

**MICHIGAN DEPARTMENT OF AGRICULTURE  
PESTICIDE AND PLANT PEST MANAGEMENT DIVISION  
EMERALD ASH BORER INTERIOR QUARANTINE**  
(Revised November 10, 2008)

**WHEREAS**, the Director, Michigan Department of Agriculture, having found that an exotic pest, known as the emerald ash borer, *Agrilus planipennis* (Fairemaire), has been detected in this state; and

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

**WHEREAS**, ash trees are a valuable resource for the timber industries in Michigan; and

**WHEREAS**, ash trees represent a significant component of the natural environment in Michigan; and

**NOW, THEREFORE**, the Director of the Michigan Department of Agriculture by the authority of Act No. 72 of the Public Acts of 1945, as amended, does promulgate 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 This revised quarantine shall become effective immediately and will remain in effect until rescinded by the Director.

**I. DEFINITIONS.**

The following terms shall be construed to mean:

- (A) **CERTIFICATE and CERTIFICATE OF INSPECTION** mean a document issued or authorized to be issued by the Director, including state-issued certificates of quarantine compliance, state phytosanitary certificates, limited permits, and multiple-use quarantine certificates to allow the movement of regulated articles to any destination.
- (B) **COMMERCIAL SHIPMENT** means movement for a business purpose that involves a sale or financial transaction.
- (C) **COMPLIANCE AGREEMENT** means a written agreement between a person moving or receiving regulated articles and the Director.
- (D) **DIRECTOR** means the Director of the Michigan Department of Agriculture or his or her authorized representative.
- (E) **INFESTATION** means the presence of the emerald ash borer or the existence of the circumstances that make it reasonable to believe that the emerald ash borer is present.
- (F) **INSPECTOR** means an employee of the Michigan Department of Agriculture authorized to enforce the provisions of this quarantine.
- (G) **LOG** means tree parts cut into lengths 4 feet or longer.
- (H) **MICHIGAN'S LOWER PENINSULA** means the area that consists of those 68 contiguous Michigan counties lying between the Michigan-Indiana/Ohio state line to the south and the northernmost point of Emmet County to the north. For the purpose of this quarantine, Michigan's Lower Peninsula is one quarantine area as described in Section III.

- (I) **MICHIGAN'S UPPER PENINSULA** means the area that consists of those 15 contiguous Michigan counties lying between the Michigan-Wisconsin state line to the west and Canada to the east.
- (J) **MOVED (MOVE, MOVEMENT)** means shipped, held for shipment, received for shipment, transported, carried, or allowed to be moved or shipped.
- (K) **PERSON** means an individual, firm, association, partnership, corporation, governmental entity, or other legal entity.
- (L) **LUMBER** means timber sawed into boards, planks, or other structural members of standard or specified length.
- (M) **PALLET** means a portable platform used for moving cargo or freight
- (N) **BARK** means the natural bark of a tree, including the ingrown bark around knots and bark pockets between rings of annual growth and an additional ½ inch of wood, including the vascular cambium.
- (O) **BARK-FREE WOOD** means a piece of wood from which the bark has been removed. See I(N)

## II. REGULATED ARTICLES.

- (A) The emerald ash borer, *Agrilus planipennis* (Fairemaire), in any living stage of development.
- (B) Entire ash (*Fraxinus* spp.) trees.
- (C) Ash limbs and branches.
- (D) Ash stumps.
- (E) Ash logs with bark as described in I (N).
- (F) Ash lumber with bark as described in I (N).
- (G) Non-coniferous (hardwood) wood chips and non-coniferous (hardwood) bark chips larger than 1 inch in two dimensions.
- (H) Any article, product or means of conveyance when it is determined by the Director to present the risk of spread of the emerald ash borer.
- (I) Firewood of any non-coniferous (hardwood) species with bark as described in I (N).

## III. QUARANTINED AREAS.

The counties and portions of counties listed below are designated as quarantined areas. In addition, the Director may designate any area as quarantined for the emerald ash borer in the future. Information on additional quarantined areas will be provided on the Michigan Department of Agriculture website located at [www.michigan.gov/eab](http://www.michigan.gov/eab). A current printed copy of the quarantine is available upon request at all Michigan Department of Agriculture Regional offices and through the Michigan Department of Agriculture Pesticide and Plant Pest Management Division Lansing Office, P.O. Box 30017 Lansing, Michigan 48909, 1 866-325-0023.

### (A) Quarantine Level I

All sixty-eight (68) Counties of the Lower Peninsula are designated as Quarantine Level I, based on the general presence of emerald ash borer.

**(B) Quarantine Level II**

The portions of counties described below are designated as Quarantine Level II, based on the several isolated occurrences of emerald ash borer in a contiguous area.

**Chippewa County –**

Quarantine Boundary – Brimley area\*

That area in Bay Mills and Superior Twps. in Chippewa Co. that is bounded as follows: beginning at the intersection of M-28 and Crawford St.; then north on Crawford St. to Irish Line Rd.; then continuing north on Irish Line Rd. to where it ends; then continuing north on an imaginary line to the boundary between Bay Mills and Superior Twps.; then continuing north and east on the boundary between Bay Mills and Superior Twps. to the shore of Lake Superior; then east on the shore of Lake Superior to the boundary between Bay Mills and Soo Twps.; then south on the boundary between Bay Mills and Soo Twps. to 6 Mile Rd.; then continuing south on the boundary between Dafter and Superior Twps. to Forrest Rd.; then continuing south on Forrest Rd. to M-28; then west on M-28 to the point of beginning.

\*Michigan’s emerald ash borer internal quarantine encompasses tribal lands. The Bay Mills Indian Community has in effect a similar quarantine that regulates the movement of ash wood products. The violation of quarantine regulations on tribal lands is also punishable by criminal prosecution.

**Delta County –**

- Garden Township – the entirety
- Nahma Township – the entirety
- Fairbanks Township – the entirety

**Houghton County –**

- Hancock Township – the entirety
- Torch Lake Township – the entirety
- Quincy Township – the entirety
- Franklin Township – the entirety
- Osceola Township – the entirety
- Calumet Township – the entirety
- Schoolcraft Township – the entirety
- City of Hancock – the entirety

**Mackinac County –**

- City of St. Ignace – the entirety
- Brevort Township – the entirety
- Moran Township – the entirety
- St. Ignace Township – the entirety

**Schoolcraft County –**

- Inwood Township – (the entirety)
- Thompson Township – (the entirety)

**(C) Quarantine Level III**

The balance of a County not contained in a Level II quarantine area. In addition, geography of a County may necessitate establishment of quarantine at this level as well.

**All of the remaining portion of Delta County** not listed as Quarantine Level II above is designated as Quarantine Level III.

**All of the remaining portion of Houghton County** not listed as Quarantine Level II above is designated as Quarantine Level III.

**All of the remaining portion of Mackinac County** not listed as Quarantine Level II above is designated as Quarantine Level III.

**All of the remaining portion of Schoolcraft County** not listed as Quarantine Level II above is designated as Quarantine Level III.

**Keweenaw County** – the entirety

#### **IV. CONDITIONS OF MOVEMENT OF REGULATED ARTICLES.**

- (A) The sale and/or movement of all ash nursery stock within, out of or into Michigan is prohibited under all conditions.
- (B) Ash wood material, including ash lumber, used in the State of Michigan for the manufacture of pallets and wood crating must be bark free, as described in Section I. (N).
- (C) The movement of regulated articles originating from a Quarantine Level I area to any destination outside of the Quarantine Level I is prohibited, except with a Compliance Agreement.
- (D) The movement of regulated articles, originating from a Quarantine Level II area to any destination outside of the Quarantine Level II area is prohibited, except with a Compliance Agreement. Regulated articles may move from the Quarantine Level II area in Mackinac County to the Quarantine Level I area of the Lower Peninsula without a Compliance Agreement.
- (E) The movement of regulated articles, originating from a Quarantine Level III area to a non-quarantined area is prohibited, except with a Compliance Agreement. Regulated articles may move from a Quarantine Level III area to a Quarantine Level II area without a Compliance Agreement.
- (F) Regulated articles may move from a Non-Quarantined area into a Quarantine Level I, II, or III area without a compliance Agreement.
- (G) Shipping documents are required for, and must accompany, any commercial shipment of a regulated article and must include a description of the regulated article, the point of origin and final destination of the regulated article by township, county, and state, in the following movement circumstances:
  - 1. Originating from the Quarantine Level I area and leaving the Lower Peninsula
  - 2. Originating from a Quarantine Level II area to a Quarantine Level III area or to an un-quarantined area
  - 3. Originating from a Quarantine Level III area to an un-quarantined area
- (H) A regulated article being moved with a Compliance Agreement from a Quarantine Level I, II or III area may only move to a facility with a Compliance Agreement for processing, utilization and/or disposal and can only move from September 1 through April 30.
- (I) A regulated article originating from a non-quarantined area which is moved into or through a Quarantined area shall be considered to have originated from the Quarantined area it is moved into and may only be moved from that Quarantined area under the conditions noted above or through the following provisions:
  - 1. Passage through the Quarantine Level area is made without stopping except to refuel or for traffic conditions; and,

2. Shipping documents are required for, and must accompany, any commercial shipment of a regulated article and must include a description of the regulated article, the point of origin and final destination of the regulated article by township, county, and state

(J) A regulated article originating from a Quarantine Level III area which is moved into or through an adjoining Quarantine Level II area shall be considered to have originated from the Quarantine Level II area and may only be moved from the Quarantine Level II area under the conditions noted above or through the following provisions:

1. Passage through the Quarantine Level II area is made without stopping except to refuel or for traffic conditions; and,
2. Shipping documents are required for, and must accompany, any commercial shipment of a regulated article and must include a description of the regulated article, the point of origin and final destination of the regulated article by township, county, and state

(K) The risk of spreading Emerald Ash Borer created by regulated articles moved in violation of this quarantine shall be immediately mitigated under the direction of the Director at the expense of the owner or owners.

#### **V. VIOLATIONS AND PENALTIES.**

(A) Any violation of this quarantine is subject to the full authority of Act No. 72, Public Acts of 1945, as amended.

#### **VI. SPECIAL EXEMPTIONS.**

(A) The Director may allow, with written approval, the movement of regulated articles, into or within Michigan for research purposes.



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Donald Koivisto, Director

November 10, 2008

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Date