

USDA APHIS PLANT PROTECTION & QUARANTINE STATE OF NEW YORK COMPLIANCE AGREEMENT		Public reporting burden for this collection of information is estimated to average 1.25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the form. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing the burden, to USDA, OJRM, Clearance Officer, Room 404-W, Washington, DC, 20250. When replying refer to the OMB number and form number in you letter.	
1. Name or Address of Person or Firm Contact Name - [REDACTED] Company [REDACTED] Street or PO Box - [REDACTED] City, State Zip - [REDACTED]		2. Location COUNTY: Sullivan PHONE: [REDACTED] FAX: [REDACTED]	
3. Regulated Article(s) Approved Facility Required to Treat for EAB outside a Quarantined Area Ash Logs, Lumber, Stumps, Branches, and Chips (Excluding Firewood)			
4. Applicable Laws/Regulations 7CFR 301.53 Emerald Ash Borer (<i>Agrilus planipennis</i>), State of New York EAB Interior Quarantine			
5. I/We agree to the following: [REDACTED] hereby enters into a Compliance Agreement with the United States Dept. of Agriculture (USDA) and the New York State Department of Agriculture and Markets (NYSDAM) under the provisions of the Emerald Ash Borer Quarantine and agrees to handle and ship regulated articles only as provided for in this Compliance Agreement. <u>Logs, lumber, firewood, and bark are subject to additional regulations and requirements if moved outside an area regulated for Gypsy Moth. A current map of the area regulated for Gypsy Moth is available at http://www.aphis.usda.gov/plant_health/plant_pest_info/gypsy_moth/downloads/gypmoth.pdf or call 716-699-8954. Do not make commitments to move logs or other regulated materials outside of the area regulated for Gypsy Moth without contacting the USDA at 716-699-8954.</u> [REDACTED] will accept regulated ash logs, lumber, stumps, branches, and chips moved interstate from a quarantined area. Regulated materials may only be accepted from a shipper under an appropriate USDA compliance agreement, an appropriate cooperator's compliance agreement, and/or with a valid limited permit (PPQ 530). PPQ Limited permits must be signed and dated upon receipt, maintained at the mill, and surrendered to USDA or appropriate cooperator personnel upon request. Regulated materials accepted must receive ONE of the following treatments. Treatments are completed at the establishment's expense: (Circle your choice) 1. Remove the bark and an additional 1/2 inch of wood. The bark and wood removed will be regulated separately. 2. Follow a kiln sterilization treatment. The maximum thickness of allowable wood is three inches. See attachment A- 1 3. Fumigate according to a treatment schedule. See attachment A- 1. 4. Heat Treatment. (Ash logs) See attachment A-1. [REDACTED] will ensure that all regulated material will be stored separately from other logs until processing and disposal of waste by shredding / chipping to less than an inch in two dimensions, and/or burning on site. None of these items will be sold as firewood. [REDACTED] will ensure that all regulated material (including waste i.e. slab wood) will be processed or disposed of by April 30. Any regulated materials remaining after April 30 will be considered a violation of this agreement. If regulated items are present in violation of this agreement they will be immediately treated/disposed of under PPQ supervision using appropriate safeguards at the owner's expense. The manufacturing/treatment process will take place on the mill premises between October 1 and April 30. [REDACTED] will ensure that each shipment of treated regulated material is accompanied by a completed Federally issued Certificate (PPQ Form 540) and will maintain Part 2 (green copy) of the PPQ 540 Certificate at their premises. McGraw Lumber Company will ensure that the Federal Certificates (PPQ Form 540) are safeguarded from misuse, unauthorized use, and loss. No certificates are to be duplicated without the approval of USDA-PPQ. All certificates must be accounted for, including voids. The USDA and/or NYSDAM retain the right to conduct inspections of regulated articles, monitor inspection procedures, and examine shipment, treatment, and issued certificates and permits at any time. All records must be maintained for at least 36 months. All document requests will be filled within 48 hours of the initial request If [REDACTED] fails to comply with the provisions of this Compliance Agreement and/or the Emerald Ash Borer Quarantine regulations, this Compliance Agreement will be canceled. In addition, violations of federal regulations, including any alteration, forgery or unauthorized use of Federal forms, are subject to criminal penalties with monetary fines in accordance with 18 USC, imprisonment for a period not to exceed one year, or both, or civil penalties of up to \$500,000 (7UCS s7734 (b)). The USDA reserves the right to revise or cancel the Compliance Agreement at any time. This Compliance Agreement replaces and supersedes any other interstate Compliance Agreements issued to [REDACTED] by the USDA for the handling of regulated articles described in box 3 above originating from a quarantined area. Compliance agreements are non-transferable. The establishment must notify the local USDA,APHIS,PPQ office in the event that: <ul style="list-style-type: none"> • The designated signatory individual in block 6 changes, • The applicant/company physically relocates, • The company name or ownership changes, or • Any other event which may affect the handling of the regulated article occurs. 			
Signing below will validate this agreement, which shall remain in effect for one year, but may be revised as necessary or revoked for noncompliance.			
6. Signature		7. Name and Title (Please Print)	8. Date Signed
9. Agreement Number		10. Product	11. Date of Agreement
12. Federal Agency Official (Name, Title, Agency) Your Name, PPQ Officer - Kenneth R. Law USDA-APHIS-PPQ		13. Address 2044 Rte 32 Modena, New York 12548	
14. Signature		15. Date	
16. State Agency Official (Name, Title, Agency)		17. Address	
18. Signature State Representative Signature		19. Date	

Attachment A-1 Treatment Requirements

Kiln Sterilization Treatment Schedule

Treatment: T404-b-4 Kiln Sterilization

Dry Bulb temperatures	Wet Bulb depression	Relative humidity	Moisture content	Thickness of lumber	Exposure time
140°F	7°F	82%	13.8%	1 inch	3 hrs
				2 inches	5 hrs
				3 inches	7 hrs
130°F	16°F	60%	9.4%	1 inch	10 hrs
				2 inches	12 hrs
				3 inches	14 hrs

1. After kiln drying, the wood will be checked with a moisture meter to verify the wood is at or below the appropriate moisture content listed above. Two readings will be taken per stack of wood: one near the top of the stack and one near the bottom of the stack. These reading will be recorded in a computer database along with the date and time. This database information will be supplied to USDA, APHIS, PPQ on a monthly basis.
2. If the wood does not meet moisture content guidelines, it will NOT be in compliance unless it undergoes additional kiln drying and can then demonstrate that the moisture requirement has been met.

Fumigation Treatment Schedule

Treatment: T404-b-1-1 MB at NAP-tarpaulin or chamber

Temperature	Dosage Rate (lb/1,000 ft ³)	Minimum Concentration Readings (ounces) At:			
		0.5 hr	2 hrs	4 hrs	16 hrs
70°F or above	3 lbs	36	30	27	25
40-69°F	5 lbs	60	51	46	42

1. The fumigation must be performed by a licensed fumigator.
2. The licensed fumigator must have a fumigator compliance agreement with United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine.
3. Review the treatment schedule for specific fumigation guidelines.

Heat Treatment Schedule (Ash logs)

Treatment: T314-a Heat treatment

1. Heat treatment procedures may employ steam, hot water, kilns, or any other method that raises the temperature of the center of the wood to at least 160°F (71.1°C) and maintains the center temperature for at least 75 minutes.
2. Facilities, temperature monitors and temperature sensors will be approved by CPHST (Center for Plant Health and Science Technology) prior to a compliance agreement being initiated. Compliance agreements must contain a diagram of the treatment facility to include at a minimum: dimensions, capacity, circulation fans, heat input location, and door locations.
3. The temperature monitoring equipment (thermocouples, temperature data loggers etc) must be accurate to within +/- 0.5 °C (0.9 °F) at the treatment temperature, capable of collecting temperature data at least once every five (5) minutes and recording or storing data for 30 days. The temperature monitoring equipment must also be calibrated (by a source that can provide accreditation such as NIST) prior to facility certification tests and a minimum of once an annually thereafter. In addition, if a permanent temperature recording system is used, the system must be recalibrated when any part or portion of the system is repaired or replaced.
4. Temperature monitoring equipment must be able to provide a record of the treatment that identifies each sensor and indicates time and temperature.
5. Internal wood temperatures shall be obtained and verified by sensors located in the larger pieces of firewood at representative locations within the stack. The number of temperature sensing elements required per load will vary with the size of the load. The minimum requirement is four (4) sensors – one (1) for measuring air temperature and three (3) for measuring internal wood temperature. For loads greater than 5,000 ft³ (142 m³) of wood, a minimum of one additional sensor for measuring internal wood temperature must be provided for each additional 2,000 ft³. For example, a load of 9,000 ft³ would require a total of six (6) sensors (one ambient air temperature sensor and five [3 + 2 additional sensors]). At least one sensor shall be placed in a large firewood piece in a portion of the load furthest away from initial heat circulation. Sensors will be placed in the wood in pre-drilled holes to measure core wood temperature. Probes are to be sealed into each hole with putty (electricians putty is recommended) to prevent reading ambient air temperature. Other recording arrangements may be considered if approved by CPHST.
6. Begin treatment when all the temperature sensors reach the threshold temperature of 160° F (71.1° C). Treatment will be complete when all temperature probe readings are at or above the threshold temperature for the entire 75 minutes.
7. Temperature equipment will be certified by USDA APHIS PPQ personnel at regular intervals (suggested monthly) except in those cases where a facility is inactive in excess of 2 months. Certification will occur before production activities resume.