

FOR INFORMATION AND ACTION  
DA-2012-46  
November 16, 2012

SUBJECT: APHIS Adds Dutchess County, New York to the Emerald Ash Borer (*Agrilus planipennis*) Regulated Area

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

In response to the confirmation of the emerald ash borer (EAB), *Agrilus planipennis*, in Dutchess County, New York, the Animal and Plant Health Inspection Service (APHIS) is adding this area to the list of EAB regulated areas. This action is effective immediately.

The attached Federal Order outlines specific conditions for the interstate movement of EAB-regulated articles from Dutchess County in order to prevent the spread of EAB to other states. Specifically, the interstate movement of EAB-host wood and wood products from Dutchess County is regulated, including firewood of all hardwood species, nursery stock, green lumber, waste, compost, and chips of ash species.

EAB is present in some portions of the United States. Due to the continuing spread of EAB, APHIS has established regulated areas, which 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](http://www.aphis.usda.gov/plant_health/plant_pest_info/emerald_ash_b/quarantine.shtml)

EAB, an invasive wood boring beetle, is native to China and eastern Asia. Since its first U.S. detection in Michigan, EAB has been responsible for the death and decline of tens of millions of U.S. ash trees. The interstate movement of firewood from regulated areas is an especially high-risk pathway for spreading EAB. APHIS works with State cooperators and foresters to raise public awareness about this pest and the potential threats associated with long distance movement of firewood.

For more information about the EAB program and Federal EAB regulations, you may contact Paul Chaloux, EAB National Policy Manager, at (301) 851-2064.

/s/ **Rebecca A. Bech**

Rebecca A. Bech  
Deputy Administrator  
Plant Protection and Quarantine

Attachment (1):  
Federal Order

**FEDERAL ORDER**  
**Domestic Quarantine of Dutchess County in New York**  
**for Emerald Ash Borer (EAB) (*Agrilus planipennis*)**

**DA-2012-46**  
**November 16, 2012**

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, Dutchess County in New York for EAB, *Agrilus planipennis*. This action is in response to the detection of EAB in Dutchess County, New York. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate Dutchess County in order to prevent the spread of EAB. Accordingly, all interstate movement of EAB regulated articles from Dutchess 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 the Federal Orders 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 EAB. 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 New York has confirmed their intent to establish an intrastate quarantine for Dutchess County that mirrors the Federal Regulatory requirements as specified in 7 CFR 301.53 on or before January 15, 2013.

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 November

16, 2012, 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) 851-2064. For information on regulatory requirements for movement of articles out of quarantined areas in New York, please contact the APHIS State Plant Health Director, Diana Hoffman, at (518) 218-7510.

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