



## Animal and Plant Health Inspection Service, Plant Protection and Quarantine

# Frequently Asked Questions

### **Proposed Rule to Deregulate the Domestic Emerald Ash Borer Quarantine**

On September 19, 2018, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) published a proposal to remove domestic quarantine regulations for emerald ash borer (EAB). During the open comment period, APHIS received the following questions about the EAB program and the proposal to remove the domestic quarantine regulations.

#### ***Why didn't APHIS prepare an environmental assessment or environmental impact statement analyzing the effects of the proposed regulatory change?***

Under the National Environmental Policy Act (NEPA) Implementing Procedures, as defined in 7 CFR § 372.5(c)(1)(i), a proposal to remove domestic quarantine regulations is categorically excluded from needing an environmental assessment or environmental impact statement. This proposed action removes non-physical boundaries that restrict movement of certain articles by humans. EAB has spread across 30 states and will continue to spread naturally with or without these non-physical boundaries. Therefore, the proposed action is not expected to significantly affect the quality of the human environment and may be categorically excluded from further review under NEPA.

#### ***Has APHIS considered shrinking the EAB regulatory program to focus control efforts and funding along the leading edge of the general infestation and in spot infestations?***

APHIS has increasingly focused EAB survey, outreach, and control activities along the leading edge of the infestation and around spot infestations. However, APHIS is still required to conduct EAB regulatory activities in all parts of the quarantine. Regulatory activities include issuing permits, certificates, and compliance agreements; making site visits; and conducting investigations of suspected violations. Before issuing the proposal to remove the domestic regulations for EAB, APHIS engaged numerous stakeholders, including state partners and nongovernmental organizations, to discuss and carefully consider all options for more effectively addressing this pest since the current quarantine has not stopped EAB spread.

#### ***Will APHIS continue to take enforcement action at ports of entry when EAB is found in imported shipments?***

If we remove the EAB domestic quarantine regulations, neither APHIS nor U.S. Customs and Border Protection will take enforcement actions when EAB is detected in imported shipments. However, APHIS will continue to regulate the international movement of EAB host material based on other hardwood pest regulations that prevent foreign pests and diseases from entering the United States.

States that want to protect against the interstate spread of EAB may adopt their own, state-level quarantines. States may also request protection at U.S. ports of entry by petitioning APHIS for a

federally recognized state managed phytosanitary (FRSMP) program. APHIS will consider state programs developed to eradicate, exclude, or contain plant pests that APHIS is not currently regulating or is considering to no longer regulate under a federal program. If APHIS approves a state's FRSMP program, APHIS and CBP will continue to take action when EAB is detected in imported shipments destined to that state.

***Over the last two years, how has APHIS allocated EAB funding?***

APHIS oversees the EAB regulatory framework and provides national oversight and coordination for program activities to detect and manage this pest. In fiscal years (FY) 2017 and 2018, APHIS spent approximately \$7.5 million per year to conduct surveys, develop and enforce regulations, implement control measures, develop methods and processes to combat EAB, and conduct outreach. APHIS spent a small portion of the total budget, approximately 20 percent, to support the development and release of biological control.

***If APHIS deregulates EAB, how will the Agency use existing program funding?***

If the EAB domestic quarantine regulations are removed, APHIS will dedicate the full amount of available funding to producing biological control agents; surveying and identifying appropriate areas for releasing biological control agents; identifying organizations that can release biological control agents; conducting outreach and education to encourage public reporting; and continuing to research biological control agents and natural enemies, ash tree resistance, and additional integrated pest management approaches.

***Have Canada and Mexico expressed a view on the proposed deregulation?***

APHIS consulted with the national plant protection organizations in Canada and Mexico before proposing to remove the domestic quarantine regulations. Plant health officials in these countries recognize the steps we are taking as practical and strategic given the regulations have not stopped the spread of EAB.

***Does the proposed rule consider potential economic impacts on Western states that are not currently impacted by EAB?***

APHIS has worked with the Forest Service on a number of EAB-related studies, including the potential environmental and economic impacts of the pest. These analyses are available online: <https://www.fs.usda.gov/treesearch/>.

***Can APHIS provide more details on the efficacy of biological control in controlling EAB?***

APHIS has been using EAB's natural enemies—tiny stingless wasps—as biocontrol agents for more than 10 years. We are currently rearing four wasp species at our EAB biocontrol facility in Brighton, Michigan. These tiny wasps, about the size of a grain of rice or smaller, are natural enemies of EAB in its native range in China and Russia. The four species include: *Oobius agrili*, *Tetrastichus planipennis*, *Spathius agrili*, and *Spathius galinae*. *O. agrili* parasitizes EAB eggs; the other wasps parasitize EAB larvae.

So far, we have released these wasp species in 25 States and recovered their offspring in as many as 18 of those states. That means the wasps are establishing, reproducing, and, more importantly, attacking and killing EAB. Based on our ongoing monitoring of these parasitoids, we have observed the following:

- *O. agrili* seems to be establishing in many states, although this insect is difficult to recover.
- *T. planipennisi*, the most widely distributed of the four species, is establishing and dispersing well in northern states.
- *S. agrili* are often recovered a year or two after their release but populations are not establishing in the north.
- *S. galinae*, first released in 2015, appears to be establishing in northern states.

These wasps are already showing great promise in a number of states, especially in terms of protecting young saplings from EAB. USDA's recent studies on the next generation of ash growing in places where *T. planipennisi* has established indicate that this parasitoid, combined with predation by native woodpeckers, has the potential to significantly reduce EAB populations following an EAB outbreak. *T. planipennisi* has also demonstrated its ability to find EAB in nearby areas as populations decline elsewhere. This suggests that *T. planipennisi*, along with native woodpeckers which are also effective at finding EAB, can help keep EAB populations at low densities and prevent significant ash damage following the pest's spread to new areas. To help save mature ash trees in urban areas, USDA researchers are currently exploring how to integrate the use of insecticides with parasitoid releases. This approach could potentially protect mature trees against EAB until the parasitoid has a chance to establish and control EAB populations in the area.

#### ***What challenges does APHIS see to achieving success with biocontrol?***

Our goal is to maintain ash as a viable component of the North American landscape by releasing and establishing parasitoids in all EAB-infested counties. The greatest challenge to achieving this goal is having to devote the majority of our current resources to carrying out the regulatory program. By ending the current regulatory program, we would be able to dedicate all available resources to biological control research, development, and release.

#### ***Is APHIS continuing to seek additional biological control agents to address various climate and geographic differences across the United States?***

In recent years, USDA scientists discovered a new larval parasitoid, *S. galinae*, in Russia. The EAB program is releasing *S. galinae* in northern states, and preliminary evidence indicates that it is beginning to establish. This species can attack EAB through thick ash bark.

The EAB program continues to investigate the potential for *S. agrili* or *S. galinae* to establish in warmer climates. If the EAB domestic quarantine regulations are removed, the EAB program can dedicate resources to finding additional parasitoids in other regions of China and Russia.

***How is APHIS working with state partners to address the ongoing pest risks associated with the movement of firewood?***

APHIS is working with state, federal, industry, and private sector organizations to coordinate regulatory, voluntary, and outreach strategies to help limit the inadvertent spread of forest pests through firewood. When APHIS began taking steps to deregulate EAB, we formulated several options for how best to address risks associated with the interstate movement of firewood in the absence of an EAB quarantine. On several occasions, APHIS met with representatives from the National Plant Board to review those options. Most recently, the National Plant Board has organized a working group that is developing a template approach that states may use to facilitate the safe movement of firewood. APHIS supports this approach and is providing technical support to the working group.