

FOR INFORMATION AND ACTION
DA-2014-31
July 11, 2014

SUBJECT: APHIS Adds All of New Jersey to 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 expanding the list of regulated areas for emerald ash borer (*Agrilus planipennis*) to include all the entire State of New Jersey. APHIS is taking this action in response to the detection of emerald ash borer (EAB) in New Jersey.

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 New Jersey. Specifically, the interstate movement of EAB-host wood and wood products from New Jersey 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 human assisted movement of EAB, develop biological and other controls for EAB, and raise public awareness about this pest and the threats associated with long-distance movement of firewood.

For additional information regarding the EAB program and Federal EAB regulations, please call 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 New Jersey for Emerald Ash Borer (*Agrilus planipennis*)

DA-2014-31

July 11, 2014

This Federal Order expands the list of regulated areas for emerald ash borer (EAB) to include the entire State of New Jersey.

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 found at 7 CFR 301.53.

Effective immediately, this Federal Order quarantines all of New Jersey for emerald ash borer (EAB). New Jersey is not enacting a state quarantine for EAB. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate the entire state to prevent the spread of EAB. Effective immediately, all interstate movement of EAB regulated articles from New Jersey must be done in accordance with the regulations promulgated under the Plant Protection Act and 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 those 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 http://www.aphis.usda.gov/planthealth/eab_quarantine.

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 who possesses 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 would like 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 New Jersey, please call APHIS State Plant Health Director George Nelson at 609-259-5242.

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