



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-335
Regulation title	Virginia Emerald Ash Borer Quarantine for Enforcement of the Virginia Pest Law
Action title	Expands the Emerald Ash Borer Quarantine to the entire Commonwealth of Virginia
Final agency action date	July 24, 2012
Document preparation date	July 24, 2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

By authority granted under Section 3.2-703 of the Code of Virginia, the Commissioner of Agriculture and Consumer Services may extend the areas currently regulated for plant pests. Expansion of 2VAC5-335 *et seq.*, *Virginia Emerald Ash Borer Quarantine for Enforcement of the Virginia Pest Law*, is now necessary due to the detection of adult emerald ash borers (EAB) in Buchanan, Caroline, Giles, Hanover, Lee, Prince Edward, Stafford, and Warren counties. The amendment will extend the Emerald Ash Borer Quarantine to the entire Commonwealth of Virginia.

The quarantine's regulated articles include ash trees, green (non-heat treated) ash lumber and ash wood products, as well as hardwood firewood. Regulated articles may now move freely within the state.

With the confirmation of the presence of EAB in the counties listed above subsequent to the June 2012 expansion of the EAB quarantine, the agency determined that a statewide quarantine is more appropriate than continuing to extend the quarantine to only those localities with or adjacent to a locality with EAB.

Continually expanding a partial quarantine of the state will place a significant burden on the logging and firewood dealer industries. A partial quarantine of the state would restrict the movement of regulated articles and would require anyone moving regulated articles from or through quarantined localities to obtain a limited permit or certificate from the Department of Agriculture and Consumer Services before doing so.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On July 24, 2012, the Commissioner of Agriculture and Consumer Services adopted as a final regulation, 2 VAC 5-335, *Virginia Emerald Ash Borer Quarantine for Enforcement of the Virginia Pest Law*.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action will have no impact on the institution of the family and family stability.