WEST VIRGINIA GYPSY MOTH QUARANTINE

(Amended October 11, 2012)
West Virginia Department of Agriculture
Plant Industries Division

Statutory Authority: Chapter 19, Article 12, Section 6 of the Code of West Virginia.

I. **Declaration of quarantine**.

Under authority of Chapter 19, Article 12, Section 6 of the Code of West Virginia, as amended, a quarantine is hereby established to regulate the movement of certain articles capable of transporting the highly destructive insect known as the gypsy moth, Lymantria dispar (L.), into uninfested or unregulated areas of the State, unless such articles comply with the conditions specified herein.

II. **Purpose of quarantine**.

Gypsy moth has become established in parts of West Virginia and continues to expand its range into uninfested counties by both natural means and humans moving infested articles. The purpose of this quarantine is to prevent the artificial spread of gypsy moth into uninfested areas of the state by regulating the movement of those articles that pose a significant threat of spreading gypsy moth.

III. **Definitions**.

The following words and terms, when used in these regulations, shall have the following meaning unless the context clearly indicates otherwise: terms used in the singular form shall be construed as the plural, and vice versa, as the case may demand.

Associated equipment - Articles associated and moved with mobile homes, such as, but not limited to, awnings, tents, outdoor furniture, L.P. gas containers, trailer blocks and trailer skirts.

Certificate - A document issued by an inspector or any other person operating in accordance with a compliance agreement to allow the movement of regulated articles to any destination.

Compliance agreement - A written agreement between a person engaged in growing, handling or moving regulated articles and the West Virginia Department of Agriculture, United States Department of Agriculture, or both, wherein the former agrees to comply with the requirements set forth in the compliance agreement.

Gypsy moth - The live insect known as the gypsy moth, Lymantria dispar (L.), in any life stage (egg, larva, pupa, adult).

Outdoor household article gypsy moth inspection report - A document used to certify outdoor household articles as having been inspected and found to be free of gypsy moth life stages.

Information recorded on the document includes the location from which the outdoor household articles were moved, their destination, and a list of the articles inspected.

Inspector - An employee of the West Virginia Department of Agriculture, or other person authorized by the Commissioner of Agriculture to enforce the provisions of this quarantine.

Limited permit - A document issued by an inspector or other person operating in accordance with a compliance agreement to allow the movement of regulated articles to a specific destination.

Mobile home - Any vehicle, other than a recreational vehicle, designed to serve, when parked, as a dwelling or place of business.

Outdoor household articles - Articles associated with a household that have been kept outside the home including, but not restricted to, outdoor furniture, barbecue grills, doghouses, boats, hauling trailers, garden tools, tents, awnings, firewood and recreational vehicles and associated equipment.

Recreational vehicle - Highway vehicles, including pick-up truck campers, one-piece motor homes and camping or travel trailers designed to serve as temporary places of dwelling.

IV. **Regulated articles**.

1. Gypsy moth, *Lymantria dispar* (L.), in any life stage.

2. Trees without roots (e.g. cut Christmas trees) and both trees and shrubs with roots and persistent woody stems, except if greenhouse grown throughout the year.

3. Logs, pulpwood and wood chips (whole tree chips), except if moved to a mill or log concentration yard operating under a compliance agreement. [1]

4. Mobile homes and associated equipment.

5. Outdoor household articles.

6. Recreational vehicles when part of a residential move.

7. Any other products, articles or means of conveyance of any character whatsoever, when it is determined by an inspector that a lifestage of gypsy moth is in proximity to such articles and the articles present a threat of artificial spread of gypsy moth infestations and the person in possession thereof has been so notified.

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[1] Names of mills or log concentration yards under compliance agreement are available upon request from Plant Industries Division, West Virginia Department of Agriculture or from an inspector.

V. **Regulated areas**.

Any area in which gypsy moth is known to occur and is regulated by the United States Department of Agriculture Gypsy Moth Quarantine (7CFR 301.45), the West Virginia Department of Agriculture Gypsy Moth Quarantine, or a gypsy moth quarantine or legislation enacted by another state.

These areas include the following counties:

Barbour	Hancock	Monongalia	Summers
Berkeley	Hardy	Monroe	Taylor
Braxton	Harrison	Nicholas	Tucker
Brooke	Jackson	Ohio	Upshur
Calhoun	Jefferson	Pendleton	Webster
Doddridge	Lewis	Pleasants	Wetzel
Fayette	Marion	Pocahontas	Wirt
Gilmer	Marshall	Preston	Wood
Grant	McDowell	Raleigh	Wyoming
Greenbrier	Mercer	Randolph	
Hampshire	Mineral	Ritchie	

VI. **Conditions governing the movement of regulated articles**.

Regulated articles may not be moved from a regulated area to an unregulated area of the state unless a certificate, limited permit, or outdoor household article gypsy moth inspection report has been issued and attached to the regulated article in accordance with the provisions set forth in Sections VII and VIII of these regulations.

VII. **Conditions governing the issuance of certificates, limited permits, and outdoor household article gypsy moth inspection reports**.

1. Certificates - Certificates may be issued by an inspector or any person operating under a compliance agreement for the movement of regulated articles under any of the following conditions when:

a. in the judgment of the inspector they have not been exposed to gypsy moth infestations;

b. they have been examined by the inspector no more than five days prior to the date of movement and found to be free of gypsy moth;

c. they have been treated to destroy gypsy moth under the direction of the inspector and according to methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied;

d. they have been grown, produced, manufactured, stored or hauled in such a manner that, in the judgment of the inspector, gypsy moth would not be transmitted by movement of the article.

2. Limited Permits - Limited permits may be issued by an inspector for the movement of regulated articles to specific destinations under conditions which specify the limited handling, utilization, processing or treatment of the articles, when the inspector determines that such movement will not result in the spread of gypsy moth because the life stage (s) of the insect will be destroyed by such specified handling, utilization, processing or treatment.

3. Outdoor household article gypsy moth inspection report - Outdoor household article gypsy moth inspection reports may be issued by the person moving outdoor household articles from a regulated area to an unregulated area in West Virginia if such person has inspected the outdoor articles and has found them to be free of any life stage of gypsy moth.

4. Compliance agreement - Any person engaged in the business of growing, purchasing, assembling, exchanging, handling, processing, utilizing, treating or moving regulated articles may be required to sign a compliance agreement as a condition for the issuance of certificates or permits. The agreement shall specify safeguards that will be maintained to prevent the establishment and spread of the gypsy moth. The person must comply with all conditions set forth in the agreement, such as the maintenance of identity, handling, and subsequent movement of the regulated articles, and the cleaning and treatment of means of conveyance and containers.

VIII. **Conditions governing the use of certificates, limited permits, and outdoor household article gypsy moth inspection reports**.

The attachment of a certificate, limited permit, or outdoor household article gypsy moth inspection report to the regulated article will not be required if a certificate, limited permit or outdoor household article gypsy moth inspection report is attached to the invoice or waybill that accompanies the regulated article. Certificates, limited permits, or outdoor household article gypsy moth inspection reports attached to the invoice, waybill or other shipping documents shall be given by the carrier to the consignee at the destination of the shipment, or an inspector when requested.

A copy of the outdoor household article gypsy moth inspection report must be forwarded to Plant Industries Division, West Virginia Department of Agriculture, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305-0191 within two weeks of the date of the actual move.

IX. **Cancellation of certificates, limited permits, compliance agreements, or outdoor household article gypsy moth inspection reports**.

Any certificate, limited permit, compliance agreement, or outdoor household article gypsy moth inspection report, which has been issued or authorized, may be canceled or withdrawn by an inspector, who is supervising the enforcement of this quarantine, whenever the inspector determines that the holder of the document has failed to comply with any conditions set forth for the use of the certificate, limited permit, compliance agreement, or outdoor household article gypsy moth inspection report.

X. **Assembly of articles for inspection**.

Persons intending to move any regulated articles shall apply for inspection as far in advance as possible. The articles shall be assembled in a manner that will facilitate adequate inspection by an inspector.

XI. **Inspection and disposal of regulated articles and pests**.

Any properly identified inspector may stop and inspect, destroy, stop sale, seize, treat, or order returned to the point of origin, at the owner's expense, any regulated articles and gypsy moths under the authority granted this quarantine by the West Virginia Plant Pest Act (Chapter 19, Article 12 of the Code of West Virginia, as amended).

XII. **Penalties for violation**.

Any violation of this quarantine is subject to the full authority of the enabling statute, Chapter 19, Article 12, Section 6 of the Code of West Virginia, as amended.

XIII. **Effective date and duration**.

This quarantine is hereby ordered by the West Virginia Commissioner of Agriculture to be effective October 11, 2012, and will remain in effect until rescinded by same.

WEST VIRGINIA DEPARTMENT OF AGRICULTURE

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10/11/12
Date