

MULCH
COMPLIANCE AGREEMENT STIPULATIONS

- A. The Pennsylvania Department of Agriculture (hereafter referred to as PDA) may issue or approve certificates, preprinted labels or rubber stamps, as appropriate, attesting to proof of quarantine compliance. Such certificates, labels or stamps remain the property of PDA and are not to be reproduced without written permission. Proof of quarantine compliance is to accompany each shipment.
- B. Regulated articles entering the regulated area from non-regulated areas and destined to non-regulated areas must be subjected to appropriate inspection and/or approved mitigation / treatment protocols as applicable prior to shipment AND be accompanied by certificates of quarantine compliance.
- C. Records:
 - 1. Shipment records are to detail the kind and quantity of regulated commodity shipped, shipper name, date of shipment and destination.
 - 2. Any treatment records shall be kept in accordance with applicable state / federal requirements.
 - 3. All records are to be maintained for a minimum of two years with copies provided to the PDA upon request.
- D. Violation of these stipulations is cause for suspension or revocation of this compliance agreement as well as civil or criminal penalty.

The Establishment referenced here will ship regulated mulch intrastate from a quarantined area ONLY after the following treatments are completed at the establishment's expense:

- 1. Produce mulch chips that comply with the Mulch Sample Protocol provided in Attachment A-1
- 2. Conduct composting process as provided in Attachment A-1.
- 3. Produce mulch chips with **NO** *Juglans sp.*, wood or wood parts.

The manufacturing/treatment process must take place within the quarantined area. Regulated articles that have undergone an approved treatment may be shipped throughout the year.

This establishment will ensure that each shipment of treated regulated material moved intrastate is accompanied by a completed State issued Certificate and will maintain copies of the Certificates at their premises. The establishment will ensure that Certificates are safeguarded from misuse, unauthorized use, and loss. No Certificates are to be duplicated without the approval of the Pennsylvania Department of Agriculture. All Certificates must be accounted for, including voids.

The Pennsylvania Department of Agriculture retains the right to conduct inspections of regulated articles, monitor treatment procedures, and examine shipment, treatment, and certificate records at any time during normal business hours. All records must be maintained for at least 24 months. All requests for documents are to be filled within 48 hours of the date of initial request. Inspector copies are to be forwarded to the issuing office once per month.

If the Establishment fails to comply with the provisions of this Compliance Agreement and/or the Thousand Cankers Disease Quarantine regulations, this Compliance Agreement will be canceled. In addition, violations of state regulations, including any alteration, forgery or unauthorized use of state forms, are subject to criminal prosecution carrying up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Compliance Agreement may be assessed a civil penalty of up to \$20,000 with respect to each violation.

Attachment A-1

MULCH SAMPLING PROTOCOL FOR HARDWOOD MULCH IN THE THOUSAND CANKERS DISEASE QUARANTINE AREA

Size Requirements and Screening Procedure

The following procedure should be followed to determine if hardwood mulch materials can be considered safe for movement from the TCD quarantine area:

Step 1 Exclude *Juglans sp.*, wood, including but not limited to logs, branches, and debris.

Step 2 Take 10 samples from random locations in the chip or mulch pile – do not take all samples from the same location. Each sample should consist of at least one handful of mulch and/or chips. If any chips are found that are greater than 2.0 inches in two dimensions go to Step 3. If there are no chips found greater than 2.0 inches in two dimensions then the pile meets certification requirements.

Step 3 If four or more chips from the 10 samples are larger than 2.0 inches in two dimensions proceed to Step 4. If three or fewer chips from the 10 samples are larger than 2.0 inches in two dimensions, the pile meets certification requirements.

Step 4 Resample. Take 10 additional samples from random locations in the chip pile. If any chips are found that are greater than 2.0 inches in two dimensions then proceed to Step 5. If there are no chips found greater than the 2.0 inches in two dimensions then the pile meets certification requirements.

Step 5 If four or more chips from the 10 samples taken in Step 4 are larger than 2.0 inches in two dimensions the pile is rejected. If three or fewer chips are larger than 2.0 inches in two dimensions the pile meets certification requirements.

NOTE: Mulch chips that do not meet the specified requirements as outlined above may be reground to meet this specification.

COMPOSTING REQUIREMENTS FOR HARDWOOD MULCH IN THE THOUSAND CANKERS DISEASE QUARANTINE AREA

To mitigate risk of spread of Thousand Cankers Disease, the hardwood mulch can be composted using the following procedure adapted from the Emerald Ash Borer Manual:

1. Compost piles must be a minimum of 200 cubic yards.
2. Internal temperature at a depth of 18 inches must reach 160 °F (71 °C) for four (4) continuous days.
3. After the interior of the pile is successfully treated the exterior of the pile needs to be rotated to the center. Using a front-end loader or a bulldozer, remove the outer layer of the compost pile to a depth of three (3) feet.
4. Start a second compost pile using the recently-removed cover material as a core.
5. Cover this second compost pile by moving the core material from the first compost pile as a cover at least three (3) feet deep.

6. Allow the second compost pile to remain undisturbed until the temperature reaches 160 °F (71 °C) for at least four (4) continuous days.
7. Once the second pile has successfully been treated fully composted material meets certification requirements.

**RECORD KEEPING REQUIREMENTS FOR HARDWOOD MULCH IN THE
THOUSAND CANKERS DISEASE QUARANTINE AREA**

1. When composting record beginning date for each compost pile.
2. Record temperatures for each compost pile at least every three days until desired temperature 160 °F (71 °C) is achieved. Record temperatures daily for the required four (4) continuous days for each pile.
3. Record date compost pile is turned for second composting.
4. Record temperatures for compost pile at least every three days until desired temperature 160 °F (71 °C) is achieved. Record temperatures daily for the required four (4) continuous days for each pile.
5. If the size requirement is not met during the composting period, the date the pile was reground is to be recorded.
6. These records should be available for inspection upon request of an agent for Pennsylvania Department of Agriculture.

This procedure will allow continuous operation. After the first compost pile is “turned” to become the second compost pile, a new “first” compost pile can be started.

Once both size and composting requirements are satisfied the compost pile may be moved for distribution.