

FOR INFORMATION AND ACTION
DA-2009-51
October 7, 2009

SUBJECT: The Entire State of West Virginia and Three Counties in Wisconsin 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) has confirmed the identification of EAB, in Fayette and Morgan Counties in West Virginia. Recently, the presence of EAB was also confirmed in Roane County. Previously, APHIS had established quarantine areas only Fayette and Morgan Counties due to the establishment and enforcement of equivalent State quarantines. West Virginia has now rescinded their EAB quarantines. For this reason, APHIS is establishing quarantine for the entire State of West Virginia in order to prevent the spread of EAB to other states.

APHIS is also establishing Milwaukee County in Wisconsin as a quarantine area due to the confirmed identification of EAB. This detection resulted when city public works officials in Franklin, Wisconsin noticed and reported ash trees showing symptoms of EAB infestation. Racine and Waukesha Counties are being established as quarantine areas due to their close proximity to this detection.

The Federal Orders establishing a statewide quarantine area in West Virginia and adding the new Counties of Milwaukee, Racine, and Waukesha in Wisconsin to prevent the further spread of EAB are attached. Effective immediately, all interstate movement of EAB-regulated articles from West Virginia and Milwaukee, Racine, and Waukesha Counties in Wisconsin must be handled in accordance with the attached Federal Orders. 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.

EAB is present in some parts of the United States. Currently Brown, Crawford, Fond du Lac, Kenosha, Ozaukee, Sheboygan, Vernon, and Washington Counties in Wisconsin are 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; twenty counties in Kentucky; Prince George's and Charles Counties in Maryland; Arlington, Fairfax, Fauquier, Loudon, and Prince William Counties, along with the independent Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia; Chautauqua and Cattaraugus Counties in New York; Fayette and Morgan Counties in West Virginia; Hennepin, Houston and Ramsey Counties in Minnesota; Wayne County in Missouri; and Allegheny, Armstrong, Beaver, Butler, Indiana, Lawrence, Mercer, Mifflin, Washington, and Westmoreland Counties in Pennsylvania are also quarantine 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 quarantine 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.

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/ Paul R. Eggert for

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine
Attachment:
Federal Orders

FEDERAL ORDER

Domestic Quarantine of the State of 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, the entire State of West Virginia for EAB, *Agrilus planipennis*. This action is in response to the detection of EAB in Fayette, Morgan, and Roane Counties. Previously, APHIS had quarantined only Fayette and Morgan Counties due to the establishment and enforcement of equivalent quarantines by the State of West Virginia. West Virginia has now rescinded their quarantine. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate the entire state in order to prevent the spread of EAB. Accordingly, effective immediately, all interstate movement of EAB regulated articles from West Virginia 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 (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 October 7, 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 APHIS State Plant Health Director, Jason Watkins, at (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.

FEDERAL ORDER

Domestic Quarantine of Milwaukee, Racine, and Waukesha Counties in Wisconsin 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, Milwaukee, Racine, and Waukesha Counties in Wisconsin for EAB, *Agrilus planipennis*. This action is in response to the detection of EAB in Milwaukee County, Wisconsin. The additional two counties of Racine and Waukesha are adjacent to the county where EAB was detected. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate these counties in order to prevent the spread of EAB. Accordingly, effective immediately, all interstate movement of EAB regulated articles from Milwaukee, Racine, and Waukesha 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 Wisconsin has confirmed the establishment of an intra-state quarantine for Milwaukee, Racine, and Waukesha Counties 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). 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 October 7, 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 (301) 734-0917. For information on regulatory requirements for movement of articles out of quarantined areas in Wisconsin, please contact the APHIS State Plant Health Director, JoAnn Cruse, at (608) 231-9553.

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