

FOR INFORMATION AND ACTION
DA- 2008-27
June 27, 2008

SUBJECT: Quarantine of Pierce Pond Township and Township T3-R4-BKP-WKR in Somerset County, Maine, for Gypsy Moth (*Lymantria dispar*)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

Due to the existence of reproducing populations of gypsy moth (GM) [*Lymantria dispar*] in two additional townships of Maine, Pond Township and Township T3-R4-BKP-WKR, in Somerset County; APHIS is immediately quarantining these areas. The amended quarantine thereby requires that all interstate movement of GM-regulated articles from these areas must be in accordance with the Code of Federal Regulations, 7 CFR 301.45. Attached is the amended Federal Domestic Quarantine Order effective immediately.

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

/s/ John H. Payne /for

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

Attachment:
Federal Order

FEDERAL ORDER

Domestic Quarantine of new areas in Maine for Gypsy Moth (*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), 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 the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.45.

This action results from verification of intractable reproducing populations of Gypsy Moth (*Lymantria dispar*) in the following areas within Somerset County, Maine: Pierce Pond Township and Township T3 R4 BKP WKR. Accordingly, the Administrator of the Animal and Plant Health Inspection Service (APHIS) has determined that it is necessary to quarantine these areas in order to prevent the spread of Gypsy Moth. Therefore, effective immediately, APHIS is temporarily designating Pierce Pond Township and Township T3 R4 BKP WKR as generally infested Gypsy Moth areas, and interstate movement of Gypsy Moth-regulated articles from those areas must be done in accordance with the requirements of 7 CFR 301.45.

7 CFR 301.45-2(b) allows the designation of less than an entire State as a generally-infested Gypsy Moth area only when the Administrator of APHIS has determined, as in this case, that the designation of less than an entire State as a generally-infested Gypsy Moth area is adequate to prevent the interstate spread of infestations of Gypsy Moth. In addition, 7 CFR 301.45-2(b) requires that the State enforces an intrastate Gypsy Moth quarantine that substantially matches the Federal Gypsy Moth regulations. Accordingly, the State of Maine must confirm prior to August 15, 2008, the establishment of an intrastate quarantine for Pierce Pond Township and Township T3 R4 BKP WKR, that parallels the Federal requirements stipulated in 7CFR 301.45; otherwise, as of that date, it will be necessary to quarantine the entire State as an infested Gypsy Moth area, in order to prevent the interstate spread of the plant pest. The confirmation should be made in writing to the APHIS State Plant Health Director.

7 CFR 301.45-2 (c) provides for the temporary designation of new quarantined areas pending publication of a rule to add counties to the list shown in 7 CFR 301.45-3 (a). 7 CFR 301.45-2 (c) 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 Gypsy Moth program in the affected State.

If you wish more details on the Federal Gypsy Moth regulatory program, you may contact the staff officer, Weyman Fussell, at Area Code (301) 734-5705. For information on regulatory requirements for movement of articles out of Maine, please contact the APHIS State Plant Health Director, Ms. Patsy Hartley, at (207) 848-5199.

We continue to appreciate the cooperative relationship with the State of Maine in our effort to prevent the spread of Gypsy Moth.