

FEDERAL DOMESTIC QUARANTINE ORDER
Box Tree Moth (*Cydalima perspectalis*)

DA-2022-13
March 23, 2022

Effective immediately, the United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), in cooperation with the New York State Department of Agriculture and Markets (NYSAGM), is establishing a quarantine for the box tree moth (BTM) in Erie, Niagara, and Orleans Counties in the State of New York. This action is in response to the detection of a BTM population in Niagara County, New York. This Federal Order prohibits the movement of regulated articles of boxwood (*Buxus* species) from Niagara, Erie, and Orleans Counties to prevent the spread of BTM to other parts of the United States. These measures parallel the intrastate quarantine that NYSAGM established on December 10, 2021.

This Federal Order is issued in accordance with the regulatory authority provided by Section 412(a) of the Plant Protection Act of June 20, 2000, as amended, 7 U.S.C. 7712(a). The Act authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, plant product, or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States. The regulatory authority provided by 7 U.S.C. 7754 allows the Secretary to issue orders to carry out this provision of the Plant Protection Act.

To prevent the spread of BTM, APHIS considers it necessary to implement the quarantine and regulate the interstate movement of regulated articles of *Buxus* sp. from Erie, Niagara, and Orleans Counties in New York. Therefore, effective immediately, APHIS prohibits the interstate movement of regulated articles of *Buxus* sp. from the quarantine area. Regulated articles include the whole plant, all plant parts, pieces, cuttings, clippings, debris, and any portion of the plant, alive or dead.

The Administrator may designate a whole state or an area less than an entire state if the Administrator determines, as in this case, that the designation of less than an entire state is adequate to prevent the interstate spread of BTM. In addition, less than an entire state may be quarantined if the Administrator determines that the affected state enforces equivalent restrictions and regulations for intrastate movement to effectively mitigate the spread of the pest. NYSAGM has established an equivalent quarantine and restrictions for intrastate movement of *Buxus* sp. in New York.

This Federal Order and information about BTM may be found at:

<https://www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-diseases-programs/pests-and-diseases/box-tree-moth>

For more information about the BTM response program, contact National Policy Manager, Allen Proxmire, at 301-851-2307.

A. Quarantine Areas

The quarantine area includes Erie, Niagara, and Orleans Counties in the State of New York.

B. Regulated Articles

Regulated articles include all species, varieties, and hybrids of *Buxus* sp., commonly called boxwood or box tree. Regulated articles include the whole plant, all plant parts, pieces, cuttings, clippings, debris, and any portion of the plant, alive or dead.

Regulated articles are prohibited from leaving the quarantine area.

C. Compliance Agreements

Any entity within the quarantine area that wants to commercially grow and/or sell *Buxus* sp. must enter and abide by a compliance agreement. The compliance agreement shall include but not be limited to the following restrictions:

The compliance agreement holder must:

- Apply pest management practices and other safeguards.
- Allow inspectors to survey and inspect regulated articles and other plants as necessary.
- Actively ensure *Buxus* sp. sold from their facility does not leave the quarantine area.
- Label each *Buxus* sp. plant for sale with a red tag that reads:

Buxus sp. – Regulated Article – Quarantine Material
By USDA APHIS PPQ Federal Order, this plant may not leave the Box Tree Moth quarantine area. Ask your retailer for more details or visit:
<https://www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/box-tree-moth>

Definitions

Administrator: The Administrator of the Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Compliance Agreement: A written agreement between APHIS and/or state authorities with an authorized person engaged in the business of growing, handling, or moving of regulated articles in which the authorized person agrees to comply with specific requirements.

Interstate: From any State into or through any other State.

Inspector: Any employee of APHIS, the U.S. Department of Agriculture, or other person authorized by the Administrator to perform the duties required under this Order.

Quarantine area: Any State, or any portion of a State, listed in this Federal Order.