

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

AGRICULTURE

(a)

DIVISION OF PLANT INDUSTRY

Quarantines

Proposed New Rules: N.J.A.C. 2:20-11

Authorized: July 22, 2026, by the State Board of Agriculture and Edward Wengryn, Secretary, Department of Agriculture and Chairman.

Authority: N.J.S.A. 4:1-21.2, 4:1-21.5, 4:1-21.6, 4:7-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2026-047.

Submit written comments by November 7, 2026, to:

Electronically at: PR-PlantIndustry@ag.nj.gov

By mail to:

Joseph Zoltowski, Director

Division of Plant Industry

New Jersey Department of Agriculture

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Trenton, New Jersey 08625-0330

The agency proposal follows:

Summary

The New Jersey Department of Agriculture (“Department” or “NJDA”) proposes new rules at N.J.A.C. 2:20-11 to codify a quarantine issued by the Department on June 24, 2026, in response to a confirmed detection of Box Tree Moth (BTM) by the United States Department of Agriculture’s Animal and Plant Health Inspection Service (USDA-APHIS) for Cape May County. Pursuant to the Department’s quarantine authority pursuant to N.J.S.A. 4:1-21.5, 4:7-1, and 4:7-2, the following proposed new rules establish a quarantine area in Cape May County, restricts the movement of infested or potentially infested materials out of the quarantine area, and requires the treatment or destruction of infested host material. These measures will enable the Department to respond to detections and prevent the further spread of this invasive pest with the goal of eradicating it from the State.

Many neighboring states have detected cases of Box Tree Moth, including New York, where USDA-APHIS first confirmed its presence in 2021. Since then, Box Tree Moth has been detected and confirmed in Massachusetts, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, and Michigan. All states have established intrastate quarantines that restrict the movement of host plants, plant parts, and any articles capable of harboring life stages of the Box Tree Moth. On June 10, 2026, USDA-APHIS confirmed that Box Tree Moth was detected on residential plantings in Middle Township, Cape May County,

New Jersey. This is the first confirmed detection of this pest in New Jersey.

Box Tree Moth (*Cydalima perspectalis*) is an invasive insect pest native to East Asia, as its larvae are voracious feeders that can completely defoliate and kill Boxwood (*Buxus* species) plants. There are no native *Buxus* species in North America, and the limited presence of host plants in wild habitats increases the risk that human movement of infested nursery stock, plant material, and debris will rapidly expand the pest’s range.

The Box Tree Moth is a strong flyer, spreading naturally three to six miles per year with experts suspecting up to 20 miles. The aggressive, destructive nature of the Box Tree Moth’s caterpillar life stage makes it essential to quickly take action, as soon as damage is detected because defoliation can occur within 10 days.

Boxwood plants are among the highest-selling evergreen shrubs in the United States and serve as foundational plants in traditional landscapes, topiary, hedges, and historic sites. The nursery and landscape industries that rely on Boxwood plants generate more than \$9.8 million in economic activity annually within New Jersey and an estimated \$140 million annually throughout the United States, according to data provided by USDA National Agricultural Statistics Service. Unchecked spread of Box Tree Moth would cause direct economic loss to producers, increase costs for treatment and replacement, compromise the aesthetic and historic value of public and private landscapes, and threaten the viability of the Boxwood plant trade.

To prevent further spread and infestation of this injurious pest, the Department is proposing new rules at N.J.A.C. 2:20-11 to:

- Establish a new quarantine area encompassing the known infested location of Cape May County;
- Require all businesses in a quarantine area that produce or ship Boxwood plants to sign a compliance agreement to receive certification permitting the movement of Boxwood plants and other regulated articles outside of the quarantine area;
- Restrict the movement of all regulated articles (host plants, plant parts, and any items or materials that may move life stages of Box Tree Moth) in the quarantine area until the Department has issued a certification permitting such movements;
- Require treatment and, where appropriate, destruction of infested host materials to eliminate Box Tree Moth and the spread thereof; and
- Authorize the Department to enter any premises for the purpose of inspection and treatment, pursuant to existing statutory authority at N.J.S.A. 4:7-13.

At proposed new N.J.A.C. 2:20-11.1, Definitions, definitions are proposed to effectuate the subchapter. These definitions are consistent with prior quarantines instituted by the Department, and with the Federal definitions. The term “compliance agreement” is proposed to refer to the mandatory agreement that all businesses in the quarantine zone must sign

and comply with when growing, buying, selling, shipping, or disposing of Boxwood plants; and is attached to the new rules as Subchapter 11 Appendix.

Proposed N.J.A.C. 2:20-11.2, Box Tree Moth declared a nuisance, cites the dangerously injurious insect not native to New Jersey that severely damages Boxwood plants by feeding on leaves and bark, resulting in girdling and plant death, as discussed more fully above.

At proposed N.J.A.C. 2:20-11.3, Movement and disposal restrictions, would prohibit the movement of any "regulated article," a defined term discussed more fully at N.J.A.C. 2:20-11.4, outside the designated quarantine area without prior written authorization from the Department. This requirement would require infested or dead regulated articles be disposed of within the quarantine area.

Proposed N.J.A.C. 2:20-11.4, Regulated articles, would define "regulated articles." This section identifies the articles subject to regulation as Boxwood plants (*Buxus* species); Boxwood debris or dead Boxwood plant material; Box Tree Moths in any life stage; and identified means of conveyance (for example, soil, pots, containers, and truck beds).

Proposed N.J.A.C. 2:20-11.5, Quarantine area, describes the proposed area for quarantine. As the Box Tree Moth has been confirmed by the USDA-APHIS in Cape May County, and the Department generally utilizes counties as quarantine zones pursuant to its statutory authority, this area is necessary to control the spread of the Box Tree Moth.

Proposed N.J.A.C. 2:20-11.6, Department may enter, inspect, and treat for Box Tree Moth, governs the Department's right to enter, inspect, and treat for Box Tree Moth. As allowed by statute, N.J.S.A. 4:7-13, this section authorizes the Department to enter any public or private lands or premises in the State to conduct inspections specifically for the Box Tree Moth, and to require treatment of Department determined infested Boxwood plants. For businesses, not private individuals, this may mean up to requiring removal/destruction of the plants if deemed necessary. This provision would also highlight that any interference with or obstruction of such activities may be subject to sanctions pursuant to N.J.S.A. 4:7-13, 4:7-14, and 4:7-18, including punishment as a disorderly person pursuant to the general laws of this State and penalties of \$50.00 for the failure to obey a Department order and for each sale, shipment, or delivery that is in violation of N.J.S.A. 4:7-1 et seq.

Proposed N.J.A.C. 2:20-11.7, Notification of infestation; treatment order, authorizes the Department to issue a written Notice of Infestation-Treatment Order upon detection of the Box Tree Moth on private property. For commercially owned properties, they would be required to either treat or destroy specified plant material in a Department-approved manner, within the time frame stated in the order (not less than three days from issuance). Privately owned, non-commercial properties will not be required to incur costs for treatment or destruction. The Department may enter private non-commercial premises to conduct inspections and treatment, but shall not destroy or remove Boxwood plants from those properties.

Proposed N.J.A.C. 2:20-11.8, Mandatory Compliance Agreement for businesses; certification, would require compliance by businesses, not private individuals, to take certain measures when moving regulated articles from the quarantined area. Businesses must sign a compliance agreement, attached as Subchapter 11 Appendix, which is incorporated into the rules by reference. It sets forth the technical requirements for traps, pre-inspections, employee training, recordkeeping, and insecticide use. Execution of the compliance agreement satisfies the pest management plan requirement. Certification by the Department serves as prior approval to move Boxwood plants and other regulated articles; businesses do not need to seek permission for each individual movement. The requirement in the agreement to "notify" a different state of a planned shipment is satisfied when a New Jersey business ships to an out-of-State dealer certified by its own state department of agriculture. The Department may charge nursery inspection fees pursuant to existing authority at N.J.A.C. 2:18 to recover direct costs incurred.

Proposed N.J.A.C. 2:20-11 Appendix, Compliance Agreement, will serve as the mandatory agreement for all regulated businesses. The Department will only issue a certification to a business permitting the movement of Boxwood plants and regulated articles after the business has signed and submitted this compliance agreement. The agreement provides additional requirements that supplement this subchapter, including the

technical requirements for traps, pre-inspections, employee training, recordkeeping, and insecticide use.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The primary purpose of this proposed rulemaking is to ensure that Box Tree Moth, a dangerously injurious pest, does not spread to any additional nurseries or private properties outside of the quarantine area of Cape May County where initial detection has been confirmed. The social impact of this proposed rulemaking will be of great benefit to both nursery producers and consumers alike by preventing destruction of Boxwood plants and ensuring New Jersey's Boxwood plant industry continues to thrive for both nurserymen who rely on these plants for revenue, and consumers who enjoy ornamental Boxwood plants. This rulemaking would enable the Department to reduce and ultimately eliminate the spread of Box Tree Moth to viable, healthy Boxwood plants that are produced and/or sold outside of the quarantine area. Therefore, doing so prevents nursery stock from being decimated and ensures customers can continue to purchase and enjoy this highly valued ornamental crop throughout the nursery season.

Economic Impact

Box Tree Moth infestations will cause substantial economic damage to nursery and landscape operations that rely on Boxwood plants, if the pest is not contained. The Boxwood plant industry generates more than \$9.8 million in economic activity annually within New Jersey. Rapid spread of Box Tree Moth throughout the State could increase expenses for consumers and businesses due to treatment and removal costs, threatening the viability of the Boxwood plant industry. The physical damage could also damage the aesthetic and historic value of public and private landscapes.

The proposed new rules will place restrictions on property owners, nurserymen, landscapers, farmers, and other industries conducting business within those areas of New Jersey subject to the quarantine. Commercial operations will be required to enter compliance agreements with the Department. Compliance agreements will include all the requirements described in the Economic Impact. Pursuant to the compliance agreement and the proposed new rules, nurseries that produce Boxwood plants will be required to purchase traps, treat Boxwood plants prior to shipment, dispose of all Boxwood plants and debris within the quarantine zone, train staff to implement these measures, and undergo monthly phytosanitary inspections. Private property/homeowners with Boxwood plants will not be required to incur expenses or to destroy any plants, however, the Department will have a right to enter, inspect, and treat residential and non-commercial premises.

The number of traps needed by each nursery operation will be based upon the total acreage of each site that includes Boxwood plants, and is described in greater detail at Subchapter 11 Appendix. There are three nurseries within Cape May County that produce Boxwood plants. We anticipate that two of these nurseries will need to purchase three traps, while the other nursery, which has up to five separate sites with Boxwood plants, will require up to 15 traps. Disposable pheromone lures and kill strips will need to be regularly replaced within the traps, and those replacement expenses are estimated to cost up to \$20.00 per trap over the course of several months.

Nurseries will be required to treat all Boxwood plants that enter or exit their premises as specified at Subchapter 11 Appendix. Most often, landscapers will pick up an order of Boxwood plants from a nursery and ship them directly to the customer. However, Boxwood plants must be treated within 14 days of shipment if they are being shipped out of the quarantine zone. If the landscaper holds the plants beyond the required 14-day treatment window, then the landscaper will become responsible for treating the plants prior to moving them out of the quarantine zone. For commercial operations, wholesale prices will reduce the cost of these treatments per plant substantially, but ordinary treatment options for homeowners, such as a one quart, \$15.00 bottle of "Sevin" insecticide can be used to treat an average of 20 Boxwood plants. Most homeowners would need no more than one or two bottles per year to prevent the destruction of their Boxwood plants.

The requirements to purchase traps, treat plants, and train staff to monitor their stock for the presence of the Box Tree Moth at any life stage will save Boxwood producers money in the long run by preventing the mass destruction of Boxwood plants throughout the entire State.

Nurseries, garden centers, and landscaping businesses will also be required to undergo Box Tree Moth containment training described at Subchapter 11 Appendix. The training requirement includes sending one employee to a one-hour-long training with the Department to: 1) become knowledgeable about the Box Tree Moth and the conditions required for the interstate and intrastate movement of regulated materials; 2) ensure they are not moving the Box Tree Moth during any life stage to an area outside of the quarantined area; and 3) pass this information along to their colleagues.

All businesses which transport or ship Boxwood plants or landscaping debris outside of the quarantine areas will be required to enter into a compliance agreement with the Department that will be inclusive of the requirements described above and with greater specification at Subchapter 11 Appendix.

The time it will take producers to review and understand the new rules and the compliance agreement will cause negligible delays in conducting their businesses. Costs for treating, trapping, and shipping consistent with these rules will be variable, based upon the amount of work a business does with Boxwood plants. Those costs are outweighed by the benefits of the compliance agreement at Subchapter 11 Appendix, because adherence to a compliance agreement is necessary to do any business out-of-State pursuant to the Federal quarantine order. The preventative measures described in the new rules are also essential to ensuring that the Box Tree Moth does not spread rapidly and exponentially through the shipment of infested plants to other counties and states.

Regarding private residences with Boxwood plants, the Department will not require homeowners to incur expenses or destroy any Boxwood plants. However, the Department will have a right of access to enter, inspect, and treat homeowners' Boxwood plants in its sole discretion, and homeowners shall not obstruct the Department's efforts. A homeowner will only incur direct costs pursuant to the new rules if they obstruct the Department's operations and the Department decides to issue penalties for enforcement purposes. The Department may also recommend treatment or removal to the homeowners, but the homeowners shall not be required to follow the recommendations. Since a typical \$15.00 bottle of insecticide covers approximately 20 plants, and such treatments are often effective for three months or longer, we estimate that most homeowners will need to purchase only one or two bottles per year to prevent their Boxwood plants from being destroyed. Where Boxwood plants are destroyed by the Box Tree Moth, the Department estimates removal costs of approximately \$20.00 per hour for Boxwood plant removal (based on a \$20.00 per hour laborer removing five to 10 plants per hour).

Phytosanitary inspections of nurseries, garden centers, and landscape businesses with Boxwood plants will be conducted monthly, all year round to ensure further spread of the Box Tree Moth does not occur. Pursuant to N.J.A.C. 2:18-1.4, the Department charges a standard fee of \$60.00 for phytosanitary inspections. Operations producing Boxwood plants would be subject to these monthly inspections until the Box Tree Moth is confirmed to be eradicated from the quarantine area.

The costs of these preventative measures for commercial operations are minimal compared to the cost of allowing the Box Tree Moth to spread rapidly, which could potentially result in the complete loss of all Boxwood plants in some operations, as well as lower demand by the public for Boxwood plants.

Federal Standards Analysis

This proposed rulemaking largely mirrors the Federal quarantine standards that have been issued by the USDA for the Box Tree Moth as of May 2024, which regulates the interstate movement of regulated articles of Boxwood from quarantined areas. The proposed rulemaking only exceeds the Federal standards in two key respects: 1) regulation of shipments of Boxwood plants out of the quarantined county and into other New Jersey counties, whereas the Federal Order only applies to interstate movements; and 2) provides the Department with authority to inspect and treat Boxwood plants on non-commercial properties, whereas the Federal Order pertains only to "establishments," which may only move Boxwood

plants and other regulated articles if they sign and implement the terms of a "compliance agreement" issued by their state agricultural authorities. The Federal Order can be viewed at: <https://www.aphis.usda.gov/sites/default/files/da-2024-17.pdf>. It states, in relevant part:

To prevent the spread of BTM, APHIS considers it necessary to regulate the interstate movement of regulated articles of boxwood from quarantined areas. Therefore, effective immediately, APHIS prohibits the interstate movement of regulated articles of boxwood from quarantined areas, unless in accordance with this Federal Order.

Boxwood plants may only be moved interstate from a quarantined area from an establishment operating under a compliance agreement, and only if accompanied by a certificate issued by a State Agricultural Authority certifying that the requirements of this Federal Order and the compliance agreement have been met ...

Due to the requirements stated in the Federal Order, it is necessary for the Department to issue these compliance agreements to businesses in quarantined areas. Otherwise, New Jersey businesses in the quarantined area are prohibited by the Federal Order from shipping their product out-of-State. Furthermore, if Box Tree Moth spreads from one county to another, then all of the affected businesses in newly infested counties will also require compliance agreements if they wish to do interstate business. The Department cannot practically enforce the Federal quarantine standard by requiring treatment and other preventative measures only for interstate shipments while permitting intrastate shipments to move without any precautions. Even if it were possible to create a two-tier screening and enforcement scheme, it would be unwise to do so because of the economic destruction that will result from the Box Tree Moth spreading more easily throughout the State.

Jobs Impact

The Department has evaluated the proposed new rules and has determined that they will not have a negative impact on jobs in New Jersey. The proposed rules are expected to prevent destruction of Boxwood plants and, thus, prevent the potential loss of those jobs within New Jersey's agricultural industry, including nursery producers, distributors, and landscapers handling Boxwood plants.

Agriculture Industry Impact

The proposed new rules will affect the activities of agricultural, nursery, and landscaping businesses within New Jersey. Nurseries, garden centers, and landscaping companies within the quarantine area may not ship regulated articles outside the quarantine area without a signed compliance agreement and certification issued by the Department. Trapping and monitoring activities, employee training, and treatment of infested stock using approved insecticidal materials and/or removal will be required at nurseries within the quarantine area. There are currently nurseries within Cape May County known to produce Boxwood plants who will be required to sign the compliance agreement and receive certification by the Department.

Regulatory Flexibility Analysis

The proposed new rules impose compliance requirements on small businesses, which are defined as, "any business which is resident in this State, independently owned and operated and not dominant in its field, and which employs fewer than 100 full-time employees." N.J.S.A. 52:14B-16 et seq. Horticultural businesses within the quarantined area will need to comply with the new rules in addition to existing Department regulations concerning the nursery industry, as well as any Federal requirements issued by USDA-APHIS concerning the interstate shipment of regulated articles. Agricultural producers, nurseries, garden centers, homeowners, and landscaping companies within the quarantine area may not move or ship regulated articles outside the quarantine area without a signed compliance agreement and certification issued by the Department.

Nearly all (if not all) of the nursery and landscaping businesses directly impacted by the new rules are small businesses. Therefore, there are no requirements in this rulemaking that can be relaxed for small businesses as compared to large businesses. For example, landscaping businesses working within the quarantine area will be required to haul regulated debris only to disposal facilities within the quarantine zone. This standard

cannot be relaxed depending on business size because a business of any size can cause Statewide Boxwood plant destruction if they are transporting the Box Tree Moth throughout the State by disposing of their dead plants and debris in numerous different locations. This cost burden is heavily outweighed by the damage that would result from the unabated spread of the Box Tree Moth throughout the rest of New Jersey and American agriculture.

The Department finds that compliance costs will be least burdensome if commercial operations learn how to quickly detect and treat for the Box Tree Moth. However, the Department has provided no lesser or differing requirements based upon business size because it would be impractical to do so and it would undermine the effectiveness of these quarantine measures.

Housing Affordability Impact Analysis

The proposed new rules will have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the proposed new rules would evoke a change in the average costs associated with housing because the rules relate to quarantines against the introduction and control of the Box Tree Moth in order to protect New Jersey's agricultural industry from highly injurious invasive pest threats.

Smart Growth Development Impact Analysis

The Department finds that the proposed rulemaking would impose an insignificant impact on smart growth and there is an extreme unlikelihood that the proposed new rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed new rules pertain to quarantines against the Box Tree Moth. Therefore, they will not impact smart growth.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposed new rules follows:

SUBCHAPTER 11. BOX TREE MOTH QUARANTINE

2:20-11.1 Definitions

As used in this subchapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

"Box Tree Moth" means the insect known as Box Tree Moth (*Cydalima perspectalis*) in any stage of development.

"Businesses" means commercial enterprises including, but not limited to, nurseries, persons, plant dealers, and landscaping companies.

"Certificate" means any document that is issued for regulated article by an inspector or by a person operating pursuant to a compliance agreement, and which represents that such article is eligible for movement outside the quarantine area designated at N.J.A.C. 2:20-11.5.

"Compliance agreement" means the agreement that all businesses in the quarantine zone are required to sign and comply with if they are growing, buying, selling, shipping, or disposing Boxwood plants. The mandatory compliance agreement is attached to this subchapter as N.J.A.C. 2:20-11 Appendix.

"Department" means the New Jersey Department of Agriculture.

"Exposed" means determination by an inspector to be at risk for spreading Box Tree Moth.

"Infestation" means the presence of Box Tree Moth in any life stage.

"Inspector" means any person officially designated by the Department, or an employee of USDA-APHIS, authorized by the Department to enforce the provisions of this subchapter.

"Move" means to ship, carry, transport, offer for shipment, receive for shipment, or allow to be transported by any means.

"Movement" means the act of shipping, carrying, transporting, offering for shipment, receiving for shipment, or allowing to be transported by any means.

"Notification by the Department" means an official written order issued by the Secretary of Agriculture specifying conditions found,

actions the recipient shall carry out, and a specified time frame by which the order must be complied with.

"Nursery" means any premises, including greenhouses but excluding any orchard, at which plants are grown or maintained for propagation or replanting.

"Person" means an individual, firm, corporation, company, limited liability company, society, association, or other business.

"Plant" means any part of a plant, tree, aquatic plant, plant product, shrub, vine fruit, rhizome, sod, vegetable, seed, bulb, stolon, tuber, corm, pip, cutting, scion, bud, graft, or fruit.

"Quarantined area" means any area designated as a quarantined area in accordance with N.J.A.C. 2:20-11.5.

"Regulated article" means any article including live plants, debris, or dead material listed at N.J.A.C. 2:20-11.4.

"USDA-APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.

2:20-11.2 Box Tree Moth declared a nuisance

The State Board of Agriculture declares the Box Tree Moth, a dangerously injurious insect not known to be native to New Jersey that severely damages Boxwood plants by feeding on leaves and bark leading to girdling and plant death, to be a nuisance.

2:20-11.3 Movement and disposal restrictions

(a) No business may move any regulated articles listed at N.J.A.C. 2:20-11.4 outside the quarantine area designated at N.J.A.C. 2:20-11.5 without a signed compliance agreement and certification issued by the Department.

(b) A private individual or non-business entity seeking to move Boxwood plants and other regulated articles out of the quarantine zone must first receive prior written approval from the Department.

(c) Infested or dead regulated articles must be disposed of within the quarantined area designated at N.J.A.C. 2:20-11.5. This requirement is applicable to all businesses, including those with a signed compliance agreement and certification.

2:20-11.4 Regulated articles

(a) Regulated articles are as follows:

1. Boxwood plants (*Buxus species*);
2. Boxwood plant debris or dead boxwood plant material;
3. The Box Tree Moths at any life stage; and
4. Examples of means of conveyance for the Boxwood plant include,

but are not limited to: soil, pots, containers, and truck beds, or when it is determined by the Department that the regulated article presents a risk of spreading Box Tree Moth.

2:20-11.5 Quarantine area

(a) In order to control the spread of Box Tree Moth, the following county(ies) is (are) hereby quarantined to control the spread of the Box Tree Moth:

1. Cape May County.

(b) This subchapter shall not be construed to limit the Department's authority to quarantine additional counties, as necessary, consistent with its existing statutory authorities.

2:20-11.6 Department may enter, inspect, and treat for Box Tree Moth

(a) Duly authorized representatives of the Department may enter upon any lands or premises, public or private, within the State including areas outside of the quarantined area for the purpose of making necessary inspections for Box Tree Moth and the treatment of infested Boxwood plants. The Department may provide a notification of infestation, a treatment order, or treatment recommendations, as appropriate, to any person.

(b) For businesses, the Department may also issue disposal orders, if necessary.

(c) The Department shall not order homeowners to incur any expenses related to the treatment of Boxwood plants and shall not remove or order the removal of any Boxwood plants. However, the Department may enter, inspect, and treat such plants at its discretion.

(d) Persons interfering with or obstructing the Department or an inspector in the conduct of inspections or treatments for Box Tree Moth may be subject to sanctions pursuant to N.J.S.A. 4:7-13, 14, and 18.

2:20-11.7 Notification of infestation; treatment order

(a) The Department may issue a written Notice of Infestation-Treatment Order to any person or representative of a property owner upon detection of the Box Tree Moth.

(b) Businesses shall treat all plant material specified in the Infestation-Treatment Order to eradicate Box Tree Moth in a manner approved by the Department, including an order to destroy infested plants.

(c) A business must comply with an Infestation-Treatment Order within the time specified therein. The order shall specify a date for compliance that is not less than three days from the date that the order is issued.

(d) Notifications of infestation, when issued to non-commercial entities, shall not require them to incur costs by treating or destroying Boxwood plants. The Department shall not destroy or remove any Boxwood plants belonging to private property non-business entities.

2:20-11.8 Mandatory Compliance Agreement for businesses; certification

(a) No regulated articles may be moved from the quarantined area designated at N.J.A.C. 2:20-11.4, unless in compliance with the requirements set forth in this section.

(b) Businesses moving regulated articles out of the quarantine area are required to sign a compliance agreement and receive a certification issued by the Department prior to moving the regulated articles. The mandatory Compliance Agreement for businesses is codified at N.J.A.C. 2:20-11 Appendix.

(c) The technical requirements, specifications, and standards for compliance with this subchapter are set forth in the Compliance Agreement at N.J.A.C. 2:21-11 Appendix. N.J.A.C. 2:20-11 Appendix is

incorporated herein by reference. Any amendment to the Compliance Agreement shall be made through the rulemaking process in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(d) The Compliance Agreement at N.J.A.C. 2:20-11 Appendix includes technical requirements for the proper use of traps, pre-inspections of plant materials, employee training requirements, recordkeeping requirements, and the proper use of insecticides.

(e) The Pest Management Plan required by the compliance agreement shall be considered satisfied by the execution of the compliance agreement itself.

(f) The certification referenced in the Compliance Agreement is a general-use certificate authorizing a business to move Boxwood plants and other regulated articles out of the quarantine area in compliance with these rules. The Department does not require individual certificates for individual movements of regulated articles by businesses.

(g) Notification requirements 1 through 5 in the Compliance Agreement shall be deemed satisfied if a regulated New Jersey business ships Boxwood plants to a dealer in another state, so long as the out-of-State dealer has been duly certified by their own state department of agriculture. No individual permissions or prior approvals shall be necessary beyond the invoice documenting the transaction with the certified dealer.

(h) Pursuant to N.J.A.C. 2:18, the Department may charge nursery inspection fees to recover costs associated with issuing an inspection certificate.



Box Tree Moth (BTM)

Compliance Agreement for BTM Regulated Nurseries & Nursery Stock Plant Dealers

Agreement number:

Business Name and Address:

Location(s):

Email:

Upon signing, this agreement remains in effect for one year unless revoked by the New Jersey Department of Agriculture or canceled by the establishment. If there is a change in establishment ownership, or any persons identified as the primary contact for the establishment, then a new agreement must be signed.

REGULATED ARTICLES

Boxwood plants (*Buxus* species)

APPLICABLE LAW/REGULATION

N.J.A.C. 2:20 Subchapter 11 - Box tree moth

AGREEMENT SUMMARY

This Compliance Agreement (CA) provides conditions required for the interstate/intrastate movement of boxwood plants from areas regulated for box tree moth (BTM) to non-regulated areas.

The signer, on behalf of the establishment named, agrees to process, and move regulated articles (*Buxus* spp; boxwoods), in accordance with the provisions of Federal and State regulations and the terms of this CA.

The establishment agrees to grow and ship boxwood plants in accordance with the requirements below. Boxwoods may only be shipped if accompanied by a certificate verifying that all conditions of this CA have been met.

The establishment must implement a systems approach for growing boxwood plants, involving multiple mitigation protocols to reduce the risk of spreading BTM from regulated areas, as outlined below.

The establishment must develop a pest management plan (PMP) for BTM to enter the CA and the PMP must be approved by the New Jersey Department of Agriculture.

Designated/assigned staff must be trained to identify the pest, its life stages, and signs of its presence such as webbing, frass, or feeding damage.

This CA does not preclude the inspection, sampling, and testing of plants by State or Federal authorities. This CA expires on _____ or at the discretion of the New Jersey Department of Agriculture.

TRAPPING

1. Trapping is necessary to inform the establishment of BTM activity in the area and when to apply treatments (see # 4 below for trap specifications).
2. BTM traps must be used in establishments under compliance during all BTM flight periods.
 - a. Establishments must install BTM traps in outside production areas based on the following:

<u>Nursery size (acres)</u>	<u>No. traps</u>
<10	3
10 to 100	4
101 to 250	5
251 to 500	9
501 to 1000	13
1001 to 2000	19

- b. Enclosed production areas must have at least 2 traps per enclosure.
3. If BTM is not known to be present, the first detection of BTM in a trap must be reported to the Director, Division of Plant Industry within 2 business days.
4. For outside production areas, traps and lures must:
 - a. Be a bucket trap (Unitrap) with approved pheromone lure combination 5:1 (Z)-11-hexadecenal:(E)-11-hexadecenal, loaded with a 3 mg dose on rubber septa. (see BTM approved methods for surveillance)
 - b. Include an insecticidal strip (Dichlorvos, also known as DDVP and Vapona) to quickly kill captured moths.
 - c. If bucket trap (Unitrap) cannot be used in areas where endangered pollinators occur or there are restrictions for using the insecticidal strip, follow step 5 a-b of this section. Please consult the Director, Division of Plant Industry or State Plant Health Director (SPHD) prior to using large plastic delta traps.
 - d. Be replaced with new pheromone lures every 4 weeks.
 - e. Be placed at least 66 feet (20 meters) apart.
 - f. Be hung about five feet (1.5 meters) above soil surface, and
 - g. Be placed near the perimeter of the host area, within 10 feet (3 meters) in shade, when possible.
 - h. Be checked at least once a week during BTM flight periods. No trapping is required during nonflight periods.
5. For enclosed production areas, traps and lures must:
 - a. Be a red or green large plastic delta trap which uses a sticky inserts and does not require a kill strip. White delta traps should not be used as they may attract pollinators.
 - b. Use approved pheromone lure combination 5:1 (Z)-11-hexadecenal:(E)-11-hexadecenal, loaded with two 3 mg dose on rubber septa that adds up to 6 mg.

- c. Replace inserts once a month or when dirty or have more than 25% catch of other insects. e. Use two traps per enclosure.
- d. Be replaced with new pheromone lures every 4 weeks.
- e. Place rubber septa in the center of the sticky insert.
- f. Be placed at least 66 feet (20 meters) apart.
- g. Be hung about five feet (1.5 meters) above soil surface.
- h. Be checked at least once a week during BTM flight periods. No trapping is required during nonflight periods.

SCOUTING

1. The establishment must conduct routine scouting (see 3. below) of boxwood production areas to detect all life stages of BTM and eliminate them. Host plants with visible signs of BTM damage are prohibited from movement from the establishment.
2. Host plant scouting in production areas must be conducted by establishment personnel who have been trained to detect the life stages and signs associated with BTM, including webbing, frass, and feeding damage. Report any suspicious findings and signs of BTM immediately to establishment management.
3. Establishment personnel must conduct scouting monthly during non-flight periods, bi-weekly when larvae are known to be active, and weekly during BTM flight periods.
 - a. Develop a scouting plan. This plan must be included in the establishment's PMP.
 - b. Consult the [SAFARIS BTM adult phenology model](#) to determine flight periods.
 - c. Document all scouting episodes, including date, time, observations, and personnel who do the scouting.
4. If BTM is not known to be present within or near the establishment, the first detection of BTM signs or life stages must be reported immediately to the Director, Division of Plant Industry within 2 business days.

INSECTICIDE TREATMENT

1. BTM treatment for production areas:
 - a. A PMP must be documented, implemented, and available for review upon request. The PMP should document the establishment's process to determine treatment times and applications.
 - b. See Appendix 1 for allowable insecticides. Follow all applicable laws for the application of insecticides.
 - c. Treatments must be applied within seven days of initial adult BTM trap captures for each generation.
 - i. Treatments are most effective targeting young caterpillars and must be applied to target the period when the majority of newly laid eggs are likely present on the plants. Re-treat according to label directions to ensure ongoing control. Treatments must be done at a level/frequency to prevent active infestations and damage to the plants.
 - d. The establishment must maintain records of all treatments for a minimum of 12 months.
 - e. Boxwoods that are received by the establishment (buy-ins) must be treated at least once as part of production, and once for pre-shipment.

2. BTM treatment for pre-shipment.
 - a. An approved insecticide must be applied to any host plants leaving the establishment within 14 days of shipment. If plants cannot be shipped within the 14-day period, the shipment must be retreated.
 - b. A list of insecticides for pre-shipment is available in Appendix 1 Table 1.
3. Exception from treatments for Enclosed Boxwood Production Areas.
 - a. Establishments that use screens or structures, which have been approved by the New Jersey Department of Agriculture, as pest-exclusion barriers to prevent exposure to adult BTM are not required to treat boxwood plants that have been produced exclusively inside structures.
 - b. Trapping within the enclosure is required during all BTM flight periods.
 - c. A detection of any BTM life stage will nullify this exception, and the plants will need to meet the requirements for plants that are not grown in Enclosed Boxwood Production Areas.
 - d. Report any detection from an enclosure to the Director, Division of Plant Industry within two business days.

PRE-SHIPMENT INSPECTION

1. The establishment must visually inspect all outbound shipments, after treatment (see INSECTICIDE TREATMENT below and Appendix 1), for viable BTM life stages, webbing, frass, or feeding damage.
 - a. Inspections must be completed by trained personnel identified in the PMP.
 - b. Inspections must be completed no more than 24 hours before shipments leave the establishment.
 - c. If viable BTM life stages, webbing, frass, or feeding damage are detected on the shipment, the establishment must report immediately to the Director, Division of Plant Industry.
 - d. Potentially infested host plants must not be moved from the establishment until determined to be free of BTM by the New Jersey Department of Agriculture.
2. Shipments that have been inspected by the establishment and found free of BTM are eligible for a certificate.

CERTIFICATION

1. Boxwoods may only be shipped if accompanied by a certificate from the New Jersey Department of Agriculture.
2. New Jersey Department of Agriculture may issue the certificate for movement to the establishment operating under a compliance agreement for use with subsequent shipments of boxwoods.
3. A certificate may be issued for movement of boxwood if:
 - a. It is determined upon examination that the boxwood may be moved in accordance with this CA.
 - b. It is determined that the boxwoods may be moved in accordance with all other State and Federal domestic plant quarantines and regulations applicable to boxwood.
4. The certificate required for the movement of the boxwood must, at all times during the movement, be attached to the accompanying waybill or other shipping document.
5. The carrier must furnish the certificate to the consignee at the destination of the shipment.

NOTIFICATION

1. The receiving state and shipper must agree on a notification protocol, which should include the notification frequency and timeliness.
2. The approved notification protocol must be documented and retained by both parties.
3. Notifications must be documented and retained.
4. The establishment will provide shipping documentation to the State Certifying Authority which includes the date, destination, and amount of host material to be sent. All shipments must also abide by all applicable quarantines of the receiving state.
5. A list of SPRO's contact information is available at www.nationalplantboard.org.

TRAINING

1. The establishment must educate and train appropriate personnel on the following:
 - a. Identification of BTM.
 - b. Recognizing the signs and life stages of BTM.
 - c. Understanding the stipulations of this BTM Program compliance agreement.
 - d. Proper Trapping and Scouting Techniques for BTM.
 - e. Knowledge of the BTM regulations and regulated areas.
2. Training resources are available at the [APHIS BTM website](#).
3. Training Records:
 - a. A record of training is documentation of training material used for training, date of training, and names of personnel who were trained.
 - b. Training records must be retained for at least 12 months.
 - c. New scouting personnel must receive training before monitoring boxwoods.
 - d. Scouting personnel names and dates of training must be listed in the establishment's PMP.

RECORD KEEPING

1. Records must be maintained for a minimum of 12 months.
2. Records must be made available to the New Jersey Department of Agriculture or Plant Protection and Quarantine (PPQ) upon request.
3. Required records are:
 - a. Personnel training for ID, scouting, compliance, etc. (i.e., dates, attendees, training material, trainer).
 - b. Sourcing (or propagation records).
 - c. Scouting (i.e., personnel, dates, monitoring observations).
 - d. Treatment (i.e., personnel, dates, rates, locations).
 - e. Trapping (i.e., personnel, dates, number of moths, and control activities).
 - f. Plant movement (i.e., location(s) throughout crop cycle).
 - g. Pre-Shipment inspection (i.e., location, bulk quantity, quantity inspected, who inspected).
 - h. Notification protocols and notifications.
 - i. Outbound/shipping/sales documentation (i.e., customer invoices, dates, quantity, destinations).
4. Records of any pesticide application(s) must be kept and retained in accordance with the pesticide regulations for your state.

NON-COMPLIANCE

1. Non-compliance with this agreement may result in its suspension or revocation.
2. Non-compliance involving the shipment of live BTM may result in plant destruction.

Appendix 1. Insecticides for BTM control

The products listed below are for the treatment of boxwood plants for BTM. Use of a suitable adjuvant is required for boxwoods to get sufficient coverage, wetting, and penetration of the chemical treatment of the waxy foliage of these plants (Table 3). Spray products to wet the plants and use spray cards to ensure good coverage.

Listed in Table 1 are the products that can be used to treat boxwood for BTM before shipping from establishments under a compliance agreement. Abide by all applicable State and Federal laws.

A high labeled rate of a diamide (IRAC¹ chemical class 28) or a long-lasting formulation of one of the following synthetic pyrethroids (IRAC chemical class 3) will effectively control BTM larvae that may be present on plants. Plants must be treated within 14 days of plant shipment.

Table 1. Products for use as the pre-shipment treatment. Specific products listed are those that were tested in 2023 and 2024, but use of products with the same active ingredient and percent active ingredient and rate are also acceptable if allowed by the label.

Active ingredient	Commercial name	EPA Reg. #	REI	IRAC ¹ Class	Rates	Remarks
bifenthrin	Talstar S (7.9% active ingredient)	279-3155	12 hrs	3	21.7 oz /100 gal	Tested by FPML ² , 100% mortality for eggs, 1st to 3rd instar; complete control of 2nd instars when exposed to foliage treated 4 and 7 days prior (2023). Mortality 98% in NY field test mixed populations of small and large larvae (Sept. 2023) at 21.7 oz/100 gal. Mortality 100% for 3 rd instar when exposed for 7 days to foliage treated up to 2 weeks prior at 10.8 oz/100 gal (2024).
chlorantraniliprole	Acelepryn (18.4% active ingredient)	100-1489	4 hrs	28	16 oz /100 gal	Tested by FPML, 100% mortality for eggs, 1st to 3rd instar; complete control of 2nd instars when exposed to foliage treated 4 and 7 days prior (2023). Mortality 97%-99% in NY field mixed populations of small and large larvae test (July & Sept. 2023). Mortality 100% for 3 rd instar when exposed for 7 days to foliage treated up to 3 weeks prior (2024).
cyantraniliprole	Mainspring GNL (18.66% active ingredient)	100-1543	4 hrs	28	8 oz /100 gal	Tested by FPML, 100% mortality for 3 rd instar when exposed for 7 days to foliage treated up to 3 weeks prior (2024).

lambda cyhalothrin	Scimitar GC (9.7% active ingredient) Restricted use.	100-1088	24 hrs	3	5 oz /100 gal	Tested by FPML, 100% mortality for eggs, 1st to 3rd instar, complete control of 2nd instars when exposed to foliage treated 4 and 7 days prior (2023). Mortality 95% in NY field test (Sept. 2023). Mortality 100% for 3 rd instar when exposed for 7 days to foliage treated up to 3 weeks prior (2024).
permethrin	Perm-Up 3.2 EC (36.8% active ingredient)	70506-9	12 hrs	3	8 oz /100 gal	Tested by FPML, 100% mortality for 3 rd instar when exposed for 7 days to foliage treated up to 3 weeks prior (2024).

¹ IRAC or Insecticide Resistance Action Committee has developed a numbering system for each mode of action to select the most appropriate rotation alternatives by assigning a unique group number. (<https://irac-online.org>)

² USDA-PPQ-Science and Technologies' Forest Pest Methods Laboratory (FPML)

In addition to the products in Table 1, the products listed in Table 2 may be considered for managing BTM in the production system. But should not be used as a treatment for boxwood plants before shipment. All active ingredients target larvae.

A list of additional products for managing caterpillars in commercial landscape and nursery use is available at https://ir4.cals.ncsu.edu/EHC/InvasiveSpecies/BTM_FactSheet_VisualGuide.pdf. These products may be considered for managing BTM in the production system. Consult with your local Extension office to determine if an active ingredient is registered for use in your state or county.

Table 2. Recommended products to treat boxwood for BTM in the production system.

Active ingredient	Commercial name	EPA Reg. #	REI	IRAC Chemical Class	Rates	Remarks
<i>Bacillus thuringiensis, kurstaki</i>	Javelin WG (85% active ingredient)	70051-66	4 hr.	biological	1.0 lb. /100 gal	Highly effective when early larval stages are targeted. Used in Europe ³ and Canada to control BTM. Applied in NY pilot project, in urban gardens area-wide control experiment with high degree of control achieved. Two applications timed 7-10 days apart achieve good control. Sprays should target young larvae for best results. No residual efficacy.
spinosad	Conserve SC T&O (11.6% active ingredient)	62719-291	4 hr.	5	6 oz /100 gal	Tested by FPML, 100% mortality for eggs, 1st to 3rd instar. Mortality 98-100% in NY field test (July & Sept. 2023). This product is short lived. Should not be used when residual control efficacy is needed.

methoxy fenozide	Intrepid 2F (22.6% active ingredient)	62719-442	4 hr.	18	8 oz /100 gal	Tested by FPML, 100% mortality for eggs, 1st to 3rd instar; complete control of 2nd instars when exposed to foliage treated 4 and 7 days prior, once molting occurred (2023). Mortality in NY field test (July 2023) was 98-99%. Mortality 100% for 3 rd instar when exposed for 7 days to foliage treated up to 3 weeks prior, at 16 oz/100 gal (2024). User may see active caterpillars after application. Product prevents molting, and caterpillars do not die until they try to molt.
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³ Barbero, F., C. Pocolotti, S. Bonelli, C. Ferracini. 2024. Is microbiological control of the box tree moth feasible? Effectiveness and impact on nontarget diurnal Lepidoptera. *Biological Control*, 188:105427.

Table 3. Recommended adjuvant products¹ to include with insecticides² when treating boxwood for BTM.

Commercial name	Active ingredient(s)	Rates
Pentra-Bark	Alkylphenol ethoxylate, polysiloxane polyether copolymer, propylene glycol	6 fl. oz./100 gal.
Stik-Kote	Polyether modified heptamethyltrisiloxane	12.75 fl. oz./100 gal.
CapSil	Blend of polyether-polymethylsiloxane-copolymer and nonionic surfactant	6 fl. oz./100 gal.
Induce	Alky aryl polyoxyalkane ethers, alkanolamides, dimethyl siloxane, and free fatty acids	16 fl. oz./100 gal.
Polymer Taxi	Acrylic polymer sodium	128 fl. oz./100 gal.
Aero Dyne-Amic	Methyl esters of fatty acids, alcohol ethoxylate phosphate ester, alkyl phenol ethoxylate	64 fl. oz./100 gal.
Nu Film P	Pinene (polyterpenes) polymers, petrolatum, alkyl amine ethoxylate	16 fl. oz./100 gal.

¹ Tested by Cornell Cooperative Extension Suffolk County. Based upon ratings immediately after application, on two cultivars (*Buxus* x 'Green Mountain' and *B. microphylla* 'Winter Gem') Pentra-bark and Stik-Kote had the highest ratings for wetting and spreading of spray material on both new and old foliage. Most other adjuvants also provided at least moderate wetting and spreading on old and new foliage, similar in most cases to the water-based controls. Ratings after dark under UV light showed very good coverage on new foliage among all adjuvants and the dye control treatments, and on old foliage in nearly all adjuvant treatments. Coverage with Nu Film P was somewhat less, though not always significantly, on old foliage compared with other adjuvants tested. Nu Film P may still be an option to consider for organic production situations.

² Choice of material might depend upon insecticide and adjuvant modes of action, label recommendations and whether tank is mixed with other products.