

FOR INFORMATION AND ACTION  
DA-2009-35  
JULY 16, 2009

SUBJECT: Morgan County, West Virginia, Added to the Quarantine Area for Emerald Ash Borer (EAB) (*Agilus planipennis*)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The Animal and Plant Health Inspection Service (APHIS) confirmed the identification of EAB in Morgan County, West Virginia, on May 27, 2009. The detection in Morgan County was the result of a concerned citizen's report of declining ash trees.

In response to these detections, APHIS is working closely with the State of West Virginia to carry out delimiting surveys around the detection site. The attached Federal Order establishes this county as a quarantine area in order to prevent the further spread of EAB. Effective immediately, all interstate movement of EAB-regulated articles from Morgan County must be handled in accordance with the Federal Order. Specifically, the interstate movement of EAB-host wood and wood products from this county is regulated, including ash nursery stock, firewood of all hardwood species, green lumber, waste, and compost, and chips of ash species. Due to the establishment of a parallel quarantine area by West Virginia, only the counties with EAB will be established as quarantine areas and placed under phytosanitary controls.

The following areas are also currently under quarantine: Allegheny, Beaver, Butler, Lawrence, Mercer, and Mifflin Counties in Pennsylvania are established as quarantine areas for EAB, together with the entire States of Ohio, Indiana, and Illinois. Portions of Michigan's Upper Peninsula and the entirety of Michigan's Lower Peninsula; Prince George's and Charles Counties in Maryland; and Arlington, Fairfax, Fauquier, Loudon, and Prince William 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; Hennepin, Houston, and Ramsey Counties in Minnesota; and Crawford, Fond du Lac, Ozaukee, Sheboygan, Vernon, and Washington Counties in Wisconsin.

EAB is an invasive wood boring beetle that is native to China and eastern Asia. It was first detected in the United States in southeastern Michigan. Since then, EAB has been responsible for the death and decline of tens of millions of ash trees in the United States. The interstate movement of firewood from quarantine areas is an especially high risk pathway for spreading EAB. APHIS is working with State cooperators and foresters to raise awareness amongst the public concerning this threat.

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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 Morgan County in West Virginia 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, Morgan County in West Virginia for EAB, *Agrilus planipennis*. This action is in response to the detections of EAB in Morgan County, West Virginia. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate Morgan County in order to prevent the spread of EAB. Accordingly, effective immediately, all interstate movement of EAB regulated articles from Morgan 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. The areas quarantined due to the continuing spread of EAB are designated in the federal regulations located at 7 CFR 301.53-3 and in the Federal Orders which are located at the following APHIS website:

[http://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/emerald\\_ash\\_b/quarantine.shtml](http://www.aphis.usda.gov/plant_health/plant_pest_info/emerald_ash_b/quarantine.shtml)

Section 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 West Virginia has confirmed the establishment of an intrastate quarantine for Morgan County that mirrors the Federal Regulatory requirements as specified in 7 CFR 301.53.

Section 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). Section 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 previous Federal Orders pertaining to the expansion of quarantined areas in the EAB domestic regulations have been necessary due to the continuing spread of EAB. This July 16, 2009, Federal Order further expands the quarantined areas as described in the previous EAB Federal Orders.

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 West Virginia, please contact the acting APHIS State Plant Health Director, Jason Watkins, at Area Code (304) 372-8590.

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