

FOR INFORMATION AND ACTION  
DA-2009-19  
APRIL 28, 2009

SUBJECT: Houston County, Minnesota added to the quarantine area for Emerald Ash Borer (EAB) (*Agrilus planipennis*)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

On April 22, 2009, Minnesota established a quarantine area for emerald ash borer (EAB) which included all of Houston County. EAB has not been detected in Houston County, but Minnesota has established Houston County as a quarantine area due to its physical proximity to a known EAB infestation in Vernon County, Wisconsin.

In response to Minnesota's phytosanitary action, APHIS is establishing regulations which are parallel to Minnesota's for EAB in Houston County in order to prevent the further spread of EAB. Effective immediately, all interstate movement of EAB-regulated articles from the quarantine area must be done in accordance with the attached Federal Order. Specifically, the interstate movement of EAB-host wood and wood products from Houston County, Minnesota is regulated, including firewood of all hardwood species, nursery stock, green lumber, waste, compost, and chips of ash species.

APHIS is working closely with the States of Iowa, Minnesota, and Wisconsin to carry out delimiting surveys around the detection site in Vernon County, Wisconsin. Due to a parallel quarantine area established by Minnesota, only Houston County will be established as quarantine area and phytosanitary measures applied.

EAB is present in some parts of the United States. Currently, Allegheny, Beaver, Butler, Lawrence, Mercer, and Mifflin Counties in Pennsylvania are regulated for EAB, together with the entire States of Ohio, Indiana, and Illinois. Portions of Michigan's Upper Peninsula, the entirety of Michigan's Lower Peninsula, Prince George's and Charles Counties in Maryland, and Arlington, Fairfax, Fauquier, Loudon, and Prince Williams Counties, along with the independent Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia, Fayette County in West Virginia, Wayne County in Missouri, and Crawford, Fond du Lac, Ozaukee, Sheboygan, Vernon, and Washington Counties in Wisconsin are also regulated.

EAB is an invasive wood boring beetle that is native to China and eastern Asia. EAB probably arrived in North America hidden in wood packing materials commonly used to ship consumer and other goods. It was first detected in the United States in southeastern Michigan. Since then, EAB has been responsible for the death and decline of more than 30 million ash trees in the United States. The interstate movement of firewood from regulated areas is an especially high risk pathway for spreading EAB, and APHIS is working with State cooperators and foresters to raise awareness about this threat among the public.

For more information about the EAB program and Federal EAB regulations, you may contact Paul Chaloux, EAB National Program Manager, at (301) 734-0917.

**/s/ John H. Payne for**

Rebecca A. Bech  
Deputy Administrator  
Plant Protection and Quarantine

Attachment:  
Federal Order

## FEDERAL ORDER

### **Domestic Quarantine of Houston County in Minnesota for Emerald Ash Borer (EAB) (*Agrilus planipennis*)**

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 301.53.

This Federal Order quarantines, effective immediately, Houston County in Minnesota for EAB, *Agrilus planipennis*. This action is in response to confirmed detections of EAB in adjacent Vernon County, Wisconsin. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate Houston County in order to prevent the spread of EAB. Accordingly, effective immediately, all interstate movement of EAB regulated articles from Houston County must be done in accordance with the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.53 et seq. and any applicable provisions of this Federal Order.

APHIS has confirmed EAB infestations in various areas of the United States for which the Administrator has determined that it is necessary to quarantine these areas in order to prevent the spread of EAB. Currently, the entire States of Ohio, Indiana, and Illinois are quarantined areas for EAB, together with portions of Michigan's Upper Peninsula, the entirety of Michigan's Lower Peninsula, and Prince George's County in Maryland. Since that time, APHIS has confirmed EAB infestations in other areas of the United States for which the Administrator has considered it necessary to issue Federal Orders to also quarantine those areas to prevent the further infestation of EAB.

On August 8, 2007, APHIS issued a Federal Order (DA#2007-29, 8/8/07) to add four counties in western Pennsylvania, Allegheny, Beaver, Butler, and Lawrence Counties, to the EAB quarantined areas. On July 11, 2008, APHIS issued a second Federal Order (DA#2008-19, 7/11/08) to add Fairfax County in Virginia to the list of quarantined areas. APHIS issued a subsequent Federal Order (DA#2008-39, 8/6/08) for Virginia dated August 6, 2008, to expand the quarantined area to include the following adjacent areas: Arlington, Fauquier, Loudon, and Prince William Counties and the independent Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. On August 6, 2008, APHIS issued a fourth Federal Order (DA#2008-41, 8/6/08) to add Mercer County in Pennsylvania. On August 8, 2008, APHIS issued a fifth Federal Order (DA#2008-44, 8/08/08) to add Wayne County in Missouri. On August 12, 2008, APHIS issued sixth Federal Order (DA#2008-48, 8/12/08) to add Ozaukee, Washington, Fond du Lac, and Sheboygan Counties in Wisconsin. On September 10, 2008, APHIS issued a seventh Federal Order (DA#2008-60, 9/10/08) to add Fayette County, West Virginia. On September 12, 2008, APHIS issued an eighth Federal Order (DA#2008-62, 9/12/08) to add Houghton and Keweenaw Counties in Michigan. On September 12, 2008, APHIS issued a ninth Federal Order (DA#2008-63, 9/12/08) to add Charles County in Maryland. On December 4, 2008, APHIS issued a ninth Federal Order (DA#2008-75, 12/4/08) to

add Delta, Mackinac, and Schoolcraft Counties in Michigan. On April 20, 2009, APHIS issued a tenth Federal Order (DA#2009-17, 4/20/09) to add Mifflin County in Pennsylvania. On April 20, 2009, APHIS issued an eleventh Federal Order (DA#2009-18, 4/20/09) to add Vernon and Crawford Counties in Wisconsin.

The 7 CFR 301.53-3(a) allows the designation of less than an entire state as an EAB quarantined 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 EAB area is adequate to prevent the interstate spread of infestations of Emerald Ash Borer. In addition, 7 CFR 301.53-3(a) requires that the state enforces an intrastate EAB quarantine that is equivalent to the Federal EAB regulations. The State Plant Regulatory Official for Minnesota has confirmed the establishment of an intra-state quarantine for Houston County that mirrors the Federal Regulatory requirements as specified in 7CFR301.53.

The 7 CFR 301.53-3 (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 301.53-3(c). The 7 CFR 301.53-3 (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 EAB program in the affected state.

The eleven previous Federal Orders have been necessary due to the continuing spread of EAB. This April 28, 2009, Federal Order updates and replaces all previous versions of Federal Orders pertaining to the expansion of quarantined areas in the EAB domestic regulations.

If you wish more details on the Federal EAB regulatory program, you may contact the EAB National Program Coordinator, Paul Chaloux, at Area Code (301) 734-0917. For information on regulatory requirements for movement of articles out of quarantined areas in Minnesota, please contact the APHIS State Plant Health Director, Kevin Connors, at Area Code (612) 725-1722.

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