

FOR INFORMATION/ACTION  
DA-2008-12  
March 25, 2008

SUBJECT: Quarantine of Fayette County, West Virginia, for Gypsy Moth (*Lymantria dispar*)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The purpose of this SPRO Memorandum is to provide notification that APHIS is quarantining Fayette County, West Virginia, for Gypsy Moth (*Lymantria dispar*).

This action is effective immediately. Attached is the Federal Domestic Quarantine Order for the subject action.

*William E. Thomas for*

Rebecca A. Bech  
Deputy Administrator  
Plant Protection and Quarantine

Attachment

## FEDERAL ORDER

### **Domestic Quarantine of Fayette County, West Virginia, for Gypsy Moth (*Lymantria dispar*)**

This Federal Order provides notification, effective immediately, for quarantine of Fayette County, West Virginia for gypsy moth (*Lymantria dispar*):

Effective immediately, interstate movement of gypsy moth-regulated articles from Fayette County, West Virginia, must be done in accordance with the requirements of 7CFR 301.45.

This action results from verification of intractable reproducing populations of gypsy moth in Fayette County communicated by the West Virginia Department of Agriculture to USDA's Animal and Plant Inspection Service. This action is carried out following discussion with the State Plant Regulatory Official of West Virginia.

This Order is issued under 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.

7 CFR 301.45-2(b) allows the designation of less than an entire State as a generally-infested area only when the State enforces an intrastate quarantine that matches Federal Gypsy Moth regulations. Accordingly, the State of West Virginia must confirm prior to May 16, 2008, the establishment of an intrastate quarantine for Fayette County that parallels Federal requirements stipulated in 7CFR 301.45; otherwise, it will be necessary to quarantine the entire State as of that date, in order to prevent the interstate spread of the plant pest. The confirmation should be made in writing to the APHIS State Plant Health Director.

7 CFR 301.45-2 (c) provides for temporary designation of new quarantine areas pending publication of a rule to add counties to the list shown in 7 CFR 301.45-3 (a). 7 CFR 301.45-2 (c) 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 Gypsy Moth program in the affected State.

If you wish more details on the Federal Gypsy Moth regulatory program, you may contact the staff officer, Weyman Fussell, at Area Code (301) 734-5705. For information on regulatory requirements for movement of articles out of West Virginia, please contact the APHIS State Plant Health Director, Mr. Jason Watkins, at Area Code (304) 372-8590.

We continue to appreciate the cooperative relationship with the State of West Virginia in our effort to prevent the spread of Gypsy Moth.