



**Michigan Department of Agriculture and Rural Development
Pesticide and Plant Pest Management Division**

HEMLOCK WOOLLY ADELGID EXTERIOR STATE QUARANTINE
Revised September 10, 2020

WHEREAS, the Director of the Michigan Department of Agriculture and Rural Development, having found that a dangerous pest, commonly known as hemlock woolly adelgid, *Adelges tsugae* Annand, is injurious to native eastern hemlock, has become established in parts of the eastern and western United States; and, that this pest is not known to exist in Michigan; and,

WHEREAS once eastern hemlock native stands are infested with this pest it is difficult to eradicate, and

WHEREAS many species of wildlife benefit from the excellent habitat that a stand of hemlock provides and hemlock is considered a critical component to wildlife habitat, and

WHEREAS the Secretary of Agriculture of the United States has not determined that a federal quarantine is necessary.

NOW, THEREFORE, the Director of the Michigan Department of Agriculture and Rural Development, by authority of Section 23 of Act No. 189, P.A. of 1931, as amended, (Section 286.223, Compiled Laws of 1948); Section 20 (2) and (3) of Act No. 189, (Section 286.220(2)(3), Compiled Laws of 1948); and Regulation No. 620; does establish a quarantine to prevent the introduction into Michigan of the insect pest hemlock woolly adelgid and sets forth: regulated areas, regulated articles, shipping restrictions, and violations.

I. DEFINITIONS.

The following terms shall be construed to mean:

- (A) **BARK** means the natural bark of a tree, including residual bark at branch unions.
- (B) **CERTIFICATE** means a State Phytosanitary Certificate or Certificate of Quarantine Compliance or equivalent certification document issued by an authorized state agricultural official.
- (C) **COMPLIANCE AGREEMENT** means a written agreement between the Director and a person moving or receiving regulated articles.
- (D) **COMPOSTED** means a managed process of bio-oxidation of chipped, shredded or ground forest products that included a thermophilic phase where the material reached a minimum temperature of 49° C (120° F) for at least 96 hours.
- (E) **CONSIGNOR/SHIPPER** means a person who causes a consignment of regulated articles to be shipped for delivery to a consignee (recipient).

- (F) **DEPARTMENT** means the Michigan Department of Agriculture and Rural Development.
- (G) **DIELECTRIC HEAT (DH)** means lumber has been heat treated using dielectric heating.
- (H) **DIRECTOR** means the Director of the Michigan Department of Agriculture and Rural Development or her/his authorized representative.
- (I) **FIREWOOD** means tree parts in lengths less than 1.22 meters (4 feet).
- (J) **HEAT TREATMENT (HT)** means lumber which has been placed in a closed chamber and artificial heat added until the lumber or packing achieves a minimum core temperature of 56 degrees C. (132.8 degrees F.) for a minimum of 30 minutes.
- (K) **INFESTATION** means the presence of the hemlock woolly adelgid or the existence of the circumstances that make it reasonable to believe that the hemlock woolly adelgid is present.
- (L) **INSPECTOR** means an employee of the Department authorized to enforce the provisions of this quarantine.
- (M) **KILN DRIED (KD)** means lumber seasoned in a closed chamber by means of artificial heat to a maximum moisture content of 19 percent at time of surfacing.
- (N) **LOG** means tree parts cut into lengths 1.22 meters (4 feet) or longer.
- (O) **LUMBER** means timber sawed into boards, planks, or other structural members.
- (P) **MOVED (MOVE, MOVEMENT)** means shipped, held for shipment, received for shipment, transported, carried, or allowed to be moved or shipped.
- (Q) **PERSON** means an individual, firm, association, partnership, corporation, governmental entity, or other legal entity.

II. PEST

Hemlock woolly adelgid, *Adelges tsugae* Annand, in any living form.

III. REGULATED AREAS

The entire states of Alaska, California, Connecticut, Delaware, Georgia, Idaho, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Washington and West Virginia; and, the provinces of British Columbia, Nova Scotia and Ontario in Canada.

IV. REGULATED ARTICLES

Hemlock woolly adelgid, *Adelges tsugae* Annand, in any living form.

Tsuga spp. (hemlock) and *Picea torano* (syn. *Picea polita*) (tiger-tail spruce) nursery stock; uncomposted chipped/shredded/ground forest products bearing twigs and needles, including branches, boughs, logs, lumber and firewood.

V. EXEMPTIONS

1. Composted forest products (chipped/shredded/ground) of regulated species.
2. Holiday greenery, such as cut Christmas trees, wreaths, boughs and grave blankets, from all *Tsuga* species (hemlock) and *Picea torano* (tiger-tail spruce) if moved during the period of October 15 through December 31.
3. Lumber, logs and other forest products of regulated species with all twigs and needles completely removed.
4. Lumber, pallets and similar products that bear markings as being compliant with International Standards for Phytosanitary Measures No. 15, including American Lumber Standards Committee requirements for Kiln Dried (KD), Heat Treatment (HT), Dielectric Heat treatment (DH) or Kiln Dried Heat Treatment (KDHT).
5. Seeds and cones of regulated species.
6. The Director may allow, with written approval, the movement of regulated articles from regulated areas into Michigan for research purposes.
7. Firewood of the regulated species which have no attached twigs or needles.
8. Firewood that is officially certified by an agricultural official as having undergone treatment resulting in a minimum core temperature of 56 degrees C. (132.8 degrees F.) for a minimum of 30 minutes. The package label or invoice must be clearly marked with the producer's name and address and bearing an official certificate.

VI. RESTRICTIONS

All regulated articles are prohibited entry into Michigan from any regulated area, with the following exceptions:

1. Regulated articles are approved for entry into Michigan from a regulated area when: a) they originate from a county where hemlock woolly adelgid is not known to occur based on official surveys conducted at least once every three years; and, b) hemlock woolly adelgid is not known to occur in counties immediately adjacent to the county of origin based on official surveys conducted at least once every three years; and, c) they have not been held in a county known to be infested with hemlock woolly adelgid; and, d) they have not been exposed to regulated articles from areas regulated for hemlock woolly adelgid.
2. Regulated articles from regulated areas may be allowed entry into Michigan under a compliance agreement issued by the Director.
3. *Tsuga* spp. (hemlock) and *Picea torano* (tiger-tail spruce) nursery stock produced in a regulated area may be allowed entry into Michigan if produced at a pest-free place of production under a systems-approach program compliance agreement approved by the Director. The program must be equivalent to the MDARD Hemlock Woolly Adelgid Nursery Program and must include mandatory pesticide treatment with a compound indicated in the MDARD HWA Nursery Program. Said nursery stock may only be shipped to Michigan firms operating under a receiving facility HWA Nursery Program compliance agreement.

VII. CERTIFICATION AND SHIPPING REQUIREMENTS

1. Certificates - Regulated articles meeting the requirements for entry into Michigan must be accompanied by a certificate issued by an authorized state agricultural official. The certificate must indicate the state and county of origin, the number and type of regulated articles and Additional Declarations as required in VII (2) or VII (3) or as specified under compliance agreement.

2. Advance notification of nursery stock shipments - Consignors/shippers of hemlock or tiger-tail spruce nursery stock who ship into Michigan are required to provide MDARD with advance notification which includes a copy of certification for the shipment and the name and address of the consignee (person receiving the shipment). The advance notification and a copy of the certificate must be emailed to the Michigan Department of Agriculture and Rural Development, Pesticide and Plant Pest Management Division at MDARD-NurseryCE@michigan.gov. A copy of the certificate shall accompany the regulated articles to their destination.

3. Regulated articles originating from within a regulated area and meeting criteria under VI. Restrictions (1) - The certificate must be issued within seven days prior to shipment and contain the following Additional Declarations:

"The regulated articles originate from a county where hemlock woolly adelgid is not known to occur based on an official survey conducted in (insert year of last survey) . Hemlock woolly adelgid is not known to occur in counties immediately adjacent to the county of origin based on an official survey conducted in (insert year of last survey) . The regulated articles have not been held in a county known to be infested with hemlock woolly adelgid. The regulated articles in this shipment have not been held or stored in the proximity of products from a regulated area."

NOTE: Official surveys must have been conducted within the past three years.

4. Regulated articles originating from states outside a regulated area - The certificate must contain the following Additional Declarations:

"The regulated articles in this shipment have not been held or stored in the proximity of regulated articles originating from a regulated area."

5. Transportation requirements - During the high risk, eight-month period of March through October, *Tsuga* spp. (hemlock) and *Picea torano* (tiger-tail spruce) nursery stock originating outside a regulated area may be transported through a regulated area, provided that: a) said nursery stock is enclosed by a covering adequate to prevent the introduction of hemlock woolly adelgid (such as canvas, plastic, or closely woven cloth), or is transported in an enclosed trailer body or vehicle; and, b) said nursery stock was not off-loaded in a regulated area; and, c) no *Tsuga* spp. (hemlock) or *Picea torano* (tiger-tail spruce) nursery stock was added to the shipment in the regulated area. During the low risk, four-month period encompassing November through February the above requirements do not apply.

6. Requirement to hold regulated articles upon receipt in Michigan - Persons receiving regulated articles from interstate or international sources may not sell, offer for sale or further

distribute the regulated articles unless a written release is issued to the consignee by the Department; or, unless the person is operating under a compliance agreement with the Department.

VIII. RECORD KEEPING REQUIREMENTS

Persons receiving regulated articles from interstate and international sources shall retain a copy of shipping records, invoices, waybills, bills of lading, certificates of quarantine compliance, phytosanitary certificates or equivalent certification documents for a period of 36 months after receipt of the articles. Said documents shall be provided upon request to the Director.

IX. VIOLATIONS

1. Any violation of this quarantine is subject to the full authority of Act No. 189, P.A. of 1931, as amended.
2. Common carriers or other carriers, persons, firms, or corporations who transport or move regulated articles in violation of this quarantine and these rules may be subject to the penalties described above.
3. Regulated articles transported in violation of this quarantine may be ordered destroyed or returned to the point of origin at the discretion of the Director.



Gary McDowell, Director

September 10, 2020
Date

This quarantine shall become effective on:

September 24, 2020
Effective Date

History: Promulgated 5/8/2001; Revisions: 5/1/2002; 4/16/2008, 6/24/2014 & 9/10/2020