

FOR INFORMATION AND ACTION
DA-2012-18
May 31, 2012

SUBJECT: APHIS Amends Enforcement and Structure of Emerald Ash Borer Regulatory Areas

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

Effective July 1, 2012, the Animal and Plant Health Inspection Service is modifying its emerald ash borer (EAB) regulatory policy to allow the unrestricted movement of regulated articles within contiguous regulated boundaries, with the exception of movements to protected areas in the non-infested counties in Illinois and Indiana.

Historically, APHIS treated EAB regulatory areas in different states individually. Under APHIS' new policy, contiguous regulatory areas that cross state borders and are not associated with the identified protected areas in Illinois and Indiana, will be treated as a single regulated area. The movement of regulated articles to the protected areas in Illinois and Indiana require a limited permit or Federal certificate. The list of these protected areas is attached. In addition, APHIS will continue to require limited permits or Federal certificates to move regulated articles out of EAB regulated areas to non-infested areas of the United States. Companies and individuals should check for and follow any relevant State EAB quarantine regulations.

APHIS is taking this action in response to an improved understanding of the U.S. distribution of EAB and known patterns of movement of regulated articles. These changes will allow for the best use of available resources by maximizing the protection APHIS provides to non-infested areas of the United States, while reducing the complexity of the requirements for affected stakeholders.

For more information on the EAB regulatory program, you may contact the National EAB Program Manager, Paul Chaloux, at (301) 851-2064.



Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

Attachments (2)

Federal Order
List of counties in protected areas

FEDERAL ORDER

Domestic Quarantine Emerald Ash Borer (EAB) (*Agrilus planipennis*)

DA-2012-18
May 31, 2012

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 *et seq.*

The current Emerald Ash Borer (EAB) regulations at 7 CFR §301.53-4 govern the interstate movement of regulated articles from quarantined areas. These regulations allow for interstate movement of regulated articles from quarantined areas, if accompanied by a properly issued federal certificate or limited permit. 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 vast majority of such movement in interstate commerce occurs within the quarantine boundaries of adjoining states. 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

Prior to this Federal Order, regulated articles for EAB were required to meet the requirements of §301.53-4 in order to move interstate, even if the movement was entirely within the overall contiguous Federal EAB quarantine area. This Federal Order allows unrestricted interstate movement of regulated articles within the contiguous federal quarantine boundaries, with the exception of movements to protected areas (defined below) within the existing Federal Quarantine. Interstate movements of regulated articles from quarantined areas into protected areas will be required to continue to meet the conditions of §301.53-4, and thus must effectively meet the same requirements as movements from quarantined areas to non-quarantined areas. Other conditions for movement of regulated articles out of an EAB quarantine area remain unchanged. Any subsequent or secondary movement of the regulated articles must meet the requirements of the regulations.

The Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to relieve restrictions by allowing unrestricted movement within certain contiguous quarantined areas, and to restrict movement to protected areas in order to prevent the human-assisted spread of EAB. This order defines protected areas -as any area identified by a State as pest free, for which the state has regulations to protect

against the artificial intrastate spread of EAB, and which shall remain protected against regulated articles moving from quarantined areas. The protected areas are as follow:

Protected Area: See attachment

Accordingly, effective July 1, 2012, all interstate movement of EAB regulated articles within contiguous quarantined areas can move freely, except for EAB regulated articles from the quarantine areas moving interstate into protected areas listed above. Movements from quarantined areas to protected areas must be done with a certificate or limited permit issued and attached in accordance with the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.53 *et seq*, specifically §§301.53-5 and 301.53-8 and any applicable provisions of this Federal Order. We are issuing this Federal Order as an interim action pending completion of our ongoing review of the regulatory requirements of our EAB program.

If you wish more details on the Federal EAB regulatory program, you may contact the EAB National Program Coordinator, Paul Chaloux, at (301) 851-2064. We continue to appreciate the cooperative relationship with the States and our stakeholders in our effort to prevent the spread of EAB.

Protected Area

Illinois

Adams County
Alexander County
Bond County
Brown County
Calhoun County
Carroll County
Cass County
Christian County
Clay County
Clinton County
Crawford County
Edwards County
Franklin County
Fulton County
Gallatin County
Greene County
Hamilton County
Hancock County
Hardin County
Henderson County
Henry County
Jackson County
Jasper County
Jefferson County
Jersey County
Jo Daviess County
Johnson County
Knox County
Lawrence County
Logan County
McDonough County
Macoupin County
Madison County
Mason County
Massac County
Menard County
Mercer County
Monroe County
Montgomery County
Morgan County
Peoria County

Perry County
Pike County
Pope County
Pulaski County
Randolph County
Richland County
Rock Island County
St. Clair County
Saline County
Sangamon County
Schuyler County
Scott County
Stephenson County
Tazewell County
Union County
Wabash County
Warren County
Washington County
Wayne County
White County
Whiteside County
Williamson County

Indiana

Crawford County
Daviess County
Gibson County
Greene County
Knox County
Martin County
Perry County
Pike County
Posey County
Spencer County
Sullivan County
Vanderburgh County
Warrick County