

FOR INFORMATION AND ACTION
DA-2011-52
August 19, 2011

SUBJECT: APHIS Adds Orange County, New York, to the Emerald Ash Borer (*Agrilus planipennis*) Quarantined Area

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is adding Orange County, New York, to the list of quarantined areas for the emerald ash borer (EAB), *Agrilus planipennis*. This action is being taken in response to the confirmation of EAB in Orange County, New York, on July 13, 2011. For this reason, APHIS is establishing Orange County as a quarantine area in order 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 Orange County. Specifically, the interstate movement of EAB-host wood and wood products from Orange County 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. 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, Pennsylvania, and West Virginia. In addition, portions of Michigan's Upper Peninsula and the entirety of Michigan's Lower Peninsula; Allamakee County in Iowa; 22 counties in Kentucky; all of Maryland west of the Chesapeake Bay and Susquehanna River; the District of Columbia; 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; 18 counties in New York; Hennepin, Houston, and Ramsey counties in Minnesota; Blount, Grainger, Knox, and Loudon counties in Tennessee; and Wayne County in Missouri are considered EAB-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 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.

Page 2

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/ Rebecca A. Bech

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

Attachment:
Federal Order

FEDERAL ORDER
DA-2011-52
August 19, 2011

Domestic Quarantine of Orange County in 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, Orange County in New York for EAB, *Agrilus planipennis*. This action is in response to the detection of EAB in Orange County, New York. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate Orange County in order to prevent the spread of EAB. Accordingly, effective immediately, all interstate movement of EAB regulated articles from Orange County 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 establish quarantine areas in order to prevent the spread of EAB. The quarantine areas are being established 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 quarantine area only when the Administrator of APHIS has determined, as in this case, that the designation of less than an entire state as an EAB quarantine area is adequate to prevent the interstate spread of infestations of EAB. In addition, 7 CFR 301.53-3(a) requires that the state establishes and enforces an intrastate EAB quarantine area 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 area for Orange County 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 quarantine 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 quarantine 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 quarantine areas in the EAB domestic regulations have been necessary due to the continuing spread of EAB. This August 19, 2011, 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 Program Coordinator, Paul Chaloux, at Area Code (301) 734-0917. For information on regulatory requirements for movement of articles out of quarantine areas in New York, please contact the APHIS State Plant Health Director, Yvonne DeMarino, at Area Code (615) 907-3357.

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