

FOR INFORMATION AND ACTION
DA-2011-09
March 4, 2011

SUBJECT: Boyd County, Kentucky, Added to the Emerald Ash Borer Quarantine Area

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

As part of State and Federal national survey efforts for the emerald ash borer (EAB), *Agilus planipennis*, the Animal and Plant Health Inspection Service (APHIS) confirmed the detection of the wood-boring beetle in Boyd County, Kentucky, in late September 2010.

In response to this detection, APHIS continues to work closely with the State of Kentucky to carry out delimiting survey work and other response activities around the detection site. The attached Federal Order establishes Boyd County as a quarantine area in order to prevent the further spread of EAB. Effective immediately, all interstate movement of EAB-regulated articles from Boyd County must be handled in accordance with the requirements in the Federal Order. Specifically, the interstate movement of EAB-host wood and wood products from Boyd County is regulated, including ash nursery stock, firewood of all hardwood species, green lumber, waste, compost, and chips of ash species. Because the State of Kentucky established a parallel quarantine area, only Boyd County will be added to the list of Federal quarantine areas.

EAB is present in some portions of the United States including Brown, Crawford, Fond du Lac, Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Vernon, Washington, and Waukesha counties in Wisconsin; the entire States of Illinois, Indiana, Ohio, and West Virginia; portions of Michigan's Upper Peninsula and all of Michigan's Lower Peninsula; Allamakee county in Iowa; 21 counties in Kentucky; 43 counties in Pennsylvania; Charles and Prince George's counties in Maryland; Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudon, and Prince William counties, along with the independent Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park, and Winchester in Virginia; 18 counties in New York; Hennepin, Houston, and Ramsey counties in Minnesota; Knox and Loudon counties in Tennessee; and Wayne county in Missouri.

EAB, an invasive wood-boring beetle native to China and eastern Asia, was first detected in Michigan in 2006. This beetle is responsible for the death and decline of tens of millions of U.S. ash trees. Because the interstate movement of firewood from quarantine areas is a high-risk pathway for spreading EAB, APHIS is working with State cooperators and foresters to raise public awareness about this pest and the threat associated with moving firewood.

For more information about the EAB program and Federal EAB regulations, you may contact Paul Chaloux, 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

DA-2011-09

March 4, 2011

**Domestic Quarantine Notice 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, Boyd County, Kentucky for EAB, *Agrilus planipennis*. This action is in response to the detection of EAB in Boyd County in Kentucky. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate Boyd County in order to prevent the spread of EAB. Accordingly, effective immediately, all interstate movement of EAB regulated articles from Boyd 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 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

Section 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 EAB. 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 Kentucky has confirmed the establishment of an intra-state quarantine for Boyd County that mirrors the Federal regulatory requirements as specified in 7 CFR §301.53.

Section 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.

In addition to the county newly regulated for EAB by this Order, the following Kentucky counties also remain regulated for EAB under existing regulations in 7 CFR §301.53-3(c): Boone, Bourbon, Campbell, Carroll, Fayette, Franklin, Gallatin, Grant, Greenup, Harrison, Henry, Jefferson, Jessamine, Kenton, Oldham, Owen, Pendleton, Scott, Shelby, Trimble, and Woodford.

If you want more details on the Federal EAB regulatory program, you may contact the EAB National Program Coordinator, Paul Chaloux, at (301) 734-0917. For information on regulatory requirements for movement of articles out of quarantined areas located in Kentucky, please contact the APHIS State Plant Health Director, Jason Watkins, at (304) 372-8590. APHIS continues to appreciate the cooperative relationship with the State of Kentucky in our effort to prevent the spread of EAB.