

Vermont Agency of Agriculture, Food & Markets Quarantine #4 - Pine Shoot Beetle

Section I: Statement of Concerns

Whereas, the Vermont Department of Agriculture, Food & Markets and the Vermont Department of Forests, Parks & Recreation having found that an exotic pest, known as the pine shoot beetle, *Tomicus piniperda* (L.), which is an introduced pest of pine trees, has been detected in this state and has a very limited distribution at this time; and

Whereas, a federal quarantine, 7 CFR, Ch. 111, Part 301.50, calls for the establishment of a parallel internal state quarantine; and

Whereas, it has been determined to be in the best interest of affected industries to regulate the movement of the pine shoot beetle at the county level:

Therefore, the State of Vermont is hereby establishing this interior plant quarantine regulation by the authority of 6 V.S.A., Chapter 84, Pest Survey, Detection and Management.

Section II: Definitions

"Certificate" means a document in which an inspector, or person operating under a compliance agreement, affirms that a specified regulated article is free of pine shoot beetle and may be moved interstate to any destination.

"Commissioner" means the Commissioner of Agriculture, Food & Markets and the Commissioner of Forests, Parks & Recreation.

"Compliance Agreement" means a written agreement between VDAF&M and a person engaged in growing, handling, or moving regulated articles, in which the person agrees to comply with the provisions of this quarantine.

"Evidence of Infestation" means the presence of a clean pine shoot beetle gallery, and/or the pine shoot beetle.

"Infestation" means the presence of the pine shoot beetle.

"Inspector" means any employee of the Animal and Plant Health Inspection Service, Vermont Department of Agriculture, Food & Markets, or Vermont Department of Forests, Parks & Recreation, authorized to enforce this quarantine.

"Interstate" means from any state into or through any other state.

"Limited Permit" means a document which an inspector, or person operating under a compliance agreement, affirms that the regulated article identified on the document is eligible for intrastate and/or interstate movement in accordance with this quarantine to a specified destination and only in accordance with specified conditions.

"Pine Nursery Stock" means all *Pinus* spp. woody plants, shrubs, and rooted trees, and ornamental pine, such as bonsai.

"Pine Shoot Beetle" means the insect known as pine shoot beetle, *Tomicus piniperda* (Linnaeus), in any stage of development.

"Processed Pine Product" means any pine product without bark, wreaths, roping, or any other commodity designated as such by the commissioner.

"Quarantined Area" means any state, or any portion of a state, listed in 7 CFR, Ch. 111, Part 301.50, or any Vermont town listed in Section IV of this quarantine regulation.

"Receiving Facility" means any mill, incinerator, or other facility that receives a regulated article.

"Regulated Article" means any article listed under Section III of this quarantine regulation.

"State" means the District of Columbia, Puerto Rico, the Northern Mariana Islands, or any state, territory, or possession of the United States.

Section III: Regulated Articles

(A) The pine shoot beetle, *Tomicus piniperda* (L.), in any living stage of development.

(B) Entire plants or parts thereof of the genus *Pinus* spp., including, but not limited to, Christmas trees, nursery stock and brush, unless specified under Section VI: Exemptions of this regulation.

(C) Logs and lumber of *Pinus* spp., with bark attached.

(D) Any other article, product or means of conveyance, when it is determined by the Commissioner, that it presents the risk of spread of pine shoot beetle, *Tomicus piniperda* (L.)

Section IV: Quarantined Areas

(A) Within this section, the Commissioner shall list any county, town or other political subdivision in which the pine shoot beetle has been found by an inspector, in which the commissioner has reason to believe the pine shoot beetle is present, or that the commissioner considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities in which the pine shoot beetle has been found.

- (1) Essex County
- (2) Orleans County
- (3) Caledonia County
- (4) Any other county meeting USDA / APHIS criteria for regulated status in accordance with 7 CFR, Ch. 111, Part 301.50.

Section V: Conditions of Movement of Regulated Articles

(A) Movement Within Quarantined Areas: Movement of the regulated article from and through any quarantined area to any destination within a quarantined area is allowed.

(B) Movement Out of a Quarantined Area: Movement of the regulated article from any quarantined area to any destination outside the quarantined area is prohibited, except under the following conditions:

(1) Pine Christmas Trees & Brush: Movement of Christmas trees and brush during October, November and December is allowed under a limited permit, certificate, or compliance agreement if:

(a) Visual inspection of the trees or brush in a shipment or the plantation does not detect the presence of the pine shoot beetle. The number of trees selected for inspection is randomly determined by the size and type of shipment, in accordance with 7 CFR, Ch. 111, Part 301.50.; or

(b) The Christmas tree plantation is under, and adhering to the conditions of, a Compliance Agreement. The Compliance Agreement shall be in accordance with the conditions outlined under the 1999 Pine Shoot Beetle Compliance Management Program as cooperatively developed by the National Plant Board and USDA / APHIS / PPQ.; or,

(c) The shipment of Christmas trees or brush is treated using one of the fumigation methods as outlined in accordance with 7 CFR, Ch. 111, Part 301.50.

(2) Pine Logs and Lumber with Bark Attached: Movement of pine logs or lumber with bark attached out of the quarantine area is prohibited, except under the following conditions:

(a) If the shipment is taking place from July 1st through October 31st, and the source of the pine was felled during the same period, then the shipment may move unrestricted.

(b) If the shipment is taking place from November 1st through March 30th, then movement is allowed under the following conditions:

(b1) The shipment has been treated at the point of origin under the supervision of an inspector with the approved method of fumigation as outlined in accordance with 7 CFR, Ch. 111, Part 301, and issued a certificate attesting to such; or

(b2) The shipment will be moved under a limited permit to a receiving facility that is operating under, and meeting the standards set forth in, a compliance agreement approved by the Commissioner. The compliance agreement will specify the conditions for handling, processing, and/or utilization of the pine bark which will prevent the spread of the pine shoot beetle.

(c) If the shipment is taking place from April 1st through June 30th, then movement is allowed under the following conditions:

(c1) The shipment has been treated at the point of origin under the supervision of an inspector with the approved method of fumigation as outlined in accordance with 7 CFR, Ch. 111, Part 301.50, and issued a certificate attesting to such.

(c2) The shipment will be moved under a limited permit to a receiving facility that is operating under, and meeting the standards set forth in, a compliance agreement approved by the Commissioner. The compliance agreement will specify the conditions for handling, processing, and/or utilization of the pine bark which will prevent the spread of the pine shoot beetle.

(3) Pine Bark and Pine Mulch: Movement of pine bark and pine mulch out of the quarantine area is prohibited, except under the following conditions:

(a) If the shipment is taking place from July 1st through October 31st, and the source of the pine was felled during the same period, then the shipment may move unrestricted after the issuance of a certificate by an inspector attesting to such.

(b) If the shipment is taking place from November 1st through March 30th, then movement is allowed under the following conditions:

(b1) The shipment has been treated at the point of origin under the supervision of an inspector with the approved method of fumigation as outlined in accordance with 7 CFR, Ch. 111, Part 301.50, and issued a certificate attesting to such.; or

(b2) The pine bark or pine mulch shipment will be meeting the standards set forth in a compliance agreement approved by the Commissioner. The compliance agreement will specify the conditions for handling and processing of the pine bark which will prevent the spread of the pine shoot beetle.

(c) If the shipment is taking place from April 1st through June 30th, then movement is allowed under the following conditions:

(c1) The shipment has been treated at the point of origin under the supervision of an inspector with the approved method of fumigation as outlined in accordance with 7 CFR, Ch. 111, Part 301.50, and issued a certificate attesting to such.; or

(c2) The pine bark or pine mulch shipment will be meeting the standards set forth in a compliance agreement approved by the Commissioner. The compliance agreement will specify the conditions for handling and processing of the pine bark which will prevent the spread of the pine shoot beetle.

(4) Pine Nursery Stock: Movement of pine nursery stock is allowed under a certificate, or compliance agreement if:

(a) A visual inspection of 100% of the trees in a shipment is conducted. Evidence of infestation in any one tree will result in the rejection of that tree; or

(b) The pine tree nursery is under, and adhering to the conditions of, a compliance agreement. The compliance agreement shall be in accordance with the conditions outlined under the 1999 Pine Shoot Beetle Compliance Management Program as cooperatively developed by the National Plant Board and USDA / APHIS / PPQ.

(C) Transiting Quarantined Areas: Movement of the regulated article from an area outside the quarantined area to any destination outside the quarantined area, that transits through the quarantined area is allowed under the following conditions.

(1) The point of origin must be indicated on the waybill, invoice, or shipping document that accompanies the shipment, and;

(2) The shipment must move through the quarantined areas without stopping except for drop-off loads, refueling, or traffic conditions such as traffic lights or stop signs.

(D) Transiting Non-Quarantined Areas: Movement of the regulated article from a quarantined area to any destination inside another quarantined area, that transits through a non-quarantined area is prohibited, except under the following conditions.

(1)The point of origin must be indicated on the waybill, invoice, or shipping document that accompanies the shipment, and;

(2)The shipment must move through the quarantined areas without stopping except for drop-off loads, refueling, or traffic conditions such as traffic lights or stop signs.

Section VI: Exemptions

(A) The commodities listed below present negligible risk to the artificial movement of pine shoot beetle and therefore are determined to be exempt from the requirements of this regulation.

Processed Pine Products.

Pine seedlings less than 36 inches tall with a trunk diameter of 1 inch or less at the soil line.