

FOR INFORMATION AND ACTION
DA-2010-19
May 26, 2010

SUBJECT: Five Townships in Maine Added to the Quarantine Area for European Larch Canker (ELC) (*Lachnellula willkommii*)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is expanding the ELC-quarantine area in Maine to include the Townships of Beddington, Boothbay, South Bristol, T24 Middle Division Bingham's Penobscot Purchase, and T25 Middle Division Bingham's Penobscot Purchase. This action is being taken in response to the detection of ELC in townships adjacent to the Townships of Beddington, Boothbay, South Bristol, T24 Middle Division Bingham's Penobscot Purchase, and T25 Middle Division Bingham's Penobscot Purchase, in order to maintain a one township ELC-free buffer in the quarantine area.

APHIS will work closely with the State of Maine to carry-out delimiting survey work around infested sites. The attached Federal Order establishes these townships as quarantined areas in order to prevent further spread of ELC. Effective immediately, all interstate movement of ELC-regulated articles from the Townships of Beddington, Boothbay, South Bristol, T24 Middle Division Bingham's Penobscot Purchase, and T25 Middle Division Bingham's Penobscot Purchase must be handled in accordance with the attached Federal Order. Due to the establishment of parallel quarantine areas by Maine, only the townships with ELC and the immediate, adjacent townships will be established as quarantined areas and placed under phytosanitary controls.

ELC was first detected in Maine in 1981 and is now known to be present in North America, parts of Canada, five counties in Maine, and widespread throughout parts of Europe. The disease is caused by an invasive fungus causing mortality and dieback of mature and immature trees in the genus *Larix* (larch, tamarack, and hackmatack). APHIS is working with the State of Maine to conduct surveys and regulatory and public outreach activities in order to mitigate the impacts of ELC. The pest is a quarantine pest for APHIS and is considered present, but limited, in distribution.

For more information about the ELC program and Federal ELC regulations, you may contact Paul Chaloux, ELC National Program Manager, at (301) 734-0917.

/s/ Rebecca A. Bech

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

Attachment:
Federal Order

FEDERAL ORDER

Domestic Quarantine of Additional Areas in Maine for European Larch Canker (ELC)(*Lachnellula willkommii*)

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 301.91.

Animal and Plant Health Inspection Service (APHIS) has confirmed European Larch Canker (ELC) *Lachnellula willkommii* infestations in Maine for which the Administrator has determined that it is necessary to regulate those areas by establishing a domestic quarantine in order to prevent the spread of ELC. The established ELC regulated areas are designated in the federal regulations located at 7 CFR 301.91-3.

This Federal Order quarantines, effective immediately, the following areas in Maine for ELC: the Townships of Beddington, Boothbay, South Bristol, T24 Middle Division Bingham's Penobscot Purchase, and T25 Middle Division Bingham's Penobscot Purchase for ELC. This action is in response to the detection of ELC in townships adjacent to the Townships of Beddington, Boothbay, South Bristol, T24 Middle Division Bingham's Penobscot Purchase, and T25 Middle Division Bingham's Penobscot Purchase in order to maintain a one township ELC-free buffer in the quarantine area. Thus, the Administrator of the APHIS finds it necessary to regulate the Townships of Beddington, Boothbay, South Bristol, T24 Middle Division Bingham's Penobscot Purchase, and T25 Middle Division Bingham's Penobscot Purchase in order to prevent the spread of ELC. Accordingly, effective immediately, all interstate movement of ELC regulated articles from the Townships of Beddington, Boothbay, South Bristol, T24 Middle Division Bingham's Penobscot Purchase, and T25 Middle Division Bingham's Penobscot Purchase must be done in accordance with the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.91 et seq. and any applicable provisions of this Federal Order.

Section 7 CFR 301.91-3(a) allows the designation of less than an entire State as an ELC regulated area only when the Administrator of APHIS has determined, as in this case, that the designation of less than an entire State as a regulated area is adequate to prevent the interstate spread of infestations of ELC. In addition, 7 CFR 301.91-3(a) requires that the State enforces an intrastate ELC quarantine that is equivalent to the Federal ELC regulations. The State Plant Regulatory Official for Maine has confirmed the establishment of an intrastate quarantine for the Townships of Beddington, Boothbay, South Bristol, T24 Middle Division Bingham's Penobscot Purchase, and T25 Middle Division Bingham's Penobscot Purchase that mirrors the Federal regulatory requirements as specified in 7 CFR 301.91.

Section 7 CFR 301.91-3(b) provides for the temporary designation of new regulated areas pending publication of a rule to add areas to the list shown in 7 CFR 301.91-3(c).

Section 7 CFR 301.91-3(b) further requires written notification be given to the owner or person in possession of property in a new ELC regulated area. This is the responsibility of the Federal and/or State regulatory personnel responsible for the ELC program in the affected State.

If you wish to obtain more details on the Federal ELC regulatory program, you may contact the ELC National Program Coordinator, Paul Chaloux, at (301) 734-0917. For information on regulatory requirements for movement of articles out of regulated areas in Maine, please contact the APHIS State Plant Health Director, Terry Bourgoïn, at (207) 848-5199.

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