

# **STATE OF NEW HAMPSHIRE**

DEPARTMENT OF AGRICULTURE, MARKETS & FOOD

DEPARTMENT OF RESOURCES  
& ECONOMIC DEVELOPMENT

## **HEMLOCK WOOLLY ADELGID QUARANTINE**

### **JOINT QUARANTINE NO. 1**

**January, 2012**

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**Section I: Definitions**

1. "Bark" means the tough outer tissue of woody stems and roots of trees, shrubs and vines outside the vascular cambium.
2. "Certificate of Origin" means a document authorized or prepared by a duly authorized federal or state regulatory official that affirms, declares, or verifies that hemlock nursery stock, logs, lumber, pulpwood, composted bark, chips and other hemlock parts originated from the location as stated.
3. "Chips" means the end product of a milling process that reduces wood (logs, stems, branches) to a wafer or chip-like form where bark is still evident.
4. "Compliance Agreement" means an agreement between the state of New Hampshire Department of Resources & Economic Development (NHDRED), the New Hampshire Department of Agriculture, Markets and Food (NHDAMF), and complying companies for movement of hemlock logs, lumber, pulpwood, composted bark, wood chips and other hemlock parts from states with known infestations of hemlock woolly adelgid to pre-approved sites in the state of New Hampshire.
5. "Composted" means the transformation of organic material through biological processes involving insects, earthworms and/or microorganisms to render all living and viable plant parts, which may also include unwanted plant pests, to be inert or non-viable.
6. "Cultivar or variety" means a subdivision of a species having a distinct though often inconspicuous difference, and breeding true to that difference.
7. "Hemlock" means eastern Canadian hemlock, *Tsuga canadensis*, and Carolina hemlock, *Tsuga caroliniana*.
8. "Hemlock woolly adelgid" means *Adelges tsugae* Annand, a member of the insect order Homoptera, family Adelgidea in all of its life stages.
9. "Landscape" means any person involved in the practice of buying, transporting, storing, planting, cultivating, or selling nursery stock for commercial or retail landscape purposes.
10. "Log" means a section of the trunk or of a large branch of a felled tree, cut into lengths for lumber, firewood, chipping, etc.
11. "Lumber" means a log(s) sawed into dimensionally sized beams, planks, and boards for building, construction, and other purposes.

12. "Nursery stock" means all hardy deciduous and evergreen trees and shrubs, brambles, woody vines, herbaceous annuals and perennials, their roots, cuttings, grafts, scions, buds, fruit pits, plant parts thereof including any collected plants, for and capable of propagation. This definition does not include seeds.
13. "Nursery" means any location where nursery stock is grown, propagated, stored, or sold; or any location from which nursery stock is distributed direct to a customer. This includes landscape companies that temporarily store plant material for business related projects.
14. "Person" means any individual, governmental entity, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not, and every officer, agent, or employee thereof.
15. "Pulpwood" means processed wood (such as aspen, hemlock, pine, and spruce) used in making pulp for paper.
16. "Quarantine" means a legal instrument duly imposed or enacted by a government agency as a means for mitigating pest risk.
17. "Recipient" means any person who receives regulated articles from the following, but not limited to nurseries, landscapers, persons, and wood-using industries.
18. "Sell" means to offer for sale, expose for sale, possess for sale, exchange, barter or trade. This includes, but is not limited to nurseries, wood-using industries, persons or landscapers.
19. "State Phytosanitary Certificate" means a document authorized or prepared by a duly authorized federal or state regulatory official that affirms, declares, or verifies that an article, nursery stock, plant, product, shipment or any other officially regulated article meets phytosanitary (quarantine), nursery inspection, pest freedom, plant registration or certification, or any other set of legal issuance.
20. "Variance request" means a request to NHDAMF for the legal importation of cultivars and varieties of hemlock nursery stock from hemlock woolly adelgid quarantined counties.
21. "Wood-using Industry" means sawmills or facilities that process logs to be cut into lumber; ground into pulp; sell bark mulch and/or wood chips with bark (such as, but not limited to nurseries, garden centers, landscapers).

**Section II: Statement of Concerns**

Whereas the hemlock woolly adelgid, *Adelges tsugae* Annand, has been found to cause widespread mortality of eastern Canadian hemlock, *Tsuga canadensis* (L) Carr, and Carolina hemlock, *Tsuga caroliniana*.

Whereas this pest has been found to be difficult to detect and control in natural hemlock stands.

Whereas hemlock is a very valuable component of northern New England's forests for timber and wildlife habitat as well as being highly valued for landscape use.

Therefore, the State of New Hampshire is hereby establishing this quarantine against the hemlock woolly adelgid for the protection of natural and landscape hemlock populations.

**Section III: Statutory Authority**

The Statutory Authority for this quarantine order is RSA 433:34 and RSA 227-K:2 III.

**Section IV: Specific Purpose and Factual Basis**

The specific purpose of these regulations is to protect New Hampshire's natural and landscape hemlock resources by preventing the introduction of hemlock woolly adelgid into New Hampshire and spread thereof within the state.

The Department of Agriculture, Markets & Food (hereto referred to as NHDAMF) and the Department of Resources and Economic Development (hereto referred to as NHDRED) have determined that this quarantine is necessary based on the following:

The hemlock woolly adelgid is an introduced species originating from Asia and a serious pest of eastern and Carolina hemlocks. This pest feeds primarily on the young hemlock branches causing loss of sap. This feeding retards or prevents tree growth, causes needles to discolor and drop prematurely, kills branches, generally weakens, disfigures and can ultimately cause the death of infested trees.

**Section V: Hemlock Woolly Adelgid Interior Quarantine**

1. This interior quarantine is hereby established against the intrastate transportation of hemlock woolly adelgid, *Adelges tsugae* Annand and all of its life stages or signs from documented infested areas within New Hampshire to non-infested areas within New Hampshire.
2. Quarantined areas - All areas within New Hampshire known to be infested. A list of infested areas is available on NHDAMF's Division of Plant Industry website ([www.nh.gov/agric/divisions/plant\\_industry/index.htm](http://www.nh.gov/agric/divisions/plant_industry/index.htm)).

3. Regulated Articles and Commodities of Hemlock Covered – All nursery stock and any hemlock wood products with bark such as, but not limited to logs, lumber, chips, and non-composted shipments of bark.
4. All regulated articles and commodities having originated or previously been held in a quarantined area within New Hampshire shall not be transported or moved into non-infested areas.

#### **Section VI: Hemlock Woolly Adelgid Exterior Quarantine**

1. This quarantine is hereby established against the interstate transportation of hemlock woolly adelgid, *Adelges tsugae* Annand and all of its life stages or signs into New Hampshire.
2. Quarantined areas - All counties known to be infested. This list is available on NHDAMF's Division of Plant Industry website ([www.nh.gov/agric/divisions/plant\\_industry/index.htm](http://www.nh.gov/agric/divisions/plant_industry/index.htm)). This list includes counties in CT, DE, GA, KY, MA, MD, ME, NC, NH, NJ, NY, PA, RI, SC, TN, VA, VT and WV. In addition, western states with counties under quarantine are AK, CA, OR and WA.
3. Regulated Articles and Commodities of Hemlock Covered – All nursery stock and any hemlock wood products with bark such as, but not limited to logs, lumber, chips, and non-composted shipments of bark.
4. Exceptions - All regulated articles and commodities having originated or previously been held in a quarantined area are prohibited entry into New Hampshire except as specifically allowed and conditioned in Sections VII and VIII.

#### **Section VII: NHDAMF Hemlock Woolly Adelgid Nursery Stock Regulations**

1. Hemlock nursery stock from counties not quarantined as per Section VI (2) shipped into New Hampshire shall be accompanied by a State Phytosanitary Certificate or a Certificate of Origin.
  - A. The State Phytosanitary Certificate or a Certificate of Origin shall identify the following:
    - a. Quantity;
    - b. Size(s);
    - c. Scientific name(s); and
    - d. Common name(s).

- B. The State Phytosanitary Certificate or a Certificate of Origin shall also attest to the fact that the regulated articles comply with the following:
    - a. Originated from a non-quarantined county that has been surveyed annually for and found to be free of all life stages of hemlock woolly adelgid;
    - b. Have not been held or unloaded in a quarantined county; and
    - c. Have not been exposed to regulated articles from quarantined counties.
  - C. A copy of the State Phytosanitary Certificate or Certificate of Origin shall be signed and dated by a plant regulatory official in the state of origin. A copy shall be sent to NHDAMF prior to any hemlock shipment(s) arriving in New Hampshire. It may be emailed to [piera.siegert@agr.nh.gov](mailto:piera.siegert@agr.nh.gov) or faxed to (603) 271-3692 or such email address or fax number as NHDAMF may publish.
2. Hemlock nursery stock which has been transported through a quarantined county is prohibited entry into New Hampshire except in accordance with the following conditions:
- A. The hemlocks being transported shall be enclosed by a secure covering such that it shall prevent their exposure to hemlock woolly adelgid or they shall be transported in an enclosed trailer or box unit;
  - B. The hemlocks were not off-loaded in any quarantined county; and
  - C. No additional non-certified hemlocks were added to the shipment.
3. Hemlock nursery stock which has originated in a quarantined county as per Section VI (2) is prohibited entry into New Hampshire except through an annual variance requested from NHDAMF.
- A. NHDAMF may issue a variance under the following conditions:
    - a. Only cultivars and varieties of *Tsuga canadensis* or *Tsuga caroliniana* will be permitted;
    - b. No fewer than 50 hemlocks may be imported by a recipient within a one year-long quarantine period. The maximum number of hemlocks permitted within a one year-long quarantine period is subject to approval by the variance; and
    - c. Hemlocks shall be less than three (3) feet in height.
  - B. The variance application may be requested by email ([piera.siegert@agr.nh.gov](mailto:piera.siegert@agr.nh.gov)) or phone (603) 271-2561, and in addition to the preceding conditions must provide the following information:

- a. Business name, owner name, nursery license number, mailing address, telephone number, and email address for the business requesting the variance;
  - b. Business name, owner, mailing address, telephone number, and email address for the source nursery; and
  - c. The address to which the hemlocks will be shipped.
- C. Hemlocks imported under Section VII(3) shall be maintained in an enclosure. An enclosure shall meet the following conditions for the duration of a quarantine period:
- a. Separate the imported hemlocks from all other hemlocks;
  - b. Be inaccessible to the general public;
  - c. Have a minimum height of six (6) feet;
  - d. Exclude birds and other wildlife that may transport hemlock woolly adelgid;
  - e. Allow for healthy growth of the hemlocks throughout the one year quarantine period, during which hemlocks shall neither be moved from the holding facility nor made available for sale.
    - (1). The quarantine period for all of the enclosed hemlocks begins anew each time a hemlock is added to the enclosure and lasts for the period of one (1) year from the time the last hemlock is added; and
    - (2). The recipient shall notify NHDAMF inspectors of any dead hemlocks. Inspectors shall be notified by emailing [piera.siegert@agr.nh.gov](mailto:piera.siegert@agr.nh.gov) or faxing (603) 271-3692 or such email address or fax number as NHDAMF may publish. Dead hemlocks may be removed from the enclosure and destroyed only after NHDAMF has inspected the hemlocks. Any such hemlocks shall be destroyed as provided in Section VII (8).
  - f. The enclosure shall be re-inspected and approved annually by NHDAMF inspectors.
- D. The enclosure must be inspected and approved by NHDAMF prior to any hemlock shipment(s) arriving in New Hampshire. A request for an inspection to approve an enclosure shall be sent to NHDAMF. It may be emailed to [piera.siegert@agr.nh.gov](mailto:piera.siegert@agr.nh.gov) or faxed to (603) 271-3692 or such email address or fax number as NHDAMF may publish.
- E. The shipment of hemlocks into New Hampshire shall be directly transported and off-loaded to an approved enclosure.

- F. Hemlocks shall be accompanied by a State Phytosanitary Certificate that shall identify the following:
- a. Quantity;
  - b. Size(s);
  - c. Scientific name(s);
  - d. Cultivar and/or variety name(s); and
  - e. That the regulated articles are apparently free of hemlock woolly adelgid as determined by inspection.
- G. A copy of the State Phytosanitary Certificate or Certificate of Origin shall be signed and dated by a plant regulatory official in the state of origin. A copy shall be sent to NHDAMF prior to any hemlock shipment(s) arriving in New Hampshire. It may be emailed to [piera.siegert@agr.nh.gov](mailto:piera.siegert@agr.nh.gov) or faxed to (603) 271-3692 or such email address or fax number as NHDAMF may publish.
- H. The hemlocks being transported shall comply with provisions A-C of Section VII (2) of this document.
- I. The shipment of hemlocks shall be available for inspection as in Section VII (4-8) of this document both upon arrival at the enclosure, and at a minimum one additional time during the one year quarantine period.
- J. Following the one (1) year holding period, hemlocks may be removed from the holding facility and offered for sale only after being released by a NHDAMF inspector.
- K. If it is determined that the enclosure is not being maintained at any time during the 1-year quarantine period, NHDAMF may rescind the variance and order the hemlocks destroyed.
4. NHDAMF shall be notified by the recipient upon the arrival of all shipments of hemlocks to arrange for an inspection for the presence of hemlock woolly adelgid.
  5. All uninspected shipments of hemlocks shall be isolated from other hemlocks on the premises and shall not be moved or transported until they have been inspected, found free of hemlock woolly adelgid and NHDAMF has issued a written certificate of inspection releasing the hemlocks.
  6. Hemlocks awaiting an inspection shall be readily accessible to NHDAMF inspector(s), spaced, and in a condition that allows them to be easily and thoroughly examined.

7. If upon inspection NHDAMF inspector(s) discovers any living or dead hemlock woolly adelgid then the entire shipment may be ordered for destruction, as deemed necessary.
8. Persons with hemlocks that have been ordered for destruction shall be responsible for all expenses (RSA 433:30) and be responsible for:
  - A. Isolating all hemlocks to be destroyed from all other hemlocks and securely covering them to prevent the spread of hemlock woolly adelgid;
  - B. Severing at the crown the root system/root balls of all hemlocks to be destroyed. Any branches or twigs remaining on the cut stump shall be removed and covered as in Section VII (8A). Root balls void of any bark, branches or twigs do not pose a threat and can be disposed of in any manner the nursery sees fit;
  - C. Burning any hemlocks that have been ordered for destruction as soon as permissible by local and state authorities;
  - D. Obtaining all necessary municipal and state burn permits;
  - E. Contacting NHDAMF at least two days prior to the burn date to arrange for an inspector to be present during the time of the burn, or to make other arrangements;
  - F. Providing a safe environment in which the burn can occur; and
  - G. Burning all hemlocks to the degree at which all stages of hemlock woolly adelgid have been eliminated.
9. Persons selling hemlocks shall maintain a Record of Sale for duration of 5-years for all hemlocks sold and made available to NHDAMF upon request. The Record of Sale shall include the following:
  - A. Name, address and phone number of buyer or recipient;
  - B. Date of sale;
  - C. Quantity of hemlocks sold; and
  - D. Size(s) of hemlocks sold.

### **Section VIII: NHDRED Hemlock Woolly Adelgid Wood Product Regulations**

1. Hemlock logs, lumber and chips with bark; and non-composted shipments of bark from quarantined areas may be imported into New Hampshire provided that said material is only shipped to pre-approved sites in accordance with the hemlock Woolly Adelgid Compliance Agreement (Appendix A).
2. Any hemlock logs, lumber and chips with bark; and non-composted shipments of bark from quarantined areas being shipped to other sites not approved under this agreement requires a State Phytosanitary Certificate, which shall be signed and dated by a state regulatory official in the state of origin. A copy shall be sent, by the recipient, to NHDRED prior to any hemlock shipment(s) arriving in New Hampshire. They may be faxed to (603) 464-3016 or such fax number as NHDRED may publish.

### **Section IX: Violations**

1. Any person shall be guilty of a misdemeanor if that person violates any provision of this quarantine (RSA 433:32)(227:K:17).
2. Any regulated articles not in compliance with the quarantine are subject to destruction.
3. NHDAMF
  - A. All recipients of hemlocks in violation of this quarantine are subject to fines and penalties and may be required to reimburse the state for expenditures.
  - B. Nurseries or landscapers in violation of this quarantine are subject to suspension of their license (RSA 433:35). Reinstatement of a license shall be at the discretion of NHDAMF.
  - C. Nurseries or landscapers who sell hemlocks prior to NHDAMF conducting a hemlock woolly adelgid inspection and issuing a written certificate of inspection shall:
    - a. Provide NHDAMF with all Records of Sale for all hemlocks sold; and
    - b. Contact each buyer and inform them that NHDAMF will need to inspect each hemlock associated with the violation. Upon finding any hemlock woolly adelgid, NHDAMF may require the nursery or landscaper to sever from the root ball (or at the crown as worded above in Section VII (8B)) all hemlocks associated with the violation and remove them for destruction.

## 4. NHDRED

Person(s) in violation of their Compliance Agreement(s) with NHDRED are subject to cancellation of the agreement(s). If the person(s) has (have) been given notice of cancellation orally, written confirmation of the decision and reasons for it will be provided within 10 working days. NHDRED may reinstate the compliance agreement if it finds that the violation(s) leading to the cancellation has (have) been rectified.

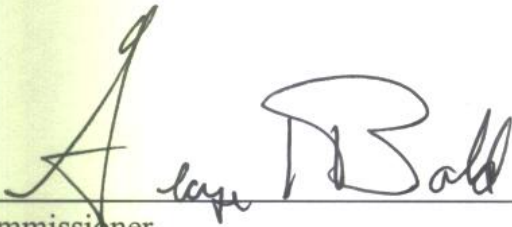
This quarantine against the hemlock woolly adelgid will become effective upon its adoption.



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Commissioner  
Department of Agriculture, Markets & Food

1-26-2012

\_\_\_\_\_  
Date



\_\_\_\_\_  
Commissioner  
Department of Resources and Economic Development

2/9/12

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Date

## APPENDIX A: COMPLIANCE AGREEMENT

**STATE OF NEW HAMPSHIRE**  
**Hemlock Woolly Adelgid Quarantine**  
**Compliance Agreement**  
**Department of Agriculture, Markets and Food**  
**and**  
**Department of Resources and Economic Development**

Agreement between the State of New Hampshire Department of Agriculture, Markets and Food (NHDAMF) and Department of Resources and Economic Development (NHDRED) and

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for movement of uncertified hemlock logs or pulpwood with bark, hemlock lumber with bark, hemlock chips and uncomposted shipments of hemlock bark from states with known infestations of hemlock woolly adelgid (HWA) to pre-approved sites in the state of New Hampshire.

1. **Objective:** To protect the hemlock resource of New Hampshire from the threat of HWA while minimizing any interruption of raw hemlock product deliveries to mills and storage sites in New Hampshire.
2. **Quarantine (RSA 433:34, RSA 227-K:2 III):** The commissioner may establish quarantines as specified by law to prevent the dissemination of plant pests within the state.

Hemlock woolly adelgid is classified as a dangerous forest insect, and transport of uncertified hemlock host material from infested states to unapproved sites in New Hampshire is prohibited.

3. **Agreement:** NHDRED and NHDAMF agree to allow \_\_\_\_\_ and its wood suppliers to transport uncertified hemlock logs or pulpwood with bark, hemlock lumber with bark, hemlock chips and non-composted shipments of hemlock bark from infested Counties to the premises located at: \_\_\_\_\_.

**4. Special Requirements:**

- A. Reasonable precautions will be taken in the management of uncertified hemlock material at premises listed herein to minimize risk of initiating HWA infestations. Precautions include:

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- B. Hemlock logs or pulpwood with bark, hemlock lumber with bark, hemlock chips and non-composted shipments of hemlock bark from the above listed premises will not be moved to another location unless the receiving site is in compliance with current HWA quarantine regulations.
- C. Department representatives may go on premises listed herein at any time during normal working hours to check for the presence of HWA, and may be accompanied by a representative of said company for safety reasons.
- D. \_\_\_\_\_ shall undertake sanitary action against any infestation of HWA found on the above premises to the satisfaction of the Department (s).

E. This agreement will become effective upon date signed below and will be renewed every three years until conditions of the pest risk are such that continuance of the agreement is unwarranted.

**5. Signatures:**

Company name: \_\_\_\_\_

Company representative: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

NHDRED/NHDAMF representative: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_