

FOR INFORMATION AND ACTION
DA- 2010-09
March 5, 2010

SUBJECT: Two Counties in Ohio Added to Gypsy Moth (*Lymantria dispar*) Quarantine Area

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The Animal and Plant Health Inspection Service (APHIS) determined that due to high population levels of gypsy moth (GM) in Athens and Vinton Counties, Ohio, the establishment of quarantine area is necessary.

The attached Federal Order establishes quarantine areas for Athens and Vinton counties in Ohio to prevent the further spread of GM. Effective immediately, all interstate movement of GM-regulated articles from Athens and Vinton Counties must be done in accordance with the attached Federal Order.

GM is a highly destructive pest of approximately 300 species of trees and shrubs. The goal of the GM program is to regulate movement of GM-host material from infested areas to non-infested areas of the United States. This Federal-State partnership has worked successfully to prevent establishment of GM outside of the quarantine area due to human-assisted movement of the pest.

If you would like additional information on the Federal gypsy moth regulatory program, you may contact, Julie Twardowski at (301) 734-5332. For information on the Gypsy Moth survey and trapping program, please contact the APHIS State Plant Health Director for Ohio at (614) 322-4700.

/s/ Alan S. Green /for

Rebecca Bech
Deputy Administrator
Plant Protection and Quarantine

FEDERAL ORDER

Domestic Quarantine of Athens County and Vinton County in Ohio, for Gypsy Moth (*Lymantria dispar*)

This Federal Order is issued pursuant to 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 is likewise issued pursuant to the regulations promulgated under the Plant Protection Act found at 7 CFR 301.45.

This Federal Order quarantines, effective immediately, Athens and Vinton Counties in Ohio for gypsy moth, *Lymantria dispar*. This action is in response to the detection of established populations of gypsy moth in Athens and Vinton County in Ohio. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate Athens and Vinton Counties in order to prevent the spread of gypsy moth. Accordingly, effective immediately, all interstate movement of gypsy moth regulated articles from Athens and Vinton Counties must be done in accordance with the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.45 et seq. and any applicable provisions of this Federal Order.

APHIS has confirmed established populations of gypsy moth in various areas of the United States for which the Administrator has determined that it is necessary to quarantine these areas in order to prevent the human assisted spread of gypsy moth. The areas quarantined due to the continuing spread of gypsy moth are designated in the Federal regulations located at 7 CFR 301.45 and the Federal Orders located at the following APHIS website:

http://www.aphis.usda.gov/plant_health/plant_pest_info/gypsy_moth/federalorders.shtml

Section 7 CFR 301.45-2(b) allows the designation of less than an entire State as a gypsy moth generally infested area only when the Administrator of APHIS has determined 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 adopt and enforce an intrastate gypsy moth quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as the Federal Gypsy Moth regulations. Accordingly, the State of Ohio must confirm prior to March 15, 2010, the establishment of an intrastate quarantine for Athens County and Vinton County that mirrors the Federal regulatory requirements as specified in 7 CFR 301.45; otherwise, it will be necessary to quarantine the entire state as of that date 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.

Section 7 CFR 301.45-2 (c) provides for the temporary designation of new generally infested areas pending publication of a rule to add counties to the list shown in 7 CFR 301.45-3 (a). Section 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.

This March 5, 2010, Federal Order updates the previous Federal Orders pertaining to the expansion of generally infested areas in the Gypsy Moth domestic regulations.

If you wish more details on the Federal Gypsy Moth regulatory program, you may contact the staff officer, Julie Twardowski at (301) 734-5332. For information on the Gypsy Moth survey and trapping program, please contact the APHIS State Plant Health Director for your State.

We continue to appreciate the cooperative relationship with the State of Ohio in our effort to prevent the spread of gypsy moth.