

FOR INFORMATION AND ACTION
DA-2008-48
August 12, 2008

SUBJECT: Four Counties in Wisconsin Added to the Quarantine Area for Emerald Ash Borer (EAB)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

On August 1, 2008, the Animal and Plant Health Inspection Service (APHIS) positively identified EAB in Ozaukee County, Wisconsin. This was the first detection of EAB in the State of Wisconsin. On August 6, EAB was also detected in Washington County, Wisconsin.

On August 7, 2008, the Wisconsin Department of Agriculture, Trade and Consumer Protection established a quarantine area for EAB, which included Ozaukee, Washington, Fond du Lac and Sheboygan Counties. EAB has only been detected in Ozaukee and Washington Counties, but Wisconsin placed Fond du Lac and Sheboygan Counties as quarantine areas due to their physical proximity to the known infestations and because of known high risk associations with the movement of host material.

In response to Wisconsin's phytosanitary action, APHIS is issuing a Federal Order which is parallel to Wisconsin for Ozaukee, Washington, Fond du Lac and Sheboygan Counties. Due to the phytosanitary actions taken by the State of Wisconsin to place these EAB restrictions in place, APHIS is establishing a parallel quarantine area in order to prevent the further spread of EAB. Accordingly, effective immediately, all interstate movement of EAB regulated articles from the quarantined area must be done in accordance with the attached Federal Order. Specifically, the interstate movement of EAB-host wood and wood products from Ozaukee, Washington, Fond du Lac and Sheboygan Counties are regulated, including firewood of all hardwood species, nursery stock, green lumber, waste, compost, and chips of ash species.

EAB is present in some parts of the United States, but is subject to official control to prevent further spread. Recently, an EAB infestation was newly detected in Wayne County, Missouri and established as quarantine area. APHIS has also recently expanded the Federal EAB quarantine area in Virginia to parallel the state's quarantine, including five counties. Currently, the entire States of Ohio, Indiana, and Illinois are quarantine areas for EAB, together with portions of Michigan's Upper Peninsula, the entirety of Michigan's Lower Peninsula, and Prince George's County in Maryland. Five counties in western Pennsylvania are also quarantine EAB areas.

EAB is an invasive wood boring beetle that is native to China and eastern Asia. EAB probably arrived in North America hidden in wood packing materials commonly used to ship consumer and other goods. It was first detected in the United States in southeastern

PAGE TWO

Michigan. Since then, EAB has been responsible for the death and decline of more than 25 million ash trees in the United States. The interstate movement of firewood from quarantined areas is an especially high risk pathway for spreading EAB, and APHIS is working with State cooperators and foresters to raise awareness about this threat among the public.

For more information about the EAB program and Federal EAB regulations, you may contact Paul Chaloux, Acting EAB National Program Manager, at (301) 734-0917.

/s/ Michael A. Lidsky for

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

FEDERAL ORDER

Domestic Quarantine of Ozaukee, Fond du Lac, Sheboygan and Washington Counties in Wisconsin for Emerald Ash Borer (*Agrilus planipennis*)

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 301.53.

This Federal Order quarantines, effective immediately, Ozaukee, Fond du Lac, Sheboygan and Washington Counties in Wisconsin for Emerald Ash Borer (EAB), *Agrilus planipennis*. This action is in response to a confirmed detection of EAB in Ozaukee County and Washington County, Wisconsin. The Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate Ozaukee County, as well as the three surrounding counties in order to prevent the spread of EAB. Accordingly, effective immediately, all interstate movement of EAB regulated articles from Ozaukee, Fond du Lac, Sheboygan and Washington Counties must be done in accordance with the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.53 et seq.

APHIS has confirmed EAB infestations 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 spread of EAB. Currently, the entire States of Ohio, Indiana, and Illinois are quarantined areas for EAB, together with portions of Michigan's Upper Peninsula, the entirety of Michigan's Lower Peninsula, and Prince George's County in Maryland. Since that time, APHIS has confirmed EAB infestations at various domestic locations for which the Administrator considered it necessary to regulate. APHIS has confirmed EAB infestations in additional areas and has issued Federal Orders to likewise quarantine those areas in order to prevent further spread of EAB.

On August 8, 2007, APHIS issued a Federal Order (DA#2007-29, 8/8/07) to add four counties in western Pennsylvania, Allegheny, Beaver, Butler and Lawrence Counties to the EAB quarantined areas. On July 11, 2008, APHIS issued a second Federal Order (DA#2008-19, 7/11/08) to add Fairfax County in Virginia to the list of quarantined areas. APHIS issued a subsequent Federal Order (DA#2008-39, 8/6/08) for Virginia dated August 6, 2008 to expand the quarantined area to include the following adjacent areas: Arlington, Fauquier, Loudon and Prince William Counties and the independent Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park. On August 6, 2008, APHIS issued a fourth Federal Order (DA#2008-41, 8/6/08) to add Mercer County in Pennsylvania. On August 8, 2008, APHIS issued a fifth Federal Order (DA#2008-44, 8/0808) to add Wayne County in Missouri.

The 7 CFR 301.53-3(a) allows the designation of less than an entire state as a EAB quarantined area only when the Administrator of APHIS has determined, as in this case, that the designation of less than an entire state as a quarantined EAB area is adequate to prevent the interstate spread of infestations of Emerald Ash Borer. In addition, 7 CFR 301.53-3(a) requires that the state enforces an intrastate EAB quarantine that are equivalent to the Federal EAB regulations. The State Plant Regulatory Official for Wisconsin has confirmed the establishment of an intra-state quarantine for Ozaukee, Fond du Lac, Sheboygan and Washington Counties that mirrors the Federal Regulatory requirements as specified in 7 CFR 301.53.

The 7 CFR 301.53-3 (b) provides for the temporary designation of new quarantined areas pending publication of a rule to add counties to the list shown in 7 CFR 301.53-3(c). The 7 CFR 301.53-3 (b) 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 EAB program in the affected state.

The five previous Federal Orders have been necessary due to the continuing spread of EAB. This August 12, 2008, Federal Order updates and replaces all previous versions of Federal Orders pertaining to the expansion of quarantined areas in the EAB domestic regulations.

If you wish more details on the Federal EAB regulatory program, you may contact the EAB National Program Coordinator, Paul Chaloux, at Area Code (301) 734-0917. For information on regulatory requirements for movement of articles out of Wisconsin, please contact the APHIS State Plant Health Director JoAnn Cruse.

We continue to appreciate the cooperative relationship with the State of Wisconsin in our effort to prevent the spread of EAB.