



**For Immediate Release**

**Contact: Melissa Merz**

**312-814-3118**

**877-844-5461 (TTY)**

**[mmerz@atg.state.il.us](mailto:mmerz@atg.state.il.us)**

**June 21, 2006**

## **MADIGAN CONCERNED ABOUT PRESENCE OF EMERALD ASH BORER**

### ***ONGOING MULTI-STATE LAWSUIT CALLS FOR HEIGHTENED FEDERAL REGULATIONS IN INTERNATIONAL SHIPPING***

Chicago – On the same day as congressional hearings regarding the U.S. Department of Agriculture's inadequate efforts to control invasive pests, Attorney General Lisa Madigan today expressed her deep concern regarding the Department's refusal to take effective steps to protect Illinois from invasion by insects like the emerald ash borer, which recently has been found in Kane County and threatens to wipe out ash trees in the state.

Madigan earlier joined the Attorneys General from New York, California and Connecticut in a September 2005 lawsuit against the Department alleging that its regulations fail to require measures to control accidental importation of such insects in international trade.

"I am troubled by the federal government's refusal to take logical and necessary steps to protect Illinois from invasion by many foreign pests, like the emerald ash borer, that could threaten our state's trees and our farmers' livelihood," Madigan said.

The hearings before the U.S. House of Representative's Forests and Forest Health Subcommittee concern a recent report by the Government Accountability Office (GAO) documenting shortcomings in the Department's response to three invasive forest pests, including the ash borer.

The lawsuit filed by Madigan and the three other Attorneys General concerns recently-issued federal regulations governing wooden pallets used in international shipping, which can harbor invasive pests such as the ash borer. These regulations give shippers the option of continuing to use wooden pallets if the pallets are sprayed with methyl bromide, a potent chemical banned under international law for most purposes since 1987 because of its destructive effect on the earth's ozone layer.

Illinois and the other states in the lawsuit complain that rather than giving consideration to requiring alternative packing materials that do not harbor pests, the Department, through its Animal and Plant Health Inspection Service (APHIS), chose a control method that is both ineffective and environmentally harmful. Methyl bromide treatment fails to consistently eradicate insects, both

because the methyl bromide does not always penetrate deeply enough into the wood and because there is no way to confirm that the treatment has been performed at all, Madigan said.

According to Madigan, the lawsuit plaintiffs recently learned that some of the facts and numbers APHIS relied on in its analysis turned out to be so completely baseless that APHIS decided, after the filing of the lawsuit, to throw out that portion of the analysis and start over. Nonetheless, APHIS still refuses to re-think the regulations and consider the solution of banning wood pallets, Madigan said.

“The Department of Agriculture’s approach leaves our state vulnerable to foreign pests that may be even worse than the ash borer -- insects that can destroy the crops we depend on and the trees that make our state beautiful,” Madigan said. “We believe that the federal government should and must do better than this, and are hopeful that the court will concur.”

Madigan also stated her hope that the House Subcommittee would focus attention not only on past efforts to eradicate invasive pests, but also on the need for stronger federal regulations to prevent such invasions in the future.

-30-

---

[Return to June 2006 Press Releases](#)