

18 FINAL REGULATIONS

Document No. 5015
CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27

Statutory Authority: 1976 Code Sections 46-9-40 and 46-9-50

27-58. Asian Longhorned Beetle Quarantine.

Synopsis:

An Asian Longhorned Beetle quarantine is necessary in South Carolina to aid eradication efforts, prevent additional pest spread, and save the many more yet to be affected trees in the state. These new regulations will define the quarantine area and process for containing and eradicating the Asian Longhorned Beetle. Specifications for how some regulated articles may still move are also provided, as well as guidance for inspection and disposal.

A Notice of Drafting regarding the subject matter of the proposed regulation was published in the *State Register* on September 25, 2020.

Instructions:

Print new Regulation 27-58 et al. as shown below.

Text:

27-58. Asian Longhorned Beetle Quarantine.

58.1. Definitions.

A. "Asian Longhorned Beetle" (ALB) means the insect known as Asian longhorned beetle (*Anoplophora glabripennis*) in any living stage of development.

B. "Certificate" means a document or permit, electronic or otherwise, issued or authorized to be issued by the Department or USDA-APHIS inspector to allow the movement of regulated articles to any destination.

C. "Compliance agreement" means a written agreement between an individual or concern engaged in growing, dealing in, or moving regulated articles and a state or USDA-APHIS, wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of Asian Longhorned Beetle.

D. "Department" means the Clemson University Department of Plant Industry, or its representatives, acting on behalf of the South Carolina Crop Pest Commission or the Director and acting as the plant regulatory representative of South Carolina.

E. "Director" means the Director of Regulatory and Public Service Programs at Clemson University.

F. "Firewood" means any wooden material less than four feet in length that is gathered and used for fuel when species present are not labeled and/or readily identifiable.

G. "Inspector" means any authorized employee or agent of the State Crop Pest Commission, state, or USDA-APHIS, or any other person authorized by the Director to enforce the provisions of these regulations.

H. "Moved" means shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

I. "Movement documents" means any certificates and/or compliance agreements applicable to these regulations issued by the Department, state, or USDA-APHIS representatives.

J. "Nursery stock" means all fruit, nut and shade trees, all ornamental plants and trees, bush fruits, buds, grafts, scions, vines, roots, bulbs, seedlings, slips or other portions of plants (excluding true seeds) grown or kept for propagation, sale or distribution. Also includes any other plant included by the Director, if regulating its movement is necessary to control any plant pest.

K. "Person" means any association, company, corporation, firm, individual, joint stock company, partnership, society, or any other legal entity.

L. "Quarantined area" means the designated area set by the South Carolina Crop Pest Commission to isolate all known occurrences of the Asian longhorned beetle in one geographical area.

M. "Regulated Articles" means those articles that require a movement document(s) year-round except as indicated.

N. "USDA-APHIS" means the United States Department of Agriculture's Animal and Plant Health Inspection Service.

58.2. Regulated Articles.

A. The Asian longhorned beetle in any life stage.

B. Firewood (all hardwood species), and green lumber and other material living, dead, cut, or fallen, inclusive of nursery stock, logs, stumps, roots, branches, and debris of half an inch or more in diameter of the following genera: *Acer* (maple), *Aesculus* (horse chestnut), *Albizia* (mimosa), *Betula* (birch), *Cercidiphyllum* (katsura), *Fraxinus* (ash), *Koelreuteria* (golden rain tree), *Platanus* (sycamore), *Populus* (poplar), *Salix* (willow), *Sorbus* (mountain ash), *Ulmus* (elm), and any other genus of plant confirmed by the Department and/or USDA-APHIS to be a host of ALB.

C. Any other article, product, or means of conveyance not listed in paragraph (2) of this section may be designated as a regulated article if an inspector determines that it presents a risk of spreading ALB and notifies the person in possession of the article, product, or means of conveyance that it is subject to the restrictions of the regulations.

58.3. Conditions Governing the Movement of Regulated Articles.

A. Regulated articles may not at any time be moved from quarantined parts of South Carolina or any other state into or through non-quarantined parts of South Carolina or any other state without a state- or federally-issued certificate and/or compliance agreement allowing for such movement provided that no other state or federal provisions prevent it.

B. Regulated articles may be moved from quarantined parts of South Carolina or any other state into or through quarantined parts of South Carolina or any other state without state- or federally-issued certificates and/or compliance agreements provided that no other state or federal provisions prevent it.

C. Regulated articles may be moved for experimental or scientific purposes in accordance with specified conditions provided a scientific permit is securely attached to the container of such articles or to the article itself. Scientific permits may be supplied by the Department or USDA-APHIS.

58.4. Issuance of Movement Documents.

A. Certificates - An inspector from the Department or USDA-APHIS, or their representatives, will issue certificates for movement of regulated articles when it has been deemed that ALB is not apparently present and risk of movement of ALB from a quarantined area to a non-quarantined area has been mitigated. In all cases, certificates and permits shall be furnished by the carrier to the consignee at the destination of the shipment.

B. Compliance Agreements - The Department or USDA-APHIS may enter into compliance agreements with persons growing, handling, or moving regulated articles once an inspector has reviewed all provisions of the compliance agreement and each agrees to comply with the provisions of this subpart and any conditions imposed under this subpart. As a condition of issuance of certificates for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, or moving such articles may be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and spread of infection and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles.

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C. Attachment — Movement documents must be attached to or accompany shipments of all regulated articles or containers carrying regulated articles and such articles must be clearly marked with the name and address of the consignor and consignee.

D. Cancellation — Certificates and/or Compliance Agreements may be canceled orally or in writing by an inspector or representative of the Department or USDA-APHIS whenever the inspector determines that the holder of the certificate or compliance agreement has not complied with this subpart or any conditions imposed under this subpart.

58.5. Inspection and Disposal.

Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving within or from the State of South Carolina upon probable cause to believe that non-permitted or non-certified regulated articles are present; and, such inspector is authorized to seize, destroy or otherwise dispose of articles found to be moving in violation of these regulations.

58.6. Removal of Areas from Regulation.

When satisfactory evidence has been presented that ALB has been eradicated from an area affected by this quarantine, the Department may remove regulated areas from the quarantine.

58.7. Waiver of Liability.

The South Carolina State Crop Pest Commission disclaims liability for any cost incident to inspection or treatment required under the provisions of this quarantine, other than for the services of the South Carolina State Crop Pest Commission.

58.8. Regulated Areas.

The areas declared to be regulated areas where the pest is known to exist at a level or within proximity of a level which poses a risk of spreading the pest to non-infested areas of South Carolina and other states shall be maintained on a list that is made publicly available on Clemson's website located at: www.clemson.edu/invasives

Fiscal Impact Statement:

None.

Statement of Rationale:

Quarantining ALB-infested areas in South Carolina will protect uninfested areas and trees from the negative impacts associated with the beetle, which include expedited tree death, potentially reduced national and international trade from South Carolina and with and from other U.S. states, increased human health risks due to falling trees and branches, and increased tree debris management expenses. The quarantine will also stabilize accompanying eradication efforts so that in the long term, the quarantined areas can respawn with these native trees.

Asian Longhorned Beetle Quarantine Regulated Area as of July 7, 2021

The portions of Charleston and Dorchester Counties, including portions or all of the municipalities of Hollywood, Ravenel, and Charleston that is bounded by a line starting at the intersection of Bradley Pasture Way and County Line Road, continue west on County Line Road to intersection of Hyde Park Road (S.C. 1332); then south and west on Hyde Park Road (S.C. 1332) to the intersection with S.C. 165; then south on S.C.165 to the intersection with point (80.2382726°W 32.7438883°N); then west along property boundaries to intersection with point (80.2420020°W 32.7448314°N); then southwest along property boundaries to intersection with point (80.2458378°W 32.7407861°N); then southeast along property boundary to intersection with S.C. 165 at point (80.2399048°W 32.7368987°N); then south on S.C. 165 to the intersection of S.C. 162; then east on S.C. 162 to intersection of Dixie Plantation Road; continue east on Dixie Plantation Road to the intersection of Gibson Road; south on Gibson Road to the intersection of Church Flats Road; then east along Church Flats Road to the intersection of Westervelt Road; south on Westervelt Road to the intersection of Shark Hole Road; then east on Shark Hole Road to the end of the road in marsh/creek of Wadmalaw River (80.2045760°W 32.7194025°N); then southeast along Wadmalaw River into Church Creek; east along Church Creek to intersection with unnamed creek at point (80.1399242°W 32.7117634°N); then north along the unnamed creek to the intersection with Chisolm Road (S.C. 54) at bridge at point (80.12893°W 32.72521°N); east then south on Chisolm Road (S.C. 54) to the intersection of Mary Ann Point Road (S.C. 1333); then east on Mary Ann Point Road (S.C. 1333) to the intersection of Main Road (S.C. 20); north on Main Road (S.C. 20) to the intersection of Patton Avenue; then east on Patton Avenue, subsequently Fickling Hill Road, to the intersection of Turtle Marsh Lane; then west on Turtle Marsh Lane to intersection with point (80.0896517°W 32.7520536°N); then northeast along property boundaries from point (80.0896517°W 32.7520536°N) to point (80.0856907°W 32.7586340°N); then northwest to point (80.0920635°W 32.7629036°N) and then north to the intersection of Old Pond Road (S.C. 1632) and point (80.0910956°W 32.7650052°N); then northwest on Old Pond Road (S.C. 1632) to the private road (Joyner Road) at point (80.094066°W 32.770028°N); then east on the private road (Joyner Road) to the intersection with point (80.0920480°W 32.7690658°N); then northeast along property boundaries from point (80.0920480°W 32.7690658°N) to the intersection of point (80.0905036°W 32.7706821°N) and Simmons Creek; then north along Simmons Creek to the intersection of point (80.0889116°W 32.7782614°N) and the Stono River; then northeast across the main body of the Stono River and north along Stono River Creeks to the intersection of Stono River Creeks and point (80.0749385°W 32.7919170°N); northwest along unnamed drainage ditch to the intersection of Marginal Road at point (80.0783450°W 32.7962810°N); then northwest on Marginal Road to intersection of Carolina Bay Drive; north on Carolina Bay Drive to the intersection of Cornsilk Drive; west and north on Cornsilk Drive to the intersection of Conservancy Lane; east on Conservancy Lane to intersection of Halfshell Lane; then north on Halfshell Lane to the intersection of Sanders Road; west and northwest on

Sanders Road to the intersection of Bees Ferry Road (S.C. 57); then northeast on Bees Ferry Road (S.C. 57) to the intersection of Proximity Drive; then northwest on Proximity Drive to the intersection of Barons Drive; west on Barons Drive to the intersection with point (80.0992048°W 32.8267727°N); then north along property boundaries to the intersection with point (80.1046114°W 32.8355374°N); then northeast along property boundaries to the intersection with point (80.0989634°W 32.8411654°N); then northwest along property boundaries to the intersection with point (80.1046759°W 32.8468555°N); then northeast along property boundaries to the intersection with point (80.1015949°W 32.8495865°N); then west along property boundaries to the intersection with point (80.1276450°W 32.8542581°N); then north following property boundaries to the intersection with point (80.12731°W 32.85629°N); then northwest along property boundaries to the intersection with point (80.14046°W 32.86066°N); then southwest following property boundaries to the intersection with the Charleston, Dorchester County Line at point (80.17027°W 32.84396°N); then south along the property boundary to the intersection with Bradley Pasture Way at point (80.17677°W 32.83283°N); then south following Bradley Pasture Way to the intersection of County Line Road to the point of beginning.