

<b>USDA APHISPLANT PROTECTION &amp; QUARANTINE STATE OF _____ COMPLIANCE AGREEMENT</b>		Public reporting burden for this collection of information is estimated to average 1.25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the form. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing the burden, to USDA, OIRM, Clearance Officer, Room 404-W, Washington, DC, 20250. When replying refer to the OMB number and form number in your letter.	
1. Name or Address of Person or Firm <b>NAME:</b> <b>ESTABLISHMENT:</b> <b>ADDRESS:</b> <b>CITY, STATE, ZIP</b>		2. Location  <b>COUNTY:</b> <b>PHONE:</b>  <b>FAX:</b>	
3. Regulated Article(s) <b>Approved Mill Facility Inside Quarantined Area Handling Ash Chips and Mulch(Excluding Firewood)</b>			
4. Applicable Laws/Regulations <b>7CFR 301.53 Emerald Ash Borer (<i>Agrilus planipennis</i>), State of _____ EAB Interior Quarantine</b>			
5. I/We agree to the following: <b>Establishment (Fill In)</b> _____ hereby enters into a Compliance Agreement with the United States Dept. of Agriculture (USDA) and the _____ Department of Agriculture ( ) under the provisions of the Emerald Ash Borer Quarantine and agrees to ship regulated articles only as provided for in this Compliance Agreement. <u>Ash bark and bark products are subject to additional regulations and requirements if moved outside an area regulated for Gypsy Moth. A current map of the area regulated for Gypsy Moth is available at <a href="http://www.aphis.usda.gov/plant_health/plant_pest_info/gypsy_moth/downloads/gypmoth.pdf">http://www.aphis.usda.gov/plant_health/plant_pest_info/gypsy_moth/downloads/gypmoth.pdf</a> or call _____.</u> Do not make commitments to move chips, mulch, or other regulated materials outside of the area regulated for Gypsy Moth without contacting the USDA at _____.			
This establishment will ship regulated ash chips and mulch interstate from a quarantined area ONLY after <b>ONE</b> of the following treatments is completed at the establishment's expense: (Circle those that apply)			
<ol style="list-style-type: none"> <li>1. Produce mulch chips that comply with the Mulch Sample Protocol provided in Attachment A-1</li> <li>2. Composting process as provided in Attachment A-1.</li> </ol>			
If this establishment receives regulated ash material sourced from another state, additional stipulations will apply. The manufacturing/treatment process must take place within the quarantined area. Regulated articles that have undergone an approved treatment may be shipped throughout the year.			
This establishment will ensure that each shipment of treated regulated material moved interstate is accompanied by a completed Federally issued Certificate (PPQ Form 540) and will maintain Part 2 (green copy) of the PPQ 540 Certificate at their premises This establishment will ensure that the Federal Certificates (PPQ Form 540) are safeguarded from misuse, unauthorized use, and loss. No certificates are to be duplicated without the approval of USDA-PPQ. All certificates must be accounted for, including voids.			
The USDA and/or _____ retain the right to conduct inspections of regulated articles, monitor inspection procedures, and examine shipment, treatment, and certificate records at any time. All records must be maintained for at least 36 months. All document requests will be filled within 48 hours of the initial request. Inspector copies must be forwarded to the issuing office once per month.			
If <b>Establishment (Fill In)</b> _____ fails to comply with the provisions of this Compliance Agreement and/or the Emerald Ash Borer Quarantine regulations, this Compliance Agreement will be canceled. In addition, violations of federal regulations, including any alteration, forgery or unauthorized use of Federal forms, are subject to criminal penalties with monetary fines in accordance with 18 USC, imprisonment for a period not to exceed one year, or both, or civil penalties of up to \$500,000 (7USC s7734 (b)). The USDA reserves the right to revise or cancel the Compliance Agreement at any time.			
This Compliance Agreement replaces and supersedes any other interstate Compliance Agreements issued to <b>Establishment (Fill In)</b> by the USDA for the handling of regulated articles described in box 3 above originating from a quarantined area. Compliance agreements are non-transferable. The establishment must notify the local USDA,APHIS,PPQ office in the event that:			
<ul style="list-style-type: none"> <li>• The designated signatory individual in block 6 changes,</li> <li>• The applicant/company physically relocates,</li> <li>• The company name or ownership changes, or</li> <li>• Any other event which may affect the handling of the regulated article occurs.</li> </ul>			
<b>Signing below will validate this agreement, which shall remain in effect one year, but may be revised as necessary or revoked for noncompliance.</b>			
6. Signature		7. Name and Title ( <i>Please Print</i> )	8. Date Signed
9. Agreement Number		10. Product	11. Date of Agreement
12. Federal Agency Official ( <i>Name, Title, Agency</i> )		13. Address <b>USDA-APHIS-PPQ Emerald Ash Borer Program</b>	
14. Signature		15. Date	
16. State Agency Official ( <i>Name, Title, Agency</i> )		17. Address	
18. Signature		19. Date	

# Attachment A-1

## MULCH SAMPLING PROTOCOL

### **Size Requirements and Screening Procedure for Hardwood Mulch and Chips in the Emerald Ash Borer Quarantine Area February 23, 2007**

The following procedure should be followed to determine if hardwood and bark chips, nuggets, and mulch materials can be considered safe for movement from the emerald ash borer quarantine area:

Step 1. Using a 12inch diameter 3.25 inch deep sieve with 1.25 inch steel mesh openings (Fisher Scientific #04-884-1J) take 10 samples from random locations in the chip or mulch pile - - do not take all samples from the same location. If any chips are found that are greater than 2.5 inches in two dimensions the pile is rejected. If there are no chips found greater than 2.5 inches in two dimensions then proceed to Step 2.

Step 2. If four or more chips from the 10 samples do not pass through the sieve proceed to Step 3. If three or fewer chips from the 10 samples do not pass through the sieve, then the pile passes and can be moved.

Step 3. Resample. Take 10 additional samples from random locations in the chip pile. If any chips are found that are greater than 2.5 inches in two dimensions the pile is rejected. If there are no chips found greater than 2.5 inches then proceed to Step 4.

Step 4. If four or more chips from the 10 samples do not pass through/put through the sieve the pile is rejected. If three or fewer chips fail to pass through the sieve then the pile passes and can be moved.

**NOTE: Mulch chips that do not meet the specified requirements as outlined above may be reground to meet this specification or composted as outlined below.**

### **Composting Requirements for Hardwood Mulch and Chips in the Emerald Ash Borer Quarantine Area**

To treat hardwood and bark chips, nuggets, and mulch material that are larger than 1.00 inches (2.54 cm) in two dimensions, to mitigate risk of spread of Emerald Ash Borer, they can be composted using the following procedure adapted from the Gypsy Moth Manual:

1. Compost piles must be a minimum of 200 cubic yards.
2. Internal temperature at a depth of 18 inches must reach 140 °F (60 °C) for four (4) continuous days.
3. Using a front-end loader or a bulldozer, remove the outer layer of the compost pile to a depth of three (3) feet.
4. Start a second compost pile using the recently-removed cover material as a core.
5. Move the core material from the first compost pile and place on the second compost pile as a cover at least three  
(3) feet deep.
6. Allow the second compost pile to remain undisturbed until the temperature reaches 140 °F (60 °C) for at least  
four (4) continuous days.

7. Remove the second compost pile and use as fully-composted material.

This procedure will allow continuous operation. After the first compost pile is “turned” to become the second compost pile, a new “first” compost pile can be started.

### Electronic Stamp for EAB

This is a sample of certification stamp available for use as an attachment to commercial labels or invoices. This stamp is approved for use at the regional level for gypsy moth program materials and firewood compliance agreements in the emerald ash borer program.

