

FOR INFORMATION AND ACTION  
DA-2013-14  
April 16, 2013

SUBJECT: APHIS Expands the Emerald Ash Borer (*Agrilus planipennis*) Regulated Area in New York

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

Effective May 1, 2013, the Animal and Plant Health Inspection Service (APHIS) is adding all or part of 21 counties in New York to the list of regulated areas for the emerald ash borer (EAB), *Agrilus planipennis*. APHIS is taking this action in response to the confirmation of EAB in additional counties in New York and because of known patterns of movement of regulated articles.

The following counties will be added to the EAB regulated area in their entirety: Broome, Cayuga, Chenango, Columbia, Cortland, Delaware, Otsego, Putnam, Rensselaer, Schenectady, Schoharie, Seneca, Sullivan, Tioga, and Tompkins Counties. In addition, portions of the following counties will be added to the EAB regulated area: Fulton, Herkimer, Madison, Montgomery, Oneida, and Onondaga Counties.

The attached Federal Order contains a description of the areas in New York regulated for EAB through this and previous actions. The Federal Order outlines specific conditions for the interstate movement of EAB-regulated articles from the regulated area in New York in order to prevent the spread of EAB to other states. Specifically, the interstate movement of EAB-host wood and wood products from the regulated area in New York 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. 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/ Osama El-Lissy for**

Rebecca A. Bech  
Deputy Administrator  
Plant Protection and Quarantine

Attachment:  
Federal Order

**FEDERAL ORDER**  
**DA-2013-14**  
**April 16, 2013**

**Domestic Quarantine of All or Part of 21 Counties in New York 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.

Effective May 1, 2013, this Federal Order expands the quarantine for EAB, *Agrilus planipennis*, to include the portion of the State of New York south of a line drawn as follows: Starting at the shore of Lake Ontario following the eastern boundary of Cayuga County south to the New York State Thruway (Interstate 90); then following east along, and including, I-90 to its intersection with State Route 28 in Herkimer County; then north along State Route 28 to its intersection with State Route 29; proceeding east along State Route 29 continuing straight onto State Route 29A until the crossing of the East Canada Creek; then south along the East Canada Creek to its intersection with State Highway 29; then east on State Highway 29 until its intersection with State Highway 67; continuing east on State Highway 67 until its intersection with the Saratoga County line; then proceeding south and east along the northern boundaries of Schenectady and Albany Counties to the Rensselaer County line, then north and east along the Rensselaer County line to the Vermont state line.

This adds the entirety of Broome, Cayuga, Chenango, Columbia, Cortland, Delaware, Otsego, Putnam, Rensselaer, Schenectady, Schoharie, Seneca, Sullivan, Tioga, and Tompkins Counties along with the southern portions of Fulton, Herkimer, Madison, Montgomery, Oneida, and Onondaga Counties to the existing quarantine in New York for EAB.

This action is in response to the detection of EAB in multiple counties in New York and to known patterns of movement of regulated articles. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate these areas in order to prevent the spread of EAB. Accordingly, effective May 1, 2013, all interstate movement of EAB regulated articles from the regulated area in New York 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 the establishment of an intra-state quarantine for the regulated area 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 May 1, 2013, 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 Policy Manager, Paul Chaloux, at Area Code (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 Area Code (518) 218-7511.

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