STATE OF MARYLAND
MARYLAND DEPARTMENT OF AGRICULTURE

QUARANTINE ORDER OF	*	
THE SECRETARY OF AGRICULTURE,	*	**PLANT PROTECTION**
STATE OF MARYLAND, TO PREVENT	*	**ORDER #11-02**
THE SPREAD OF THE EMERALD ASH	*	**Authority: Agriculture Article, § 5-304, Annotated Code**
BORER IN THIS STATE	*	**of Maryland**

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QUARANTINE ORDER

WHEREAS, The Secretary of Agriculture, State of Maryland, has broad powers to control, retard, or eradicate dangerously injurious plant pests; and

WHEREAS, An exotic pest, known as the emerald ash borer (Coleoptera: Buprestidae: *Agrilus planipennis* Fairmaire) has been detected in this State and has a limited distribution at this time; and

WHEREAS, The emerald ash borer has been found infesting and killing ash (*Fraxinus* spp.) trees in certain counties; and

WHEREAS, Ash trees are a valuable resource for the nursery, landscaping, and timber industries in Maryland; and

WHEREAS, A federal quarantine (7 CFR §§ 301.53-1 through 301.53-9) was issued on October 8, 2003 regulating this pest.

NOW, THEREFORE, I, Earl F. Hance, the Secretary of Agriculture, State of Maryland, by virtue of the authority vested in me by Agriculture Article, § 5-304, Annotated Code of Maryland, on this 11th day of July, 2011 hereby **ORDER**: That a quarantine is established, subject to the following terms, conditions, and restrictions:

1. **Quarantine Area**. This quarantine applies to all of Allegany, Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Garrett, Harford, Howard, Montgomery, Prince George's, St. Mary's, Washington counties and Baltimore City, Maryland.

2. **Quarantine Period**. This quarantine is effective immediately and will remain in effect until rescinded or otherwise modified by the Secretary.

3. **Definitions.** The following terms shall be construed to mean:

(a) "Ash tree" means ash (*Fraxinus* spp.) trees.

(b) “Certificate” or “certificate of inspection” means a document issued, or authorized to be issued, by the Secretary, including State-issued certificates of quarantine compliance, State phytosanitary certificates and multiple-use quarantine certificates, to allow the movement of regulated articles to any destination.

(c) “Compliance Agreement” means a written agreement between a person moving regulated articles and the Maryland Department of Agriculture, wherein the former agrees to comply with the requirements of the agreement.

(d) “Emerald ash borer” means the insect known as emerald ash borer (*Agrilus planipennis* [Coleoptera: Buprestidae]) in any stage of development.

(e) “Infestation” means the presence of the emerald ash borer in any life stage, 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 Maryland Department of Agriculture authorized to enforce the provisions of this quarantine.

(g) “Move,” “moved,” or “movement” means shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved or shipped.

(h) “Person” means any association, company, corporation, firm, individual, joint stock company, partnership, society, or any other legal entity.

(i) “Quarantine Area” means an area that includes at least one (1) infestation, or that the Secretary considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities where emerald ash borer has been found.

(j) “Regulated articles” means:

    (i) The emerald ash borer; firewood of all hardwood (non-coniferous) species, including any piece thereof; nursery stock, green lumber, and other material living, dead, cut, or fallen, (e.g. logs, stumps, roots, branches) of the genus *Fraxinus*, including any piece thereof.
    (ii) Uncomposted ash chips and uncomposted ash bark chips larger than 1 inch in diameter in two dimensions.
    (iii) Any other article, product, or means of conveyance not listed in paragraph (i) or (ii) of this section may be designated as a regulated article if an inspector determines that it presents a risk of spreading emerald ash borer and notifies the person in possession of the article, product, or means of conveyance that it is subject to the restrictions of the regulations.

(k) “Secretary” means the Secretary of the Maryland Department of Agriculture or his authorized representative.

4. **Movement of Regulated Articles**.

(a) Except under the following conditions or as directed by the Secretary, a person may not move regulated articles from the Quarantined Area to any destination outside the Quarantined Area:

(i) The regulated articles have been thoroughly examined and have been issued a certificate of inspection based on conditions and treatments administered in accordance with methods that the Secretary has approved (a certificate of inspection may be issued based upon the determination by the following: (aa) the inspector, or (bb) a grower or shipper authorized to conduct such inspection under a Compliance Agreement, that no life stages of emerald ash borer are present); and

(ii) The certificate of inspection is attached to the regulated articles, and remains on the regulated articles until such articles reach their final destination (alternatively, the certificate of inspection may be attached to the shipping document provided, however, the regulated article is adequately described in the shipping document or the certificate of inspection).

(b) Except under the following conditions or as directed by the Secretary, a person may not move regulated articles originating outside the Quarantined Area through the Quarantined Area without a certificate of inspection for this pest:

(i) For the period between April 1 and August 31, or when the ambient air temperature is 40 degrees F. or higher, the articles are shipped in an enclosed vehicle, or are completely covered to prevent access by the emerald ash borer; and for the period between September 1 and March 31, or when the ambient air temperature is below 40 degrees F., the regulated articles are moved without stopping, except to refuel or for traffic conditions; and

(ii) The point of origin of the regulated articles is indicated on the bill of lading or shipping documents.

(c) Regulated articles originating outside a Quarantined Area which are moved into the Quarantined Area shall be considered to have originated from the Quarantined Area. These regulated articles may be moved from the Quarantined Area only under the conditions set forth in 4(a) above.

(d) The bill of lading or shipping documents accompanying a shipment of regulated articles within or through Maryland shall indicate the county and State of origin of the regulated articles.

5. **Effect on Prior Order.** This Order supersedes Quarantine Order 11-01 that the Secretary executed on June 10, 2011.

6. **Enforcement and Appeal**

(a) A person may not resist or oppose the Secretary or an authorized inspector in enforcing this Quarantine Order.

(b) An authorized inspector may call upon the assistance of any law enforcement officer to enforce this Quarantine Order.

(c) A person who violates this Quarantine Order is subject to criminal or civil penalties as provided under Agriculture Article, §§ 5-313 and 5-314, Annotated Code of Maryland.

(d) Any person who has any questions regarding this quarantine may contact the Plant Protection and Weed Management Office by phone (410) 841-5920, or email ppwm@mda.state.md.us.

Dated: July 11, 2011

Earl F. Hance, Secretary of Agriculture
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