

FOR INFORMATION AND ACTION
DA-2012-29
August 09, 2012

SUBJECT: APHIS Adds the Entire Commonwealth of Virginia to the Emerald Ash Borer (*Agrilus planipennis*) Regulated Area

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The Animal and Plant Health Inspection Service (APHIS) has confirmed the identification of Emerald Ash Borer (EAB) in 19 counties in Virginia. On July 26, Virginia expanded its EAB quarantine to include all counties and independent cities in the Commonwealth. To mirror the State-level quarantine and prevent the spread of EAB to other states, APHIS is adding the entire Commonwealth of Virginia to the EAB regulated area, effective immediately. Previously, APHIS placed restrictions only in those areas of Virginia where the beetle is present.

The attached Federal Order outlines specific conditions for the interstate movement of EAB-regulated articles from Virginia. Specifically, the interstate movement of EAB-host wood and wood products from Virginia is regulated, including firewood of all hardwood species, nursery stock, green ash lumber, waste, compost, and chips of ash species.

EAB is present in some portions of the United States. Due to the continuing spread of EAB, APHIS has established regulated areas, which 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

EAB, an invasive wood boring beetle, is native to China and eastern Asia. Since its first U.S. detection in Michigan, EAB has been responsible for the death and decline of tens of millions of U.S. ash trees. The interstate movement of firewood from quarantine areas is an especially high-risk pathway for spreading EAB. APHIS works with State cooperators and foresters to raise public awareness about this pest and the potential threats associated with long distance movement of firewood.

For more information about the EAB program and Federal EAB regulations, you may contact Paul Chaloux, EAB National Program Manager, at (301) 851-2064.

/s/ Osama El-Lissy for

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

Attachment:
Federal Order

FEDERAL ORDER
DA-2012-29
August 9, 2012

**Domestic Quarantine of the Commonwealth of Virginia
for Emerald Ash Borer (EAB) (*Agrilus planipennis*)**

This Federal Order is issued pursuant to the regulatory authority provided by the Plant Protection Act (PPA) 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 PPA found at 7 CFR 301.53.

This Federal Order quarantines, effective immediately, the entire Commonwealth of Virginia for emerald ash borer (EAB), *Agrilus planipennis*. This action is in response to the detection of EAB in 19 counties in Virginia. Previously, APHIS quarantined only a portion of the State due to the establishment and enforcement of equivalent quarantines by the Commonwealth of Virginia. Virginia has expanded its EAB quarantine to include all counties and independent cities. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate the entire State in order to prevent the spread of EAB. Accordingly, effective immediately, all interstate movement of EAB regulated articles from Virginia must be done in accordance with the regulations promulgated pursuant to the PPA found at 7 CFR 301.53 *et seq.* and any applicable provisions of this Federal Order.

APHIS 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 in 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(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). Section 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 pertaining to the expansion of quarantined areas in the EAB domestic regulations have been necessary due to the continuing spread of EAB. This August 9, 2012, Federal Order further expands the quarantined area to include the entire Commonwealth of Virginia.

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. For information on regulatory requirements for movement of articles out of quarantined areas in Virginia, please contact the

APHIS State Plant Health Director, Bernetta Barco, at (804) 771-2042. We continue to appreciate the cooperative relationship with the Commonwealth of Virginia in our effort to prevent the spread of EAB.