

**RULES  
OF  
THE DEPARTMENT OF AGRICULTURE  
DIVISION OF PLANT INDUSTRIES**

**CHAPTER 0080-6-20  
COMMON PINE SHOOT BEETLE  
(EXTERIOR QUARANTINE)**

**TABLE OF CONTENTS**

0080-6-20-.01	Determination of Problem and Establishment of Quarantine	0080-6-20-.07	Conditions Governing Issuance of Certificates and Permits
0080-6-20-.02	Definitions	0080-6-20-.08	Protecting Certified Articles
0080-6-20-.03	Regulated Areas	0080-6-20-.09	Conditions of Movement of Regulated Articles
0080-6-20-.04	Regulated Articles	0080-6-20-.10	Exempt Articles
0080-6-20-.05	Certificates and Permits Required	0080-6-20-.11	Compliance Agreement
0080-6-20-.06	Attachment of Certificates and/or Permits	0080-6-20-.12	Inspection and Disposal

**0080-6-20-.01 DETERMINATION OF PROBLEM AND ESTABLISHMENT OF QUARANTINE.**

- (1) It has been determined that the destructive insect pest known as the Pine Shoot Beetle, *Tomicus piniperda* (L.) has been introduced and become established in certain states, and is not known to occur in Tennessee. This pest can be extremely injurious to the *Pinus* spp. in Tennessee; therefore, it would be in the best interest of man and agriculture in Tennessee that a quarantine be established against this pest.
- (2) Due to the above determination, a quarantine against the above defined pest is hereby established.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rules filed February 2, 1993; effective May 29, 1993.

**0080-6-20-.02 DEFINITIONS.** For the purposes of this rule, the following shall mean:

- (1) **DIRECTOR:** The Director of the Division of Plant Industries, Tennessee Department of Agriculture.
- (2) **COMPLIANCE AGREEMENTS:** A written agreement between a person or concern engaged in growing, dealing in or moving regulated articles and the Tennessee Department of Agriculture, Division of Plant Industries, wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of the Pine Shoot Beetle, *Tomicus piniperda* (L.).
- (3) **EXEMPTION:** Conditions described herein which provide for the movement of regulated articles from regulated areas under specified conditions.
- (4) **INFESTATION:** The presence of the Pine I Shoot Beetle in any of its life stages where it is reasonably sure the pest may exist.
- (5) **PEST:** Pine Shoot Beetle, *Tomicus piniperda* (L.), in any stage of development.
- (6) **REGULATED AREAS:** Any county, other minor civil division, farm or other premises, or part thereof, designated as an area by this quarantine.
- (7) **REGULATED ARTICLES:** The Pine Shoot Beetle, *Tomicus piniperda* (L.), means of conveyance, products and articles of any character whatsoever the movement of which is regulated by this quarantine.

(Rule 0080-6-20-.02, continued)

- (8) LIMITED PERMIT: A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, processing, or treatment.
- (9) INSPECTOR: Any duly designated employee, agent or representative of the Director of the Division of Plant Industries of the Tennessee Department of Agriculture.
- (10) PERSON: This term shall include any corporation, partnership, firm, company, society or association, as well as any individuals.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rules filed February 2, 1993; effective May 29, 1993.

#### **0080-6-20-.03 REGULATED AREAS.**

- (1) All infested areas of Illinois, Indiana, Michigan, New York, Ohio, and Pennsylvania.
- (2) Any other county in the United States where the presence of the Pine Shoot Beetle, *Tomicus piniperda* (L.), is confirmed.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rules filed February 2, 1993; effective May 29, 1993.

**0080-6-20-.04 REGULATED ARTICLES.** The following pests and articles shall be regulated by this quarantine.

- (1) The Pine Shoot Beetle, *Tomicus piniperda* (L.), in any living stage of development.
- (2) Plants of the genus *Pinus* spp. whether balled and burlapped or cut live for use as Christmas trees.
- (3) Timber from the genus *Pinus* spp. spruce, *Picea* spp. fir, and *Abies* spp. with bark intact.
- (4) Ornamental foliage and bark from the genus *Pinus* spp.
- (5) Any other products, articles, or means of conveyance of any character whatsoever, when it is determined by the Director that they present a hazard of spread of the Pine Shoot Beetle and the person in possession thereof has been notified.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rules filed February 2, 1993, effective May 29, 1993.

#### **0080-6-20-.05 CERTIFICATES AND PERMITS REQUIRED.**

- (1) Unless exempted, a certificate or a permit must accompany the movement of regulated articles from any regulated areas into or through any point outside thereof. Regulated articles originating outside a regulated area may be moved without a certificate or permit if:
  - (a) The point of origin is clearly indicated on the shipping document accompanying the regulated articles provided; and
  - (b) The regulated articles moving through the infested area are protected to the satisfaction of the Director.

(Rule 0080-6-20-.05, continued)

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rules filed February 2, 1993, effective May 29, 1993.

**0080-6-20-.06 ATTACHMENT OF CERTIFICATES AND/OR PERMITS.**

- (1) Every single article and/or every container of regulated articles is required to have a certificate or permit securely attached to the outside thereof, when being moved or offered for movement. Where regulated articles are adequately described on the certificate or permit attached to the way-bill, the attachment of a certificate or permit to each container of the articles or to the article itself will not be required.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rules filed February 2, 1993, effective May 29, 1993.

**0080-6-20-.07 CONDITIONS GOVERNING ISSUANCE OF CERTIFICATES AND PERMITS.**

- (1) CERTIFICATES: Certificates may be issued by the inspector for the movement of the regulated articles designated in this quarantine under any of the following conditions:
  - (a) When in the judgement of the inspector, they have not been exposed to infestation.
  - (b) When they have been examined by the inspector and found to be free of infestation.
  - (c) When they have been treated to destroy infestations under the supervision of the inspector and in accordance with methods selected by him from procedures authorized by the Director of the Division of Plant Industries and known to be effective under conditions in which applied.
  - (d) When grown, produced, manufactured or handled in such manner that in the judgement of the inspector, no infestation would be transmitted thereby.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rules filed February 2, 1993; effective May 29, 1993.

**0080-6-20-.08 PROTECTING CERTIFIED ARTICLES.**

- (1) Prior to certification, regulated articles must be loaded, handled and shipped only under such protections and safeguards against infestation as are required by the inspector.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rules filed February 2, 1993; effective May 29, 1993.

**0080-6-20-.09 CONDITIONS OF MOVEMENT OF REGULATED ARTICLES.**

- (1) Regulated articles originating in an infested area are prohibited from movement into or through the State of Tennessee except that:
  - (a) Regulated articles originating in an infested area may be moved through this state by common carrier on a through waybill showing destination and provided that such shipment be in sealed car, truck, or other conveyance.

(Rule 0080-6-20-.09, continued)

- (b) Regulated articles must be accompanied by a permit or certificate issued based upon a complete and thorough examination to determine no life stages of the Pine Shoot Beetle, *Tomicus piniperda* (L.) are present within the shipment of regulated articles.
- (c) Specimens of *Tomicus piniperda* (L.), may move into Tennessee only if accompanied by a scientific permit issued by the Tennessee Department of Agriculture.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rules filed February 2, 1993; effective May 29, 1993.

#### **0080-6-20-.10 EXEMPT ARTICLES.**

- (1) The following articles are exempt from all regulated area certification and permit requirements if they meet applicable conditions prescribed, and have not been exposed to infestation after cleaning or other handling.
  - (a) Potting Soil, if commercially prepared, packaged and shipped in original containers.
  - (b) Hay and straw, if used for packing or bedding.
  - (c) Used mechanized soil-moving equipment, if cleaned of all loose, non-compacted soil.
  - (d) All plants grown in a greenhouse except *Pinus* spp.
  - (e) Soil samples for processing, testing, or analysis, may be moved from the regulated area only to laboratories operated under compliance agreement, or only in emergencies under authorization from the Director.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rules filed February 2, 1993; effective May 29, 1993.

#### **0080-6-20-.11 COMPLIANCE AGREEMENT.**

- (1) As a condition of the issuance of certificates of compliance and/or permits for the movement of required articles, the Commissioner may require any person engaged in purchasing, assembling, handling, processing, utilizing, treating or moving such articles to sign a compliance agreement. Such compliance agreement may stipulate that the person will maintain such safeguards as may be required by the Commissioner. The United States Department of Agriculture compliance agreements may be utilized to meet the requirements of this rule.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rules filed February 2, 1993; effective May 29, 1993.

#### **0080-6-20-.12 INSPECTION AND DISPOSAL.**

- (1) The Commissioner and others authorized to perform official duties in connection with the Pine Shoot Beetle quarantine are hereby authorized and empowered, upon probable cause and after displaying proper identification, to stop and search, without a warrant, any person, and/or any means of conveyance moving into, within, or from the State of Tennessee, and/or any regulated article or container being infestation. The Commissioner and/or other authorized persons are hereby further authorized and empowered to seize, treat, require to be treated under state supervision, destroy, or otherwise dispose of articles found to be moving or offered for movement in violation of the Pine Shoot Beetle quarantine. All chemicals used for treatment under this quarantine must be registered

(Rule 0080-6-20-.12, continued)

with both the state and federal governments, and the same must be applied according to state and federal guidelines.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rules filed February 2, 1993; effective May 29, 1993.