

STATE OF NEW HAMPSHIRE

DEPARTMENT OF AGRICULTURE, MARKETS & FOOD

DEPARTMENT OF RESOURCES
& ECONOMIC DEVELOPMENT

HEMLOCK WOOLLY ADELGID QUARANTINE

JOINT QUARANTINE NO. 1

Revision Date:
February, 2014

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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 Compliance" means a document authorized or prepared by a duly authorized federal or state regulatory official that affirms, declares, or verifies that the processes used to produce an article, nursery stock, plant, product, shipment or any other officially regulated article are adequate to reduce the risk of spreading insects and diseases of concern.
3. "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.
4. "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.
5. "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 nursery stock, 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.
6. "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.
7. "Cultivar or variety" means a subdivision of a species having a distinct though often inconspicuous difference, and breeding true to that difference.
8. "Hemlock" means eastern Canadian hemlock, *Tsuga canadensis*, and Carolina hemlock, *Tsuga caroliniana*.
9. "Hemlock woolly adelgid" means *Adelges tsugae* Annand, a member of the insect order Homoptera, family Adelgidea in all of its life stages.
10. "Invoice" means a list of services or goods provided, with a statement of the sum due for these. The invoice shall contain a description of the quantities and kind of article, nursery stock, plant, product, shipment or any other officially regulated article being transferred.
11. "Landscape" means any person involved in the practice of buying, transporting, storing,

planting, cultivating, or selling nursery stock for commercial or retail landscape purposes.

12. "Log" means a section of the trunk or of a large branch of a felled tree, cut into lengths for lumber, firewood, chipping, etc.
13. "Lumber" means a log(s) sawed into dimensionally sized beams, planks, and boards for building, construction, and other purposes.
14. "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.
15. "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.
16. "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.
17. "Pulpwood" means processed wood (such as aspen, hemlock, pine, and spruce) used in making pulp for paper.
18. "Quarantine" means a legal instrument duly imposed or enacted by a government agency as a means for mitigating pest risk.
19. "Recipient" means any person who receives regulated articles from the following, but not limited to nurseries, landscapers, persons, and wood-using industries.
20. "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.
21. "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.
22. "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.
23. "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 Quarantine

1. This quarantine is hereby established against the transportation of hemlock woolly adelgid, *Adelges tsugae* Annand and all of its life stages into New Hampshire.
2. Quarantined areas - All counties 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). This list includes counties in

CT, DE, GA, KY, MA, MD, ME, MI, NC, NH, NJ, NY, OH, 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 hemlock 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 having originated or previously been held in a quarantined area shall not be transported or moved into non-quarantined areas except as specifically allowed and conditioned in Sections VI and VII.

Section VI: NHDAMF Hemlock Woolly Adelgid Nursery Stock Regulations

1. Hemlock nursery stock from quarantined counties as per Section V (2) is prohibited entry into non-quarantined counties in the State of New Hampshire except as specifically allowed and conditioned below.
 - A. Hemlock stock shall only be approved for entry into non-quarantined counties in New Hampshire if:
 - a. They are imported under an annual variance issued by NHDAMF for post-entry quarantine in a NHDAMF-approved covered and isolated facility within New Hampshire for a period of not less than one year following entry. The variance application can be requested by emailing: piera.siegert@agr.nh.gov or by telephone: 603-271-2561 or other email or telephone number as the Department may publish; or
 - b. They have been treated for hemlock woolly adelgid by a method approved by the State Plant Regulatory Official and are accompanied by a State Phytosanitary Certificate, state-issued Compliance Agreement, or Certificate of Compliance attesting to the treatment and standards used. This documentation shall provide the following:
 - (1) Quantity of hemlocks;
 - (2) Size(s) of hemlocks;
 - (3) Scientific name(s);
 - (4) Common name(s);
 - (5) Chemical(s) or other treatment(s) used to eradicate all life stages of hemlock woolly adelgid;

(6) Frequency of treatment(s);

(7) Date of last treatment(s).

(8) Signed and dated by a plant regulatory official in the state of origin; and

(9) A copy shall be sent to NHDAMF prior to any hemlock shipment(s) arriving in non-quarantined counties in New Hampshire. It may be emailed to piera.siegert@agr.nh.gov or faxed to (603) 271-3692 or such email address or fax number as NHDAMF may publish.

B. Hemlock stock being transported shall:

a. 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; and

b. Not be co-mingled with additional, non-certified hemlocks.

C. Hemlock stock is subject to inspection by NHDAMF inspectors.

2. Hemlock stock originating from out-of-state non-quarantined counties is prohibited entry into non-quarantined counties in the State of New Hampshire except as specifically allowed and conditioned below.

A. Hemlock stock is accompanied by a State Phytosanitary Certificate, state-issued Compliance Agreement, Certificate of Origin, or Certificate of Compliance, which provides the following:

a. Quantity of hemlocks;

b. Size(s) of hemlocks;

c. Scientific name(s);

d. Common name(s);

e. 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;

f. Signed and dated by a plant regulatory official in the state of origin; and

g. 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 or faxed to (603) 271-3692 or such email address or fax number as NHDAMF may publish.

- B. The hemlocks being transported shall:
 - a. 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. Not be off-loaded in any quarantined county; and
 - c. No additional, non-certified hemlocks added to the shipment.
 - C. Hemlock stock is subject to inspection by NHDAMF inspectors.
3. The nursery or recipient of hemlock stock shall comply with the following conditions:
- A. Notify NHDAMF upon the arrival of all shipments of hemlocks and provide NHDAMF with any documentation accompanying the hemlocks (State Phytosanitary Certificate, state-issued Compliance Agreement, Certificate of Origin, Certificate of Compliance or invoice);
 - B. Isolate arriving hemlock stock from pre-existing hemlocks on the premises and do not move or transport hemlocks until NHDAMF has approved and released the hemlocks; and
 - C. Hemlocks requiring inspection at the discretion of NHDAMF shall be readily accessible, upright, spaced and dry to allow NHDAMF-authorized inspector(s) to conduct a thorough examination.
4. If upon inspection NHDAMF-authorized inspector(s) discovers any evidence of living hemlock woolly adelgid life stages then the entire shipment may be ordered for destruction or treatment at the discretion of NHDAMF, as deemed necessary.
5. Persons possessing hemlocks that have been ordered for destruction shall be responsible for the following:
- A. All expenses associated with the destruction (RSA 433:30);
 - B. Isolating all hemlocks to be destroyed from all other hemlocks and securely covering them until the burning occurs to prevent the spread of hemlock woolly adelgid;
 - C. 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 VI (5B). 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;

- D. Burning any hemlocks that have been ordered for destruction as soon as permissible by local and state authorities;
 - E. Obtaining all necessary burn permits;
 - F. 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; and
 - G. Burning all hemlocks to the degree at which all stages of hemlock woolly adelgid have been destroyed.
6. Persons selling hemlocks shall provide to NHDAMF a record of sale for all hemlocks sold during the current business year no later than December 31. The record of sale shall be provided either electronically to piera.siegert@agr.nh.gov or by fax to 603-271-3691 or by mail to: Division of Plant Industry, 29 Hazen Drive, Concord, NH 03301. The record of sale shall include the following:
- A. Name, address and phone number of buyer or recipient;
 - B. Counties in which hemlocks will be planted;
 - C. Date of sale;
 - D. Quantity of hemlocks sold; and
 - E. Size(s) of hemlocks sold.

Section VII: 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.

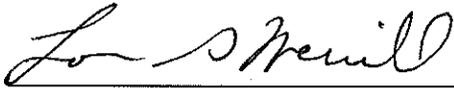
Section VIII: Violations

1. Any person or employee or agent of that person, who violates any provision of this quarantine, shall be guilty of a violation. For any subsequent offense, a person shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person (RSA 433:32) (RSA 227-K:17).
2. Any regulated articles not in compliance with the quarantine are subject to destruction or risk mitigation at the cost of the nursery, wood-products industry, or person in violation of the quarantine.
3. Any person who violates any provision of this quarantine is subject to the penalty provisions of RSA 433:32 and RSA 227-K:17.
4. NHDAMF
 - A. 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.
 - B. Nurseries or landscapers who sell hemlocks prior to NHDAMF releasing hemlocks for sale shall:
 - a. Provide NHDAMF with all Records of Sale for all hemlocks sold; and
 - b. Contact each buyer and inform them that each hemlock associated with the violation is subject to inspection by NHDAMF. 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 VI (5C)) 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.



Commissioner
Department of Agriculture, Markets & Food

3/5/13

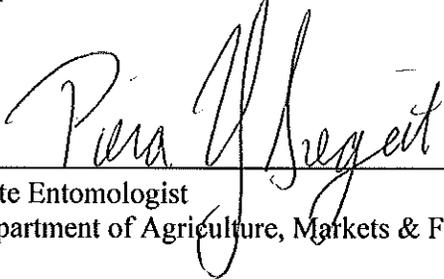
Date



Commissioner
Department of Resources and Economic Development

3/5/13

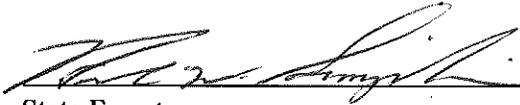
Date



State Entomologist
Department of Agriculture, Markets & Food

3/5/13

Date



State Forester
Department of Resources and Economic Development

3/3/14

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

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:

- 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.

<p>5. Signatures:</p> <p>Company name: _____</p> <p>Company representative: _____</p> <p>Title: _____</p> <p>Date: _____</p> <p>NHDRED/NHDAMF representative: _____</p> <p>Title: _____</p> <p>Date: _____</p>
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