FOR INFORMATION AND ACTION
DA-2014-18
April 14, 2014

Subject: APHIS Adds Jackson and Scott Counties in Tennessee to the Emerald Ash Borer (*Agrilus planipennis*) Regulated Area

To: State and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is adding Jackson and Scott Counties in Tennessee to the list of regulated areas for the emerald ash borer (EAB). APHIS is taking this action in response to the detection of EAB in Jackson and Scott Counties.

To prevent the spread of EAB to other states, the attached Federal Order outlines specific conditions for the interstate movement of EAB-regulated articles from the quarantined areas in Tennessee. Specifically, the interstate movement of EAB-host wood and wood products from the quarantined areas in Tennessee is regulated, including firewood of all hardwood species, nursery stock, green lumber, waste, compost, and chips of ash species.

EAB is an invasive wood-boring beetle that is native to China and other areas of East Asia. The beetle is present in some portions of the United States, and because of its continuing spread, APHIS has established regulated areas that are designated in the *Code of Federal Regulations* at 7 CFR 301.53-3 and the Federal Orders located at:

http://www.aphis.usda.gov/planthealth/eab_quarantine

The interstate movement of firewood from quarantine areas is an especially high-risk pathway for the spread of EAB. Therefore, APHIS works with state cooperators and foresters to prevent the human assisted movement of EAB, develop biological and other controls for EAB, and raise public awareness about this pest and the potential threats associated with the long-distance movement of firewood.

For more information about the EAB program and federal EAB regulations, you may call EAB National Policy Manager Paul Chaloux at 301-851-2064.

/s/
Osama El-Lissy
Deputy Administrator
Plant Protection and Quarantine

Attachment: Federal Order

FEDERAL ORDER

Domestic Quarantine of Jackson and Scott Counties in Tennessee for Emerald Ash Borer (*Agrilus planipennis*)

DA-2014-18
April 14, 2014

The purpose of this Federal Order is to add Jackson and Scott Counties in Tennessee to the list of regulated areas for the emerald ash borer (EAB).

This Federal Order is issued in accordance with the regulatory authority provided by the Plant Protection Act of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a). The Act 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. This Federal Order is also issued pursuant to the regulations promulgated under the Plant Protection Act and found in the *Code of Federal Regulations* at 7 CFR 301.53.

Effective immediately, this Federal Order quarantines Jackson and Scott Counties in Tennessee for EAB (*Agrilus planipennis).* This action is in response to the detection of EAB in Jackson and Scott Counties in Tennessee. Accordingly, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate Jackson and Scott Counties in Tennessee to prevent the spread of EAB. Effective immediately, all interstate movement of EAB regulated articles from Jackson and Scott Counties 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 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/planthealth/eab_quarantine

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 enforce an intrastate EAB quarantine that is equivalent to the federal EAB regulations. The state plant regulatory official for Tennessee has confirmed the establishment of an intrastate quarantine for the regulated area 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). 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 who are responsible for the EAB program in the affected state.

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 Federal Order further expands the quarantined areas as described in the previous EAB Federal Orders.

If you wish more details on the federal EAB regulatory program, you may call EAB National Policy Manager Paul Chaloux at 301-851-2064. For information on regulatory requirements for the movement of articles out of quarantined areas in Tennessee, please call APHIS State Plant Health Director Yvonne DeMarino at 615-907-7801.

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