



IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

In the matter regarding:

**The Intrastate Quarantine of
25 Eastern Iowa Counties due
to an Emerald Ash Borer
Infestation**

ORDER NO. ENT-13-1

To all affected persons:

You are hereby notified that the Iowa Department of Agriculture and Land Stewardship (IDALS) is establishing a quarantine, effective on November 1, 2013, on 25 Counties in Iowa, including Winneshiek, Allamakee, Fayette, Clayton, Buchanan, Delaware, Dubuque, Linn, Jones, Jackson, Johnson, Cedar, Clinton, Scott, Muscatine, Keokuk, Washington, Louisa, Wapello, Jefferson, Henry, Des Moines, Davis, Van Buren and Lee Counties to prevent the spread of emerald ash borer, *Agrilus planipennis* (Fairemarie).

The regulated articles included in this order are all of the following:

- (a) The emerald ash borer, *Agrilus planipennis* (Fairmaire), in any living stage of development.
- (b) Entire ash (*Fraxinus* spp.) trees including nursery stock.
- (c) Firewood of any non-coniferous (hardwood) species.
- (d) Any living, dead, cut or fallen material of the ash (*Fraxinus* spp.) including logs, stumps, roots, branches, and composted and uncomposted ash chips.
- (e) Green (non-heat treated) ash lumber with either bark or the outer one-inch of wood, or both, attached.
- (f) Non-coniferous (hardwood) wood chips and non-coniferous (hardwood) bark chips larger than 1 inch in two dimensions.
- (g) Any article, product or means of conveyance when it is determined by the State Entomologist to present the risk of spread of the emerald ash borer.

THEREFORE, IT IS HEREBY ORDERED, under authority of Iowa Code chapter 177A including sections 5, 7, 11, 12, 13, 14, 16, 17, and Iowa Administrative Code chapter 46.15:

- 1. Regulated articles may not be moved from the regulated area to an unregulated area of the state unless one of the following is met:
 - a. an USDA APHIS PPQ limited permit, or certificate, has been issued and attached to the regulated article in accordance with USDA provisions; or
 - b. an IDALS limited permit, or certificate, has been issued and attached to the regulated article in accordance with IDALS provisions; or
 - c. the regulated articles have been treated as directed in a sanctioned USDA APHIS PPQ / IDALS compliance agreement; or

- d. the State Entomologist has provided a written letter of exemption for scientific and research purposes and the applicant is operating under the requirements of a sanctioned IDALS compliance agreement.
2. The cost of treatment or destruction of an emerald ash borer-infested regulated article in violation of this quarantine shall be borne by the owner or person in charge of the regulated article or place of production, as required in the order of treatment or destruction from IDALS. If the owner or person in charge refuses or neglects to obey the notice, IDALS may do what is required, and the expenses shall be assessed to the owner after giving legal notice and a hearing. If the assessment is not paid, IDALS shall certify it to the treasurer of the proper county who shall enter it on the tax books and collect it as ordinary taxes are collected and remit it to IDALS.
3. Any agent of IDALS or USDA may stop, inspect, destroy, stop sale, seize, treat or order returned to the point of origin, at the owner's expense, any regulated articles believed to be infested with the emerald ash borer, or lacking required treatment.
4. Failure to comply with the terms of this order may result in the imposition of criminal penalties pursuant to Iowa Code section 177A.16.
5. Appeal Rights. Pursuant to Iowa Code section 17A.12 and 21 Iowa Administrative Code 2.4, a written Notice of Appeal may be filed with the Secretary within 30 days of your receipt of this Order. The Notice of Appeal shall be sent to Robin Pruisner, Iowa Department of Agriculture and Land Stewardship, State Entomologist & Entomology and Plant Science Bureau Chief, 2230 South Ankeny Boulevard, Ankeny, Iowa, 50023. A contested case hearing will then be commenced pursuant to Iowa Code chapter 17A and 21 Iowa Administrative Code 2.
6. Regulated articles originating from outside the regulated area may be moved through the regulated area under the following conditions:
 - a. The regulated article, if moved through the regulated area during the period of April 1 through September 30, is moved in an enclosed vehicle or is completely covered to adequately prevent access by the emerald ash borer; and
 - b. The points of origin and destination are indicated on the waybill accompanying the regulated article; and
 - c. The regulated article is moved directly through the regulated area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed, or handled at locations approved by an USDA or IDALS inspector as not posing a risk of infestation by the emerald ash borer; and
 - d. The regulated article has not been combined or commingled with other articles as to lose its individual identity.

Contacts in Iowa:

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