

FOR INFORMATION AND ACTION
DA-2014-09
March 7, 2014

Subject: APHIS Adds Boulder County and Portions of Jefferson, Larimer, and Weld Counties in Colorado to the Emerald Ash Borer (*Agrilus planipennis*) Regulated Area

To: State and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is adding Boulder County and portions of Jefferson, Larimer, and Weld Counties in Colorado to the list of regulated areas for the emerald ash borer (EAB). APHIS is taking this action in response to the detection of EAB in Boulder County.

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

EAB is an invasive wood boring beetle that is native to China and other areas of East Asia. The beetle is present in some portions of the United States, and because of its continuing spread, APHIS has established regulated areas that are designated in the *Code of Federal Regulations* at 7 CFR 301.53-3 and the Federal Orders located at:

http://www.aphis.usda.gov/planthealth/eab_quarantine

The interstate movement of firewood from quarantine areas is an especially high-risk pathway for spreading EAB. Therefore, APHIS works with State cooperators and foresters to prevent the human assisted movement of EAB, develop biological and other controls for EAB, and 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 call EAB National Policy Manager Paul Chaloux at (301) 851-2064.

/s/

Osama El-Lissy
Deputy Administrator
Plant Protection and Quarantine

Attachment: Federal Order

FEDERAL ORDER

Domestic Quarantine of Boulder County and Portions of Three Additional Counties in Colorado for Emerald Ash Borer (*Agrilus planipennis*)

DA-2014-09

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 immediately, this Federal Order quarantines the following areas in Colorado for EAB (*Agrilus planipennis*):

- the entirety of Boulder County;
- the entirety of the town of Erie within Weld County;
- the 15 acre property at 8200 Highway 7 on the Boulder County/Larimer County line; and
- an area bounded by a line drawn as follows in Jefferson County (beginning at the Boulder County line proceeding south along the west side of CO-93 to West 80th Avenue). Proceed east on W. 80th Avenue (Lyden Road) to the Northwest Boundary marker of Pettridge Park. Proceed northeast from the Pettridge Park boundary marker, crossing W. 80th Avenue, to the east fence line, crossing the riparian area, and east wind fence of the landfill. Continue north along the east fence line of the power generation facility. Continue north, crossing the railroad tracks, following the fence and power lines to CO-72 (Coal Creek Hwy). Continue north, crossing CO-72, following the power line along the west side of the cell tower site to the Southwest Boundary marker of Department of Interior, US Fish and Wildlife Service, Rocky Flats National Wildlife Refuge (RFNWR), old Department of Energy, Rocky Flats Nuclear Weapons Site. Continue north along the west fence line of RFNWR to the east fence line of National Renewable Energy Laboratory (NREL), Wind Technology Center to CO-128 (West 120th Avenue) to the Boulder County line.

This action is in response to the detection of EAB in Boulder County in Colorado. Accordingly, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate these areas in Colorado to prevent the spread of EAB. Effective immediately, all interstate movement of EAB regulated articles from Boulder County and the additional areas described above 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/planthealth/eab_quarantine

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 Colorado has confirmed the establishment of an intrastate 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.

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 6, 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 call EAB National Policy Manager Paul Chaloux at 301-851-2064. For information on regulatory requirements for movement of articles out of quarantined areas in Colorado, please call APHIS State Plant Health Director Patrick McPherran at 303-371-3355.

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