

Emerald Ash Borer Compliance Agreements ... Everything You Wanted To Know But Were Afraid To Ask.

Q. What is the purpose of a Compliance Agreement?

A Compliance Agreement documents an agreement between a regulatory agency and handlers of regulated articles. The purpose of a Compliance Agreement is to identify handlers that require the ability to move, transport or otherwise distribute such articles within the counties designated as being under quarantine for the control of the Emerald Ash Borer. The Compliance Agreement affirms that the handler will transport or process regulated articles only under certain conditions, as “business as usual” may facilitate the human assisted spread of emerald ash borer to previously non-infested areas.

Q. How do I know if I need a Compliance Agreement?

If you are handling ash and intend on moving it out of a quarantined area, you need a compliance agreement.

Q. What are regulated articles?

The simple answer is any wood material that can be infested by emerald ash borer, in any of its life stages. This includes Ash (*Fraxinus spp.*) nursery stock, ash logs, chips and other material. It also means that various wood materials that have ash comingled or are not identifiable need to be regulated. As a result all species of firewood (soft and hardwood) and all wood chips and mulch are regulated.

Q. Does this apply to logs of other hardwood species of such as maple, oak, aspen, etc?

No, they are unregulated and can move freely because they are easily distinguishable from Ash.

Q. Where can I get a compliance agreement?

This depends on where you plan on moving regulated articles to:

For intra-state (to a destination within New York) movement you can contact Department of Agriculture horticultural inspectors. In Western New York contact William Ellsworth at 585-303-3741. In Eastern New York contact Ethan Angell at 518-275-9489.

For inter-state (to a state outside of New York) or international movement you can contact the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS) at 845-883-6445.

Q. How long does the compliance agreement last?

For as long as is specified in the agreement, but most compliance agreements are valid for one year from the date issued.

Q. Is there any way that I can remove ash from a quarantined area?

Yes, but only if the handler is under a compliance agreement and the ash material has received an approved treatment. Examples of approved treatments are kiln drying, heat treatment, fumigation, chipping, or removing the bark and initial half inch of sapwood. All waste materials must be burned or chipped on site.

Q. My firm only deals with woodchips that don't contain ash. Do I need a compliance agreement?

If the woodchips are staying within the quarantined area, no compliance agreement is required. However, if the woodchips are exiting the quarantined area, then yes, a compliance agreement is required, and the woodchips will have to meet specifications (chip to less than one inch in at least two dimensions) to move out of quarantined area.

Q. If I don't transport ash logs from quarantined areas, do I need a compliance agreement?

No, ash logs may move freely within the quarantined area.

Q. Can I transport ash nursery stock out of a quarantined area?

No, there is no treatment for ash nursery stock; therefore, movement is restricted to within the regulated area. Ash nursery stock may not move out of a designated regulated area under any condition.

Q. Does the emerald ash borer quarantine supersede DEC's 50 mile firewood movement regulations?

It depends. The more restrictive regulation takes precedence. For example, if you are moving ash from a stand two miles away from the quarantine boundary, the quarantine boundary line takes precedence over DEC's firewood movement regulations. Therefore, the ash could not be moved across the boundary without a compliance agreement.

Q. Can I move ash from a non-quarantined area through a quarantined area?

Yes, but the load must be tarped and move straight through the quarantined area – no stopping for lodging. Proper proof of origin documentation must also be present.

Q. If emerald ash borer is going to spread anyway, why regulate anything?

By enacting and enforcing regulations we slow the spread of emerald ash borer, which protects not only the environment, but industry as well. Also, if no action is taken by the state, the federal government may quarantine the entire state, preventing any material from being moved out of state.