

# GYPSY MOTH COMPLIANCE AGREEMENT

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FORM APPROVED OMB NUMBER  
0579-0054/0088/0129/0198/  
0238/0257/0306/0310

<b>UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE PLANT PROTECTION AND QUARANTINE</b>	<b>COMPLIANCE AGREEMENT</b>
<b>1. NAME AND MAILING ADDRESS OF PERSON OR FIRM</b>  Johnson's Nursery, Inc. W180 N6275 Marcy Road Menomonee Falls, WI 53051	<b>2. contact information &amp; physical location: Same (Iowa County)</b> Fields in Waukesha, Washington counties Contact: Aaron Jambura Phone: 262-252-4980 Cellular: 414-940-9766 Email: ajambura@johnsonsnursery.com

**3. Regulated Article(s)**  
**Logs, Pulpwood (including bolts, edgings, trimmings, slabs, etc.), Firewood, Decorative Forest Products, Bark and Bark products, Trees without roots (e.g. Christmas trees), trees with roots, and shrubs with roots and persistent woody stems (unless they are greenhouse grown throughout the year) moving from a quarantined area to a non-quarantined area.**

**4. Applicable Federal Quarantine(s) or Laws/Regulations**  
**7CFR 301.45 Gypsy Moth (*Lymantria dispar*)**

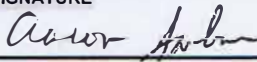
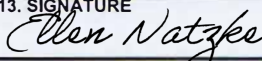
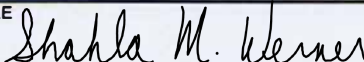
**5. I/We agree to the following:**

This establishment will handle the following regulated article(s): (check all applicable)

- |                                      |   |
|--------------------------------------|---|
| <input type="checkbox"/> Veneer Logs | <input type="checkbox"/> Bark/ Bark Products  |
| <input type="checkbox"/> Saw Logs    | <input type="checkbox"/> Decorative Forest Products (e.g. holiday greenery, birch products, etc.) |
| <input type="checkbox"/> Pulpwood    | <input checked="" type="checkbox"/> Christmas Trees or Nursery Stock                              |
| <input type="checkbox"/> Firewood    | <input type="checkbox"/> Other (specify) _____  |

Treatment/ Mitigation (check all applicable)

- |   |  |
|---|--|
| <input type="checkbox"/> 100% Examination and Removal | <input type="checkbox"/> Hammer milling  |
| <input type="checkbox"/> Transport Safeguards         | <input type="checkbox"/> Debarking   |
| <input type="checkbox"/> Heat Treatment               | <input checked="" type="checkbox"/> Inspection of premises and environs by Federal/State officials |
| <input type="checkbox"/> Kiln Sterilization           | <input type="checkbox"/> Size  |
| <input type="checkbox"/> Composting                   |  |

<b>6. SIGNATURE</b> 	<b>7. TITLE</b> Production Manager	<b>8. DATE SIGNED</b> 3-18-21
The affixing of the signatures below will validate this agreement which shall remain in effect until canceled, but may be revised as necessary or revoked for noncompliance.		<b>9. AGREEMENT NO.</b> WI-1007
		<b>10. DATE OF AGREEMENT</b> 3/23/2021
<b>11. PPQ/CBP OFFICIAL (NAME AND TITLE)</b> Ellen Natzke Plant Health Safeguarding Specialist	<b>12. ADDRESS</b> USDA, APHIS, PPQ One Gifford Pinchot Drive Madison, WI 53726 608-286-3604	
<b>13. SIGNATURE</b> 		
<b>14. U.S. GOVERNMENT/STATE AGENCY OFFICIAL (NAME AND TITLE)</b> Shahla Werner Plant Protection Section Chief	<b>15. ADDRESS</b> WDATCP, ARM, Plant Industry Bureau 2811 Agriculture Drive, P. O. Box 8911 Madison, WI 53708-8911 608-224-4573	
<b>16. SIGNATURE</b> 		

## Addendum to Gypsy Moth Compliance Agreement

Compliance Agreement # WI-1007

### Compliance Stipulations AS 3-18-21 (initial/date)

1. This establishment will ship regulated material from the federal Gypsy Moth quarantine area ONLY after applicable treatment/mitigations are completed at the establishment's expense. Explanations and schedules are detailed below.
2. Regulated articles that have undergone the approved treatment/mitigation process may be shipped throughout the year (except as noted).
3. This establishment will ensure that each shipment of regulated material moved out of the quarantine area is accompanied by a completed federal Certificate (PPQ Form 540), Limited Permit (PPQ Form 530), or other authorized documentation.
4. This compliance agreement shall remain in effect for one year, but may be revoked for noncompliance.
5. The USDA and/or state Departments of Agriculture retain the right to conduct inspection of regulated articles and monitor inspection and treatment/mitigation procedures.
6. The USDA and/or state Departments of Agriculture retain the right to examine invoices, shipment, movement, treatment, and other relevant records at any time.
7. The Plant Protection Act (July 2000) provides authority to USDA to assess civil penalties for violation of Gypsy Moth quarantine regulations (7CFR 301.45). Penalties may be assessed to a maximum of \$50,000 per violation for individuals, and \$250,000 per violation of other entities such as organizations and businesses. When a violation is done knowingly, criminal penalties under Title 18 of the United States Code may also be assessed by the Federal District Courts. Criminal penalties may include monetary penalties, imprisonment, or both. Section b.1A of 7 U.S. Code Section 7734 specifies the Public Law covering "Penalties for Violation."
8. If the establishment named in block 1 fails to comply with the provisions of this compliance agreement and/or Gypsy Moth quarantine regulation, this compliance Agreement may be canceled.
9. The USDA reserves the right to revise or cancel the compliance agreement at any time.
10. Compliance agreements are non-transferable. The establishment must notify the USDA of any change regarding ownership, location, company name, or processing of material.
11. The establishment agrees to keep its employees informed about the Gypsy Moth quarantine borders and about Gypsy Moth quarantine regulations.
12. The establishment also agrees to instruct its employees in the identification of Gypsy Moth life stages.
13. The establishment agrees to inform USDA APHIS PPQ of any suspected Gypsy Moth infestation occurring outside the established federal quarantine boundaries.
14. The USDA retains the right to conduct inspections of regulated articles, monitor inspection procedures, and examine shipment, treatment and Federal Certificate records at any time.

### Use of Electronic Stamp of the Federal Certificate \_\_\_\_\_ (initial/date)

1. An electronic/imprinted Federal Certificate may be used in lieu of PPQ Form 540 or PPQ Form 527. This file or printout will be provided by USDA APHIS PPQ for use by the establishment.
2. The size of the shield may be modified for use on packaging/forms, but must remain large enough to be legible.
3. A copy or imprint utilizing the shield must be provided to PPQ for approval prior to use.

### Record Keeping AS 3-18-21 (initial/date)

1. The establishment will ensure that each shipment of regulated material moved interstate is accompanied by the appropriate completed form (Certificate, Limited Permit, Accurate Statement, etc).
2. This establishment will insure that all federal Certificates, Limited Permits, and other approved forms are safeguarded from misuse, unauthorized use, and loss.
3. Certificates (PPQ Form 540) and Limited Permits (PPQ 530) may not be duplicated without the approval of USDA APHIS PPQ.
4. All federal Certificates (PPQ Form 540) and Limited Permits (PPQ Form 530) must be accounted for, including voids.
5. All records must be maintained for 36 months.
6. All document requests will be filled within 48 hours of the initial request.
7. Inspector copies of Federal Certificates, Limited Permits, and other forms must be forwarded to the issuing office once per month or as otherwise directed.
8. The establishment must keep records of materials shipped or received, dates of shipments, quantities shipped or received, and destination or origin.



## Addendum to Gypsy Moth Compliance Agreement

Compliance Agreement # WI-1007

### Treatments and Mitigations

1. 100% Examination and Removal \_\_\_\_\_ (initial/date)
  - a. All surfaces and sides will be examined and all life stages of Gypsy Moth will be completely removed and destroyed.
  - b. Only regulated articles that are 100% free of Gypsy Moth life stages will be moved out of the Gypsy Moth quarantine area
  - c. Log Inspections:
    - i. If shipped under a Federal Certificate or an equivalent State-approved form, log inspections must be conducted no more than five days prior to the date of movement during the months of April through August and no more than 14 days prior to the date of movement from September through May.
    - ii. If shipped under an Accurate Statement, log inspections must be conducted not more than five days prior to shipping.
    - iii. Logs will only be moved to mills authorized by a compliance agreement to receive logs from areas regulated for gypsy moth.
  - d. Decorative Forest products
    - i. Regulated articles less than ½ inch in diameter are exempt.
  - e. Shipments out of the quarantine area must be accompanied by one of the following forms of documentation:
    - i. Federal Certificate (PPQ Form 540 or equivalent)
    - ii. Accurate Statement
    - iii. Equivalent state-approved form
  
2. Transport Safeguards for Untreated Commodities \_\_\_\_\_ (initial/date)
  - a. Shipments will only be moved to receiving facilities operating under a PPQ compliance agreement for specified handling, utilization, processing, or treatment.
  - b. Only shippers operating under PPQ compliance agreement will transport commodities to receiving mills outside the Gypsy Moth quarantine area.
  - c. Shipments will leave the Gypsy Moth quarantine area accompanied by the appropriate documentation.
  - d. Shipments out of the quarantine area must be accompanied by one of the following forms of documentation:
    - i. Limited Permit (PPQ Form 530)
    - ii. Accurate Statement
    - iii. Equivalent state-approved form
  
3. Heat Treatment \_\_\_\_\_ (initial/date)
  - a. Regulated articles must be heated to an internal temperature of 132.8°F (56°C) for at least 30 minutes.
  - b. Treatment facilities shall maintain records of all treatments conducted.
  - c. Other regulated pests may require a more stringent heat treatment standard, in which case the more stringent standard must be applied.
  - d. Approved facilities will use appropriate heat treatment protocols to mitigate risks associated with regulated articles.
  - e. Shipments out of the quarantine area must be accompanied by one of the following forms of documentation:
    - i. Federal Certificate (PPQ Form 540 or equivalent)
    - ii. Equivalent state-approved form
  
4. Kiln Sterilization (T404-b-4) \_\_\_\_\_ (initial/date)
  - a. Kiln Sterilization can be used for lumber up to a Maximum thickness of three inches using the following specifications:

Dry Bulb Temperature (F°)	Wet Bulb Depression (F°)	Relative Humidity (%)	Moisture Content (%)	Thickness of Lumber (inches)	Treatment time after kiln reaches conditions (hours)
140	7	82	13.8	1	3 hrs
				2	5 hrs
				3	7 hrs

8. Inspection of Premises and Environs by Federal/State official AS- 3-18-21 (initial/date)

- a. Regulated articles such as Christmas trees, evergreen boughs, branches, and woody nursery stock may be shipped out of the Gypsy Moth quarantine area only after determination by PPQ or state inspectors that the premises and environs of the growing location(s) is 100% free of all viable Gypsy Moth life stages.
- b. Determination of freedom from all viable Gypsy Moth life stages will be based on visual survey performed by PPQ and/or state inspectors and, if necessary, treatment of the premises and environs of the growing location(s).
- c. Required treatments will be applied as directed by PPQ and/or state inspectors.
- d. Records of all treatments must be retained for two years or according to state documentation retention requirements, whichever is greater, and will be made available to PPQ or state officials upon request.
- e. Only regulated material from approved growing locations are authorized to be moved out of the Gypsy Moth quarantine area.
- f. Shipments out of the quarantine area must be accompanied by one of the following forms of documentation:
  - i. Federal Certificate (PPQ Form 540 or equivalent)
  - ii. Equivalent state-approved form