

FOR INFORMATION AND ACTION
DA-2007-47
October 5, 2007

SUBJECT: Quarantine of new areas of Maine for Gypsy Moth (GM) (*Lymantria dispar*)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

This SPRO memorandum provides notification that in response to the detection of intractable reproducing populations of GM [*Lymantria dispar*] in additional areas of Maine, APHIS is therefore immediately quarantining those areas by issuance of a Federal Domestic Quarantine Order. Such quarantine thereby requires that all interstate movement of GM regulated articles from any quarantined area in Maine including those additional areas must be in accordance with the quarantine regulations for this pest, 7CFR 301.45 et seq. This action is effective immediately. Attached is the Federal Domestic Quarantine Order for the subject action.

/s/ John H. Payne for

Richard L. Dunkle
Deputy Administrator
Plant Protection and Quarantine

FEDERAL ORDER

Domestic Quarantine of New Areas in Maine for Gypsy Moth (GM) (*Lymantria dispar*)

This Federal Order is issued under the regulatory authority provided by the Plant Protection Act of June 20, 2000, as amended, Section 412 (a), 7U.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.

This Federal Order provides notification, effective immediately, for quarantine of the following areas in the State of Maine for GM (*Lymantria dispar*):

In Aroostook County: The Town of Amity, Town of Cary Plantation, Town of Dyer Brook, Town of Haynesville, Town of Hodgdon, Town of Linneus, Town of Oakfield, Town of Forkstown, Township of T2 R4 WELS, Township of T3 R3 WELS, Township of T3 R4 WELS, Township of T4 R3 WELS, Township of TA R2 WELS; In Franklin County: Town of Eustis; In Penobscot County: Town of Patten; In Piscataquis County: Town of Greenville.

Accordingly, effective immediately, all interstate movement of GM regulated articles from the areas indicated in this federal order must be done in accordance with the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.45 et seq. This action is in response to detection of reproducing populations of GM in these areas, communicated by the Maine Forest Service to USDA Animal and Plant Health Inspection Service.

The 7CFR 301.45-2(b) allows the quarantine of less than an entire state only when the Animal and Plant Health Inspection Service (APHIS) Administrator has determined, as here, that the designation of less than the entire State as a regulated area will be adequate to prevent the spread of the GM and that the State enforces an intrastate quarantine that matches Federal GM regulations. Prior to 15 November 2007, the State Plant Regulatory Official for Maine must confirm the establishment of an intra-state quarantine for the areas designated in this federal order that mirrors the Federal Regulatory requirements as specified in 7CFR301.45. The confirmation should be made in writing to the APHIS State Plant Health Director for Maine.

The 7CFR 301.45-2(c) provides for temporary designation of new quarantine areas pending publication of a rule to add counties to the list shown in 7CFR 301.45-3(a). The 7CFR 301.45-2(c) further requires written notification be given to the owners of property and enterprises in a newly quarantined area, advising them of the quarantine and the necessity of complying with requirements for the movement of regulated articles. This is the responsibility of the Federal and/or State regulatory personnel responsible for the GM program in the affected state.

If you wish more details on the Federal GM regulatory program, you may contact the Staff Officer Weyman Fussell at (301) 734-5705. For information on regulatory requirements for movement of articles out of Maine, please contact the APHIS' State Plant Health Director Patsy Hartley at (207) 848-5199.

We appreciate the cooperative relationship with the State of Maine in our mutual effort to prevent the spread of quarantine pests.