

FOR INFORMATION AND ACTION
DA- 2007-34
September 6, 2007

SUBJECT: Quarantine of Putnam and Westchester Counties of New York for Pine Shoot Beetle (PSB) (*Tomicus piniperda*)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

Because this SPRO memorandum provides notification in response to the detection of PSB [*Tomicus piniperda*] in Putnam and Westchester Counties in New York, APHIS is immediately quarantining both Putnam and Westchester Counties. Such quarantine thereby requires that all interstate movement of PSB regulated articles must be in accordance with the quarantine regulations for this pest, 7CFR 301.50 et seq. This action is effective immediately. Attached is the Federal Domestic Quarantine Order for the subject action.

/s/ Paul R. Eggert for

Richard L. Dunkle
Deputy Administrator
Plant Protection and Quarantine

FEDERAL ORDER

Domestic Quarantine of Putnam and Westchester Counties, New York, for Pine Shoot Beetle (PSB) (*Tomicus piniperda*)

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 quarantines, effective immediately, Putnam and Westchester Counties in New York for PSB, *Tomicus piniperda*. Accordingly, effective immediately, all interstate movement of PSB regulated articles from Putnam and Westchester Counties must be done in accordance with the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.50 et seq. This action is in response to detection of PSB in Putnam and Westchester Counties.

The 7CFR 301.50-3(a) 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 PSB and that the state enforces an intrastate quarantine that matches Federal PSB regulations. Prior to October 15, 2007, the State Plant Regulatory Official for New York must confirm the establishment of an intra-state quarantine for Putnam and Westchester Counties that mirrors the Federal Regulatory requirements as specified in 7CFR301.50. The confirmation should be made in writing to the APHIS State Plant Health Director for New York.

The 7CFR 301.50-3(b) provides for temporary designation of new quarantine areas pending publication of a rule to add counties to the list shown in 7CFR 301.50-3(c). 7CFR 301.50-3(b) 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 PSB program in the affected state.

If you wish more details on the Federal PSB 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 New York, please contact the APHIS State Plant Health Director Yvonne DeMarino at (518) 869-5540.

We continue to appreciate the cooperative relationship with the state of New York in our mutual effort to prevent the spread of quarantine pests.