

FOR INFORMATION AND ACTION  
DA-2009-52  
October 15, 2009

SUBJECT: Brown County, Wisconsin, Added to the Quarantine Area for Emerald Ash Borer (EAB)  
(*Agrilus planipennis*)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The Animal and Plant Health Inspection Service (APHIS) is establishing a new EAB-quarantine area in Brown County, Wisconsin, due to a recent detection collected from a lure-baited purple panel trap. This action is necessary in order to prevent further spread of EAB.

In response to this detection, APHIS is working closely with the State of Wisconsin to carry out delimiting survey work around the detection site. Effective immediately, the interstate movement of EAB-regulated articles from Brown County must be handled in accordance with the attached Federal Order. Specifically, the interstate movement of EAB-host wood and wood products from Brown County is regulated, including ash nursery stock, firewood of all hardwood species, green lumber, waste, compost, and chips of ash species. Due to the establishment of a parallel quarantine area by the State of Wisconsin, only the counties with EAB will be considered quarantine areas and, therefore, placed under phytosanitary controls.

EAB is present in some parts of the United States. Currently, Crawford, Fond du Lac, Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Vernon, Waukesha, and Washington counties in Wisconsin are quarantined for EAB, together with the entire States of Ohio, Indiana, Illinois, and West Virginia. Portions of Michigan's Upper Peninsula and the entirety of Michigan's Lower Peninsula; twenty counties in Kentucky; Prince George's and Charles counties in Maryland; Arlington, Fairfax, Fauquier, Loudon, and Prince William counties, along with the independent Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia; Chautauqua and Cattaraugus counties in New York; Hennepin, Houston and Ramsey counties in Minnesota; Wayne county in Missouri; and Allegheny, Armstrong, Beaver, Butler, Indiana, Lawrence, Mercer, Mifflin, Washington, and Westmoreland counties in Pennsylvania, are also quarantined areas.

EAB is an invasive wood boring beetle that is native to China and eastern Asia. It was first detected in the United States in southeastern Michigan. Since then, EAB has been responsible for the death and decline of tens of millions of ash trees in the United States. The interstate movement of firewood from quarantined areas is an especially high-risk pathway for spreading EAB. APHIS is working with State cooperators and foresters to raise awareness amongst the public concerning this threat.

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

/s/ Carlos Martinez /for

Rebecca A. Bech  
Deputy Administrator  
Plant Protection and Quarantine

Attachment:  
Federal Order

## FEDERAL ORDER

### **Domestic Quarantine of Brown County, Wisconsin for Emerald Ash Borer (EAB) (*Agrilus planipennis*)**

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 301.53.

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

APHIS has confirmed EAB infestations 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 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 the following APHIS website:

[http://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/emerald\\_ash\\_b/quarantine.shtml](http://www.aphis.usda.gov/plant_health/plant_pest_info/emerald_ash_b/quarantine.shtml)

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 Emerald Ash Borer. In addition, 7 CFR 301.53-3(a) requires that the state enforces an intrastate EAB quarantine that is equivalent to the Federal EAB regulations. The State Plant Regulatory Official for Wisconsin has confirmed the establishment of intra-state quarantine for Brown County that mirrors the Federal Regulatory requirements as specified in 7CFR301.53.

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). The 7 CFR 301.53-3 (b) 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 EAB program in the affected state.

The previous Federal Orders have been necessary due to the continuing spread of EAB. This October 15, 2009, Federal Order updates and replaces all previous versions of Federal Orders pertaining to the expansion of quarantined areas in the EAB domestic regulations.

If you wish more details on the Federal EAB regulatory program, you may contact the EAB National Program Coordinator, Paul Chaloux, at Area Code (301) 734-0917. For information on regulatory requirements for movement of articles out of quarantined areas in Wisconsin, please contact the APHIS State Plant Health Director, JoAnn Cruse, at Area Code (608) 231-9545.

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