

Magnarelli, Louis

From: Magnarelli, Louis
Sent: Tuesday, November 13, 2012 12:07 PM
To: Douglass, Patricia M - APHIS (Patricia.M.Douglass@aphis.usda.gov); Donnelly, Chris; Brendan Finley (BFinley@ctlobby.com); John Hudak (jhudak@rwater.com); ehammerling@ctwoodlands.org; Bob Heffernan (ConnGreen@aol.com); Joan Nichols (nicholsforestry@charter.net); Leercn (lseeeton@rcn.com); Sladek, Barbara; Sherman, Bruce; spots@snet.net; Collette, Kenneth; Martin, Christopher; Stafford, Kirby; Boye-Williams, Patricia; bvandoren@rwater.com; Pam.Booth@cga.ct.gov; Picano, Marcy (Marcy.Picano@cga.ct.gov)
Subject: Status of emerald ash borer
Attachments: 2012 CAES revised proposed regulations Nov 9.docx; 2012 Summary of changes.pdf

Good Afternoon:

The latest discovery of the emerald ash borer (EAB) was made in Waterbury, CT. This adds to Prospect, Naugatuck, Bethany, and Beacon Falls. Examinations of some trees indicates that these infestations were present for at least about 3 years. The public hearing was held as noticed on November 2, 2012. Three persons spoke in favor of the proposed regulations: Mayor Robert Chatfield of Prospect, Mr. Chris Martin, and Mr. Chris Donnelly. Mr. Bill VanDoren of South Central CT Regional Water Authority submitted constructive written comments. Nobody requested notification of the hearing. Legal notices were published in 3 major newspapers in CT, and a Notice of Intent was published in the CT Law Journal. Moreover, I sent an e-mail notice of the public hearing to leaders of several stakeholder groups. I want you to know that I intend to proceed with the adoption of the proposed regulations and amendments to existing regulations. Attached are recent documents, including a summary of changes. Legal review continues. The main reasons in support of securing these regulations are based on the state's responsibility to (1) slow the spread of EAB and to prevent the introduction of the Asian longhorned beetle into CT; (2) protect our urban trees and valuable forest and park resources; and to (3) make efforts to control municipal and homeowners' costs for tree removal. In collaboration with officials at the USDA APHIS, we are considering the release of parasitic wasps to attack EAB eggs and larvae. I can be reached by e-mail or phone (203) 974-8440 if you have questions or need our assistance. Thank you.

Lou

Louis A. Magnarelli, Ph.D.
Director
The Connecticut Agricultural Experiment Station
P.O. Box 1106
New Haven, CT 06504
Phone (203) 974-8440
Fax (203) 974-8502



The Connecticut Agricultural Experiment Station

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CERTIFICATION

I hereby certify that a copy of the foregoing was sent by first class mail or electronic mail on or before this 14th day of November, 2012, to those listed on this certificate as specified below:

Robert Chatfield (first class mail)
Chris Donnelly (first class mail and e-mail)
William Van Doren (first class mail and e-mail)
Chris Martin (first class mail and e-mail)
Patricia Boye-Williams (e-mail)
Ken Collette (e-mail)
Patricia M. Douglass (e-mail)
Brendan Finley (e-mail)
Eric Hammerling (e-mail)
Bob Heffernan (e-mail)
John P. Hudak (e-mail)
Joan Nichols (e-mail)
Bronwyn Schoelzel (e-mail)
Lee Seeton (e-mail)
Barbara Sladek (e-mail)
Bruce Sherman (e-mail)

Kirby C. Stafford, III
Vice Director
CT Agricultural Experiment Station

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Magnarelli, Louis

From: Magnarelli, Louis
Sent: Wednesday, October 10, 2012 4:48 PM
To: jason.bowsza@cga.ct.gov
Cc: Collette, Kenneth; Boye-Williams, Patricia; Pam.Booth@cga.ct.gov
Subject: Notice of proposed regulations
Attachments: 2012 CAES - Proposed Permanent regulations for firewood and amendments - 9-27-12.doc

Good Afternoon Jason,

It was nice to see you yesterday. Attached are the proposed regulations concerning the emerald ash borer, Asian longhorned beetle, and new firewood regulations. There is a requirement to give notice to the legislative committee of cognizance (in this case, the Environment Committee) of our intent to implement permanent regulations. At your suggestion, I have attached the proposed regulations. Please distribute this e-mail message and attachment to members of the Environment Committee. I would like a confirmation from you that this information has been sent to committee members. Also, if anyone would like to see the fiscal note, Notice of Intent published in the CT Law Journal, or other documents, please forward their requests to me. Thank you.

Lou

Louis A. Magnarelli, Ph.D.
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October 9, 2012

The Honorable Denise Merrill
c/o Attorney Bernard Liu, LEAD Division
Secretary of the State
P. O. Box 150470
Hartford, CT 06115-0470

Re: Notification of Extension of Emergency Regulation (Secretary of State File #6070)

Dear Secretary of State Merrill:

Please accept this written notification, pursuant to Connecticut General Statutes Section 4-168(f)(2), that The Connecticut Agricultural Experiment Station (CAES) has chosen to extend by sixty (60) days the period of effectiveness of the following Emergency Regulation previously assigned file number 6070 by your office and Regulation Review Committee Docket Number E2012-001 concerning "Firewood Importation (Invasive Insects)".

Said regulation was filed at your office on August 9, 2012 and became effective on that date. It was originally set to expire after one-hundred and twenty (120) days, or by December 7, 2012. With the additional 60-day extension, the new expiration date will be February 5, 2013. At this time, CAES is pursuing a permanent version of this regulation and needs the extension in order to meet the notice, review, and approval requirements to promulgate permanent regulations. Please feel free to contact me (phone 203 974-8440) if you have questions.

A copy of this notification is being forwarded to the Regulation Review Committee of the General Assembly, pursuant to the above-cited statute.

SECRETARY OF THE STATE
LEGISLATION & ELECTED OFFICIALS
ADMINISTRATION DIVISION
2017 OCT -9 A 11:11

Sincerely,

Louis A. Magnarelli, Ph.D.
Director

LAM:rmo

cc: Regulation Review Committee; Barbara Sladek, Records Unit;
Office of the Attorney General

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Magnarelli, Louis

From: Magnarelli, Louis
Sent: Tuesday, November 13, 2012 8:50 AM
To: 'Bill VanDoren'
Subject: RE: Responses to letter

Good Morning Mr. VanDoren,

Thank you for your response. Having future legal authority to enter into compliance agreements with state residents will help us. However, USDA APHIS officials are not in favor of our certifying non-ash woodlots for firewood in a quarantine zone. Sawlogs for our mills, however, can be moved by permits because these materials get processed in a short time. I think with time, Fairfield and Litchfield Counties will eventually be declared quarantined areas for the emerald ash borer. The infestations in the Prospect, Naugatuck, Waterbury areas are probably more extensive than currently known. The latest find for this insect in Waterbury, CT was initially discovered by an arborist. The eventual expansion of the quarantine zone will ease the restrictions on movement of firewood within the regulated areas. If 3 or more counties are infested, firewood will be able to be moved within those counties without permits. Passage across state lines will require USDA APHIS compliance agreements. There are large fines for illegal movement of firewood across state lines. I would be happy to discuss this issue further with you or Mr. Hudak.

Louis A. Magnarelli, Ph.D.
Director
The Connecticut Agricultural Experiment Station
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From: Bill VanDoren [mailto:bvandoren@rwater.com]
Sent: Monday, November 12, 2012 8:06 PM
To: Magnarelli, Louis
Cc: Collette, Kenneth; Martin, Christopher; Stafford, Kirby; John Hudak
Subject: RE: Responses to letter

Dr. Magnarelli,

Thank you very much for your time to review my comments and provide your feedback. I have forwarded your responses to John Hudak, my supervisor at the SCCRWA.

I certainly understand the need to treat firewood differently from sawlogs in the regulations, because of the speed of which the latter are processed and the ability to differentiate species at various points in the supply chain. I will also continue to work with the 36 affected woodcutters to evaluate their options and to arrive at an optimal solution.

Since the EAB quarantine regulations are designed to have the effect of "slowing the spread" of EAB, rather than complete eradication, it is likely that this general concern of woodcutters being assigned to woodlots across a county line will continue to occur. My prior work as a consulting forester tended to be focused in Massachusetts and northeastern Connecticut, and I was rapidly brought up to speed on prior conversations John Hudak had with your agency, so I admit that I am not as knowledgeable as I could be about how a compliance agreement could be structured and implemented. Am I correct in assuming that if you were successful in asking the legislature for the ability for your agency to enter into compliance agreements with state residents, that this could allow certification of non-ash woodlots

for our woodcutters by a certified forester (i.e., myself) and thus the limited movement of firewood across county lines for those woodcutters? Or would there be other steps or regulatory hurdles to clear?

I will discuss your responses with my supervisor and, depending on whether he has additional questions, may be interested in scheduling a brief phone call with you to discuss them. Thank you again for your time and consideration, and I look forward to working with you.

Bill VanDoren

Forester

South Central Connecticut Regional Water Authority

90 Sargent Drive | New Haven, CT 06511

Phone: 203-401-2714 | Fax: 603-4898

Email: bvandoren@rwater.com | Website: <http://www.rwater.com>



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Please consider the environment before printing this email

From: Magnarelli, Louis [<mailto:Louis.Magnarelli@ct.gov>]

Sent: Friday, November 09, 2012 5:23 PM

To: Bill VanDoren

Cc: Collette, Kenneth; Martin, Christopher; Stafford, Kirby

Subject: Responses to letter

Good Afternoon Mr. VanDoren:

I received your letter of November 7, 2012 and thank you for your input and efforts to educate the public concerning proposed regulations on firewood and the movement of regulated articles. My attached letter addresses many points you raised. One problem that my agency has is that we do not have legal authority to enter into compliance agreements unless it is with the USDA-APHIS. I am planning to ask the legislature to give us this authority in the upcoming session. We do have authority to issue permits, but there are federal and state restrictions on moving firewood out of New Haven County unless it is treated by one of four federally accepted methods. I am willing to discuss this matter by phone or in person if you wish. Thank you.

Louis A. Magnarelli, Ph.D.

Director

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recipient, regardless of the address or routing, you have received this message in error. If you are not an intended recipient, please forward this e-mail to **Bill VanDoren** at byandoren@rwater.com and delete this e-mail and all files transmitted with it from your system. Any other use, retention, retransmission, printing or copying of this e-mail is strictly prohibited. Thank you.



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November 13, 2012

Mr. Bill VanDoren
South Central CT Regional Water Authority
90 Sargent Drive
New Haven, CT 06511

Dear Mr. VanDoren:

Please find my original letter of November 9, 2012 that I e-mailed to you, a copy of recently revised proposed regulations on firewood, and a summary of the changes made thus far during legal reviews. Although the latter process continues, I do not expect major changes in language. Our proposed state regulations and quarantine must closely parallel the federal quarantine on New Haven County. Firewood leaving New Haven County must be treated by at least one of four federally approved methods.

As I stated in my letter, I intend to move forward with the adoption of the new state regulations and amendments to the existing regulations on the emerald ash borer and Asian longhorned beetle. I shall keep you and others on my e-mail contact list informed as we proceed to submit the documents to the Legislative Regulation Review Committee, hopefully, very soon.

I want to thank you and others at South Central Regional Water Authority for submitting written comments and following the quarantine and emerging regulations. It is recognized by all of us who have regulatory responsibilities that these new restrictions may present difficulties for firewood suppliers, those who depend on firewood to heat their homes, and for your company who tries to properly manage its forestlands. Since the emerald ash borer can spread rapidly in infested firewood, future economic impacts caused by these insects could be staggering for the state.

Please feel free to contact me if you have questions or need our assistance. Thank you.

Sincerely,

Louis A. Magnarelli, Ph.D.
Director

LAM:rmo
enclosures

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November 9, 2012

Mr. Bill VanDoren
South Central Connecticut Regional Water Authority
90 Sargent Drive
New Haven, CT 06511

Dear Mr. VanDoren:

I received your written comments concerning proposed amendments and adoption of new firewood regulations (CGS sections 22-84-5d, 22-84-5e, and 22-84-5g. A legal review by the State Attorney General's office indicates that The Connecticut Agricultural Experiment Station (CAES) does not have legal authority to enter into compliance agreements unless it is with the USDA-APHIS. I shall request a change in statutory language for 22-84 in this upcoming legislative session to allow broader authority for CAES to enter into compliance agreements with state residents.

We have authority to issue specialized permits to allow the movement of regulated materials under certain conditions. Wood in the form of logs for sawmills is being treated differently than wood intended for firewood because the former gets processed more quickly. Ash is the primary focus of the state and federal quarantines currently in force. The conditions for moving sawtimber by permits are less stringent than those controlling the movement of firewood. The latter must be treated by one of many methods to be in compliance with state and federal regulations. The ideal solution is to treat the firewood in New Haven County by debarking, kiln sterilization, fumigation, or other acceptable heat treatments. If the 36 permit holders can access your forest properties in Middlesex County, this would be very helpful. There may be other sources of firewood near the homes of these permit holders.

There are two kilns in Bridgeport and Norwalk, which upon USDA-APHIS certification, may be able to lessen the burden on firewood restrictions in New Haven County. We are considering the movement of firewood from New Haven County to one or both kilns and then after treatment, allowing firewood movement to other destinations in the state and beyond. The kiln owners must have a CAES permit to treat regulated articles. Firewood originating in our other 7 counties can move freely, including transport into New Haven County.

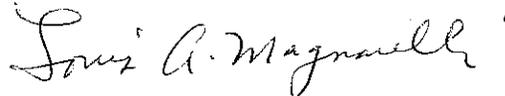
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I want to thank you for your input and efforts to educate the public concerning the regulations. I intend to proceed with the adoption of the proposed regulations and amendments after legal review is completed. The main reasons in support of this action are based on the state's responsibility to (1) slow the spread of the emerald ash borer and to prevent the introduction of the Asian longhorned beetle into Connecticut; (2) protect our valuable forest resources; and to (3) make efforts to control municipal and homeowners' costs for tree removal as well as prevent damage to power lines and homes.

When revised proposed regulations have been prepared, I shall send a copy to you. Please feel free to call me (203) 974-8440 if you have questions. I am also willing to see you in person to further discuss the quarantine and regulations. Thank you for your input.

Sincerely,

A handwritten signature in cursive script that reads "Louis A. Magnarelli".

Louis A. Magnarelli, Ph.D.
Director

LAM:rmo

Magnarelli, Louis

From: Magnarelli, Louis
Sent: Thursday, November 08, 2012 4:25 PM
To: Martin, Christopher; Donnelly, Chris
Cc: Collette, Kenneth; Stafford, Kirby
Subject: November 2, 2012 public hearing

Dear Chris Martin and Chris Donnelly:

I want to thank you for giving supportive testimony for the proposed firewood regulations and amendments to existing regulations (CGS sections 22-84-5d, 22-84-5e, and 22-84-5g) at the public hearing on November 2, 2012. A separate letter will be sent by regular mail to Mayor Robert Chatfield of Prospect, CT, who also spoke at the hearing. Written constructive comments were received by Mr. Bill VanDoren of the South Central CT Regional Water Authority. I intend to proceed with the proposed regulations to protect our valuable natural resources, to slow the spread of the emerald ash borer in CT, and to prevent the introduction of the Asian longhorned beetle. I shall send a copy of the revised proposed regulations and a summary of the changes made when these documents are prepared after legal review. Once again, thank you for taking time to give testimony. Please feel free to contact me if you have any questions.

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Director
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November 9, 2012

Mayor Robert Chatfield
Town of Prospect
36 Center Street
Prospect, CT 06712

Dear Mayor Chatfield:

Thank you for testifying in support of the firewood regulations and amendments to existing regulations at the public hearing held on November 2, 2012. You asked a question on how the emerald ash borer entered Prospect, CT. We do not know how this pest was introduced to your town. You also expressed a need for state funding to help municipalities cover the costs for tree removal. This is an issue for the CT General Assembly to consider. I would support such funding if legislators considered your request.

I want you to know that I intend to proceed with the proposed regulations. The main reasons for the support of this action are based on the state's responsibility to (1) slow the spread of the emerald ash borer and prevent the introduction of the Asian longhorned beetle into Connecticut; (2) protect our valuable forest resources; and to (3) make efforts to control municipal and homeowner costs for tree removal. The movement of firewood is an important factor in the spread of these destructive insects.

I shall send the revised proposed regulations and a summary of the changes made when these documents are prepared. I should add that I received written comments and constructive input from South Central Regional Water Authority before the comment period deadline on November 7, 2012.

I greatly appreciate your support and cooperation in addressing the emerald ash borer infestation in Prospect. Please feel free to call me (203) 974-8440 if you have questions or need our assistance. Once again, thank you.

Sincerely,

Louis A. Magnarelli, Ph.D.

Director

LAM:rmo
enclosure

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November 13, 2012

Mayor Robert Chatfield
Town of Prospect
36 Center Street
Prospect, CT 06712

Dear Mayor Chatfield:

Please find the enclosed latest revised proposed regulations (CGS sections 22-84-5d, 22-84-5e, and 22-84-5g) and a summary of the changes made. These proposed regulations have had extensive legal review, a process that still continues. I intend to submit the documents to the Legislative Regulation Review Committee for their review once the legal reviews are complete.

Please feel free to call me if you have any questions or concerns. Thank you.

Sincerely,

Louis A. Magnarelli, Ph.D.
Director

LAM:rmo
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November 13, 2012

Mr. Chris Donnelly
c/o CT Tree Protective Association
58 Old Post Road
P. O. Box 356
Northford, CT 06472

Dear Chris:

Please find the enclosed recently revised proposed regulations on firewood and a summary of the changes made thus far in legal review. Since you spoke at the November 2, 2012 public hearing, you must receive these documents by regular mail. You will have seen them again when I e-mail the written materials to you and other persons who are on my contact list. The legal reviews continue, but I do not expect major changes in language. I intend to move forward with the adoption of the new firewood regulations and the amendments to existing regulations. We hope to submit the documents to the Legislative Regulation Review Committee very soon.

Please feel free to contact me if you have questions. Thank you.

Sincerely,

Louis A. Magnarelli, Ph.D.
Director

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November 13, 2012

Mr. Chris Martin, State Forester
Forestry Division
CT Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106

Dear Chris:

Ken Collette and I agreed that we should send copies of the recently revised proposed regulations on movement of firewood and requested amendments to existing regulations by regular mail to those who spoke at the November 2, 2012 public hearing or who submitted written comments (a total of 4 persons). You will have seen these documents again when I submit an e-mail message to persons on my contact list. As you know, the legal reviews continue. However, I do not expect major changes in language.

I intend to move forward with the adoption of the new regulations. We hope to submit the documents to the Legislative Regulation Review Committee very soon. Thank you for all of the effort you have contributed to preparing drafts of these regulations and to educating the public.

Sincerely,

Louis A. Magnarelli, Ph.D.
Director

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