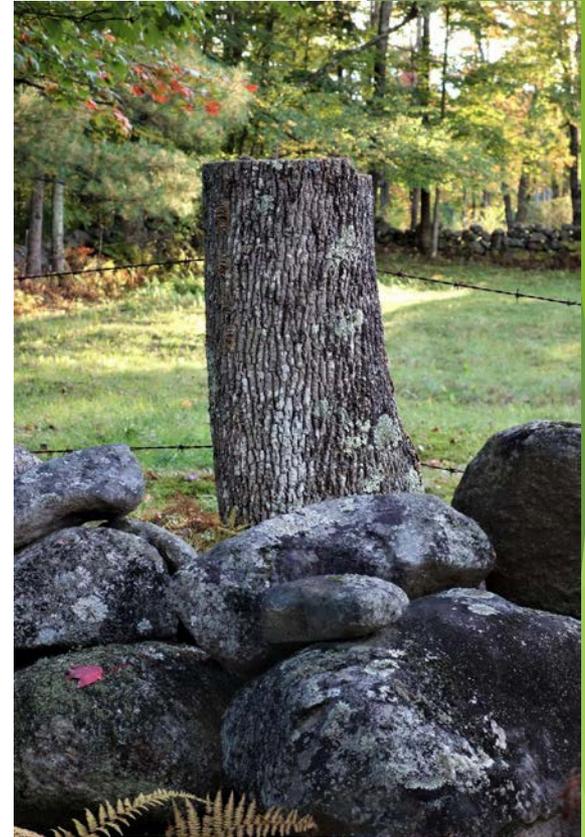
Penalties

- ▶ Class E Crime
- ▶ Class E crimes carry a maximum penalty of a fine of up to a \$1000 and/or a jail sentence of up to 180 days of jail. These charges are typically misdemeanors.



Amended Quarantine Rule to be Proposed in January or February

- ▶ Once we have results from all the trap tree peeling I will draft an expanded quarantine rule
- ▶ A notice of proposed rulemaking will be issued
- ▶ Written comments will be accepted for at least 30 days
- ▶ The adopted rule must be filed within 120 days after the end of the comment period



Adoption

- ▶ After considering and responding to all the comments the DACF will file the draft rule
- ▶ The rule will be filed with the Secretary of State, including:
 - ▶ A statement explaining the factual and policy basis for the rule;
 - ▶ A summary of all the comments;
 - ▶ The rationale for adoption or failing to adopt suggested changes; and
 - ▶ A statement on the potential impacts to small business
- ▶ The new quarantine areas become effective 5 days after it is filed with the Secretary of State's Office



Federal Quarantine Mimics State Quarantine

- ▶ USDA-APHIS-PPQ will adopt a federal quarantine for the same areas soon after the state quarantine

