

Notice of Intent to Amend and Adopt Regulations

In accordance with the provision of section 4-168(a) of the Connecticut General Statutes (“CGS”), as amended, the Director of the Connecticut Agricultural Experiment Station (“CAES”) hereby gives notice of his intent, under the authority of CGS section 22-84, to amend sections 22-84-5d and 22-84-5e of the Regulations of Connecticut State Agencies and permanently adopt a new section, 22-84-5g.

On July 16, 2012, the Emerald ash borer (*Agrilus planipennis*) was first detected in Connecticut. This invasive and destructive insect species targets ash trees and causes rapid decline and eventual mortality in all ash species. Since its detection in Michigan in 2002, the pest has moved consistently west, east and south, including into the northeastern states of Pennsylvania and New York. The recent detection of Emerald ash borer in Connecticut was the first in New England, and it has since been detected in Berkshire County, Massachusetts. In addition to the Emerald ash borer, there is also an extensive infestation of the Asian longhorned beetle (*Anoplophora glabripennis*) in Worcester County immediately north of Connecticut’s border with central Massachusetts. The Asian longhorned beetle targets many hardwood tree species. In 2010, in view of these two pests and their proximity to Connecticut’s borders, the Director of CAES promulgated regulations that specified his authority to regulate materials subject to infestation from these two pests. The proposed amendments and additional section described in this notice focus on the movement of firewood into and within the State of Connecticut. The movement of firewood from or through infested areas or potentially infested areas and into or through uninfested areas poses a significant threat for unknowingly moving and spreading both pests. In addition, the proposed amendments also make some clarifications and adjustments based on federal regulations and propose other minor but necessary revisions.

The amendments include:

- Changes that require wood chips to be at one-inch or less in two dimensions to be consistent with current federal guidelines for deregulating material.
- Clarification of the definition of regulated articles and firewood to specify different handling requirements for firewood.
- Specifying the use of “compliance agreements” as a means to comply with a Quarantine Order issued by the Director or through regulation.

Highlights of the additional section that restricts the movement of firewood into and within Connecticut include:

- The restrictions allow movement of firewood as long as it has been properly treated or is of an origin that poses no threat of infestation.
- Treatment requirements may vary to accommodate federal regulations in areas subject to quarantine.
- Compliance can be achieved through various instruments, including a permit issued by CAES, standing permission through a compliance agreement with CAES, or, if applicable, a self-issued certificates for movement of firewood within the state that does not involve quarantine areas.

Information Available

Copies of the proposed regulations and other supportive documents, including a proposed fiscal note, small business impact statement, and regulatory flexibility analysis are posted on the agency's website (www.ct.gov/caes). Copies of this information may also be obtained by submitting a request to Dr. Louis A. Magnarelli by electronic mail to Louis.Magnarelli@ct.gov, by fax to (203) 974-8502, by phone to (203) 974-8440, or by mail, to The Connecticut Agricultural Experiment Station, P.O. Box 1106, New Haven, CT 06504. This information is also available for public inspection during normal business hours at CAES's offices at 123 Huntington Street in New Haven, CT.

Invitation to Comment

All interested persons are invited to comment on the proposed regulatory amendments. Written comments on the proposed regulations should be submitted to Dr. Louis A. Magnarelli, The Connecticut Agricultural Experiment Station, P.O. Box 1106, New Haven, CT 06504. Comments may be submitted by mail, by electronic mail to Louis.Magnarelli@ct.gov, or by facsimile to (203) 974-8502. All comments must be received prior to 4:30pm EST on November 7, 2012.

Public Hearing

The Connecticut Agricultural Experiment Station will also hold a public hearing described below to collect oral comment on the record after a brief informational presentation by CAES. Any speakers are requested, although not required, to submit a written copy of their statement. Written comments may also be submitted at the hearing by any member of the public that attends the hearing but does not choose to provide oral comment.

Date, Time, and Location of Public Hearing

November 2, 2012

1:00 p.m. - 4:00 p.m. or until all comments have been heard

Phoenix Auditorium

Department of Energy and Environmental Protection

79 Elm Street, 5th floor Hartford, Connecticut.

Accommodation/Affirmative Action

The Connecticut Agricultural Experiment Station, an affirmative action/equal opportunity employer, provides programs and services in a fair and impartial manner. In accordance with the Americans with Disabilities Act of 1990, persons with disabilities who need information in an alternative format to allow such individuals to benefit from and/or participate in the agency's programs and to receive services should call (203) 974-8440 and make their request. Requests for accommodations to attend the noticed hearing must be made at least two weeks prior to the hearing date via electronic mail Louis.Magnarelli@ct.gov, post, or phone to Dr. Magnarelli.