FOR INFORMATION AND ACTION
DA-2015-21
APR 22 2015

Subject: APHIS Reduces the Quarantined Area for Light Brown Apple Moth (*Epiphyas postvittana*) and Announces Process for Future Changes to the Quarantined Area

To: State and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is removing Mendocino County from the light brown apple moth (LBAM) regulated areas in California. The attached Federal Order describes the reduced regulated area and the requirements for the interstate movement of LBAM-regulated articles. 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.

For future changes to the LBAM regulated area, APHIS will notify state regulatory authorities immediately of the change through a letter similar to this one and will update the following website with the date and description of the regulated areas:

http://www.aphis.usda.gov/plant-health/lbam-quarantine

LBAM is native to Australia and has established populations in New Zealand, Ireland, the United Kingdom, and Hawaii. The host range for LBAM includes more than 250 plant species. A map of the federal quarantine area is at:

http://www.aphis.usda.gov/planthealth/lbam_maps

For further information about the LBAM program, you may call National Policy Manager Richard Johnson at 301-851-2109.

Osama El-Lissy
Deputy Administrator
Plant Protection and Quarantine

Attachment: Federal Order

FEDERAL ORDER

Domestic Quarantine for Light Brown Apple Moth

DA-2015-21

APR 22 2015

This Federal Order removes Mendocino County from the area regulated for light brown apple moth (*Epiphyas postvittana*) in California.

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.

To prevent the dissemination of light brown apple moth (LBAM), the Administrator of the Animal and Plant Health Inspection Service (APHIS) considered it necessary 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 are located at:

http://www.aphis.usda.gov/plant-health/lbam-quarantine

This Federal Order supersedes previous Federal Orders for LBAM and updates the LBAM quarantine by removing Mendocino County from the list of quarantined areas in California. This quarantine reduction is enacted because of the absence of confirmed detections of LBAM in Mendocino County following treatment and monitoring. If there are additional finds of LBAM after this Order is published, the Administrator will designate an area as a quarantine area for LBAM in accordance with the criteria listed under "Section A: Quarantined Areas" below. The Administrator will publish a description of all areas regulated for LBAM at the above website.

The description of each quarantine area will include the date the description was last updated and a description of any changes that have been made to the quarantine area. After a change is made to the description of quarantine areas, the Administrator will notify state regulatory authorities that change has occurred and describe the change to the quarantine areas.

All interstate movement of LBAM regulated articles from the quarantined areas listed in the PPQ web site 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 where:

- LBAM has been confirmed by an inspector to be present,

- the Administrator has reason to believe that LBAM is present, or

- the Administrator considers it necessary to quarantine because of the area's inseparability for quarantine effectiveness and enforcement purposes from localities where 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 that are substantially the same as those imposed by the Administrator on the intrastate movement of the regulated articles; and that

- the designation of less than the entire state of California as a quarantined area will suffice 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 who possesses 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 Administrator or an inspector terminates the designation. The owner or person who possesses an area for which designation is terminated will receive notice of the termination as soon as practicable.

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

a. California: The counties of

   i. Alameda,
   ii. Contra Costa,
   iii. Los Angeles,
   iv. Marin,

v. Monterey,
vi. Napa,
vii. Orange,
viii. Sacramento,
ix. San Benito,
x. San Diego,
xi. San Francisco,
xii. San Joaquin,
xiii. San Luis Obispo,
xiv. San Mateo,
xv. Santa Barbara,
xvi. Santa Clara,
xvii. Santa Cruz,
xviii. Solano,
xix. Sonoma, and
xx. Yolo.

b. 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. Removal from Quarantine

The Administrator shall remove regulatory conditions and trapping will revert to normal detection levels after the last detection for each state or each portion of a state when:

1. A trapping protocol of 100 traps in four square miles centered around the find site is applied for three generations; and
2. No additional moths are trapped; and
3. One of the following:
    a. No pheromone treatments (mating disruption) were applied during the same period; or
    b. If pheromone products (e.g., "twist ties") were applied in the 200 meter radius for the first two generations, and were completely removed for one additional generation.

D. Regulated Articles

1. The following are regulated articles and may not be moved interstate from an 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 who possesses 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 the artificial spread of LBAM. The Administrator maintains a list of these exempted articles on the website cited below. If new articles are added to the exempted list, then 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 at:

    http://www.aphis.usda.gov/planthealth/lbam/exempted_host_list

E. Conditions for the Interstate Movement of Regulated Articles

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 Federal 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 an 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 based on pest risk as approved by program supervisory personnel; and

ii. For the 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 that must occur every 30 days or more frequently based on pest risk as approved by program supervisory personnel; 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 an 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 based on pest risk as approved by program supervisory personnel 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 at <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 based on pest risk as approved by program supervisory personnel 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 based on pest risk as approved by program supervisory personnel 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 based on pest risk as approved by program supervisory personnel 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 the California Department of Food and Agriculture (CDFA) to ensure compliance.

F. 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 Federal Order.

Degree day: A unit that measures 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 that is specific to LBAM.

Exempted Host List: A list of commodities that are exempt 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 APHIS employee or another person who is 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.