



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

Interstate Movement of Regulated Articles from EAB Quarantined Areas

Quarantine Regulations

Federal regulations for EAB can be found in the [Code of Federal Regulations at 7CFR301.53-1 through 9](#). The state regulations can be found in [Wisconsin Administrative Code at ATCP 21.17](#). There are also several counties that have enacted ordinances that restrict the import of firewood onto county lands.

The intent of quarantines is to slow the artificial (human-mediated) movement of injurious pests. Federal quarantines are primarily focused on interstate movement and state quarantines are primarily focused on within-state movement of regulated articles. Education/outreach is a very important component of quarantines because industries and the public have to be shown why the quarantine exists and what they can do to mitigate the spread of the pest. The general public is probably the hardest segment of the population to educate on complying with quarantines. Changing public behavior concerning articles such as firewood is a long process with a large education and outreach component.

For practical purposes, quarantine areas need to be big enough that regulated articles can be processed in an orderly manner. The minimum level of quarantine will be at the county level. Additional surrounding counties may have to be quarantined in order for regulated articles, such as wood waste, to be processed without a significant cost increase to municipalities. Other states have found that a less than county quarantine limits where you can even store ash logs and wood waste.

Effects of Quarantines on Industry and the Public

The following entities will be affected by EAB quarantines, each in a different way. For example, if you are a firewood dealer all hardwood firewood would be regulated as the average person cannot distinguish ash from other species. Nurseries, on the other hand, would be restricted selling ash nursery stock but could sell all other species.

Nurseries

Nurseries in quarantined counties would not be allowed to move ash nursery stock to non-quarantined counties or states without inspection and certification. The instances where DATCP would certify ash nursery stock would be rare. Currently, most nurseries have already dramatically cut back on planting ash nursery stock because of the potential restrictions on its movement and also on the declining demand for ash, both in the public and private sector.

Agriculture generates \$51.5 billion for Wisconsin

Firewood

Firewood movement would be severely limited and only businesses that are able to treat firewood to mitigate the spread of EAB would be certified.

Mills

Mills would have restrictions placed on them as to handling of ash logs and the time of year they could process the logs for pulp or saw logs.

Arborists & Tree Care Companies

Arborists will be directly affected because disposal of trimmings and other green waste will be curtailed.

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Pallets and Wood Packing Material (WPM) facilities

New pallets and other new WPM would need to be heat treated or fumigated in order to move from quarantined to non-quarantined areas.

Landfills and transfer stations

Landfills and transfer stations in non-quarantined areas would not be able to accept green wood waste from quarantined areas unless it was processed in a manner to mitigate the spread of EAB. This may include chipping the green wood waste to less than an inch in two dimensions before being moved, or some other treatment the department finds acceptable. The time of year of processing the green wood waste would also be a factor in determining if green wood waste from quarantined counties would be acceptable.

Wood-fired industrial boilers

Wood-fired boilers would be integral in relieving vast amounts of the wood waste stream. If moving from a quarantined county to a non-quarantined county, restrictions would be placed on when the wood waste could be moved and burned.

Homeowners

Homeowners will most likely be impacted by changing (or not changing) their behavior on what they do with firewood, tree trimmings & green waste and tree removal. Transport of firewood and being subsequently caught can result in monetary penalties but enforcement is a critical issue.

Public Works

Areas where green waste could be shipped may be limited by a quarantine. Chipping would be one method that would allow green waste to be shipped from quarantined areas to non-quarantined counties.

Notification of Affected Parties

Industries in quarantined counties would be contacted through direct mailings, through association newsletters and other publications. Information would also be available on our website.

The general public would be alerted to the quarantines through radio and TV spots, through our website and possibly through inserts in their property tax bills or other widely distributed mailings.

7CFR301 (Code of Federal Regulations)

Subpart—Emerald Ash Borer

SOURCE: 68 FR 59088, Oct. 8, 2003, unless otherwise noted.

Regulated articles may be moved interstate from a quarantined area to a non-quarantined area only if moved under the following conditions:

- (a) With a certificate issued and attached in accordance with Sec.301.53-5 and 301.53-8;
- (b) Without a certificate or limited permit if:
 - (1) The regulated article is moved by the United States Department of Agriculture for experimental or scientific purposes; or
 - (2) The regulated article originates outside the quarantined area and is moved intrastate through the quarantined area under the following conditions:
 - (i) The points of origin and destination are indicated on a waybill accompanying the regulated article; and
 - (ii) The regulated article, if moved through the quarantined area during the period of May 1 through August 31 or when the ambient air temperature is 40 °F or higher, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; and
 - (iii) The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed, or handled at locations approved by an inspector as not posing a risk of infestation by emerald ash borer; and
 - (iv) The article has not been combined or commingled with other articles so as to lose its individual identity

Intrastate (within Wisconsin) Movement of Regulated Articles from EAB Quarantined Areas

ATCP 21.17 Emerald ash borer; import controls and quarantine. (1) IMPORTING OR MOVING REGULATED ITEMS FROM INFESTED AREAS; PROHIBITION. Except as provided in sub. (3), no person may do any of the following:

- (a) Import a regulated item under sub. (2) into this state if that item originates from an emerald ash borer regulated area identified in 7 CFR 301.53–3.
- (b) Move any regulated item under sub. (2) out of an emerald ash borer regulated area that is identified in 7 CFR 301.53–3 and located in this state.

Note: The United States department of agriculture, animal and plant health inspection service (USDA–APHIS) periodically updates the list of regulated areas in 7 CFR 301.53–3. Subsection (1) applies to new regulated areas as those areas are identified in the CFR.

Each year, as a service, the Wisconsin department of agriculture, trade and consumer protection distributes an updated federal CFR listing to nursery license holders and other affected persons in this state. More frequent updates, if any, are available on the department’s website at www.datcp.state.wi.us. Subsection (1) applies to new regulated areas as those areas are identified in the CFR, regardless of whether affected persons receive update notices from the department. Persons may request update notices by calling (608) 224–4573, by visiting the department’s website, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Agricultural Resource Management
P.O. Box 8911
Madison WI 53708–8911

(2) REGULATED ITEMS. The following are regulated items for purposes of sub. (1):

- (a) The emerald ash borer, *Agrilus planipennis* Fairmaire, in any living stage.
- (b) Ash trees.
- (c) Ash limbs, branches and roots.
- (d) Ash logs, slabs or untreated lumber with bark attached.
- (e) Cut firewood of all non–coniferous species.
- (f) Ash chips and ash bark fragments (both composted and uncomposted) larger than one inch in diameter.
- (g) Any other item or substance not listed in sub. (2) that may be designated as a regulated item if a pest control official determines that it presents a risk of spreading emerald ash borer and notifies the person in possession of the item or substance that it is subject to the restrictions of the regulations.

(3) INSPECTED AND CERTIFIED ITEMS; EXEMPTION. Subsection (1) does not prohibit the shipment of a regulated item if a pest control official in the state or province of origin does all of the following:

(a) Inspects the regulated item.

(b) Certifies any of the following in a certificate that accompanies the shipment:

1. The regulated item originates from non-infested premises and has not been exposed to emerald ash borer.

2. The regulated item was found, at the time of inspection, to be free of emerald ash borer.

3. The regulated item has been effectively treated to destroy emerald ash borer. The certificate shall specify the date and method of treatment.

4. The regulated item is produced, processed, stored, handled or used under conditions, described in the certificate, that effectively preclude the transmission of emerald ash borer.