ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
PLANT PROTECTION
ADMINISTRATIVE CODE

CHAPTER 80-10-15
RULES FOR PINE SHOOT BEETLE QUARANTINE

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80-10-15-.01 Determination Of Problem And Establishment Of Quarantine.

(1) It has been determined that the destructive pest known as the pine shoot beetle, Tomicus piniperda (L.) defined as a plant pest under provisions of Section 2-26-1 (1) Code of Ala. 1975, has become established in several states. It is also found and determined that this pest would be extremely injurious to Alabama's horticultural, agricultural, and forestry industries, should it be introduced and become established in the state and that a quarantine against said pest would be in the best interest of horticulture, forestry, and agriculture in Alabama.

(2) Due to the above determination, a quarantine against the above-defined pest is hereby established.

Author: Marise Mims Sandidge
Statutory Authority: Code of Ala. 1975, §2-25-4 and 2-25-5.
History: This rule was adopted on emergency basis November 18, 1992. Rule approved on a permanent basis on February 9, 1993.

80-10-15-.02 Definitions.

For the purposes of this quarantine, the following definitions shall apply:

(1) **Commissioner.** The commissioner of agriculture and industries or his authorized representatives.

(2) **Infestation.** The presence of the pine shoot beetle, Tomicus piniperda (L.) in any stage of development or the existence of circumstances which make it reasonable to believe that the pine shoot beetle is present.

(3) **Certificate of Quarantine Compliance.** A certificate or document issued by a duly authorized official of the state of origin verifying compliance with the provisions of this quarantine. Such certificate shall specify commodity, name and address of shipper, name and address of consignee, place where commodity was grown, pesticidal treatment applied, additional declaration where required, signature of the certifying official and the certification date.

(4) **Regulated Area.** Any county, parish, township, city or other civil division or part thereof in any state or territory listed in this quarantine as being placed under quarantine, and such other areas as may become infested or deemed to present a hazard of spread of the pine shoot beetle.

Author: Marise Mims Sandidge
Statutory Authority: Code of Ala. 1975, §2-25-4 and 2-25-5.
History: This rule was adopted on an emergency basis November 18, 1992. Rule approved on a permanent basis on February 9, 1993.

80-10-15-.03 Quarantine Imposed.

Upon the findings and determinations set out in Rule No. 80-10-15-.01, it is hereby ordered under the provisions of Section 25-5-5, Code of Ala. 1975, that a quarantine be imposed upon the articles and pest set out in this quarantine, subject to the conditions imposed by this quarantine.

Author: Marise Mims Sandidge
Statutory Authority: Code of Ala. 1975, §2-25-4 and 2-25-5.
History: This rule was adopted on an emergency basis November 18, 1992. Rule approved on a permanent basis on February 9, 1993.

80-10-15-.04 Regulated Articles.

For the purposes of this quarantine, the following articles are hereby deemed to be regulated:

(1) The pine shoot beetle, Tomicus piniperda (L.) in any living stage of development.

(2) Plants of the genera Ables (fir), Larix (larch), Picea (spruce), and Pinus (pine) whether balled and burlapped, containerized, or cut live for use as Christmas trees.

(3) Logs and lumber of the genera Ables, Larix, Picea and Pinus with bark attached.

(4) Ornamental foliage of the genera Ables, Larix, Picea and Pinus.

(5) Any other article, produce or means of conveyance not covered in 1-4 above, that presents a risk of spread of the pine shoot beetle when the person in possession of such articles has been notified of such risks.

Author: Marise Mims Sandidge
Statutory Authority: Code of Ala. 1975, §2-25-4 and 2-25-5.
History: This rule was adopted on an emergency basis November 18, 1992. Rule approved on a permanent basis on February 9, 1993.

80-10-15-.05 Regulated Areas.

(1) States and counties as listed are hereby deemed to be regulated areas due to the confirmed presence of the pine shoot beetle:

Illinois	Kane County
Indiana	Allen, Elkhart, Fulton, Jasper, Kosciusko, LaGrange,Lake, LaPorte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Wells and Whitley Counties
Michigan	Berrien, Cass and Monroe Counties
New York	Erie and Niagara Counties
Ohio	Ashland, Ashtabula, Cuyahoga, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Summit, Trumbull and Wayne counties
Pennsylvania	Crawford, Erie and Lawrence Counties

(2) Any other state and county in the United States wherein the presence of the pine shoot beetle has been confirmed shall be deemed to be regulated.

Author: Marise Mims Sandidge
Statutory Authority: Code of Ala. 1975, 2-25-4 and 2-25-5.
History: This rule was adopted on an emergency basis November 18, 1992. Rule approved on a permanent basis on February 9, 1993.

80-10-15-.06 Conditions For Movement Of Regulated Articles.

Regulated articles shall not be moved from any regulated area into the State of Alabama unless accompanied by a certificate of quarantine compliance documenting compliance with the following conditions:

(1) Regulated articles moving from counties with confirmed infestations are certifiable as follows:

(a) Regulated articles other than in (B) below may be certified only when such articles have been thoroughly inspected by an official of the appropriate regulatory agency of the state of origin, and found to be free from the pine shoot beetle.

(b) Regulated logs and lumber may be certified only when fumigated with methyl bromide at a rate of 3 lbs/1000 cubic feet for 16 hours at 70^F or above or 5 lbs/1000 cubic feet for 16 hours at 40^-60^F. Such treated articles must be protected from reinfestation.

(2) Regulated articles moving from counties which are not known to be infested are certifiable as follows:

(a) Regulated articles may be moved into Alabama under a properly secured certificate of quarantine compliance containing the following additional declaration. "Regulated articles within this shipment originated in a county surveyed for pine shoot beetle and was found to be apparently free of this pest."

(3) A copy of the certificate of quarantine compliance must accompany each shipment into Alabama, and a copy must be left at each delivery site within Alabama. A copy of the certificate of quarantine compliance must also be faxed, (205) 240-3103, to Department of Agriculture and Industries, Plant Protection Section, Montgomery, Alabama, within 24 hours of shipment of the regulated articles.

(4) Special permits may be issued by the Commissioner for introduction of the pine shoot beetle, Tomicus piniperda (L.) into Alabama for experimental purposes by appropriate agencies; provided that the Commissioner is satisfied that such movement will not harm or threaten Alabama's agricultural, horticultural or forestry industry.

(5) Regulated articles moved into Alabama in violation of this quarantine may be returned to origin, treated, or confiscated and destroyed at the discretion of the Commissioner. Any costs

incurred by the Commissioner shall be paid by the shipper of the regulated articles.

Author: Marise Mims Sandidge
Statutory Authority: Code of Ala. 1975, 2-25-4 and 2-25-5.
History: This rule was adopted on an emergency basis November 18, 1992. Rule adopted on a permanent basis on February 9, 1993.

80-10-15-.07 Authority Of Commissioner To Stop And Inspect.

Under the provision of Section 2-25-3, Code of Ala. 1975, the Commissioner, after first displaying proper identification, is empowered to stop and inspect, without a warrant, any person or means of conveyance moving into, within or from the State of Alabama upon probable cause to believe that such means of conveyance or articles are infested with the pine shoot beetle; and the Commissioner is authorized to seize, treat, destroy or otherwise dispose of articles found to be moving in violation of this quarantine.

Author: Marise Mims Sandidge
Statutory Authority: Code of Ala. 1975, 2-25-3, 2-25-4, and 2-25-5.
History: This rule was adopted on an emergency basis November 18, 1992. Rule adopted on a permanent basis on February 9, 1993.

80-10-15-.08 Penalty For Violation.

Any person violating the provisions of this quarantine shall be subject to the penalties imposed under Section 2-25-22, Code of Ala. 1975.

Author: Marise Mims Sandidge
Statutory Authority: Code of Ala. 1975, §2-25-3, 2-25-5, 2-25-22.
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