

FEDERAL DOMESTIC QUARANTINE ORDER
***Epiphyas postvittana* (Light Brown Apple Moth)**
DA-2008-17

The purpose of this Federal Order is to prevent the spread of Light Brown Apple Moth (LBAM), *Epiphyas postvittana*, through regulatory authority provided by Section 412(a) of the Plant Protection Act of June 20, 2000, as amended, 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 that the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States.

The Administrator of the Animal and Plant Health Inspection Service (APHIS) considers it necessary, in order to prevent the dissemination of the LBAM, to establish restrictions on the interstate movement of certain regulated articles from the States of California and Hawaii as described in this Federal Order.

The Administrator issued a Federal Order on May 2, 2007, establishing restrictions on the interstate movement of certain regulated articles from the States of California and Hawaii because of LBAM infestations. The Federal Order of May 2, 2007, designated certain counties in California as well as all counties in Hawaii as quarantined areas. The May 2, 2007, the Federal Order also enumerated regulated articles that could not be moved interstate from those quarantined areas. The Administrator revised on September 17 the Federal Order to add the counties of Los Angeles, Napa, and Solano to the California quarantine area as LBAM detections had occurred in those counties. In addition, the revised Federal Order identified a list of regulated articles (Appendix 1) determined to be exempted from the conditions required in the earlier May 2, 2007, LBAM Federal Order for interstate movement of regulated articles. The exemption is applicable only to commercially-produced commodities based on the pest mitigations provided through industry standards of production, harvesting, and packaging practices for each of the exempted commodities. The Federal Order of November 20, 2007, removed the counties of Napa and Los Angeles from the quarantine area of California for meeting the conditions for removal from the quarantine area as set in the LBAM regulatory protocol (Appendix 2). This Federal Order adds the counties of Santa Barbara and Sonoma to the California quarantine area due to LBAM detections that have occurred in the counties.

A. Quarantined Areas:

The Administrator will list as a regulated area each state, or each portion of a state, in which LBAM has been confirmed by an inspector to be present, in which the Administrator has reason to believe that LBAM is present, or that the Administrator considers necessary to quarantine because of its inseparability for quarantine enforcement purposes from localities in which LBAM has been found.

Less than an entire state will be designated as a quarantine area only if the Administrator determines that:

- 1) The state has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by the Administrator on the interstate movement of regulated articles; and
- 2) The designation of less than the entire state as a quarantine area will be sufficient to prevent the interstate spread of LBAM.

The Administrator or an inspector may temporarily designate any non-quarantine area as a quarantine area. The Administrator will give a copy of this Order along with a written notice for the temporary designation to the owner or person in possession of the non-quarantine area. Thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantine area will be subject to this Order. As soon as practicable, this area will be added to the list of quarantine areas or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

The Administrator has determined that California has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by the Administrator on the interstate movement of regulated articles; and that the designation of less than the entire State of California as a quarantine area will be sufficient to prevent the interstate spread of LBAM.

The following areas are designated as quarantined areas:

- a. **State of California** – the counties of Alameda, Contra Costa, Marin, Monterey, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Santa Barbara, and Sonoma.
- b. **State of Hawaii** – all counties.

B. Determination of Infestation:

Any county in which any of the LBAM life stages are found, including eggs, larvae, pupae, or adults will be considered a quarantined area.

D. Regulated Articles:

The following are regulated articles, and may not be moved interstate from a quarantine area except in accordance with this Order:

- a) Nursery stock

- b) Cut flowers, garlands, wreaths or greenery of any plants
- c) Cut trees and shrubs, such as Christmas trees
- d) Greenwaste
- e) Fruits and vegetables (except as indicated on the attached list of exempted commodities)
- f) Green Hay
- g) Bulk fresh herbs and spices (except as indicated on the attached list of exempted commodities)
- h) Any other products, articles, or means of conveyance of any character whatsoever, when it is determined by an inspector that they present a hazard of spread of LBAM.

D. Conditions for Interstate Movement of Regulated Articles:

- a) State of California –
 - i. In order to be eligible for interstate movement, nursery stock, cut flowers, garlands, wreaths or greenery of any plants, trees and bushes, greenwaste, and green hay located 1.5 miles or less from a LBAM detection site in any of the quarantined counties must meet the following conditions:
 - 1. Trapping for LBAM must occur on each premises or farm that ships regulated articles interstate. Premises or farms that are larger than five acres must maintain traps at a density of one trap every five acres or less. Premises or farms that are equal to or less than five acres must be trapped with a minimum of one trap. Inspection of traps by an inspector must occur biweekly;
 - 2. Nurseries and cut flower farms must implement an Integrated Pest Management (IPM) program that consists of regular inspection and approved treatments designed to target LBAM; and
 - 3. Each shipment of articles intended for interstate movement must be inspected by an inspector and a certificate issued for interstate movement only if the articles are found free of any life stages of LBAM.
 - ii. In order to be eligible for interstate movement under certificate, nursery stock, cut flowers, garlands, wreaths or greenery of any plants, trees and bushes, greenwaste, and green hay, located more than 1.5 miles from a LBAM detection in any of the quarantined counties must meet the following conditions:
 - 1. Trapping for LBAM must occur on each premises or farm that ships regulated articles interstate. Premises or farms that are larger than five acres must maintain traps at a density of one trap every five acres or less. Premises or

farms that are equal to or less than five acres must be trapped with a minimum of one trap. Inspection of traps by an inspector must occur biweekly to ensure freedom from LBAM.

2. Each establishment or facility must be subjected to one visual inspection by an inspector to verify freedom from any LBAM life stages, including eggs, larvae, pupae; and
 3. Each establishment that is inspected and found free of LBAM must be included in a master list of certified LBAM-free facilities maintained by CDFA to ensure compliance with the above two conditions.
- iii. Fruits and vegetables and bulk fresh herbs and spices (except as indicated in the attached list of exempted commodities) growing in areas 1.5 miles or less from a LBAM detection site in any of the quarantined counties must meet the following conditions:
1. Trapping for LBAM must occur at an approved trapping density and must be inspected by an inspector biweekly; and
 2. Each premise or farm must be inspected at least once by an inspector 30 days prior to the interstate movement of regulated articles and found free of LBAM.
- iv. Fruits and vegetables and fresh herbs and spices (except as indicated on the attached list of exempted commodities) growing in areas located more than 1.5 miles from a LBAM detection in any of the quarantined counties must meet the following conditions:
1. Trapping for LBAM must occur at an approved detection level and traps must be inspected by an inspector biweekly.
- b) State of Hawaii – Certificates may be issued by an inspector for the interstate movement of all regulated articles from all counties, provided they meet the conditions specified below:
- i. Regulated articles must be inspected by an inspector and found free from any life stages of LBAM.

E. Definitions:

Certificate: A document, stamp, or imprint by which an inspector affirms that a specified regulated article meets applicable requirements of this subpart and may be moved interstate to any destination.

Green Hay: Any grass or legumes cut and stored used for animal feed that can harbor and sustain any life stages of LBAM.

Greenwaste: Dead or dying plants and plant parts.

Inspector: Any employee of APHIS, the U.S. Department of Agriculture, or any employee of a State, a County, or any other person specifically authorized by the Administrator to perform the duties required under this Order.

2 Attachments