

## Dutch Elm Disease Regulations

made under Section 21 and 40 of the  
Forests Act

R.S.N.S. 1989, c. 179

O.I.C. 89-340 (March 28, 1989), N.S. Reg. 41/89

as amended by O.I.C. 92-936, (September 22, 1992), N.S. Reg. 204/92

### Citation

1 These regulations may be cited as the "Dutch Elm Disease Regulations".

### Definition

2 (a) "Act" means the Forests Act, R.S.N.S. 1989, c. 179;

(b) "Department" means the Department of Natural Resources;

(c) "Dutch elm disease" means a devastating disease of elm trees, *Ulmus* spp. and *Zelkova* spp., caused by the fungus *Ceratocystis ulmi* (Buism.) Moreau and carried by bark beetles (*Scolytus scolytus* Fabricius, *Scolytus multistriatus* (Marsham) and *Hylurgopinus rufipes* (Eichh.));

(d) "Minister" means the Minister of Natural Resources;

(e) "vectors" means the species of bark beetles which carry Dutch elm disease.

### Right of entry on land

3 Subject to Section 32 of the Act, a conservation officer appointed under the Act or any other person appointed by the Minister for this purpose, may enter upon any lands within the Province for the purpose of determining the existence of Dutch elm disease in any tree or area of trees thereon.

### Control of Dutch elm disease

4 (1) Notwithstanding [sub]section 21(4) of the Act, where Dutch elm disease is determined to exist in any tree or area of trees, a conservation officer or other person appointed by the Minister for this purpose may take any action that is required to prevent, eliminate or control the spread of Dutch elm disease or its vectors in any tree or area of trees so infested.

(2) No action shall be taken pursuant to subsection (1) without the consent of the owner or occupier of the land where a disease infested tree is located unless an officer of Agriculture Canada of the Government of Canada certifies that Dutch elm disease exists and that the action proposed to be taken is required to prevent, eliminate or control the spread of Dutch elm disease or its vectors.

### Offences

5 (1) (a) Except as provided in these regulations, unless approved otherwise by Agriculture Canada, no person shall move any plant or parts thereof of any species and hybrids of *Ulmus* spp. and *Zelkova* spp. from an area where Dutch elm disease is known to exist into an area where Dutch elm disease is not known to exist.

(b) The prohibition contained in clause (a) applies to untreated logs, lumber, sawn wood, wood and firewood, but not seeds.

(2) All shipments of non-prohibited material of *Ulmus* spp. and *Zelkova* spp. originating in any area where Dutch elm disease is known to exist shall meet the following requirements:

- (a) logs, sawn wood, lumber, wood and firewood, without bark shall be certified by Agriculture Canada as free from bark;
- (b) sawn wood with bark shall be certified as being kiln-dried at such a temperature and for such a period of time as outlined in Appendix "A" as will ensure that neither Dutch elm disease nor its vectors exist;
- (c) (i) material moving between non-infested areas shall be certified by Agriculture Canada as originating in a non-infested area, and  
(ii) material identified in [sub]clause (i) passing through an infested area shall be transported in a closed truck which shall not be opened while in an area where Dutch elm disease is known to exist;
- (d) in all cases, a Phytosanitary Certificate for Movement within Canada (AGR 1307) or any replacement certificate shall accompany any shipment; and
- (e) logs, lumber and wood without bark shall be thoroughly inspected by Agriculture Canada to ensure they are totally free from bark and insect stage infestation.

(3) Notwithstanding subsection (1), the owner or occupier of land or their agent may transport a tree infested with Dutch elm disease or its vectors to a site where it shall be immediately burned or destroyed in such manner as may be prescribed by Agriculture Canada.

(4) No person shall at any time sell, expose for sale, offer for sale, trade, barter, buy or possess a tree or portion thereof infested with Dutch elm disease except as authorized by these regulations.

(5) Notwithstanding subsection (2), the owner or occupier of land where a tree infested with Dutch elm disease is located may use parts of the tree for their personal use as fuelwood, provided the parts used for fuelwood are totally free of bark and the bark and other parts of the infested tree are burned or destroyed in such manner as may be prescribed by Agriculture Canada.

#### Penalty

6 (1) Any person convicted of a violation of any provision of these regulations is liable to a penalty of not less than three hundred dollars nor more than five hundred dollars, or to imprisonment for a term of not more than six months, or to both.

(2) Any person convicted of a violation of any provision of these regulations shall not be exempt from any prosecution or fine under the Plant Protection Act (Canada).  
Subsection 6(2) amended: O.I.C. 92-936, N.S. Reg. 204/92.

#### Effective date

7 These regulations shall come into force on and after the 15th day of April, 1989.

Regulated commodities that can be treated:

Logs, wood, sawn wood with bark, of all species and hybrids of ULMUS spp. and ZELKOVA spp.

Pest organism: Dutch elm disease, (*Ceratocystis ulmi* (Buism.) Moreau)

Kiln-dried Moisture content  
of commodity  
%

Commodity

Dry bulb

Co

Temperature

Wet bulb

Co

Relative

humidity

%

Exposed

period

Hours

Over 40

40-30

30-25

25-20

20-15

15-10

10-8

Under 8 52

54

57

60

63

66

68

71 51

52

53

54

54

53

51

48 95

90

85

75

65

55

30

30 12

12

12

12

12

12  
12  
12

Kiln-dried wood must have a moisture content of 18% or less.

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