

FOR INFORMATION AND ACTION
DA- 2008-65
September 22, 2008

SUBJECT: Quarantine of Marion and Crawford Counties, Ohio, for European Gypsy Moth (GM)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The Animal and Plant Health Inspection Service (APHIS) is quarantining Marion and Crawford Counties, Ohio, for European GM (*Lymantria dispar*). APHIS is taking this action upon verification of the Ohio Department of Agriculture's report that reproducing populations of European GM are present and established in Marion and Crawford Counties. European GM is a pest that is present in some parts of the United States, specifically 19 States and the District of Columbia.

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

/s/ John H. Payne for

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

Attachment
Federal Order

FEDERAL ORDER

Domestic Quarantine of Marion and Crawford Counties, Ohio, for Gypsy Moth (GM) (*Lymantria dispar*)

This Federal 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 and the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.45.

This action results from verification of intractable reproducing populations of GM (*Lymantria dispar*) in Marion and Crawford Counties, communicated by the Ohio Department of Agriculture to USDA's Animal and Plant Health Inspection Service (APHIS). Accordingly, APHIS finds it necessary to quarantine Marion and Crawford Counties in order to prevent the spread of GM. Therefore, effective immediately, APHIS is temporarily designating Marion and Crawford Counties, Ohio, as generally infested GM areas and interstate movement of GM-regulated articles from Marion County or Crawford Counties must be done in accordance with the requirements of 7CFR 301.45.

The 7 CFR 301.45-2(b) allows the designation of less than an entire state as a generally-infested GM area only when the state enforces an intrastate quarantine that matches Federal GM regulations. Accordingly, the State of Ohio must confirm, prior to October 17, 2008, the establishment of an intrastate GM quarantine for Marion and Crawford Counties that parallels Federal requirements stipulated in 7 CFR 301.45; otherwise, as of that date, it will be necessary to quarantine the entire state as a infested GM area 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 in Ohio.

The 7 CFR 301.45-2 (c) provides for the temporary designation of new quarantined areas pending publication of a rule to add counties to the list shown in 7 CFR 301.45-3 (a). The 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 GM program in the affected state.

If you wish more details on the Federal GM 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 Ohio, please contact the APHIS State Plant Health Director Mr. John Burch at Area Code (614) 834-4625.

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