

FOR INFORMATION AND ACTION
DA-2014-37
August 26, 2014

Subject: APHIS Adds Leavenworth County in Kansas 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 Leavenworth County in Kansas 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 Leavenworth County.

To prevent the spread of EAB to other states, the attached Federal Order outlines specific conditions for the interstate movement of EAB-regulated articles from the quarantined areas in Kansas in order to prevent the spread of EAB to other states. Specifically, the interstate movement of EAB-host wood and wood products from the quarantined areas in Kansas 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, which are designated in the *Code of Federal Regulations* (CFR) 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 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, please 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 Leavenworth County in Kansas for Emerald Ash Borer (EAB) (*Agrilus planipennis*)

DA-2014-37

August 26, 2014

This Federal Order expands the list of regulated areas for emerald ash borer (EAB) to include Leavenworth County in Kansas.

This Federal Order is issued in accordance with the regulatory authority provided by the Plant Protection Act of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a). The Act 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. This Federal Order is also issued pursuant to the regulations promulgated under the Plant Protection Act found at 7 CFR 301.53.

Effective immediately, this Federal Order quarantines the aforementioned county in Kansas for EAB. This action is in response to the detection of EAB in Leavenworth County. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate Leavenworth County in Kansas to prevent the spread of EAB. Effective immediately, all interstate movement of EAB regulated articles from this county must be done in accordance with any applicable provisions of this Federal Order and the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.53 et seq.

APHIS has confirmed EAB infestations in various areas of the United States, and the Administrator has determined that it is necessary to quarantine those areas 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:

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 enforce an intrastate EAB quarantine that is equivalent to the federal EAB regulations. The state plant regulatory official for Kansas 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 to the owner or the person who possesses a

newly quarantined area. This is the responsibility of the federal and/or state regulatory personnel who are 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 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 301-851-2064. For information on regulatory requirements for movement of articles out of quarantined areas in Kansas, please contact the APHIS State Plant Health Director Blaine Powell at 405-609-8840.

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