

FOR INFORMATION AND ACTION  
DA-2012-50  
December 04, 2012

SUBJECT: APHIS Establishes Regulated Areas in McDowell, Mercer, Raleigh, Summers, and Wyoming Counties, West Virginia, for Gypsy Moth (*Lymantria dispar*)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The Animal and Plant Health Inspection Service (APHIS) expanded its gypsy moth (GM), *Lymantria dispar*, regulated area to include McDowell, Mercer, Raleigh, Summers, and Wyoming Counties, West Virginia. The GM populations in these counties have reached the threshold level to trigger the regulated area.

The attached Federal Order establishes McDowell, Mercer, Raleigh, Summers, and Wyoming Counties, West Virginia, as regulated areas in order to prevent the further spread of GM. Effective immediately, all interstate movement of GM-regulated articles from these counties must be handled in accordance with the attached Federal Order. The West Virginia Department of Agriculture has already established a parallel State quarantine.

GM is a highly destructive insect of approximately 300 species of trees and shrubs. The GM program prescribes conditions for the interstate movement of regulated articles from GM quarantine areas. The Federal and State partnership works to limit the establishment of GM outside of the quarantine area due to human-assisted movement of the pest. We appreciate the cooperative relationship with the State of West Virginia in the effort to limit the spread of GM.

For more information about the GM program and Federal GM regulations, you may contact Jason Watkins, APHIS' State Plant Health Director for West Virginia, at (304) 372-8590 or Julie Spaulding, National Policy Manager, at (301) 851-2184.

**/s/ Osama El-Lissy for**

Rebecca A. Bech  
Deputy Administrator  
Plant Protection and Quarantine

Attachment (1):  
Federal Order

**FEDERAL ORDER**  
**Domestic Quarantine Notice for**  
**Gypsy Moth (GM) (*Lymantria dispar*)**

**DA-2012-50**  
**December 4, 2012**

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.

Effective immediately, this Federal Order quarantines McDowell, Mercer, Raleigh, Summers, and Wyoming Counties in West Virginia for Gypsy Moth (GM), *Lymantria dispar*. This action is in response to the detection of established populations of GM in these areas. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate McDowell, Mercer, Raleigh, Summers, and Wyoming Counties in West Virginia in order to prevent the spread of GM. Accordingly, all interstate movement of GM regulated articles from these areas 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 GM in various areas of the United States for which the Administrator has determined that it is necessary to quarantine in order to prevent the human-assisted spread of GM. The areas quarantined due to the continuing spread of GM are designated in the Federal regulations located at 7 CFR §301.45 and in the Federal Orders located at the following APHIS website:

[http://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/gypsy\\_moth/federalorders.shtml](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 GM quarantined area only when the Administrator of APHIS has determined the designation of less than an entire state as a quarantined GM area is adequate to prevent the interstate spread of infestations of GM. In addition, 7 CFR §301.45-2(b) requires the state to adopt and enforce an intrastate GM quarantine or regulation, which imposes restrictions on the intrastate movement of the regulated articles that are substantially the same as the Federal GM regulations. Accordingly, the State of West Virginia has established a parallel quarantine.

Section 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). 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 GM program in the affected state.

For additional details on the Federal GM regulatory program, you may contact Julie Spaulding, National Policy Manager, at (301) 851-2184. For information on the GM survey and trapping program in West Virginia, please contact Jason Watkins, APHIS' State Plant Health Director, at (304) 372-8590. APHIS appreciates the cooperative relationship with the State of West Virginia in our effort to prevent the spread of GM.