

FOR INFORMATION AND ACTION
DA-2010-49
October 21, 2010

SUBJECT: Sixteen Counties in New York Added to the Emerald Ash Borer (*Agrilus planipennis*) Quarantine Area

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The Animal and Plant Health Inspection Service (APHIS) confirmed the identification of Emerald Ash Borer (EAB), in Genesee, Greene, Livingston, Monroe, Steuben, and Ulster counties, New York, in June and July, 2010. These detections were the result of the 2010 EAB surveys. Ten additional counties are being added to the EAB-quarantine area due to their proximity to known infestations and movement patterns of regulated articles.

In response to these detections, APHIS will continue to work closely with the State of New York to carry-out delimiting survey work and other response activities around the detection sites. The attached Federal Order establishes Allegany, Chemung, Erie, Genesee, Greene, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Steuben, Ulster, Wayne, Wyoming, and Yates counties as quarantine areas in order to prevent the further spread of EAB. Effective immediately, all interstate movement of EAB-regulated articles from Allegany, Chemung, Erie, Genesee, Greene, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Steuben, Ulster, Wayne, Wyoming, and Yates counties must be handled in accordance with the attached Federal Order. Specifically, the interstate movement of EAB-host wood and wood products from these counties is regulated, including ash nursery stock, firewood of all hardwood species, green lumber, waste, compost, and chips of ash species. Due to the establishment of a parallel quarantine area by New York, only these counties will be added as quarantine areas and placed under phytosanitary controls.

EAB is present in some portions of the United States. Currently, Brown, Crawford, Fond du Lac, Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Vernon, Washington, and Waukesha counties in Wisconsin are established EAB-quarantine areas, together with the entire States of Illinois, Indiana, Ohio, and West Virginia. Portions of Michigan's Upper Peninsula and the entirety of Michigan's Lower Peninsula; Allamakee county in Iowa; 21 counties in Kentucky; 43 counties in Pennsylvania; Charles and Prince George's counties in Maryland; Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudon, and Prince William counties, along with the independent Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park and Winchester in Virginia; Chautauqua and Cattaraugus counties in New York; Hennepin, Houston and Ramsey counties in Minnesota; Knox and Loudon counties in Tennessee; and Wayne county in Missouri are also quarantine areas.

EAB is an invasive wood boring beetle that is native to China and eastern Asia. It was first detected in the United States in southeastern Michigan. Since then, EAB has been responsible for the death and decline of tens of millions of ash trees in the United States. The interstate movement of firewood from quarantined areas is an especially high-risk pathway for spreading

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EAB. APHIS is working with State cooperators and foresters to raise awareness amongst the public concerning this pest and of the potential threats associated with long distance movement of firewood.

For more information about the EAB program and Federal EAB regulations, you may contact Paul Chaloux, EAB National Program Manager, at (301) 734-0917.

/s/ David Kaplan /for RBech

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

Attachment:
Federal Order

FEDERAL ORDER

Domestic Quarantine of Allegany, Chemung, Erie, Genesee, Greene, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Steuben, Ulster, Wayne, Wyoming, and Yates Counties, New York for Emerald Ash Borer (EAB) (*Agrilus planipennis*)

This Federal Order is issued pursuant to the regulatory authority provided by the Plant Protection Act of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a), which authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, or article, if the Secretary determines the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States and is likewise issued pursuant to the regulations promulgated under the Plant Protection Act found at 7 CFR 301.53.

This Federal Order quarantines, effective immediately, Allegany, Chemung, Erie, Genesee, Greene, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Steuben, Ulster, Wayne, Wyoming, and Yates Counties, New York for EAB, *Agrilus planipennis*. This action is in response to the detection of EAB in Genesee, Greene, Livingston, Monroe, Steuben, and Ulster Counties in New York. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate Allegany, Chemung, Erie, Genesee, Greene, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Steuben, Ulster, Wayne, Wyoming, and Yates Counties in order to prevent the spread of EAB. Accordingly, effective immediately, all interstate movement of EAB regulated articles from these counties must be done in accordance with the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.53 et seq. and any applicable provisions of this Federal Order.

APHIS has confirmed EAB infestations in various areas of the United States for which the Administrator has determined that it is necessary to quarantine these areas in order to prevent the spread of EAB. The areas quarantined due to the continuing spread of EAB are designated in the federal regulations located at 7 CFR 301.53-3 and the Federal Orders located at the following APHIS website:

http://www.aphis.usda.gov/plant_health/plant_pest_info/emerald_ash_b/quarantine.shtml

Section 7 CFR 301.53-3(a) allows the designation of less than an entire State as an EAB quarantined area only when the Administrator of APHIS has determined, as in this case, that the designation of less than an entire State as a quarantined EAB area is adequate to prevent the interstate spread of infestations of EAB. In addition, 7 CFR 301.53-3(a) requires that the State enforces an intrastate EAB quarantine that is equivalent to the Federal EAB regulations. The State Plant Regulatory Official for New York has confirmed the establishment of an intra-state quarantine for Allegany, Chemung, Erie, Genesee, Greene, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Steuben, Ulster, Wayne, Wyoming, and Yates Counties that mirrors the Federal regulatory requirements as specified in 7 CFR 301.53.

Section 7 CFR 301.53-3 (b) provides for the temporary designation of new quarantined areas pending publication of a rule to add counties to the list shown in 7 CFR 301.53-3(c). The 7 CFR 301.53-3 (b) further requires written notification be given to the owner or person in possession of a newly quarantined area. This is the responsibility of the

Federal and/or State regulatory personnel responsible for the EAB program in the affected State.

In addition to the counties newly regulated for EAB by this Order, the following New York Counties also remain regulated for EAB under existing regulations in 7 CFR 301.53-3(c): Cattaraugus and Chautauqua.

If you wish more details on the Federal EAB regulatory program, you may contact the EAB National Program Coordinator, Paul Chaloux, at (301) 734-0917. For information on regulatory requirements for movement of articles out of quarantined areas in New York, please contact the APHIS State Plant Health Director, Yvonne DeMarino, at (518) 218-7510. We continue to appreciate the cooperative relationship with the State of New York in our effort to prevent the spread of EAB.