

FOR INFORMATION AND ACTION  
DA-2014-35  
August 21, 2014

Subject: APHIS Adds Cook and Lake Counties, Minnesota to the Gypsy Moth (*Lymantria dispar*) Regulated Area

To: State and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is adding Cook and Lake Counties in Minnesota to the list of regulated areas for gypsy moth (GM). The GM population in these two counties has reached the threshold level to trigger the regulated area.

To prevent the further spread of GM, the attached Federal Order establishes Cook and Lake Counties in Minnesota as a regulated area. Effective immediately, all interstate movement of GM-regulated articles from these counties must be handled in accordance with the attached Federal Order. The Minnesota Department of Agriculture has established a parallel state quarantine.

GM is a highly destructive insect of approximately 300 species of trees and shrubs. The GM program prescribes conditions for the interstate movement of regulated articles from GM quarantine areas. The federal and state partnership limits the establishment of GM outside the quarantine area that would result from human-assisted movement of the pest. We appreciate the cooperative relationship with Minnesota in the effort to limit the spread of this pest.

For more information about the GM program and federal GM regulations, you may call GM National Policy Manager Paul Chaloux at 301-851-2064.

/s/

Osama El-Lissy  
Deputy Administrator  
Plant Protection and Quarantine

Attachment: Federal Order

## FEDERAL ORDER

Domestic Quarantine of Cook and Lake Counties in Minnesota for Gypsy Moth (*Lymantria dispar*)

DA-2014-35

August 21, 2014

This Federal Order expands the list of regulated areas for gypsy moth (GM) to include Cook and Lake Counties 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 CFR 301.45.

Effective immediately, this Federal Order quarantines Cook and Lake Counties in Minnesota for GM, *Lymantria dispar*. The GM population in these two counties has reached the threshold level to trigger the regulated area. Accordingly, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate these counties in Minnesota to prevent the spread of GM. All interstate movement of GM regulated articles from said counties 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 301.45 et seq. The full list of areas quarantined due to the continuing spread of GM are designated in the federal regulations located in the *Code of Federal Regulations* (CFR) at 7 CFR 301.45-3 and the Federal Orders located at:

<http://www.aphis.usda.gov/plant-health/gypsy-moth-quarantine>

Section 7 CFR 301.45-3(a) allows the designation of less than an entire state as an GM quarantined area only when the APHIS Administrator has determined—as in this case—that the designation of less than an entire state as a quarantined GM area is adequate to prevent the interstate spread of infestations of GM. In addition, 7 CFR 301.45-2(b) requires that the state enforces an intrastate GM quarantine that is equivalent to the federal GM 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 301.45.

Section 7 CFR 301.45-2(c) provides for the temporary designation of new quarantined areas pending publication of a rule to add counties to the list shown in 7 CFR 301.45-3(a). Section 7 CFR 301.45-2(c) 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 GM program in the affected State.

Previous Federal Orders pertaining to the expansion of quarantined areas in the GM domestic regulations have been necessary due to the continuing spread of GM. This Federal Order further expands the quarantined areas as described in the previous GM Federal Orders.

If you would like more details on the federal GM regulatory program, you may call GM National Policy Manager Paul Chaloux at 301-851-2064. For information on regulatory requirements for the movement of articles out of quarantined areas in Minnesota, please call APHIS Acting State Plant Health Director David Gruchot at 952-814-1071.

We continue to appreciate the cooperative relationship with Minnesota in our effort to prevent the spread of GM.