

FOR INFORMATION AND ACTION
DA-2013-46
November 6, 2013

Subject: APHIS Adds DeKalb and Fulton Counties, Georgia to the Emerald Ash Borer (*Agrilus planipennis*) Regulated Area

To: State and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is adding DeKalb and Fulton counties in Georgia to the list of regulated areas for the emerald ash borer (EAB), *Agrilus planipennis*. APHIS is taking this action in response to the confirmation of EAB in those counties in July 2013.

The attached Federal Order outlines specific conditions for the interstate movement of EAB-regulated articles from DeKalb and Fulton counties in order to prevent the spread of EAB to other states. Specifically, the interstate movement of EAB-host wood and wood products from DeKalb and Fulton counties in Georgia is regulated, including firewood of all hardwood species, nursery stock, green lumber, waste, compost, and chips of ash species.

EAB is present in some portions of the United States. Due to the continuing spread of EAB, APHIS has established regulated areas, which 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

EAB, an invasive wood boring beetle, is native to China and eastern Asia. The interstate movement of firewood from quarantine areas is an especially high-risk pathway for spreading EAB. APHIS works with State cooperators and foresters to prevent human assisted movement of EAB, develop biological and other controls for EAB, and raise public awareness about this pest and the potential threats associated with long distance movement of firewood.

For more information about the EAB program and Federal EAB regulations, you may contact EAB National Policy Manager Paul Chaloux at (301) 851-2064.

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Osama El-Lissy
Deputy Administrator
Plant Protection and Quarantine

Attachment:
Federal Order

FEDERAL ORDER

Domestic Quarantine of DeKalb and Fulton Counties in Georgia 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.

Effective immediately, this Federal Order quarantines DeKalb and Fulton Counties in Georgia for EAB, *Agrilus planipennis*. This action is in response to the detection of EAB in DeKalb and Fulton Counties in Georgia. EAB was detected in these counties through trapping. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate DeKalb and Fulton Counties in Georgia in order to prevent the spread of EAB. Effective immediately, all interstate movement of EAB regulated articles from DeKalb and Fulton Counties in Georgia 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 Georgia has confirmed that Georgia will establish an intrastate quarantine for the regulated area that mirrors the Federal Regulatory requirements, as specified in 7 CFR 301.53, on or before March 6, 2014.

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). Section 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.

The previous Federal Orders pertaining to the expansion of quarantined areas in the EAB domestic regulations have been necessary due to the continuing spread of EAB. This November

6, 2013, Federal Order further expands the quarantined areas as described in the previous EAB Federal Orders.

If you wish more details on the Federal EAB regulatory program, you may contact the EAB National Policy Manager, Paul Chaloux, at Area Code (301) 851-2064. For information on regulatory requirements for movement of articles out of quarantined areas in Georgia, please contact the APHIS State Plant Health Director, Bill Kauffman, at 770-860-4020.

We continue to appreciate the cooperative relationship with the State of Georgia in our effort to prevent the spread of EAB.