

3 CCR § 3288

§ 3288. Emerald Ash Borer Exterior Quarantine.

A quarantine is established against the following pest, its hosts, and possible carriers:

- a) Pest. Emerald ash borer (*Agrilus planipennis*), a beetle in the Order Coleoptera, Family Buprestidae.
- b) Definitions
 - 1) “Infestation” means an established, reproducing population of emerald ash borer as designated or determined by the Department according to Definition 7, below, or when an area has been reported to be infested by the United States Department of Agriculture or a state plant regulatory agency.
 - 2) “Living Life Stage” means all life stages of the emerald ash borer, including, but not limited to, adults, larvae, pupae, or eggs.
 - 3) “Move; movement” means shipped, received for shipment, carried, transported, or relocated into or through any area of the State/Province of the infested area.
 - 4) “Moving through the quarantined area” means the regulated article, including the vehicle and conveyance, is moved directly through the infested area without stopping (except for refueling or for traffic control devices or conditions) and has been stored, packed, or handled only at locations outside the infested area.
 - 5) “Person” is defined as any individual, partnership, association, corporation, limited liability company, or any organized group of persons whether incorporated or not.
 - 6) “Regulated Article or Articles” means any object covered under subsection d).
 - 7) “Reproducing Population” means presence of any of the following when live, which indicates successful reproduction in the environment: a) two or more adult emerald ash borers within one year; b) a single egg, larva, or pupa of emerald ash borer.
- c) Regulated Area. The following areas are designated as quarantined areas:
 - 1) The entire state where an infestation is present in the absence of detailed information regarding the pest’s distribution within a state, or
 - 2) if survey data provided by the state plant regulatory agency or the United States Department of Agriculture allows detailed delimitation of the extent of an infestation within a state, the counties in which the infestation is documented.

The Department shall update the maps of the infested areas as new information arrives and at least once a month to reflect the current quarantine areas. This map is available on a California Department of Food and Agriculture Plant Health and Pest Prevention Services program website.
- d) Articles and Commodities Covered. The following are hereby declared to be the pest quarantined against and its hosts and possible carriers:
 - 1) The emerald ash borer, any living life stage;
 - 2) Firewood of ash trees (*Fraxinus* species) and mixed firewood containing hardwood (non-coniferous) species from an infested area.
 - 3) Ash nursery stock, and other ash tree material including green lumber and other woody material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips.
 - 4) Any other article-not listed in subsections d) 1-3 of this section will be designated as a regulated article if a California State Plant Quarantine Officer determines that it presents a risk of spreading emerald ash borer and notifies the person in possession of the article-that it is subject to the quarantine regulation. When making this

determination the California State Plant Quarantine Officer shall consider, amongst other factors, whether the article originated from an infested area and whether it was exposed outdoors at during the period of May 1 through August 31 or when the ambient air temperature is 40 °F or higher.

- e) Restrictions. All articles and commodities covered are prohibited entry into California from the area under quarantine with the following exceptions:
- 1) the articles and commodities are:
 - (A) free of emerald ash borer based on inspection; and
 - (B) a California State Plant Quarantine Officer determines that the article has been grown, produced, manufactured, or stored, in a manner that prevents the article from presenting a risk of spreading the emerald ash borer; or
 - 2) the articles and commodities are moved by the United States Department of Agriculture for experimental or scientific purposes; or
 - 3) the articles and commodities originate outside the quarantined area and are moved through the quarantined area under the following conditions:
 - (A) the points of origin and destination are indicated on a waybill accompanying the regulated article;
 - (B) the regulated article, if moved through the quarantined area during the period of May 1 through August 31 or when the ambient air temperature is 40 °F or higher, is moved in an enclosed vehicle or is completely covered to prevent access by the emerald ash borer; and
 - (C) the article has not been combined or commingled with other articles so as to lose its individual identity as a commodity regulated herein.

Note: Authority cited: Sections 407, 5301 and 5302, 5311, Food and Agricultural Code.
Reference: Sections 5024, 5301, 5311, 5701, 6403, 6441, 6442, and 6461 Food and Agricultural Code.