**NOTICE OF INTENT**
**Department of Agriculture and Forestry**
**Office of Agricultural and Environmental Sciences**

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

In accordance with the Administrative Procedure Act, R.S. 49:950, *et seq*., and pursuant to the authority set forth in R.S. 3:1652, notice is hereby given that the Department of Agriculture and Forestry ("Department") intends to adopt the rule set forth below, expanding a previously established quarantine for the following pest: emerald ash borer ("EAB"), *Agrilus planipennis* Fairmaire. This proposed rule expands the quarantine to include Lincoln and Union Parishes.

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 expansion of the quarantined area set forth in LAC 7:XV.167 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.

For these reasons, the presence of EAB in Louisiana presents an imminent peril to the health, safety and welfare of Louisiana's citizens and forests, the state's commercial and private forestry/wood product industries, and nursery growers. As a result of this imminent peril, the Department of Agriculture and Forestry and state entemologist hereby exercise its full and plenary power pursuant to R.S. 3:1652 to deal with crop and fruit pests and contagious and infectious crop and fruit diseases by expanding the quarantine in LAC 7:XV.167 to include Lincoln and Union Parishes.

**Title 7**
**AGRICULTURE AND ANIMALS**

**Part XV. Plant Protection and Quarantine**
**Chapter 1. Crop Pests and Diseases**
**Subchapter F. Emerald Ash Borer Quarantine**
§167. Emerald Ash Borer Quarantine

A. The department issues the following quarantine because the state entomologist has determined that the insect Emerald Ash Borer ("EAB"), *Agrilus planipennis*, has been found in this state and may be prevented, controlled, or eradicated by quarantine.

B. Quarantined areas in this state include:

1. The entire parishes of Bossier, Claiborne, Lincoln, Union and Webster.

2. A declaration of quarantine for EAB covering any other specific parishes or areas of this state shall be published in the official journal of the state and in the Louisiana Register.

C. – G. …

AUTHORITY NOTE:Promulgated in accordance with R.S. 3:1652, 3:1653.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 41:2577 (December 2015); LR 42:

**Family Impact Statement**

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

(1) the stability of the family;

(2) the authority and rights of persons regarding the education and supervision of their children;

(3) the functioning of the family;

(4) family earnings and family budget;

(5) the behavior and personal responsibility of children;

(6) the ability of the family or a local government to perform the function as contained in the proposed Rule.

**Poverty Impact Statement**

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

(1) the effect on household income, assets, and financial security;

(2) the effect on early childhood development and preschool through postsecondary education development;

(3) the effect on employment and workforce development;

(4) the effect on taxes and tax credits;

(5) the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

**Small Business Statement**

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

**Provider Impact Statement**

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

(1) the effect on the staffing level requirements or qualifications required to provide the same level of service;

(2) the total direct and indirect effect on the cost to the providers to provide the same level of service; or

(3) the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Ansel Rankins, Director of the Horticulture Commission, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 3002, Baton Rouge, LA 70806 and must be received no later than 12:00 p.m. on January 4, 2017. No preamble is available.

Mike Strain, DVM
Commissioner of Agriculture and Forestry