

FOR INFORMATION AND ACTION
DA-2010-20
May 27, 2010

SUBJECT: Niagara, Orleans, and Wayne Counties, New York Added to the Quarantine Area for Plum Pox Virus (PPV)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is establishing a PPV quarantine in the State of New York which includes areas in Niagara, Orleans, and Wayne Counties. This is a result of PPV detections in these counties since July 2006.

The attached Federal Order describes the quarantine areas and the requirements for the interstate movement of PPV-regulated articles. This action is necessary in order to prevent the spread of PPV into uninfected areas of the United States. PPV is considered to be actionable and under eradication in the United States.

PPV is native to Europe. It was first detected in New York in March 2006. PPV is a viral disease of stone fruit species, including plum, apricot, peach, almond, and ornamental varieties including nursery stock. PPV is the most devastating viral disease worldwide of stone fruit, causing yield losses to growers and reducing the marketability of fruit.

APHIS classifies PPV as a quarantine pest and has established a regulatory framework designed to maintain trade and interstate commerce while protecting human health and the environment. The interstate movement of budwood and nursery stock from quarantine areas is an especially high-risk pathway for spreading PPV. APHIS is working with State cooperators and international governmental representatives to attain consistent phytosanitary measures to mitigate these risks of spreading PPV. The specific changes to the quarantine areas are shown in the attached Federal Order. For additional information you may visit the USDA, APHIS, PPQ/PPV website: (http://www.aphis.usda.gov/plant_health/plant_pest_info/plum_pox/index.shtml).

APHIS will follow this emergency action with the publication of an Interim Rule in the Federal Register. If you would like additional information regarding this Federal regulatory program, please contact the National Program Manager for the PPV program, Dr. Anwar Rizvi, at (301) 734-4313.

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

Attachment:
Federal Order

FEDERAL ORDER
Domestic Quarantine of Areas in
Niagara, Orleans, and Wayne Counties of New York
For Plum Pox Virus
May 27, 2010

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 301.74.

This Federal Order quarantines, effective immediately, the attached areas in Niagara, Orleans, and Wayne Counties of New York for Plum Pox Virus (PPV). This action is in response to the detection of PPV in areas in Niagara, Orleans, and Wayne Counties of New York. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate those areas in Niagara, Orleans, and Wayne Counties of New York in order to prevent the spread of PPV. Accordingly, effective immediately, all interstate movement of PPV regulated articles from the quarantined areas in Niagara, Orleans, and Wayne Counties must be done in accordance with the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.74 et seq. and any applicable provisions of this Federal Order. The quarantined areas in Niagara, Orleans, and Wayne Counties are described in detail in the attachment to this Federal Order. Other areas quarantined due to the continuing spread of PPV are designated in the federal regulations located at 7 CFR 301.74-3 and the Federal Orders located at the following APHIS website:

http://www.aphis.usda.gov/plant_health/plant_pest_info/plum_pox/index.shtml

Section 7 CFR 301.74-3(a) allows the designation of less than an entire state as a quarantined PPV area only when the Administrator of APHIS has determined, as in this case, that the designation of less than an entire state as a quarantined PPV area is adequate to prevent the interstate spread of PPV. In addition, 7 CFR 301.74-3(a)(1) requires that the state enforces an intrastate PPV quarantine that is substantially the same as the Federal PPV quarantine. The State Plant Regulatory Official for New York confirmed they have adopted and are enforcing restrictions on the intrastate movement of regulated articles from quarantined areas in Niagara, Orleans, and Wayne Counties that are substantially the same as those imposed in the Federal regulatory requirements for interstate movement of regulated articles as specified in 7 CFR 301.74.

Section 7 CFR 301.74-3(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 301.74-3(c). The 7 CFR 301.74-3(b) further requires written notification be given to the owner or person in possession of a newly quarantined area. This is the responsibility of the Federal and/or State regulatory personnel responsible for the PPV program in the affected state.

If you wish more details on the Federal PPV regulatory program, you may contact Anwar Rizvi, acting Program Manager, at (301) 734-4313. For information on regulatory requirements for movement of articles out of quarantined areas in New York, please contact Mafalda Weldon, National PPV Director, at (717) 241-0705. We continue to appreciate the cooperative relationship with the State of New York in our effort to prevent the spread of PPV.