

FOR INFORMATION AND ACTION
DA-2010-20
May 27, 2010

SUBJECT: Niagara, Orleans, and Wayne Counties, New York Added to the Quarantine Area for Plum Pox Virus (PPV)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is establishing a PPV quarantine in the State of New York which includes areas in Niagara, Orleans, and Wayne Counties. This is a result of PPV detections in these counties since July 2006.

The attached Federal Order describes the quarantine areas and the requirements for the interstate movement of PPV-regulated articles. This action is necessary in order to prevent the spread of PPV into uninfected areas of the United States. PPV is considered to be actionable and under eradication in the United States.

PPV is native to Europe. It was first detected in New York in March 2006. PPV is a viral disease of stone fruit species, including plum, apricot, peach, almond, and ornamental varieties including nursery stock. PPV is the most devastating viral disease worldwide of stone fruit, causing yield losses to growers and reducing the marketability of fruit.

APHIS classifies PPV as a quarantine pest and has established a regulatory framework designed to maintain trade and interstate commerce while protecting human health and the environment. The interstate movement of budwood and nursery stock from quarantine areas is an especially high-risk pathway for spreading PPV. APHIS is working with State cooperators and international governmental representatives to attain consistent phytosanitary measures to mitigate these risks of spreading PPV. The specific changes to the quarantine areas are shown in the attached Federal Order. For additional information you may visit the USDA, APHIS, PPQ/PPV website: (http://www.aphis.usda.gov/plant_health/plant_pest_info/plum_pox/index.shtml).

APHIS will follow this emergency action with the publication of an Interim Rule in the Federal Register. If you would like additional information regarding this Federal regulatory program, please contact the National Program Manager for the PPV program, Dr. Anwar Rizvi, at (301) 734-4313.

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

Attachment:
Federal Order

FEDERAL ORDER
Domestic Quarantine of Areas in
Niagara, Orleans, and Wayne Counties of New York
For Plum Pox Virus
May 27, 2010

This Federal Order is issued pursuant to 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 is likewise issued pursuant to the regulations promulgated under the Plant Protection Act found at 7 CFR 301.74.

This Federal Order quarantines, effective immediately, the attached areas in Niagara, Orleans, and Wayne Counties of New York for Plum Pox Virus (PPV). This action is in response to the detection of PPV in areas in Niagara, Orleans, and Wayne Counties of New York. Thus, the Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate those areas in Niagara, Orleans, and Wayne Counties of New York in order to prevent the spread of PPV. Accordingly, effective immediately, all interstate movement of PPV regulated articles from the quarantined areas in Niagara, Orleans, and Wayne Counties must be done in accordance with the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.74 et seq. and any applicable provisions of this Federal Order. The quarantined areas in Niagara, Orleans, and Wayne Counties are described in detail in the attachment to this Federal Order. Other areas quarantined due to the continuing spread of PPV are designated in the federal regulations located at 7 CFR 301.74-3 and the Federal Orders located at the following APHIS website:

http://www.aphis.usda.gov/plant_health/plant_pest_info/plum_pox/index.shtml

Section 7 CFR 301.74-3(a) allows the designation of less than an entire state as a quarantined PPV 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 PPV area is adequate to prevent the interstate spread of PPV. In addition, 7 CFR 301.74-3(a)(1) requires that the state enforces an intrastate PPV quarantine that is substantially the same as the Federal PPV quarantine. The State Plant Regulatory Official for New York confirmed they have adopted and are enforcing restrictions on the intrastate movement of regulated articles from quarantined areas in Niagara, Orleans, and Wayne Counties that are substantially the same as those imposed in the Federal regulatory requirements for interstate movement of regulated articles as specified in 7 CFR 301.74.

Section 7 CFR 301.74-3(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 301.74-3(c). The 7 CFR 301.74-3(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 PPV program in the affected state.

If you wish more details on the Federal PPV regulatory program, you may contact Anwar Rizvi, acting Program Manager, at (301) 734-4313. For information on regulatory requirements for movement of articles out of quarantined areas in New York, please contact Mafalda Weldon, National PPV Director, at (717) 241-0705. We continue to appreciate the cooperative relationship with the State of New York in our effort to prevent the spread of PPV.

FEDERAL ORDER ATTACHMENT
Domestic Quarantine of Areas in
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Areas in Niagara County of New York

That area which is bordered on the north by Lake Ontario; bordered on the west by Maple Road; extending south on Maple Road to its intersection with Wilson-Burt Road; extending east on Wilson-Burt Road to its intersection with Beebe Road; extending south on Beebe Road to its intersection with Ide Road; extending east on Ide Road to its intersection with Route 78 (Lockport-Olcott Road); extending north on Route 78 (Lockport-Olcott Road) to its intersection with Lake Ontario, in the Towns of Burt, Newfane, and Wilson in the County of Niagara, State of New York.

That area which is bordered on the west by Porter Center Road starting at its intersection with Route 104 (Ridge Road) and extending north-northeast on Porter Center Road to its intersection with Langdon Road; extending east on Langdon Road to its intersection with Dickersonville Road; extending north on Dickersonville Road to its intersection with Schoolhouse Road; extending east on Schoolhouse Road to its intersection with Ransomville Road; extending south on Ransomville Road to its intersection with Route 104 (Ridge Road); extending northeast on Route 104 (Ridge Road) to its intersection with Simmons Road; extending south on Simmons Road to its intersection with Albright Road; extending east on Albright Road to its intersection with Townline Road; extending south on Townline Road to its intersection with Lower Mountain Road; extending west on Lower Mountain Road to its intersection with Meyers Hill Road; extending south on Meyers Hill Road to its intersection with Upper Mountain Road; extending west on Upper Mountain Road to its intersection with Indian Hill Road; extending northeast on Indian Hill Road to its intersection with Route 104 (Ridge Road); extending east on Route 104 (Ridge Road) to its intersection with Porter Center Road, in the Town of Lewiston, in the County of Niagara, State of New York.

That area which is bordered on the north by Lake Ontario extending east to the intersection of Keg Creek, extending south to its intersection with Route 18 (Lake Road); extending east on Route 18 (Lake Road) to its intersection with Hess Road, extending south on Hess Road to its intersection with Drake Settlement Road, west on Drake Settlement Road to its intersection with Transit Road; extending north on Transit Road to its intersection with Route 18 (Lake Road); extending west on Route 18 (Lake Road) to its intersection with Lockport Olcott Road; extending north on Lockport Olcott Road to the border with Lake Ontario.

Area of Orleans County in New York

That area which is bordered on the north by Route 104 (Ridge Road) at its intersection with Eagle Harbor Waterport Road; extending south on Eagle Harbor Waterport Road to its intersection with Eagle Harbor Knowlesville Road ; west on Eagle Harbor Knowlesville Road to its intersection with Presbyterian Road; extending southwest on Presbyterian Road to its intersection with Longbridge Road; extending south on Longbridge Road to its intersection with State Route 31; extending west on State Route 31 to its intersection with Wood Road; extending south on Wood Road to West County House Road; extending west on West County House Road to its intersection with Maple Ridge Road; extending west on Maple Ridge Road to its intersection with Culvert Rd; extending north on Culvert Rd to its intersection with Telegraph Road; extending west on Telegraph Road to its intersection with Beales Road; extending north on Beales Road to its intersection with Portage Road; extending east on Portage Road to its intersection with Culvert Rd; extending north on Culvert Rd to its intersection with Route 104 (Ridge Road), in the Towns of Ridgeway and Gaines, in the County of Orleans, State of New York.

Areas of Wayne County in New York

That area which is bordered on the north by Lake Road at its intersection with Redman Road; extending east to its intersection with Maple Avenue; extending south on Maple Avenue to its intersection with Middle Road; extending west on Middle Road to its intersection with Rotterdam Road; extending south on Rotterdam Road to its intersection with State Route 104; extending west on State Route 104 to its intersection with Pratt Road; extending south on Pratt Road to its intersection with Ridge Road; extending west on Ridge Road to its intersection with Richardson Road; extending south on Richardson Road to its intersection with Tripp Road; extending south on Tripp Road to its intersection with Podger Road; extending west on Podger Road to its intersection with East Townline Road; extending north on East Townline Road to its intersection with Everdyke Road; extending west on Everdyke Road to its intersection with Russell Road; extending south on Russell Road to its intersection with Pearsall Road; extending west on Pearsall Road to its intersection with State Route 21; extending north on State Route 21 to its intersection with State Route 104; extending east on State Route 104 to its intersection with East Townline road; extending north on East Townline Road to its intersection with Van Lare Road; extending east on Van Lare Road to its intersection with Redman Road; extending north on Redman Road to its intersection with Lake Road, in the Town of Sodus, in the County of Wayne, State of New York.

That area which is bordered on the north by Shepard Road at its intersection with Fisher Road; extending east on Shepard Road to its intersection with Salmon Creek Road; extending southwest on Salmon Creek Road to its intersection with Kenyon Road; extending west on Kenyon Road to its intersection with Furnace Road; extending north on Furnace Road to its intersection with Putnam Road; extending east on Putnam Road to its intersection with Fisher Road; extending north on Fisher Road to its intersection with Shepard Road, in the Towns of Ontario and Williamson, in the County of Wayne, State of New York.

That area of Wayne County bordered on the northeast by Sodus Bay to its intersection with Ridge Road; extending west on Ridge Road to its intersection with Boyd Road; extending north on Boyd Road to its intersection with Sergeant Road; extending north on Sergeant Road to its intersection with Morley Road; extending east on Morley Road to its intersection with State Route 14; extending south on State Route 14 to its intersection with Sill Road; extending northeast on Sill Road to the area bordered on the northeast by Sodus Bay, in the Town of Sodus, in the County of Wayne, State of New York.