

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 Place Order for the Cities of Hamilton and Toronto and the Regional Municipalities of Durham, York, Peel and Halton, in the Province of Ontario*.

Ottawa, Ontario, April 27, 2009

A handwritten signature in black ink, appearing to read 'S. L. ...', is written over a solid horizontal line.

Minister of Agriculture and Agri-Food

^a S.C. 1990, c. 22

EMERALD ASH BORER INFESTED PLACE ORDER FOR THE CITIES OF HAMILTON AND TORONTO AND THE REGIONAL MUNICIPALITIES OF DURHAM, YORK, PEEL AND HALTON, IN THE PROVINCE OF ONTARIO

Interpretation

1. The following definitions apply in this Order.

“Movement Certificate” has the same meaning as in the *Plant Protection Regulations*.

“inspector” means a person designated as an inspector pursuant to section 21 of the *Plant Protection Act*.

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

“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.

“infested place” means the Cities of Hamilton and Toronto and the Regional Municipalities of Durham, York, Peel and Halton, in the Province of Ontario.

Declaration

2. It is hereby declared that the Cities of Hamilton and Toronto and the Regional Municipalities of Durham, York, Peel and Halton, in the Province of Ontario, 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 into or out of the 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 the 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 EAB while in transit;

(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 the infested place and that only transit through the infested place.

Repeal

5. The following Infested Place Order is repealed:

The City of Toronto Emerald Ash Borer Infested Places Declaration and Order, made on February 15, 2008.