

301.45 SPONGY MOTH

Federal Domestic Quarantine

A. Pest. Spongey moth (*Lymantria dispar*).

B. Regulated Areas.

Spongey moth regulated areas. (Also see Appendix B).

Connecticut. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Illinois. Counties of Boone, Cook, DuPage, Kane, Kendall, Lake, LaSalle, McHenry, Will, and Winnebago.

Indiana. Counties of Allen, De Kalb, Elkhart, LaGrange, Lake, LaPorte, Noble, Porter, Steuben, St. Joseph, and Whitley.

Maine. The entire State.

Maryland. The entire State.

Massachusetts. The entire State.

Michigan. The entire State.

Minnesota. Counties of Cook, and Lake.

New Hampshire. The entire State.

New Jersey. The entire State.

New York. The entire State.

North Carolina. Currituck County. The entire county.

The portion of Dare County as follow: The area bounded by a line beginning at the intersection of State Road 1208 and Roanoke Sound; then easterly along this road to its junction with State Road 1206; then southerly along this road to its intersection with U.S. Highway Business 158; then easterly along an imaginary line to its intersection with the Atlantic Ocean; then northwesterly along the coastline to its intersection with the Dare-Currituck County line; then westerly along this county line to its intersection with the Currituck Sound; then southeasterly along this sound to the point of beginning.

Ohio. Counties of Ashland, Ashtabula, Athens, Belmont, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Defiance, Delaware, Erie, Fairfield, Franklin, Fulton, Geauga, Guernsey, Harrison, Henry, Hocking, Holmes, Huron, Jefferson, Knox, Lake, Licking, Lorain, Lucas, Mahoning, Marion, Medina, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Perry, Portage, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Tuscarawas, Vinton, Washington, Wayne, Williams and Wood.

Pennsylvania. The entire State.

Rhode Island. The entire State.

Vermont. The entire State.

Virginia. Cities of Alexandria, Buena Vista, Charlottesville, Chesapeake, Colonial Heights, Covington, Danville, Emporia, Fairfax, Falls Church, Franklin, Fredericksburg, Hampton, Harrisonburg, Hopewell, Lexington, Lynchburg, Manassas, Manassas

Park, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Radford, Richmond, Roanoke, Salem, Staunton, Suffolk, Virginia Beach, Waynesboro, Williamsburg, and Winchester.

Counties of Accomack, Albemarle, Alleghany, Amelia, Amherst, Appomattox, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Giles, Gloucester, Goochland, Greene, Greensville, Halifax, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudon, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Montgomery, Nelson, New Kent, Northampton, Northumberland, Nottoway, Orange, Page, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski, Rappahannock, Richmond, Roanoke, Rockbridge, Rockingham, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell, Warren, Westmoreland, Wythe, and York.

West Virginia. Counties of Barbour, Berkeley, Braxton, Brooke, Calhoun, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Lewis, Marion, Marshall, McDowell, Mercer, Mineral, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Raleigh, Randolph, Ritchie, Summers, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, Wirt, Wood, and Wyoming.

Wisconsin. Counties of Adams, Ashland, Bayfield, Brown, Calumet, Clark, Columbia, Dane, Dodge, Door, Douglas, Eau Claire, Florence, Fond du Lac, Forest, Green, Iowa, Iron, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Milwaukee, Monroe, Oconto, Oneida, Outagamie, Ozaukee, Portage, Price, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Taylor, Vilas, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

C. Regulated Articles.

1. Trees without and with roots, and shrubs with roots and persistent woody stems, unless they are greenhouse grown throughout the year. (Also see Appendix C)

2. Logs, pulpwood and bark products.

3. Mobile homes and associated equipment.

4. Any other products, articles, or means of conveyance, of any character whatsoever, when it is determined by an inspector that any life stage of spongey moth is in proximity to such articles and the articles present a high risk of artificial spread of spongey moth infestation and the person in possession thereof has been so notified.

** Requirements under all other applicable Federal domestic plant quarantines must also be met.

D. Restrictions.

1. Interstate movement of regulated articles and outdoor household articles (OHA) from generally infested areas.

a. Regulated articles and OHAs from generally infested areas.

1. Regulated articles, except as provided, shall not be moved interstate from any generally infested

area into or through any area that is not generally infested without a certificate or permit.

2. OHAs shall not be moved interstate from any generally infested area into or through any area that is generally infested without a certificate or OHA document.

2. A regulated article originating outside of any generally infested area may be moved interstate directly through any generally infested area without a certificate or permit if the point of origin of the article is clearly indicated by shipping documents, its identity has been maintained, and it has been safeguarded against infestation while in any generally infested area during the months of April through August. To be safeguarded, the article must be in an enclosed vehicle, or completely enclosed by a covering adequate to prevent access by spongy moths, such as canvas, plastic, or closely woven cloth.

3. A regulated article originating in a generally infested area may be moved interstate from a generally infested area without a certificate if it is moved by the U.S.D.A. under and is accompanied by a permit issued by the Administrator.

4. The article is logs, pulpwood, or bark and bark products, and the person moving the article has attached a signed accurate statement to the waybill or other shipping documents accompanying the article stating that he or she has inspected the article in accordance with the Spongy Moth Program Manual no more than 5 days prior to the date of movement and has found no life stages of spongy moth on the article.

E. Issuance and cancellation of certificates, limited permits, and outdoor household article documents.

1. A certificate may be issued by an inspector for the movement of a regulated article or an OHA if the inspector determines that it is eligible for certification for movement to any destination under all federal domestic plant quarantines applicable to such article and;

- a. It has originated in noninfested premises in a generally infested area and has not been exposed to the spongy moth while within the generally infested area; or
- b. The inspector inspects the article no more than 5 days prior to the date of movement during the months of April through August (14 days prior to the date of movement from September through March) and finds it to be free of the spongy moth; or
- c. It has been treated under the direction of an inspector to destroy the spongy moth in accordance with the treatment manual; or
- d. It has been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby as determined by an inspector.

2. Limited permits may be issued by an inspector to allow interstate movement of any regulated article when the Administrator has determined that such movement will not result in the spread of spongy moth and the requirements of all other applicable federal domestic plant quarantines have been met.

3. Certificate and limited permit forms may be issued by an inspector to any person operating under a compliance agreement. That person may then issue and reproduce such forms for the interstate movement of regulated articles moved under a compliance agreement and found in compliance with all other applicable federal domestic plant quarantines.

4. A certificate may be issued by a qualified certified applicator for the interstate movement of any OHA or

mobile home if such qualified certified applicator determines the following:

- a. That the article has been inspected by the qualified certified applicator and found to be free of any life stage of the spongy moth; or
- b. That the article has been treated by or treated under the direct supervision of the qualified certified applicator to destroy any life stage of the spongy moth in accordance with methods and procedures prescribed in Section III of the Spongy Moth Program Manual.

5. An OHA document may be issued by the owner of an OHA for the interstate movement of the article if such person has inspected the OHA and has found it to be free of any life stage of spongy moth.

F. Compliance Agreements.

1. Any person engaged in the business of growing handling or moving regulated articles may enter into a compliance agreement to facilitate movement. Qualified applicators may also enter into compliance agreements. Compliance agreements shall specify safeguards necessary to prevent the spread of spongy moth.

2. Compliance agreements can be canceled by an inspector when the inspector finds that such person has failed to comply with the conditions of the agreement.

G. Assembly and Inspection of Regulated Articles and OHAs.

Persons desiring to move interstate a regulated article which must be accompanied by a certificate or permit shall, at least 7 days in advance, request an inspector to examine the article prior to movement. Persons desiring to move interstate an OHA accompanied by a certificate shall request the services of an inspector at least 14 days in advance. Persons desiring to move an OHA or a mobile home accompanied by a certificate issued by a qualified certified applicator shall request the services of the applicator prior to movement and shall assemble such articles as designated by the applicator

H. Attachment and disposition of certificates, limited permits, and outdoor household article documents.

1. A certificate, limited permit, or OHA document required for the interstate movement of a regulated article or OHA must at all times during such movement be securely attached to the outside of the container containing the regulated article or OHA, securely attached to the article itself if not in a container, or securely attached to the consignee's copy of the waybill or other shipping document: provided, however, that the requirements of this section may be met by attaching the certificate, limited permit, or OHA document to the consignee's copy of the waybill or other shipping document only if the regulated article or OHA is sufficiently described on the certificate, limited permit, OHA document or shipping document to identify such article.

2. The certificate, limited permit, or OHA document for the movement of a regulated article or OHA shall be furnished by the carrier to the consignee at the destination of the shipment.

3. Any qualified certified applicator who issues a certificate or OHA document shall at the time of issuance send a copy of the certificate or OHA document to the APHIS officer in charge for the state in which the document is issued.

I. Inspection and Disposal of Regulated Articles and Pests. Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles,

OHA's, and spongy moths as provided by the Plant Quarantine Act and Federal Plant Pest Act.

J. Movement of Live Spongy Moths. Regulations governing the interstate movement of live spongy moths in interstate or foreign commerce are contained within the Federal Plant Pest Regulations.

K. Disqualification of Qualified Certified Applicators. Any qualified certified applicator may be disqualified from issuing certificates: if such person is not a commercial certificated applicator, for noncompliance, or failure to obtain recertification as required.

**BORDER STATION INSPECTION PROCEDURE FOR
COMMERCIAL HOUSEHOLD GOODS SHIPMENTS
APPENDIX A 07-23-12**

Removed 07-23-12.

**SPONGY MOTH - ADDITIONAL INFESTED AREAS
APPENDIX B 04-11-23**

Regulated articles from the following areas do not require certification and may only be rejected for spongy moth if a spongy moth life stage is detected upon inspection. The following areas are considered to be infested with spongy moth. Shipments from these areas which contain regulated articles should be issued a Warning-Hold Notice and inspected at destination.

ALABAMA

1. Limestone County
2. Madison County

ARKANSAS

1. Newton County
2. Pope County

COLORADO

1. Boulder County
Boulder
Longmont
2. El Paso County
Colorado Springs
3. Jefferson County
Lakewood/Wheat Ridge
4. Larimer County
Ft. Collins

INDIANA

1. Johnson County - Edinburg
2. Kosciusko County

MINNESOTA

1. Anoka County
2. Carver County
3. Dakota County
4. Fillmore County
5. Hennepin County
6. Houston County
7. Ramsey County
8. Scott County
9. Stearns County
10. Winona County

MISSISSIPPI

1. Rankin County

MISSOURI

1. Jackson County
Lees Summit
2. St Louis County
Florissant

NEW MEXICO

* Portion of County

1. Bernalillo County

NORTH CAROLINA

1. Alamance County
2. Beaufort County
3. Bertie County
4. Brunswick County
Southport
5. Camden County
6. Carteret County
7. Cherokee County
(Southern portion)
8. Chowan County
9. Clay County
10. Fires Creek area Craven County
11. Davidson County
12. Davie County
13. Durham County
14. Edgecombe County
Heartease
15. Franklin County
16. Gates County
Winton
17. Granville County
18. Guilford County
Greensboro
19. Halifax County
Moonlight
20. Harnett County
21. Hertford County
22. Hyde County
23. McDowell County
24. Martin County
25. Mecklenburg County
26. Nash County
27. New Hanover County
Carolina Beach
28. Northampton County
29. Onslow County
30. Orange County
31. Pasquotank County
32. Pender County
33. Perquimans County
34. Person County
35. Rockingham County
36. Rowan County
37. Tyrrell County
38. Union County
39. Vance County
40. Wake County
41. Warren County
Norlina

OHIO

All counties except the following areas should be considered infested with spongy moth:

1. Auglaize County
2. Brown County
3. Champaign County
4. Clark County
5. Fayette County
6. Highland County
7. Lawrence County
8. Madison County
9. Mercer County
10. Miami County
11. Paulding County
12. Pickawag County
13. Pike County
14. Preble County
15. Putnam County
16. Ross County

OREGON

1. Lincoln County

SOUTH CAROLINA

1. Horry County
Surfside Beach

SOUTH DAKOTA

1. Pennington County
Mount Rushmore area

TENNESSEE

1. Davidson County
2. Greene County
3. Jefferson County
4. Johnson County
5. Knox County
6. Loudon County
7. Sevier County
8. Sequatchie County
9. Sullivan County
10. Washington County
11. Wilson County

TEXAS

1. Aransas County
Aransas Pass
2. Bexar County
3. Dallas County
4. Orange County
5. Tarrant County

UTAH

1. Salt Lake County
2. Utah County Provo

VIRGINIA

1. Henry County

WASHINGTON

1. Clark County
Vancouver Port
2. King County
Ballard
Bellevue
Des Moines
Factoria
Mercer Island
Newport
Sahalee
3. Kitsap County
Bainbridge Island
4. Lewis County
Napavine
Vader
5. Pierce County
Greater Tacoma Area
6. Whatcom County
Bellingham
Ferndale

WEST VIRGINIA

1. Clay County

ONTARIO, CANADA

Brant
Dufferin
Dundas
Durham
Frontena
Glengarry
Greenville
Haliburton
Halimon-Norfolk
Hastings
Lanark
Leeds
Lennox & Addington

Muskoka
Niagra
Northunberlan
Ottawa-Carleton
Oxford
Peel
Peterborough
Prescott
Renfrew
Russell
Stormont
Victoria
Waterloo
Wellington
York

QUEBEC, CANADA

Arthbaska
Argenteuil
Bagot
Beauce
Berthier*
Brome
Champlain*
Compton
Dorchester
Drummond
Gatineau*
Lotbiniere
Maskinon*
Magantic
Mirabel
Missisquoi
Montcalm*
Nicolet
Oliette*
Papinea
Portneuf*
Richmond
Shefford
Sherbrooke
St. Maurice*
Stanstead
Terrebone
Wolfe
Yamaska

NEW BRUNSWICK, CANADA

Charlotte

NOVA SCOTIA, CANADA

Annapolis
Digby
Halifax*
Hants*
Luenburg
Queens
Shelburne
Yarmouth

SPECIAL NOTE: Spongy moth egg masses have been found on foreign cargo ship containers. The spongy moth is known to occur in the Mediterranean, North Africa, Western and Eastern Europe, Northern Japan and many Pacific Rim countries. In addition, there have been finds of Russian strain spongy moth egg masses on the superstructures of Soviet grain ships.

WREATHES AND CUTTINGS

APPENDIX C 12-12-11

The USDA has clarified that wreathes and tree cuttings are not a regulated article under CFR 301.45 and do not require certification.