

CHAPTER 12:51:10

EMERALD ASH BORER

Section

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12:51:10:01. Definitions. Words and phrases defined in SDCL chapter 38-24A have the same meaning when used in this chapter. Terms used in this chapter mean:

(1) "Firewood," tree parts in any measure or volume, whether for commercial or private purposes, that is intended to be burned for heating or recreational use;

(2) "Log," parts of trees cut to certain lengths to be milled, processed, or otherwise used in buildings or construction;

(3) "Quarantine area," an area established by the secretary of Agriculture and Natural Resources from which the emerald ash borer is likely to spread;

(4) "Secretary," the secretary of the South Dakota Department of Agriculture and Natural Resources;

(5) "USDA-APHIS-PPQ," the United States Department of Agriculture, Animal and Plant Inspection Service, Plant Protection and Quarantine-;

(6) "External Embargoed Area," the area outside of South Dakota established by the secretary from which regulated articles are restricted;

(7) "Department," the South Dakota Department of Agriculture and Natural Resources.

Source: 45 SDR 84, effective December 19, 2018.

General Authority: SDCL 38-24A-9.

Law Implemented: SDCL 38-24A-1, ~~38-24A-9~~.

12:51:10:06. Treatment of regulated articles. Regulated articles listed in § 12:51:10:03 may receive a permit from the secretary or a designated agent to authorize movement outside of the quarantine area. A permit will include specific treatment activities that must be performed in order to prevent the spread of emerald ash borer out of the quarantine area. The treatment activities are as follows:

(1) Heat Treatment: the article has been brought to an internal temperature of 140 deg F (60 deg C) for 60 minutes, or other temperature and exposure time as described in USDA Heat Treatment Schedule T314-a (Regulated Wood Articles including Fraxinus and all Hardwood Firewood from Emerald Ash Borer Quarantine areas) or USDA Kiln Sterilization Schedule T404-b-4 (Wood Products including containers);

(2) Fumigation: Fumigation must be approved and conducted under expert guidance and appropriate for the particular article, and under official observation by USDA-APHIS-PPQ or ~~SDDA Division of Agricultural Services~~ the department;

(3) Chipping: Bark or other wood may be chipped so that the size of the chips is 1 inch or less in two dimensions;

(4) Debarking: The article has 100% of the bark removed, plus an additional 1/2 inch of wood. No residual bark or cambium shall remain; or

(5) Other: If the secretary determines the article will not present a risk of transporting the emerald ash borer.

Source: 45 SDR 84, effective December 19, 2018.

General Authority: SDCL 38-24A-9.

Law Implemented: SDCL 38-24A-12, ~~38-24A-12.1, 7 C.F.R. Part 301.53-1 to 301.53-9,~~ inclusive.

12:51:10:09 External embargoed articles. All regulated articles described in § 12:51:10:03 that originate from an external embargoed area, and that have not been treated as described in § 12:51:10:06, are embargoed, except when each of the following conditions are met:

(1) The articles enter directly from portions of states that border a county regulated by the South Dakota emerald ash borer internal quarantine as established by the secretary;

(2) The articles travel directly to a facility located within the South Dakota emerald ash borer quarantine; and

(3) The articles will not leave the South Dakota emerald ash borer quarantine area, unless they are subsequently treated to meet the requirements described in § 12:51:10:06.

General Authority: SDCL 38-24A-9.

Law Implemented: SDCL 38-24A-6, 38-24A-10.