

FOR INFORMATION AND ACTION  
DA-2014-14  
March 25, 2014

Subject: APHIS Adds a New Commodity to the Exempted Host List and Adds Orange, Sacramento, San Diego, and Santa Barbara Counties to the Light Brown Apple Moth (*Epiphyas postvittana*) Regulated Area in California

To: State and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is adding commercially produced table grapes (*Vitis vinifera*) to the light brown apple moth (LBAM) exempted host list. The commodities on the exempted host list, when commercially produced, are exempt from the LBAM interstate movement provisions. The exemption is based on pest biology and mitigations provided through industry standards of production, harvesting, and packaging practices for each of the exempted commodities. The Exempted Host List is posted at <http://www.aphis.usda.gov/planthealth/lbam>.

APHIS is also adding Orange, Sacramento, Santa Barbara, and San Diego Counties to the LBAM regulated area in California. The attached Federal Order describes the expanded regulated area and the requirements for the interstate movement of LBAM-regulated articles. This action is necessary to prevent the spread of LBAM into non-infested areas of the United States. APHIS, in cooperation with the California Department of Food and Agriculture and local county agricultural commissioners, maintains its survey and regulatory framework to prevent the artificial spread of LBAM to other states or trading partners.

LBAM is native to Australia and has established populations in New Zealand, Ireland, the United Kingdom, and Hawaii. The host range for LBAM is broad with more than 250 plant species. A map of the federal quarantine area is at [http://www.aphis.usda.gov/planthealth/lbam\\_maps](http://www.aphis.usda.gov/planthealth/lbam_maps).

For further information about the LBAM program, you may call National Policy Manager Andrea Simao at 301-851-2067.

/s/

Osama El-Lissy  
Deputy Administrator  
Plant Protection and Quarantine

Attachment: Federal Order

FEDERAL ORDER  
Domestic Quarantine for Light Brown Apple Moth  
(*Epiphyas postvittana*)

DA-2014-14

March 25, 2014

This Federal Order is issued pursuant to 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.

The Administrator of the Animal and Plant Health Inspection Service (APHIS) considered it necessary to prevent the dissemination of light brown apple moth (LBAM) to implement a quarantine to establish restrictions on the interstate movement of certain regulated articles from areas in California and Hawaii due to the presence of LBAM. Federal Orders relating to LBAM issued by the Administrator are located at the following APHIS Plant Protection and Quarantine (PPQ) website:

[http://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/lba\\_moth/regulations.shtml](http://www.aphis.usda.gov/plant_health/plant_pest_info/lba_moth/regulations.shtml)

This March 2014 Federal Order supersedes previous Federal Orders for LBAM and updates the LBAM quarantine by adding Orange, Sacramento, Santa Barbara, and San Diego Counties to the list of quarantined areas in California. This quarantine expansion is necessary due to confirmed detections of LBAM in these counties. All interstate movement of LBAM regulated articles from the quarantined areas must be done in accordance with the provisions of this Federal Order.

**A. Quarantined Areas:**

The Administrator will list as a quarantined area, each State, or each portion of a State, in which LBAM has been confirmed by an inspector to be present, in which the Administrator has reason to believe that LBAM is present, or that the Administrator considers necessary to quarantine because of its inseparability for quarantine effectiveness and enforcement purposes from localities in which LBAM has been found.

Designation of an area less than an entire State as a quarantined area. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

1. The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed by APHIS on the interstate movement of regulated articles; and

2. The designation of less than the entire State as a quarantined area will prevent the interstate spread of LBAM.

The Administrator has determined that California has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by the Administrator on the interstate movement of regulated articles; and that the designation of less than the entire State of California as a quarantined area will be sufficient to prevent the interstate spread of LBAM.

The Administrator or an inspector may temporarily designate any non-quarantine area as a quarantined area. The Administrator will give a copy of the Federal Order that is in effect at the time, along with a written notice for the temporary designation of a non-quarantine area as a quarantined area, to the owner or person in possession of the non-quarantine area. Thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area will be subject to the Federal Order that is in effect at that time. As soon as practicable, the quarantined area will be added to the list of quarantined areas until the designation is terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

The following areas are designated as **quarantined areas**:

- a) State of California – the counties of Alameda, Contra Costa, Los Angeles, Marin, Monterey, Napa, Orange, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, San Diego, Solano, Sonoma, and Yolo; and
- b) State of Hawaii – all counties, and in accordance with 7 CFR Part 318.13-3.

#### **B. Determination of Infestation:**

The Administrator shall designate as a quarantined area each State or each portion of a State in which:

1. a total of two or more adult LBAM are trapped within 3 miles of each other and during the timeframe of one lifecycle as determined by the degree day model; or
2. a mated female LBAM is trapped; or
3. DNA analysis confirms the presence of one or more immature LBAMs; or
4. the Administrator considers it necessary to regulate due to the area's inseparability for quarantine effectiveness and enforcement purposes from localities in which LBAM has been found.

#### **C. Regulated Articles:**

1. The following are regulated articles and may not be moved interstate from a LBAM quarantined area except in accordance with this Federal Order:

- a. nursery stock;
  - b. cut flowers;
  - c. cut trees and shrubs, such as Christmas trees;
  - d. garlands, wreaths, greenery, and other green waste of any plants;
  - e. fruits and vegetables, except those listed in the **Exempted Host List**; and
  - f. bulk fresh herbs and spices, except those listed in the **Exempted Host List**.
2. In addition, any other product, article, or means of conveyance is considered a regulated article if an inspector determines it to present a risk of spreading LBAM and the inspector notifies the person in possession of the product, article, or means of conveyance that it is subject to the restrictions in the regulations.
  3. **Exempted Host List:** The Administrator has determined that certain commercially produced articles intended for commerce are low risk for artificially spreading LBAM. The Administrator maintains a list of these exempted articles on the webpage. If new articles are added to the exempted list, the Administrator will provide a description of each article and the date the list was updated. The Administrator will notify state regulatory authorities that a change has occurred.

The current list of exempted commodities is posted on the APHIS web site at <http://www.aphis.usda.gov/planthealth/lbam>.

#### **D. Conditions for Interstate Movement of Regulated Articles:**

1. State of California
  - a. No regulated articles may be moved interstate from a quarantined area unless moved under a certificate issued by an inspector or person operating under a compliance agreement and in accordance with all applicable requirements of this Order.
  - b. To be eligible for interstate movement under certificate, nursery stock, cut flowers, garlands, wreaths or greenery of any plants, trees and shrubs, and green waste (except exempted commodities) *located 1.5 miles or less from a LBAM detection site* in any of the quarantined counties must meet all of the following conditions:
    - i. Trapping for LBAM must occur on each premises or farm in a LBAM quarantined area that ships regulated articles interstate. Premises or farms that are larger than five acres must maintain traps at a density of one trap for every five or fewer acres. Premises or farms that are equal to or less than five acres must be trapped with a minimum of one trap. Inspection of traps by an inspector must occur every 30 days or more frequently; and

- ii. For movement of regulated articles of nursery stock or cut flowers, the place of production shall implement an integrated pest management program that includes regular inspections; and
  - iii. Each shipment of articles intended for interstate movement must be inspected by an inspector and must have a certificate issued for interstate movement, but only if the articles are found free of any life stages of LBAM.
- c. To be eligible for interstate movement under certificate, nursery stock, cut flowers, garlands, wreaths or greenery of any plants, trees and shrubs, and green waste (except exempted commodities) *located more than 1.5 miles from a LBAM detection* in any of the quarantined counties must meet the following conditions:
  - i. Trapping for LBAM must occur on each premises or farm in a LBAM quarantined area that ships regulated articles interstate. Premises or farms that are larger than five acres must maintain traps at a density of one trap every for five or fewer acres. Premises or farms that are equal to or less than five acres must be trapped with a minimum of one trap. Inspection of traps by an inspector must occur every 30 days or more frequently to ensure freedom from LBAM; and
  - ii. Each establishment or facility must be subjected to one visual inspection by an inspector to verify freedom from any LBAM life stages, including eggs, larvae, pupae; and
  - iii. Each establishment that is inspected and found free of LBAM must be included in a master list of certified LBAM-free facilities maintained by CDFA to ensure compliance with the above two conditions.
- d. Fruits and vegetables and bulk fresh herbs and spices (except exempted commodities) growing in areas 1.5 miles or less from a LBAM detection site in any of the isolated population treatment areas listed on the APHIS webpage ([http://www.aphis.usda.gov/plant\\_health/ea/lbam.shtml](http://www.aphis.usda.gov/plant_health/ea/lbam.shtml)) must meet the following condition:
  - Trapping for LBAM must occur at an approved trapping density and must be inspected by an inspector every 30 days or more frequently to ensure freedom from LBAM.
- e. Fruits and vegetables, and bulk fresh herbs and spices (except exempted commodities) growing in areas 1.5 miles or less from a LBAM detection site in any of the quarantined counties other than isolated population treatment areas must meet the following condition:

- Inspection by an inspector must occur every 30 days or more frequently to ensure the commodity and production site remain free of LBAM.
- f. Fruits and vegetables and bulk fresh herbs and spices (except exempted commodities) growing in areas located more than 1.5 miles from a LBAM detection site in any of the quarantined counties must meet the following conditions:
- i. Trapping for LBAM must occur at an approved trapping density and must be inspected by an inspector every 30 days or more frequently to ensure freedom from LBAM; and
  - ii. Each establishment that is inspected and found free of LBAM must be included in a master list of certified LBAM-free facilities maintained by CDFA to ensure compliance.

#### **E. Definitions:**

Certificate: A document in which an inspector, or person operating under a compliance agreement, affirms that a specified regulated article is eligible for interstate movement in accordance with this Order.

Degree day: A unit of measurement used to measure the amount of heat required to further the development of LBAM through its lifecycle. Degree day life cycle requirements are calculated through a modeling process specific to LBAM.

Exempted Host List: A list of commodities which are exempted from the LBAM program interstate movement requirements.

Green waste: Vegetative material, such as leaves, grass clippings, weeds, yard, roadway and green space trimmings, wood waste, branches and stumps, home garden residues, and other miscellaneous plant materials.

Isolated population treatment area: A geographically distinct, outlying population of a pest, where depending on site conditions the program may take measures to eradicate the pest from that local area.

Inspector: An employee of APHIS or other person authorized by the Administrator to enforce this Order.

Light brown apple moth (LBAM): The live insect known as light brown apple moth (*Epiphyas postvittana*) in any life stage (egg, larva, pupa, adult).

Nursery stock: All field-grown florist's stock, trees, shrubs, vines, cuttings, grafts, scions, buds, and other plants and plant products for propagation, except field crop seeds, vegetable seeds, flower seeds, fruit pits, other seeds of trees or shrubs, bulbs, and roots.