

FEDERAL ORDER

Domestic Quarantine of Fairfax County in Virginia 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, Fairfax County, Virginia for Emerald Ash Borer (EAB), *Agrilus planipennis*. Accordingly, effective immediately, all interstate movement of EAB regulated articles from Fairfax County must be done in accordance with the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.53 et seq. This action is in response to a confirmed detection of EAB in Fairfax County. The Administrator of the Animal and Plant Health Inspection Service (APHIS) has determined that it is necessary to quarantine this area in order to prevent the spread of EAB.

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. Accordingly, the State of Virginia must confirm prior to August 11, 2008, the establishment of an intrastate quarantine for Fairfax County, Virginia that parallels the Federal requirements stipulated in 7CFR 301.53; otherwise, as of that date, it will be necessary to quarantine the entire State as an EAB quarantined area, 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.

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). 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.

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 Virginia, please contact the APHIS State Plant Health Director, Bernetta Barco.

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