

FOR INFORMATION AND ACTION  
DA-2011-01  
January 7, 2011

SUBJECT: Domestic Quarantine of Townships in Penobscot, Piscataquis, and Somerset Counties in Maine for Gypsy Moth (*Lymantria dispar*)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The Animal and Plant Health Inspection Service (APHIS) has expanded its gypsy moth (GM-*Lymantria dispar*) quarantine area to include additional townships in Penobscot, Piscataquis, and Somerset Counties in Maine. The GM populations for these areas reached the threshold level to trigger the quarantine between 2008 and 2009.

The attached Federal Order establishes quarantine areas for these infested areas in order to prevent the further spread of GM. Effective immediately, all interstate movement of GM-regulated articles from Mount Chase, T5 R8 WELS, T6 R8 WELS, and that portion of T3 R8 WELS within the boundaries of Baxter State Park in Penobscot County; Mount Katahdin Township, Nesourdnahunk Township, T3 R10 WELS, T4 R9 WELS, T5 R9 WELS, T6 R10 WELS, Trout Brook Township, and the portions of T4 R10 WELS within the boundaries of Baxter State Park in Piscataquis County; and Bigelow Township and Lower Enchanted Township in Somerset County, Maine, must be handled in accordance with the attached Federal Order. Federal quarantine of less than the entire state is possible when the state establishes an intrastate quarantine that mirrors Federal requirements for interstate movement. The State of Maine has already established domestic quarantines for these areas.

GM is a highly destructive insect of approximately 300 species of trees and shrubs. The GM program prescribes conditions for the interstate movement of regulated articles from GM-quarantine areas. This Federal-State partnership has worked successfully to prevent establishment of GM outside of the quarantine area due to human-assisted movement of the pest. We appreciate the cooperative relationship with the State of Maine in the effort to prevent the spread of gypsy moth.

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For more information about the GM program and Federal GM regulations, you may contact Terry Bourgoin, APHIS State Plant Health Director, at (207) 848-5199 or Julie Spaulding, National Program Manager, at (301) 734-5332.

*/s/ Rebecca A. Bech*

Rebecca A. Bech  
Deputy Administrator  
Plant Protection and Quarantine

1 Attachment:  
--Federal Order

## FEDERAL ORDER

### **Domestic Quarantine of Portions of Penobscot, Piscataquis, and Somerset Counties in Maine for Gypsy Moth (*Lymantria dispar*)**

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 301.45.

This Federal Order quarantines, effective immediately, Mount Chase, T5 R8 WELS, T6 R8 WELS, and that portion of T3 R8 WELS within the boundaries of Baxter State Park in Penobscot County; Mount Katahdin Township, Nesourdnahunk Township, T3 R10 WELS, T4 R9 WELS, T5 R9 WELS, T6 R10 WELS, Trout Brook Township, and the portions of T4 R10 WELS within the boundaries of Baxter State Park in Piscataquis County; and Bigelow Township and Lower Enchanted Township in Somerset County in Maine for gypsy moth, *Lymantria dispar*. This action is in response to the detection of established populations of gypsy moth in these areas. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate the aforementioned areas in Maine in order to prevent the spread of gypsy moth. Accordingly, effective immediately, all interstate movement of gypsy moth regulated articles from these areas must be done in accordance with the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.45 et seq. and any applicable provisions of this Federal Order.

APHIS has confirmed established populations of gypsy moth 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 human assisted spread of gypsy moth. The areas quarantined due to the continuing spread of gypsy moth are designated in the Federal regulations located at 7 CFR 301.45 and the Federal Orders located at the following APHIS website:

[http://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/gypsy\\_moth/federalorders.shtml](http://www.aphis.usda.gov/plant_health/plant_pest_info/gypsy_moth/federalorders.shtml)

Section 7 CFR 301.45-2(b) allows the designation of less than an entire State as a gypsy moth generally infested area only when the Administrator of APHIS has determined that the designation of less than an entire State as a generally infested gypsy moth area is adequate to prevent the interstate spread of infestations of gypsy moth. In addition, 7 CFR 301.45-2(b) requires that the State adopt and enforce an intrastate gypsy moth quarantine or regulation, which imposes restrictions on the intrastate movement of the regulated articles that are substantially the same as the Federal Gypsy Moth regulations. Accordingly, the State of Maine has enacted an intrastate quarantine for Penobscot, Piscataquis, and Somerset Counties that mirrors the Federal regulatory requirements as specified in 7 CFR 301.45.

Section 7 CFR 301.45-2 (c) provides for the temporary designation of new generally infested areas pending publication of a rule to add counties to the list shown in 7 CFR 301.45-3 (a). Section 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.

This January 7, 2011, Federal Order updates the previous Federal Orders pertaining to the expansion of generally infested areas in the gypsy moth domestic regulations.

If you wish more details on the Federal Gypsy Moth regulatory program, you may contact the National Program Manager, Julie Spaulding at (301) 734-5332. For information on the Gypsy Moth survey and trapping program, please contact Terry Bourgoin, APHIS State Plant Health Director, at (207) 848-5199.

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