

**LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY
LEGISLATIVE OVERSIGHT REPORT**

RE: Horticulture and Quarantine Programs; Emerald Ash Borer Quarantine (LAC 7:XV.167)

This report is submitted electronically to the President of the Senate, Speaker of the House of Representatives, and the Senate and House Committees on Agriculture, Forestry, Aquaculture and Rural Development, in accordance with R.S. 49:968 regarding the intent of the Department of Agriculture and Forestry, through the Horticulture Commission, to take the proposed action with regard to the above cited rule.

I. THE PROPOSED ACTION

The proposed rule expands a quarantine on regulated articles which are susceptible of infestation by the emerald ash borer ("EAB"), *Agrilus planipennis* Fairmaire. Currently, the parishes under quarantine for this pest pursuant to LAC 7LXV.167 are Bossier, Claiborne and Webster. The proposed action expands the quarantine to include Lincoln and Union Parishes.

II. THE REASONS FOR THE PROPOSED ACTION

The state entomologist has determined that the following pest: emerald ash borer ("EAB"), *Agrilus planipennis* Fairmaire, has been found in this state and may be prevented, controlled, or eradicated by quarantine. EAB poses an imminent peril to the health and welfare of Louisiana forests, commercial and private forestry/wood product industries, and nursery growers due to its ability to infest ash trees. In 2013, the wholesale value of woody ornamental sales for nursery growers in the state was \$62.6 million, a portion of which is comprised of sales of ash trees (Louisiana State University AgCenter 2013 Louisiana Summary, Agriculture and Natural Resources). Louisiana's forests and forestry/wood products industries generated an output industry production value of \$10.86 billion in 2012, a portion of which is comprised of ash trees and ash tree products (Louisiana State University AgCenter publication 3367-G, 2015). Sales of ash firewood by retail and wholesale suppliers to private individuals also are important to the state's economy.

Natural spread of EAB is limited to relatively short distances. However, without restriction, EAB can spread through human-assisted means over long distances via infested ash nursery stock, ash logs/timber and cut firewood. Once an ash tree is infested, it experiences twig dieback and tree decline. Tree death occurs within a few years. Failure to prevent, control, or eradicate this pest threatens to damage Louisiana's commercial ash tree nursery industry, and over time this pest poses a threat to destroy the majority of ash in our state, both commercial and residential. The loss of the state's commercial nursery-grown ash trees, forestry/wood ash products and even residential ash trees would be devastating to the state's economy and to its private citizens. The quarantine established by this proposed regulation is necessary to prevent the spread of EAB to all areas in Louisiana where ash may exist, outside of the current areas where this pest has been found.

The EAB has been found in Lincoln and Union Parishes and, therefore, the quarantine must be expanded to include those parishes.

III. STATUTORY AUTHORITY

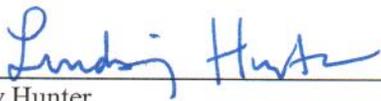
The state entomologist has authority to issue this quarantine pursuant to La. R.S. 3:1652, which provides:

The Department of Agriculture and Forestry shall have full and plenary power to deal with all crop and fruit pests and such contagious and infectious crop and fruit diseases as in the

opinion of the entomologist, may be prevented, controlled, or eradicated; with full power to make, promulgate and enforce such rules, ordinances and regulations, and to do and perform such acts as, in the judgment of the entomologist, may be necessary to control, eradicate, or prevent the introduction, spread, or dissemination of all injurious crop and fruit pests and diseases. The rules, ordinances and regulations of the department shall have the force and effect of law five days after their promulgation in the official journal of the state. The department may prohibit or regulate the shipment or bringing into this state of any plants, farm products, or other articles of any nature or character whatsoever from any state, territory, or foreign country, when in the opinion of the entomologist the prohibition or regulation is necessary.

IV. ATTACHMENTS

- A. The proposed action coded with any new rule or language underscored and with language to be deleted from an existing rule in struck-through type.
- B. A copy of the fiscal and economic impact statement approved by the Legislative Fiscal Office.
- C. A copy of the Notice of Intent filed with the State Register.



Lindsey Hunter
Legal Counsel, LDAF

11/9/16

Date of signature