

# GYPSY MOTH COMPLIANCE AGREEMENT

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<b>UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE PLANT PROTECTION AND QUARANTINE</b>	<b>COMPLIANCE AGREEMENT</b>
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<b>1. NAME AND MAILING ADDRESS OF PERSON OR FIRM</b>  Applicant Name Cesar Coronado Facility Name Midwest Groundcovers Mailing Address 6N800 IL-25, St City, State Zip St. Charles, IL 60174	<b>2. CONTACT INFORMATION &amp; PHYSICAL LOCATION IF DIFFERENT FROM 1 (SPECIFY IF "SAME")</b>  Contact: Same Physical Location: (847) 742-1790 Phone: FAX: (847) 742-2655 Cell: Email: ccoronado@midwestgroundcovers.com
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**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, shrubs with roots and persistent woody stems (unless they are greenhouse grown throughout the year), mobile homes and associated equipment, including hauling trailers 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 checked="" 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> Plant Health Manager	<b>8. DATE SIGNED</b> 10-12-22
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> N089-4553-F21-IL
		<b>10. DATE OF AGREEMENT</b> 10/17/22

<b>11. PPQ/CBP OFFICIAL (NAME AND TITLE)</b> Jacob Cerminar PPQ Officer	<b>12. ADDRESS</b> USDA-APHIS-PPQ 2300 E Devon Ave, Ste.374 Des Plaines, IL 60018
<b>13. SIGNATURE</b> 	

<b>14. U.S. GOVERNMENT/STATE AGENCY OFFICIAL (NAME AND TITLE)</b> Scott Schirmer	<b>15. ADDRESS</b> Illinois Department of Agriculture Bureau of Environmental Programs 2280 Bethany Rd. Ste. B. DeKalb, Illinois 60115
<b>16. SIGNATURE</b> 	

**Addendum to Gypsy Moth Compliance Agreement**

Compliance Agreement # N089-4553-F21-IL

**Compliance Stipulations** CL (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. Any person who knowingly violates the Plant Protection Act (7 USC § 7734) and/or Animal Health Protection Act (7 USC § 8309), may be criminally prosecuted and found guilty of a misdemeanor which can result in penalties, or a one-year prison term, or both. Additionally, any person violating the PPA and/or the AHPA may be assessed civil penalties of up to \$594,129 per violation or twice the gross loss or gain, resulting from the violation, whichever is greater.
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** CL (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** CL (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 # N089-4553-F21-IL

**Treatments and Mitigations**

1. 100% Examination and Removal CL (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 NA (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 NA (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) NA (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

130	16	60	9.4	1	10 hrs
				2	12 hrs
				3	14 hrs
125	15	61	9.7	1	46 hrs
				2	48 hrs
				3	50 hrs

- b. After kiln sterilization, the wood will be checked with a moisture meter to verify that it is at or below the appropriate moisture meter content listed above. Two readings will be taken per stack of wood.
- i. One near the top of the stack
  - ii. One near the bottom of the stack.
- These readings will be recorded along with the date/time and quantity of wood treated. This information will be provided to USDA APHIS PPQ on a monthly basis
- c. If the wood does not meet moisture content guidelines, it will NOT be in compliance unless it undergoes additional kiln sterilization and can then demonstrate that the moisture requirement has been met.
- d. 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

5. Composting NA (initial/date)

- a. Complete details of approved composting procedure can be found in the Gypsy Moth Program Manual Appendix L.
- b. General description of the composting processing is as follows:
  - i. The starting compost pile must be at least 200 cubic yards.
  - ii. The compost pile will remain undisturbed until the internal temperature reaches one of the following:
    1. 120°F (49.0°C) for 4 continuous days
    2. 100°F (37.8°C) for 6 continuous days
  - iii. The compost pile will then be turned to create a second compost pile.
    1. The outer layer of the initial compost pile, to a depth of 3 feet, will become the core material of the second compost pile.
    2. The inner core of the initial compost pile will become the outer layer of the second pile.
  - iv. The second compost pile will remain undisturbed until the internal temperatures reach those listed above.
- c. Other regulated pests may require a more stringent treatment standard, in which case the more stringent standard must be applied.
- d. 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

6. Hammer Milling NA (initial/date)

- a. Bark chips, bark mulch, and other products containing bark may be produced by debarking of logs followed by chip size reduction using a hammer mill.
- b. Chips or mulch produced by this method must be of common commercial dimensions.
- c. 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

7. Debarking NA (initial/date)

- a. Regulated articles will have 100% of all bark removed prior to movement out of the Gypsy Moth quarantine area.
- b. 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

8. Inspection of Premises and Environs by Federal/State official C.C. (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

**Shipping Requirements** C.C. (initial/date)

1. Shipments out of the quarantine area must be accompanied by one of the following forms of documentation:
  - a. Federal Certificate (PPQ 540 or equivalent)
  - b. Limited Permit (PPQ Form 530)
  - c. Accurate Statement (Logs and Pulpwood only)
  - d. Equivalent state-approved form
2. Documentation must be attached to shipping documents such as packing slip or invoice, which accompanies the regulated articles to their destination.
3. Documentation (Certificate, Limited Permit, Accurate Statement, etc.) must be provided to the receiving facility upon delivery of each shipment of regulated material from the Gypsy Moth quarantine area.
4. Regulated articles moving out of the Gypsy Moth quarantine area to an approved facility for further treatment/mitigation:
  - a. Must be shipped by a transporter operating under a PPQ compliance agreement for shipping
  - b. Must be accompanied by one of the following:
    - i. Accurate Statement (logs and pulpwood only)
    - ii. Limited Permit (PPQ Form 530 or equivalent)
    - iii. Equivalent State-approved form.

Addendum to Gypsy Moth Compliance Agreement

Compliance Agreement # N089-4553-F21-IL

Receiving Facilities NA (initial/date)

1. Receiving facilities located in non-quarantined areas may receive regulated articles from areas quarantined for Gypsy Moth only if the approved receiving facility has an active compliance agreement specifying handling procedures.
2. Receiving facilities may only accept regulated articles from loggers or shippers who are under USDA compliance agreement to move regulated articles out of the Gypsy Moth quarantine area.
3. Regulated articles must arrive at the receiving facility with one of the following signed documents attached to the waybill or other shipping documents accompanying the shipment:
  - a. Federal Certificate (PPQ Form 540 or equivalent)
  - b. Limited Permit (PPQ Form 530)
  - c. Accurate Statement (Logs and pulpwood only)
  - d. Equivalent state-approved form

If required documentation does not accompany the shipment, the receiving facility must notify PPQ or state personnel immediately.

4. Mitigation Procedures
  - a. Regulated articles will be stored, handled, and processed in accordance with all state requirements.

Midwest Groundcovers  
6N800 IL-25  
St Charles, IL 60174

Electronic Stamp for GM Nursery/Christmas Tree Certification.  
Image of the stamp cannot be modified in any way except sized appropriately to fit on shipment documents of regulated/certified Nursery/Christmas Tree and shipped interstate under the authorization of USDA compliance agreement #N089-4553-F21-IL.

