

FOR INFORMATION AND ACTION  
DA-2014-28  
May 28, 2014

Subject: APHIS Removes a Condition of Movement for Certain Articles Regulated for Gypsy Moth (*Lymantria dispar*)

To: State and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is modifying its GM regulatory policy to remove the requirement that logs exiting or transiting gypsy moth quarantine areas be covered with a tarp during movement to primary processing facilities located outside the quarantine area.

In an abundance of caution, APHIS historically required loads of logs exiting or transiting gypsy moth regulated areas be covered with a tarp or other device sufficient to prevent gypsy moth access to the load between April through August. This requirement was put in place when we had a limited understanding of the behavior and biology of the pest. However, a recent reexamination of the utility of covering loads to prevent the human-assisted spread of gypsy moth has revealed that this requirement provides little to no additional protection. Therefore, APHIS is removing this requirement.

For loads of logs that originate in non-regulated areas and transit quarantined areas, the primary concern is that gypsy moth life stages could become associated with the logs during transit. The risk, however, of such an event is slight for several reasons. Female European gypsy moths cannot fly, so they are unlikely to alight on the load while a truck is moving or stopped at a traffic light or for other brief periods prior to exiting the quarantined area. Similarly, more mature larval stages of the pest can crawl, but the probability of one or more larvae crawling from vegetation near a road to a truck carrying a load of regulated articles is negligible. First instar gypsy moth larvae, which disperse by “ballooning” on silk threads, pose the greatest risk of contaminating a load of regulated articles in transit, as they could land on a load that is moving or refueling in a quarantined area. This probability, however, is low. Furthermore, gypsy moth larvae are foliage feeders, so any that might balloon onto a load of logs or wood chips would likely die without a food source. On the off chance of survival, young larvae would likely be crushed or otherwise mortally injured during the off-loading and handling of the load when it arrives at destination.

For loads of logs that originate in a quarantined area, the greatest risk is that the load would be contaminated with gypsy moth life stages prior to departure. Shippers are permitted five days between inspection and the creation of an accurate statement certifying that no viable GM life stages are associated with the load. Should life stages deposit on the load during those five days, tarping will do little to contain the larvae while the load is in transit. For the same reasons stated in the previous paragraph, tarping would not provide any meaningful level of additional protection to the load while it moves through the quarantined area.

Gypsy moth (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 limits the establishment of GM outside the quarantine area that could result from human-assisted movement of the pest.

For more information about the GM Program and federal GM regulations, you may call National Policy Manager Paul Chaloux at 301-851-2064.

/s/

Osama El-Lissy  
Deputy Administrator  
Plant Protection and Quarantine

Attachment: Federal Order

## FEDERAL ORDER

### Remove a Condition of Movement for Certain Articles

#### Regulated for Gypsy Moth (*Lymantria dispar*)

DA-2014-28

May 28, 2014

This Federal Order is issued in accordance with the regulatory authority provided by the Plant Protection Act of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a). The Act 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 is also issued pursuant to the regulations promulgated under the Plant Protection Act and found in the *Code of Federal Regulations* at 7 CFR 301.45 *et seq.*

The gypsy moth regulations at 7 CFR §301.45 govern the interstate movement of gypsy moth regulated articles from generally infested areas. These regulations allow logs, pulpwood, bark, and bark products to move without a certificate from or through these regulated areas if certain conditions are met. Section 7 CFR §301.45-4 requires inspection of logs, pulpwood, bark, and bark products and issuance of an accurate statement certifying that the articles are free of living gypsy moth life stages. Furthermore, Section 7 CFR §301.45 requires that loads transiting regulated areas from April through August be safeguarded by a covering that is adequate to prevent access by any gypsy moth life stages.

Changes in industry practices and advancements in the understanding of the pest's biology and behavior have led APHIS to reexamine the level of protection afforded by the requirement that loads of logs, pulpwood, bark, and bark products transiting a regulated area be covered. APHIS has concluded that this requirement provides little to no additional protection while it imposes significant regulatory burdens on the public. For these reasons, effective immediately, the APHIS Administrator finds it necessary to relieve restrictions by allowing logs, pulpwood, bark, and bark products to originate and transit areas regulated for gypsy moth without covering year-round.

If you would like more details on the federal gypsy moth regulatory program, you may call Gypsy Moth National Policy Manager Paul Chaloux at 301-851-2064. We continue to appreciate the cooperative relationship with the states and our stakeholders in our effort to prevent the spread of gypsy moth.