



**Wisconsin Department of Agriculture, Trade and Consumer Protection**  
 Division of Agricultural Resource Management  
 Bureau of Plant Industry  
 P.O. Box 8911, Madison WI 53708-8911  
 Phone: (608) 224-4573 Fax: (608) 224-4656

**Wisconsin Department of Agriculture, Trade and Consumer Protection**  
**EMERALD ASH BORER COMPLIANCE AGREEMENT**

<b>1. COMPANY NAME:</b>		<b>2. CONTACT NAME:</b>	
<b>3. MAILING ADDRESS:</b>		<b>4. E-MAIL:</b>	
<b>COUNTY:</b>		<b>5. TELEPHONE:</b>	<b>6. FAX:</b>
<b>7. DISPOSAL or PROCESSING YARD LOCATION and COUNTY (if different than mailing address above):</b>			

**Applicable to State or Federal Cooperative Domestic Quarantines for the Emerald Ash Borer (*Agilus planipennis*) pursuant to Wisconsin Administrative Code ATCP 21.17(3), Wisconsin State Statutes Ch. 93.07(12) and 94.01, and 7 CFR 301.53.**

This Emerald Ash Borer Compliance Agreement between the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) and \_\_\_\_\_ (the Company) provides a limited exception for the Company to the Emerald Ash Borer (EAB) quarantine established pursuant to s. ATCP 21.17, Wis. Adm. Code, and 7 CFR 301.53. Based upon the results of an annual DATCP inspection, the limited exception granted by this Agreement authorizes the Company to transport regulated articles intrastate from a quarantined area to a non-quarantined area subject to the following conditions:

1. "Regulated Articles" are defined as the following:
  - a) The emerald ash borer beetle (*Agilus planipennis*) in any living stage;
  - b) Ash trees (*Fraxinus spp.*) of any size;
  - c) Ash limbs, branches and roots;
  - d) Any cut non-coniferous firewood;
  - e) Ash chips and bark fragments (both composted and uncomposted) larger than 1" in 2 dimensions;
  - f) Ash logs, slabs or untreated lumber with bark attached;
  - g) Any other item or substance not listed here that may be designated as a regulated item if a DATCP official determines that it presents a risk of spreading the emerald ash borer and notifies the person in possession of the item or substance that it is subject to the restrictions of the regulations.
2. The Company acknowledges State and Federal regulations governing the Emerald Ash Borer (EAB) and regulated articles. When working within and near an EAB quarantine area, the Company agrees to supply records that may be required for inspection. The Company agrees that the regulated items to which this Compliance Agreement applies are produced, processed, stored, handled or used under conditions, as described in this Agreement, that effectively preclude the transmission of EAB;
3. The Company agrees to treat regulated articles using the following approved process (select all applicable treatments – see attached Addendum Form ARM-PI-449a for specific treatment requirements):
  1. Removal of all bark and additional ½ inch of wood (cambium)
  2. USDA-APHIS compliant kiln sterilization
  3. USDA-APHIS compliant heat treatment for firewood or logs
  4. ISPM-15 compliant heat treatment for solid wood packing material (SWPM – pallet stock)
  5. Chipping or mulching
  6. Transport safeguards
  7. Approved receiving facility outside of quarantine area

4. The Company agrees to inspect and certify all shipments of regulated ash materials that will leave the EAB quarantine area, and that only the following named employees will be authorized to issue this certification:


5. The Company agrees to write the inspector's name, the date of inspection and the compliance agreement number on the scale ticket, bill of lading, invoice, manifest or any other shipping document accompanying the transport of any regulated ash materials;

6. The Company agrees to maintain all records pertaining to the movement of regulated articles for a period of at least 36 months. To ensure compliance, DATCP retains the right to conduct audit inspections of regulated articles, to monitor inspection procedures and to examine shipment records at any time;

7. The Company agrees to keep its employees informed about the EAB quarantine borders and about EAB quarantine regulations. The Company also agrees to instruct its employees in the identification of EAB and its signs, and to inform DATCP of any suspected EAB infestation;

8. Compliance Agreements are non-transferable. The Company must notify DATCP in the event that:

- a) The designated signatory individual in Block 8 (below) changes, or
- b) The applicant/company physically relocates, or
- c) The company name or ownership changes, or
- d) Any other event occurs which may affect the handling of regulated articles;

9. DATCP reserves the right to revise or cancel the CA at any time. If the Company fails to comply with the provisions of this CA, this CA shall be revoked. DATCP may pursue additional penalties for violations, including forfeiture, fine or imprisonment, under Wis. Stats. Ch. 94.77. If DATCP takes an action against the Company for violation by the Company of this CA, the Company may request a hearing under s. ATCP 1.03(3), Wis. Adm. Code. A request for hearing shall be submitted in writing within ten days after service of the notice of violation. A request for hearing does not stay or modify any summary order issued by the department because of the violation. If granted, the Company's right of hearing will be limited to the issue of determining whether the terms of this CA have been materially violated.

The affixing of signatures below will validate this Agreement which shall remain in effect for one year from the date entered in Block 10 (below), but may be revised as necessary or revoked for noncompliance. One original signed CA to be maintained at DATCP and a second original signed CA to be maintained at the Company office.

<b>8. SIGNATURE (FOR COMPANY):</b>	<b>9. TITLE:</b>	<b>10. DATE:</b>
<b>11. COMPLIANCE AGREEMENT NUMBER:</b>		
<b>12. STATE AGENCY OFFICIAL (NAME &amp; TITLE):</b>		<b>AGENCY CONTACT:</b> 2811 Agriculture Drive P.O. Box 8911 Madison, WI 53708-8911 (608) 224-4573
<b>13. SIGNATURE:</b>		



## Addendum to DATCP Emerald Ash Borer Compliance Agreement – Treatment Options

Compliance Agreement # \_\_\_\_\_

### **1. Removal of all bark and additional ½ inch of wood** \_\_\_\_\_ (initials / date)

The standard for bark removal calls for 100% of the bark to be removed and an additional ½ inch of wood. No residual bark or cambium shall remain.

### **2. USDA-APHIS compliant kiln sterilization treatment** \_\_\_\_\_ (initials / date)

Ash lumber may be kiln sterilized and dried according to the following treatment schedule. *Note: The maximum thickness of allowable wood is three inches. (see also USDA-APHIS-PPQ Treatment: T404-b-4 Kiln Sterilization.)\**

<b>Dry Bulb temperatures</b>	<b>Wet Bulb depression</b>	<b>Relative humidity</b>	<b>Moisture content</b>	<b>Thickness of lumber</b>	<b>Exposure time</b>
140°F	7°F	82%	13.8%	1 inch	3 hrs
				2 inches	5 hrs
				3 inches	7 hrs
130°F	16°F	60%	9.4%	1 inch	10 hrs
				2 inches	12 hrs
				3 inches	14 hrs

- a) After treatment, moisture meter readings will be taken to verify the wood is at or below the appropriate moisture content listed above. Two readings will be taken per stack of wood: one near the top of the stack and one near the bottom of the stack. These readings will be recorded with the date, time and quantity of ash lumber. This information will be supplied to DATCP on a monthly basis.
- b) If the wood does not meet moisture content guidelines, it will NOT be in compliance unless it undergoes additional kiln sterilization and can then demonstrate that the moisture requirement has been met.

### **3. USDA-APHIS compliant heat treatment** \_\_\_\_\_ (initials / date)

Acceptable heat treatment procedures for firewood and other logs may employ steam, hot water, kilns, or any other method that raises the temperature of the center of the wood to at least 60°C (140°F) and maintains this center temperature for at least 60 minutes. *(see also USDA-APHIS-PPQ Treatment: T314-a Heat Treatment.)\**

- a) Facilities, temperature monitors and temperature sensors will be approved by DATCP or USDA-APHIS prior to a compliance agreement being initiated. Compliance agreements must contain a diagram of the treatment facility to include at a minimum: dimensions, capacity, circulation fans, heat input location, and door locations.
- b) All temperature monitoring equipment must be accurate to within +/- 0.5 °C (0.9 °F) at the treatment temperature, capable of collecting temperature data at least once every 5 minutes and recording or storing data for 30 days. The temperature monitoring equipment must also be calibrated prior to facility certification tests and a minimum of once annually thereafter. In addition, if a permanent temperature recording system is used, the system must be recalibrated when any part of the system is repaired or replaced.
- c) Temperature monitoring equipment must be able to provide a record of the treatment that identifies each sensor and indicates time and temperature for the full run time.
- d) Internal wood temperatures shall be obtained and verified by sensors located in the larger pieces of wood at representative locations within the stack. The number of temperature-sensing elements required per load will vary with the size of the load. The minimum requirement is 4 sensors – 1 for measuring ambient temperature and 3 for measuring internal wood temperature. For loads greater than 5,000 ft<sup>3</sup> (142 m<sup>3</sup>) of wood, a minimum of 1 additional sensor for measuring internal wood temperature must be provided for each additional 2,000 ft<sup>3</sup>. For example, a load of 9,000 ft<sup>3</sup> would require a total of 6 sensors (1 ambient air temperature sensor and 5 [3 + 2] additional sensors). At least 1 sensor shall be placed in a large firewood piece in a portion of the load furthest away from initial heat circulation. Other recording arrangements may be considered if approved by DATCP or USDA-APHIS.

- e) Begin treatment when all the temperature sensors reach the threshold temperature of 60°C (140°F). Treatment will be complete when all temperature probe readings are at or above the threshold temperature for the entire 60 minutes.
- f) Temperature monitoring equipment will be certified by USDA-APHIS or DATCP personnel at regular intervals except in those cases where a facility is inactive in excess of 2 months. Certification shall occur before production activities resume.

**4. ISPM-15 compliant heat treatment for SWPM** \_\_\_\_\_ (initials / date)

Pallet stock or other SWPM may be heat treated to achieve a minimum core temperature of 56°C (132.8°F) for a minimum of 30 minutes. All treatments must be conducted in USDA Approved Facilities. This establishment agrees to maintain their status as a USDA Approved Facility for WPM through an ISPM-15 certification program with a company that is accredited by the American Lumber Standards Committee (ALSC) WPM Program and meets IPPC guidelines. (see also *USDA-APHIS-PPQ Treatment T404-e-2 WPM.*\*)

**5. Chipping or Mulching** \_\_\_\_\_ (initials / date)

Produce wood mulch or chips that comply with the approved Mulch Sample Protocol of pieces processed to a size of less than one inch in two dimensions.

**6. Transport Safeguards** \_\_\_\_\_ (initials / date)

This facility will transport regulated ash logs, lumber, stumps, branches, and chips intrastate from a quarantined area only if the regulated ash material is destined to a sawmill or other facility approved under an appropriate DATCP or USDA Compliance Agreement. All transport of regulated ash material must comply with the following date limitations:

- a) **October 1 through March 31:**  
Shipments of regulated articles out of EAB quarantined areas, excluding firewood, will be allowed. Shipments must proceed from origin to destination without stopping (except for refueling or traffic conditions).
- b) **April 1 through September 30:**  
No transport of regulated articles is allowed under this compliance agreement.

**7. Approved receiving facility outside of quarantine area** \_\_\_\_\_ (initials / date)

Facilities outside the quarantined area of the regulated material's origin may only accept regulated ash logs, lumber, stumps, branches, and chips moved intrastate from a shipper under an appropriate DATCP or USDA Compliance Agreement. The manufacturing or treatment process will take place on facility premises between October 1 and April 30. Regulated materials accepted must meet the following conditions in addition to the selected treatment or mitigation option requirements:

- a) Facility will ensure that all regulated material will be physically separated from other regulated items until processed, and all waste disposed of by chipping to less than an inch in two dimensions or burned on site. **None of these items will be sold as firewood.**
- b) Facility will ensure that all regulated material (including waste, bark and slab wood) will be processed or disposed of by **April 30**. Any regulated materials remaining after April 30 will be considered a violation of this agreement. If regulated items are present in violation of this agreement, they will be immediately treated or disposed of under DATCP supervision using appropriate safeguards at the owner's expense. The manufacturing or treatment process will take place on the mill premises between **October 1 through April 30**.

\* **USDA-APHIS-PPQ treatment schedules can be accessed online here:**

<http://manuals.cphst.org/Tindex/treatmentSearch.cfm> or  
[http://www.aphis.usda.gov/import\\_export/plants/manuals/ports/downloads/treatment.pdf](http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/treatment.pdf)