FOR INFORMATION AND ACTION
DA-2010-32
August 13, 2010

SUBJECT: Portions of San Joaquin County, California Added to European Grapevine Moth *(Lobesia botrana)* Quarantine Area; Movement of Grapes for Vintners Allowed Under Specified Conditions

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is adding portions of San Joaquin County in California to the European Grapevine Moth (EGVM) quarantine area.

On August 5, 2010, APHIS confirmed the detection of two EGVM in Lodi, a major wine-producing area of San Joaquin County, in California. In response to this detection, APHIS is working with the California Department of Food and Agriculture (CDFA) and San Joaquin County to place traps at protocol levels as part of an extensive delimitation survey conducted around all new EGVM detection sites.

In addition, the attached Federal Order allows for the movement of grapes for vintners, under certain conditions, from the quarantine areas. To be eligible for interstate shipment, grapes for vintners must meet the same requirements as those applicable for the interstate movement of grapes for fresh consumption. This is a change from the Federal Order issued on June 22, 2010, and focuses on the different intended uses of wine grapes.

The Federal Order outlines the safeguarding measures required for the interstate movement of regulated articles from quarantine areas. The State's interior quarantine for EGVM is in parallel to the Federal Order.

EGVM is a significant pest of grapes and other specialty crops. In October 2009, APHIS confirmed the first detection of EGVM in the United States in major grape production areas of northern California. APHIS, in partnership with CDFA and all affected counties, are working closely with industry, the University of California, and other stakeholders to control this pest within California.

For additional information on the EGVM program, you may contact Eileen Smith, APHIS National Emergency Response Coordinator at (301) 734-5235.

/s/ Rebecca A. Bech

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Plant Protection and Quarantine

FEDERAL DOMESTIC QUARANTINE ORDER
Lobesia botrana (European Grapevine Moth)
DA-2010-32
Revised August 13, 2010

The purpose of this Federal Order is to prevent the spread of *Lobesia botrana*, (European Grapevine Moth or EGVM), through regulatory authority provided by Section 412(a) of the Plant Protection Act of June 20, 2000, as amended, 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, plant product or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States.

The Administrator of the Animal and Plant Health Inspection Service (APHIS) considers it necessary, in order to prevent the dissemination of EGVM, to establish restrictions on the interstate movement of certain regulated articles from California due to the presence of EGVM. Therefore, effective immediately, all interstate movement of regulated articles from the quarantine areas within the boundaries described below must be done in accordance with the provisions of this Federal Order.

I. Quarantined Areas.

The Administrator will list as a quarantine area each state, or each portion of a state, in which EGVM has been found in accordance with the criteria listed below, in which the Administrator has reason to believe that EGVM is present, or that the Administrator considers necessary to quarantine due to the area's inseparability for quarantine enforcement purposes from localities in which EGVM has been found.

APHIS will designate as a quarantine area any location where EGVM is detected and a five mile radius around each such location in which:

(a) A total of two or more adult EGVM are trapped within 3 miles of each other and during the timeframe of one lifecycle as determined by the degree day model; or
(b) DNA analysis confirms the presence of one or more immature EGVM's.

Less than an entire state will be designated as a quarantine area only if the Administrator determines that:

(a) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed by the Administrator on the interstate movement of regulated articles; and,
(b) The designation of less than the entire state as a quarantine area will prevent the interstate spread of EGVM.

The Administrator or an inspector may temporarily designate any non-quarantine area as a quarantine

area. An inspector will give a copy of this Order along with a written notice for the temporary designation to the owner or operator of the new quarantine area. Thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantine area will be subject to this Order. As soon as practicable, this area will be added to the list of quarantine areas or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

All areas currently under quarantine in accordance with these requirements are described on the APHIS website at: http://www.aphis.usda.gov/plant_health/plant_pest_info/eg_moth/index.shtml

II. Regulated Articles.

Any plant, plant part or plant product of the following are regulated articles, and may not be moved interstate from a quarantine area except in accordance with this Order:

- Blackberry, Dewberry (*Rubus spp*)
- Bladder Campion (*Silene vulgaris*)
- Carnation *(Dianthus spp*.)
- European barberry *(Berberis vulgaris*)
- European privet (*Ligustrum* vulgare)
- False baby's breath (*Galium mollugo*)
- Gooseberries and Currants (*Ribes spp*.)
- Grape (*Vitis spp*.)
- Jujube (*Ziziphus jujube*)
- Kiwifruit or Chinese gooseberry *(Actinidia chinensis)*
- Old man's beard (*Clematis vitalba*)
- Olive (*Olea europaea)*
- Persimmon*(Diospyros kaki*)
- Pomegranate (*Punica granatum*)
- Red clover (*Trifolium pretense*)
- Rosemary (*Rosmarinus officinalis*)
- Sea squill *(Urginea maritime)*
- Smooth sumac (*Rhus glabra*)
- Spurge flax (*Daphne gnidium*)
- St. John's Wort (*Hypericum calycinum*)
- Stone fruit (*Prunus spp*)

- Plant litter, compost, winery/processing or harvesting waste and all other green waste residues of any regulated plant, plant part or plant product from the planting, growth, pruning, production, harvesting, processing and conveyances of regulated plants, plant parts or plant products.
- All farm/vineyard equipment and conveyances used in the planting, growth, pruning, production, harvesting and processing of regulated plants, plant parts or plant products.
- All living, dead, cut, fallen or other materials or products used in the cultivation, planting, growth, production, harvesting and processing of regulated plants, plant parts or plant products.

- In addition, any other product, article, or means of conveyance of any character whatsoever, is considered to be a regulated article if an inspector determines it presents a risk of spreading EGVM and the inspector notifies the person in possession of the product, article, or means of conveyance that it is subject to the requirements in this Federal Order.

III. Exemption.

The following articles are not considered regulated articles:

(a) Almonds in dried/split husks ready for harvest;
(b) All other seed or nuts extracted from fruit;
(c) Non-commercial indoor decorative houseplants.

IV. Conditions for interstate movement of regulated articles.

No regulated articles may be moved interstate from a quarantine area unless moved under a certificate or limited permit issued by an inspector and in accordance with all applicable requirements of this Order.

Any person engaged in producing, growing, harvesting, handling, transporting or moving regulated articles interstate may enter into a compliance agreement to move regulated articles interstate from a quarantine area. The compliance agreement shall stipulate specific measures to safeguard against the spread of any life stages of EGVM. Any person who enters into a compliance agreement must agree to comply with the provisions of this order and other applicable Federal regulations or the instructions of an inspector.

Regulated articles must meet the following conditions in order to be eligible for interstate movement under a certificate:

(a) All persons moving regulated articles interstate must implement an integrated pest management program that includes regular inspections by an inspector at least once every 30 days.

(b) All persons who move regulated articles interstate must maintain records of articles shipped for a period of three years and make such records available to an inspector upon request. In addition, all regulated articles shipped interstate must be adequately labeled with the identity of the origin of the articles to provide for traceback as may be required by an inspector.

(c) Additional article-specific requirements apply as follows:

(1) Nursery stock, trees, shrubs or herbs:

All regulated articles must be inspected and found free from any live stages of EGVM.

All grape (*Vitis* spp.) plants: Flowers and fruit are to be removed prior to movement and disposed of in a manner that eliminates the risk of movement and/or spread of any life stages of EGVM. All dormant grapevines must be treated with a hot water dip for at least

5 minutes at 127 degrees F (52.7C); All non-dormant grapevines must be treated with an APHIS approved treatment.

All olive (*Olea europaea*) plants: Flowers are to be removed prior to movement and disposed of in a manner that eliminates the risk of movement and/or spread of any life stages of EGVM or be treated in a manner that inhibits flowering and fruiting or be treated with an APHIS approved treatment.

(2) Cut flowers, garlands, wreaths, greenery or herbs of any regulated plants must be inspected and found free from any live stages of EGVM.

(3) Plant litter, compost, winery/ processing or harvesting waste and all green waste residues must be treated and disposed of in a manner that eliminates the risk of movement and/or spread of any life stages of EGVM or be commercially processed.

(4) Fruits (except as indicated in the exempted articles) growing in EGVM quarantine areas:

Grapes for crushing or processing as raisins may only move under a limited permit to designated facilities outside the quarantine area within California. All conveyances moving or holding grapes must be covered with screens or tarps to minimize spread of any life stage of EGVM. All equipment and conveyances must be thoroughly cleaned at the processing facility. All waste must be disposed of in a manner that eliminates the risk of movement and/or spread of any life stages of EGVM or be commercially processed at a designated composting facility.

Grapes dried on the vine for raisins must be inspected and found to be dried to the extent that they would not support any live stages of EGVM.

Grapes for fresh consumption must meet the following specific requirements for movement:

a. All vineyards in the quarantine area are required to be trapped at a minimum of one trap per five acres, with a minimum of two traps per vineyard;
b. All waste generated from within the quarantine area must be collected and disposed of within the quarantine area in a manner that eliminates the risk of movement and/or spread of any life stages of EGVM or be commercially processed at a designated composting facility.
c. Grapes harvested for fresh consumption from any vineyards where EGVM has been detected and vineyards located within 200 meters from such vineyards must receive an APHIS approved post harvest treatment to eliminate all life stages of EGVM.
d. Grapes harvested for fresh consumption from vineyards where EGVM has not been detected must be inspected in accordance with APHIS inspection protocols to verify freedom from the pest prior to interstate movement.

Grapes for vintners hand-harvested, packed and shipped in refrigerated conveyances must meet the specific requirements for movement as 'grapes for fresh consumption'.

Fruits other than grapes must be inspected and found free from all life stages of EGVM. Treatment is not required for fruits other than grapes, unless they are inspected and found to be infested with EGVM, in which case, remedial measures must be applied at the direction of an inspector to address the infestation prior to interstate movement.

(5) Farm and/or vineyard equipment:

a. All mechanized farm and/or vineyard equipment or conveyances leaving vineyards, fields and/or other infested areas at any time must be either (1) pressure washed to ensure that all plant litter, debris and/or all types of waste have been removed, or (2) steam treated in accordance with PPQ Treatment Manual schedule T406-d and applicable conditions of 7 CFR Part 305.
b. All non-mechanized farm and/or vineyard equipment or conveyances must be kept free and clean of plant litter, debris and all types of waste.
c. All waste derived from these actions must be disposed of in a manner that eliminates the risk of movement and/or spread of any life stages of EGVM or be commercially processed at a designated composting facility.

(6) All other living, dead, cut, fallen or other materials or products (e.g., fence posts) used in the cultivation, planting, growth, production, harvesting and processing of regulated plants, plant parts or plant products are prohibited from interstate movement.

(7) All petioles and leaf blades of *Vitis sp*. collected for laboratory analysis require a USDA issued plant pest permit for interstate movement.

Limited permits may be issued by an inspector for the interstate movement of regulated articles that are ineligible for a certificate but that can be moved interstate for limited handling, utilization, and/or processing when, upon evaluation of the circumstances involved in each specific case (including consultation with the receiving state), the inspector determines that such movement will not result in the spread of EGVM.

(V) Approved Treatments.

A list of APHIS approved treatments are located at:
http://www.aphis.usda.gov/plant_health/plant_pest_info/eg_moth/index.shtml

(VI) Definitions.

Certificate: A document, stamp or imprint in which an inspector affirms that a specified regulated article meets all applicable requirements of this Order and may be moved interstate to any destination.

Compliance Agreement: A written agreement between the Animal Plant Health Inspection Service (APHIS) and an authorized person engaged in the business of growing, producing, cultivating,

harvesting, transporting, handling or moving of regulated articles in which the authorized person agrees to comply with the specific outlined requirements.

Degree day: A unit of measurement used to measure the amount of heat required to further the development of EGVM through its lifecycle. Day-degree life cycle requirements are calculated through a modeling process specific to EGVM.

Farm/vineyard equipment: Planting, cultivating, production, pruning, harvesting and/or processing equipment or conveyances, transport equipment or other related conveyances, crates, boxes, burlap bags, and any other farm/vineyard product, equipment or containers capable of transporting any life stages of EGVM.

Inspector: Any employee of APHIS, the U.S. Department of Agriculture, or other person authorized by the Administrator to perform the duties required under this Order.

Limited permit: A document issued by an inspector to allow the interstate movement of regulated articles that are ineligible for a certificate but that can be moved interstate for limited handling, utilization, and/or processing when, upon evaluation of the circumstances involved in each specific case, the inspector determines that such movement will not result in the spread of EGVM.

Nursery stock: All field-grown and/or potted rootstock, other rootstock, trees, shrubs, vines, cuttings, grafts, scions, budwood, and other plants and plant products for propagation.

Plant Litter/Debris/Green, Winery or Harvesting Waste: Vegetative material, such as leaves, compost, grass clippings, weeds, yard, roadway and green space trimmings, wood/vine/processing/harvesting waste, hulls, branches and stumps, home garden/vineyard residues, and other miscellaneous plant materials.

Vineyard: A land area clearly delineated by a physical barrier (e.g. ranch road, canal, highway, etc) planted with cultivated grapevines that produce grapes for consumption, raisins, wine or juice.

Vintner: Any individual engaged in making or selling wine from fresh grapes.