

FOR INFORMATION AND ACTION

DA-2018-43

December 20, 2018

Subject: APHIS Adds All of Michigan, All of New Hampshire, All of Rhode Island, and Wright County in Minnesota 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 all of Michigan, all of New Hampshire, all of Rhode Island, and Wright County in Minnesota to the list of regulated areas for the emerald ash borer (EAB). APHIS is taking this action in response to the expansion of EAB in these areas.

To prevent the spread of EAB to other states, the attached Federal Order outlines specific conditions for the interstate movement of EAB-regulated articles from the quarantined area. Specifically, the interstate movement of EAB-host wood and wood products from the quarantined areas is regulated, including firewood of all hardwood species, nursery stock, green lumber, waste, compost, and chips of ash species.

EAB is an invasive wood-boring beetle that is native to China and other areas of East Asia. The beetle is present in some portions of the United States, and because of its continuing spread, APHIS has established regulated areas that are designated in the *Code of Federal Regulations* (CFR) at 7 CFR 301.53-3 and the Federal Orders located at:

[http://www.aphis.usda.gov/planthealth/eab\\_quarantine](http://www.aphis.usda.gov/planthealth/eab_quarantine)

APHIS works with state cooperators and foresters to prevent the 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 the long-distance movement of firewood.

For more information about the EAB program and federal EAB regulations, please call the EAB National Policy Manager, Dr. Robyn Rose, at 301-851-2283.

Osama El-Lissy  
Deputy Administrator  
Plant Protection and Quarantine

Attachment: Federal Order

## FEDERAL ORDER

Domestic Quarantine of All of Michigan, All of New Hampshire, All of Rhode Island, and  
Wright County in Minnesota for Emerald Ash Borer  
(*Agrilus planipennis*)

DA-2018-43  
December 20, 2018

This Federal Order expands the list of regulated areas for emerald ash borer (EAB) to include all of Michigan, all of New Hampshire, all of Rhode Island, and Wright County in Minnesota.

This Federal Order is issued in accordance with the regulatory authority provided by the Plant Protection Act of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a). The Act 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. This Federal Order is also issued pursuant to the regulations promulgated under the Plant Protection Act found at 7 *Code of Federal Regulations* (CFR) 301.53.

Effective immediately, this Federal Order quarantines all of Michigan, all of New Hampshire, all of Rhode Island, and Wright County in Minnesota for EAB. Due to the expansion of EAB, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate these areas. Effective immediately, all interstate movement of EAB regulated articles from Michigan, New Hampshire, Rhode Island, and Wright County, Minnesota, must be done in accordance with any applicable provisions of this Federal Order and the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.53 et seq and the Federal Orders located at:

[http://www.aphis.usda.gov/planthealth/eab\\_quarantine](http://www.aphis.usda.gov/planthealth/eab_quarantine)

Section 7 CFR 301.53-3(a) allows the designation of less than an entire state as an EAB quarantined area only when the APHIS Administrator has determined—as in this case for Minnesota—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 enforce an intrastate EAB quarantine that is equivalent to the federal EAB regulations. The state plant regulatory official for Minnesota has confirmed the establishment of an intrastate quarantine for the regulated area 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). Section 7 CFR 301.53-3 (b) further requires written notification to the owner or person who possesses a newly quarantined area. This is the responsibility of the federal and/or state regulatory personnel who are responsible for the EAB program in the affected state.

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

For more information on the federal EAB regulatory program, contact the EAB National Policy Manager, Dr. Robyn Rose, at 301-851-2283. For information on the regulatory requirements to move articles out of quarantined areas, please call the APHIS State Plant Health Director in Michigan (Craig Kellogg, 734-229-1650), New Hampshire (Stephen Lavalley, 802-369-3208), Rhode Island (Kate Aitkenhead, 203-741-5644), and Minnesota (Erin Stiers, 952-814-1071).