

The Minister of Agriculture and Agri-Food, pursuant to subsection 15(3) of the *Plant Protection Act*^a, hereby makes the annexed *Emerald Ash Borer Infested Places Order*

Ottawa, Ontario, *March 23*, 2011

A handwritten signature in blue ink, appearing to read 'Glen A.', is written above a horizontal line.

Minister of Agriculture and Agri-Food

^aS.C. 1990, c. 22

EMERALD ASH BORER INFESTED PLACES ORDER

Interpretation

1. The following definitions apply in this Order.

"infested place" means an area described by an item in the Schedule (*lieu infesté*)

"inspector" means a person designated as an inspector pursuant to section 21 of the *Plant Protection Act*. (*inspecteur*)

"Movement Certificate" has the same meaning as in the *Plant Protection Regulations*. (*certificat de circulation*)

"pest" means the Emerald Ash Borer (*Agrilus planipennis*) in all its life stages. (*parasite*)

"regulated article" means firewood of all species, as well as trees, nursery stock, logs, lumber, wood packaging or dunnage, wood or bark, wood chips or bark chips of the genus *Fraxinus* (commonly known as Ash), other than ash seeds. (*chose réglementée*)

Declaration

2. It is hereby declared that the areas described in the Schedule are infested with the pest.

Prohibitions or Restrictions on Movement

3. No person, except an inspector; shall move or cause the movement of the pest out of an infested place, unless the person is authorized beforehand to do so in writing by an inspector under a Movement Certificate and the person complies with the certificate.

4. (1) Subject to subsection (2), no person, except an inspector, shall move or cause the movement of a regulated article out of an infested place, unless:

(a) in the case of a regulated article produced by a facility registered under the Canadian Heat Treated Wood Products Certification Program (CHTWPCP) or the Canadian Wood Packaging Certification Program (CWPCP), the article was produced in accordance with the requirements of that program and it shows the applicable marks, bears the applicable tags or is accompanied with the applicable certificate, as the case may be;

(b) in the case of nursery stock harvested or produced outside the infested place, the stock is transported without undue delay through the infested place in an enclosed vehicle that is equipped to preclude the loss of materials and the infestation of the shipment by the pest while in transit; or

(c) in any other case, an inspector

(i) is satisfied that the regulated article has been processed or treated to eliminate the pest or the habitat for the pest and authorizes the movement of the article for that reason, and the person complies with the authorization; or

(ii) authorizes the movement of the regulated article by issuing a written notice to the person directing the movement of the regulated article to a place for processing or treatment to eliminate the pest or the habitat for the pest, and the person complies with the notice.

(2) Subsection (1) does not apply to the movement of regulated articles, other than nursery stock, that are harvested or produced outside an infested place and that only transit through an infested place.

Repeal

5. The following Infested Place Orders are repealed:

(a) *The Emerald Ash Borer Infested Place Order for the City of Sault Ste. Marie in the Province of Ontario, made on April 27, 2009;*

(b) *The Emerald Ash Borer Infested Place Order for the Municipalities of Carignan, Chambly, Richelieu, Saint-Basile-le-Grand and Saint-Mathias-sur-Richelieu, in the Province of Québec, made on April 27, 2009;*

(c) *The Emerald Ash Borer Infested Place Order for the County of Huron in the Province of Ontario, made on July 9, 2009;*

(d) *The Emerald Ash Borer Infested Place Order for the Municipality of Chatham-Kent and the Counties of Elgin, Essex, Lambton and Middlesex, in the Province of Ontario, made on July 9, 2009;*

(e) *The Emerald Ash Borer Infested Place Order for the County of Norfolk, in the Province of Ontario, made on July 9, 2009;*

(f) *The Emerald Ash Borer Infested Place Order for the City of Gatineau, in the Province of Québec and the City of Ottawa, in the Province of Ontario, made on September 9, 2009;*

(g) *The Emerald Ash Borer Infested Place Order for the Cities of Hamilton and Toronto and the Regional Municipalities of Durham, York, Peel, Halton and Niagara, in the Province of Ontario, made on April 19, 2010.*

SCHEDULE (Items 1, 2, 3 and 4)

INFESTED PLACES

1. The area consisting of the Cities of Hamilton and Toronto, the Regional Municipalities of Chatham-Kent, Durham, York, Peel, Halton, Niagara and Waterloo and the Counties of Brant (including the City of Brantford), Elgin, Essex, Haldimand, Huron, Lambton, Middlesex, Norfolk, Oxford, Perth and Wellington, in the Province of Ontario

2. The area within the boundaries of the City of Sault Ste. Marie in the Province of Ontario

3. The area consisting of the City of Ottawa, and the United Counties of Leeds and Grenville in the Province of Ontario and, in the City of Gatineau, in the Province of Quebec, the area contained within the following described boundaries commencing at the point of intersection of Rue Montcalm and Boulevard St.-Joseph;

Thence proceeding southwestwardly along the west side of Boulevard St.-Joseph to the end of the road;

Thence proceeding in a straight line from the south end of Boulevard St.-Joseph to the north shore of the Ottawa River.

Thence commencing at the point of intersection of Rue Montcalm and Boulevard St.-Joseph and proceeding southeastwardly along the north side of Rue Montcalm to the point of intersection of Rue Montcalm and Highway 50;

Thence proceeding northeastwardly along the west side of Highway 50 to the point of intersection of Highway 50 and Montée Mineault;

Thence proceeding southwardly along the east side on Montée Mineault to Chemin Mongeon;

Thence proceeding southwestwardly along the north side of Chemin Mongeon to Chemin de Montréal;

Thence proceeding in a straight line from the southwesterly side of the point of intersection of Chemin Mongeon and Chemin de Montréal to the eastern border of Parc des Pêcheurs;

Thence proceeding southwardly along the eastern border of Parc des Pêcheurs to the north shore of the Ottawa River;

Thence proceeding westwardly along the north shore of the Ottawa River to the starting point at Boulevard St.-Joseph.

4. The area consisting of the Municipalities of Carignan, Chambly, Richelieu, Saint-Basile-le-Grand and Saint-Mathias-sur-Richelieu, in the Province of Quebec.