State of Illinois
Department of Agriculture
Division of Natural Resources
Bureau of Environmental Programs

GYPSY MOTH QUARANTINE

Pursuant to the Insect Pest and Plant Disease Act (505 ILCS 90/1 et seq.), the Director of Agriculture has determined that it is necessary to quarantine portions of the State of Illinois in order to prevent the spread of a dangerous plant pest known as the GYPSY MOTH (*Lymantria dispar L.*). This plant pest, injurious to forests, ornamentals, and lawn shade trees, has been introduced into the State and incipient infestations have been identified in the State.

Section I. Quarantine: No person shall move any regulated article from any regulated area except in accordance with the conditions prescribed in Section VI of this Quarantine.

Section II. Definitions: Terms used in the singular form shall be deemed to import the plural and vice versa, as the case may demand. The following terms shall be construed respectively to mean:

1. "Certificate" - A document issued or authorized to be issued by the Director to allow movement of regulated articles to any destination.

2. "Compliance Agreement" - A written agreement between a person engaged in growing, handling, or moving regulated articles and the Director, wherein the former agrees to specified conditions and/or requirements so as to remain compliant with the terms of the Quarantine.

3. "Control Area" - An infestation area requiring control measures to eradicate or reduce, consistent with the Department of Agriculture's objective, the Gypsy Moth population which with or without proper control presents a significant risk for spreading the pest to other areas.

4. "Director" - The Director of the Illinois Department of Agriculture or his/her authorized representative.

5. "Infestation" - The presence of the Gypsy Moth (*Lymantria dispar L.*) or the existence of circumstances that make it reasonable to believe that the Gypsy Moth is present.

6. "Inspector" - Any employee of the Illinois Department of Agriculture or any other person authorized by the Director of Agriculture to enforce the provisions of this Quarantine.

7. "Limited Permit" - A document issued or authorized to be issued by the Director to allow the movement of non-certifiable regulated articles to a specified destination for limited handling, utilization, processing, or for treatment.

8. "Moved (Movement, Move)" - Shipped or offered for shipment to a common carrier, received for transportation or transported, moved, or allowed to be moved by any person by any means. Movement and move shall be construed accordingly.

9. "Person" - Any individual, corporation, company, society or association, or other organized group of any of the foregoing.

10. "Regulated Area" - Any civil division or any portion thereof that is under quarantine and for which it has been designated that the movement of articles is regulated.

11. "Restricted Designation Permit" - A document issued or authorized to be issued by the Director to allow movement of regulated articles not certifiable under applicable State and Federal plant quarantines to a specified destination for other than scientific purposes.

12. "Scientific Permit" - A document issued by the Director to allow the movement of regulated articles to a specific destination for scientific purposes.

13. "Gypsy Moth" - The insect known as the Gypsy Moth *(Lymantra dispar Linnaeus)* in any stage of development.

Section III. Regulated Areas: The county of Lake and any other area within the State of Illinois contiguous to the aforementioned area where the presence of the Gypsy Moth (*Lymantra dispar L.*) is confirmed in the future.

Section IV. Restrictions on Movement of Specified Regulated Articles: No common carrier or other person shall move from any infested area to any area outside the regulated area any of the articles listed in this Section, except in accordance with the conditions prescribed under Section VI:

1. Gypsy Moth in any living stage of its development.

2. Trees, shrubs, ornamentals with persistent woody stems whether whole and any parets of such plants dug or cut with the exception of seeds, fruit or cones.

3. Timber and timber products including but not limited to lumber planks, poles, logs, cordwood and pulpwood.

4. Household furniture, toys, equipment that remains out of doors and is used for personal enjoyment of and living in lawns or yards associated with a place of private dwelling. This includes but is not limited to lawn furniture, picnic sets, benches, bird baths, and feeders, swingsets, playground equipment, bicycles, tricycles, toys, ladders, lawnmowers, carts, wagons, wheelbarrows, and trash cans.

5. Recreational vehicles, campers, boats, trailers, trucks, automobiles, and tents.

6. Stone and quarry products, timber or other material products used in landscaping.

7. Any other product or article or means of conveyance which when it has been determined by inspection that they present a hazard of spread of Gypsy Moth and the person in possession thereof has been notified.

Section V. Exempted Articles: The following articles are exempted from the certification and permit requirements of this quarantine.

1. Toys normally used and kept indoors but occasionally taken out of doors; toys which are thoroughly cleaned.

2. House plants which occasionally are taken out of doors for airing.

Section VI. Conditions Governing the Movement of Regulated Articles:*

A. Any regulated article may be moved from any regulated area under the following conditions, if moved:

1. with a certificate or permit issued and attached in accordance with Section VII and Section VIII from a regulated area into or through any point outside the regulated area.

2. without a certificate or permit if moved:

a. Under the exempt articles provisions of this quarantine; or
b. When authorized by compliance agreement; or
c. From any regulated area to any contiguous regulated area; or
d. Through or reshipped from any regulated area if the articles originated outside of the regulated area provided the point of origin of the articles is clearly indicated, their identify has been maintained, and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the Director; or

B. Any regulated article may be moved from any area outside the regulated area, if moved:

1. With a certificate or permit attached; or

2. Without a certificate or permit, if:

a. The articles are exempt; or
b. The point of origin of such movement is clearly indicated on the article(s) or

shipping document which accompanies the article(s) and if the movement is not made through the regulated area.

*Requirements under other applicable State and Federal quarantines must also be met.

Section VII. Movement of Regulated Articles Within Regulated Areas: There are no restrictions imposed on the movement of regulated articles within regulated areas unless the article(s) originate on infested properties and an inspector has determined that a hazard of spread exists and the property owner or tenant has been notified. A property owner so notified may move the specified regulated articles within the regulated area only under conditions approved by an inspector.

Section VIII. Issuance and Cancellation of Certificates and Permits:

A. Certificates may be issued for any regulated article(s) by an inspector if he determines that they are eligible for certification for movement to any destination under all State and Federal plant quarantines applicable to all such articles and said article(s)

1. Has originated on non-infested premises in a regulated area but has not been exposed to infestation while within the regulated area; or

2. The infestation has been treated to destroy the life stages present; or

3. Has been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

B. Limited permits may be issued by an inspector to allow movement of regulated articles, not eligible for certification under these regulations, to specified destination for limited handling, utilization, or processing, or for treatment, when, upon evaluation of the circumstances of each case, he determines that such movement will not result in the spread of Gypsy Moth and that requirements of other applicable State and Federal plant quarantines have been met.

C. Restricted destination permits may be issued by an inspector to allow the movement of regulated articles to a destination permitted, under all applicable plant quarantine, if such articles are not eligible for certification under all quarantines but would otherwise qualify for certification under these regulations.

D. Certificates, limited permits, and restricted destination permit forms may be issued by the Director, as appropriate to the circumstances set forth in paragraphs A, B, or C above, to any person for use by the latter for subsequent shipments of regulated articles if such person is operating under a compliance agreement; and any such person may be authorized to reproduce such forms on shipping containers or otherwise.

E. Any certificate or permit, which has been issued or authorized, may be withdrawn by the inspector or the Director if he determines that the holder thereof has not complied with any condition of use for such document or has not complied with other provisions of this quarantine.

Section IX. Compliance Agreement and Cancellation Thereof:

1. Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the handling and movement of regulated articles. Compliance agreements may be obtained from the Director.

2. Any compliance agreement may be canceled by the Director whenever he/she finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such party has failed to comply with the conditions of the agreement.

Section X. Assembly and Inspection of Regulated Articles: Persons other than those authorized by compliance agreements, certificates, limited permits, or reproductions thereof who desire to move regulated articles which must be accompanied by a certificate or permit, shall, as far in advance as possible, request the Director to examine the articles prior to movement. Such articles shall be assembled at such points and in such a manner as the Director specifies to facilitate inspection.

Section XI. Attachment and Disposition of Certificates and Permits:

1. If a certificate or permit is requirement for the movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except where the certificate or permit needs to be attached to the waybill of other shipping documents, then the attachment of the certificate or permit to each container of the articles is not required.

2. In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

Section XII. Inspection and Disposal of Regulated Articles and Pests: Any properly identified designated representative of the Director is authorized to stop and inspect; and seize, destroy, or otherwise dispose of, or require disposal of, uncertified or non-permitted regulated articles and Gypsy Moths in accordance with provisions of the Illinois Insect Pest and Plant Disease Act, Chapter 505, Paragraph 90/1 et seq., Illinois Compiled Statutes.

Section VIII. Movement of Live Gypsy Moth: A permit is required for any movement of live Gypsy Moth in any stage. Applications for permits for the movement of the pest may be made to the Director.

Section XIV. Violations and Penalties:

1. Any regulated articles imported into or moved within Illinois in violation of this Quarantine shall be removed from the non-infested area immediately or destroyed at the option and expense of the owner or owners under the direction of the Director.

2. Any violation of this Quarantine is subject to the authority of the Insect Pest and Plant Disease Act (505 ILCS 90/1 et seq.).

This Quarantine shall be effective on and after this 7th day of August, 2000.

Joe Hampton, Director
Illinois Department of Agriculture