

FOR INFORMATION AND ACTION
DA-2009-44
September 3, 2009

SUBJECT: Twenty Counties in Kentucky Added to the Quarantine Area for Emerald Ash Borer (EAB)
(*Agrilus planipennis*)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The Animal and Plant Health Inspection Service (APHIS) confirmed the identification of Emerald Ash Borer (EAB), in 20 Counties in Kentucky. These detections resulted from numerous public reports of declining ash trees.

In response to this detection, APHIS is working closely with the State of Kentucky to carry-out regulatory and other response activities. The Federal Order establishing a quarantine area to prevent the further spread of EAB is attached. Effective immediately, all interstate movement of EAB-regulated articles from Boone, Bourbon, Campbell, Carroll, Fayette, Franklin, Gallatin, Grant, Harrison, Henry, Jefferson, Jessamine, Kenton, Oldham, Owen, Pendleton, Scott, Shelby, Trimble, and Woodford Counties in Kentucky must be handled in accordance with the attached Federal Order. Specifically, the interstate movement of EAB-host wood and wood products from these counties is regulated, including firewood of all hardwood species, nursery stock, green lumber, waste, compost, and chips of ash species. Due to a parallel quarantine area established by Kentucky, only these 20 counties will be added as a quarantine area and placed under phytosanitary controls.

EAB is present in some parts of the United States. Currently, Allegheny, Beaver, Butler, Lawrence, Mercer, Mifflin and Westmoreland Counties in Pennsylvania are area quarantined 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 and Morgan Counties 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 are also quarantined areas.

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 50 million ash trees in the United States. The interstate movement of firewood from quarantined areas is an especially high-risk pathway for spreading EAB, and APHIS is working with State cooperators and foresters to raise awareness amongst the public concerning this threat.

Page 2

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/ **Rebecca A. Bech**

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

Attachment:
Federal Order

FEDERAL ORDER

Domestic Quarantine of Twenty Counties in Kentucky 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, Boone, Bourbon, Campbell, Carroll, Fayette, Franklin, Gallatin, Grant, Harrison, Henry, Jefferson, Jessamine, Kenton, Oldham, Owen, Pendleton, Scott, Shelby, Trimble, and Woodford Counties in Kentucky for EAB, *Agrilus planipennis*. This action is in response to the detection of EAB in Campbell, Fayette, Franklin, Jefferson, Jessamine, Kenton and Shelby Counties, Kentucky. The additional thirteen counties of Boone, Bourbon, Carroll, Gallatin, Grant, Harrison, Henry, Oldham, Owen, Pendleton, Scott, Trimble, and Woodford are adjacent to the counties where EAB was detected. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate these twenty counties in order to prevent the spread of EAB. Accordingly, effective immediately, all interstate movement of EAB regulated articles from Boone, Bourbon, Campbell, Carroll, Fayette, Franklin, Gallatin, Grant, Harrison, Henry, Jefferson, Jessamine, Kenton, Oldham, Owen, Pendleton, Scott, Shelby, Trimble, and Woodford Counties 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 the Federal Orders located at the following APHIS website:

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 Kentucky has confirmed the establishment of an intra-state quarantine for Boone, Bourbon, Campbell, Carroll, Fayette, Franklin, Gallatin, Grant, Harrison, Henry, Jefferson, Jessamine, Kenton, Oldham, Owen, Pendleton, Scott, Shelby, Trimble, and Woodford Counties that mirror 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). 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 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 September 3, 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 Kentucky, please contact the APHIS State Plant Health Director, Jason Watkins, at Area Code (304) 372-8590.

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