

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF CONSERVATION AND RECREATION

ORDER

**TO Suppress and Control Nuisance Conditions and Regulated Articles
Within the City of Boston, Suffolk County,
and the Town of Brookline, Norfolk County, Massachusetts**

The Department of Conservation and Recreation and its Bureau of Forestry (DCR) issues this Quarantine Order in accordance with sections 8, 11 and 12 of Chapter 132 and section 1F of Chapter 132A of the Massachusetts General Laws.

Background on the Asian longhorned beetle

The Asian longhorned beetle (ALB) (*Anoplophora glabripennis*), an insect native to China, Japan, Korea, and the Isle of Hainan, is a destructive pest of hardwood trees. It attacks many healthy hardwood trees, including maple, horse chestnut, birch, poplar, willow, and elm. In addition, nursery stock, logs, green lumber, firewood, stumps, roots, branches, and wood debris of a half an inch or more in diameter are subject to infestation. The beetle bores into the heartwood of a host tree, eventually killing the tree. Immature beetles bore into tree trunks and branches, causing heavy sap flow from wounds and sawdust accumulation at tree bases. They feed on, and over-winter in, the interiors of trees. Adult beetles emerge in the spring and summer months from round holes approximately three-eighths of an inch in diameter (about the size of a dime) that they bore through branches and trunks of trees. After emerging, adult beetles feed for 2 to 3 days and then mate. Adult females then lay eggs in oviposition sites that they make on the branches of trees. A new generation of ALB is produced each year. If this pest moves into the hardwood forests of the United States, the nursery, maple syrup, and forest product industries would experience severe economic losses. In addition, urban and forest ALB infestations will result in environmental damage, aesthetic deterioration, and a reduction in public enjoyment of recreational spaces.

Purpose of this Quarantine Order

An infestation of ALB has been identified in an area of the City of Boston, Suffolk County, and the Town of Brookline, Norfolk County, Massachusetts. An infestation of this invasive species can spread quickly, cause great economic and environmental damage, and requires measures to address its eradication. The purpose of this Order is to prevent the spread of ALB, suppress, control and eradicate ALB in any area of Massachusetts.

NOW THEREFORE, THIS ORDER IS HEREBY ESTABLISHED, SUBJECT TO THE FOLLOWING TERMS, CONDITIONS AND RESTRICTIONS:

1. **Affected Area.** This Order applies to all public and private land shown on the attached plan.
2. **Regulated Period.** This Order is effective immediately and will remain in effect until rescinded or modified in writing by the Commissioner of DCR.
3. **Regulated Articles** means firewood (all hardwood species); green lumber and other material living, dead, cut, or fallen, inclusive of nursery stock, logs, 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), *Celtis* (hackberry), *Fraxinus* (ash), *Plantanus* (sycamore), *Populus* (poplar), *Salix* (willow), *Sorbus*

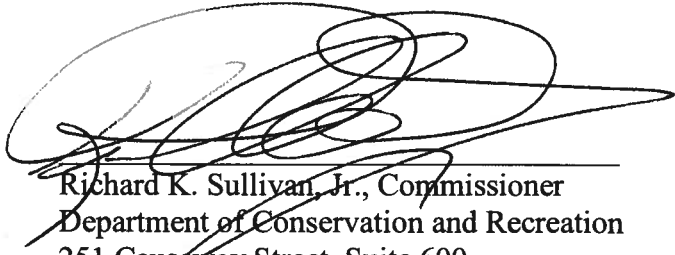
(mountain ash), *Ulmus* (elm), and *Cercidiphyllum japonicum* (Katsura); and also the Asian longhorned beetle, its larvae or eggs. Any other article, product, or means of conveyance not covered by the preceding sentence shall be deemed a Regulated Article, and subject to this Order, if the Commissioner of DCR, and his duly authorized agents or designees, acting subject to the provisions of Paragraph 8, determine that it presents a risk of spreading Asian Longhorned Beetle and notifies the Person in possession of the article, product, or means of conveyance that it is subject to the terms, conditions and restrictions of this Order.

4. **Person** means any agency, city or town, or political subdivision of the Commonwealth of Massachusetts or the Federal government, any state, public or private corporation or authority, any interstate body, foreign nation, individual, trust, firm, joint stock company, partnership, association or other entity, and any officer, employee, or agent of such person, and any group of persons.
5. **No Person shall harvest, cut, move, carry, transport or ship (or authorize or allow any other Person to do the same) Regulated Articles within or outside of the Affected Area during the Regulated Period, unless specifically authorized in writing by the Commissioner of the Department of Conservation and Recreation.**
6. The Commissioner of DCR, and his duly authorized agents or designees acting subject to the provisions of Paragraph 8, by the terms of this Order is authorized to make use of and require the use of all lawful means of suppressing, controlling and eradicating ALB, including affixing signs to and removing or causing to be removed, and the destruction thereof, all Regulated Articles within the Affected Area that are, may be or have the potential to be infested or infected by ALB.
7. The Commissioner of DCR, and his duly authorized agents or designees acting subject to the provisions of Paragraph 8, by the terms of this Order is authorized to enter upon any land, including the Affected Area, to implement and conduct activities under this Order.
8. DCR is acting in cooperation with state and Federal officials, specifically the United States Department of Agriculture and its Animal and Plant Health Inspection Service (APHIS), and the City of Boston and the Town of Brookline to achieve the purposes of this Order. DCR may authorize, under separate agreements, DCR's duly authorized agents or designees, as identified in Paragraphs 6 and 7 above, including municipal officials or Federal officials, such as APHIS, to enter upon the Affected Area and undertake activities necessary for suppressing, controlling and eradicating ALB, including removing or causing to be removed and the destruction thereof of all Regulated Articles within the Affected Area that are, may be or have the potential to be infested or infected by ALB. While DCR seeks to implement this Order to ensure eradication of ALB, DCR plans to do so in a reasonable manner, to the extent possible, to minimize impacts to private property.

9. Any Person who knowingly resists, obstructs or violates this Order may be punished or subject to a civil penalty in accordance with Massachusetts law.

Dated: July 6, 2010

ORDERED:

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Richard K. Sullivan, Jr., Commissioner
Department of Conservation and Recreation
251 Causeway Street, Suite 600
Boston, MA 02114