



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Department of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5-335
<b>Regulation title</b>	Virginia Emerald Ash Borer Quarantine for Enforcement of the Virginia Pest Law
<b>Action title</b>	Expands the Emerald Ash Borer Quarantine to the counties of Charlotte, Halifax, Lunenburg, Mecklenburg, and Pittsylvania and the City of Danville
<b>Final agency action date</b>	June 19, 2012
<b>Document preparation date</b>	June 18, 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 area currently regulated for plant pests. Expansion of 2VAC5-335, *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 Charlotte and Pittsylvania counties. The amendment will add the counties of Charlotte, Halifax, Lunenburg, Mecklenburg, and Pittsylvania and the City of Danville to the Emerald Ash Borer Quarantine.

The purpose of this regulation is to delay the long distance (artificial) spread of the emerald ash borer from infested areas to non-infested areas. This will reduce the impact of the emerald ash borer to landowners and forest users in Virginia, thereby protecting the public's health and welfare.

The quarantine restricts the movement of regulated articles, as defined in Section 40, from regulated localities to non-regulated localities. The regulated articles, which include ash trees, green (non-heat treated) ash lumber and ash wood products, as well as hardwood firewood, pose a significant risk of transporting emerald ash borer. Regulated articles may move freely within the regulated areas.

**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.*

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On June 19, 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.*

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