

NOTICE

Order of Quarantine

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Boxwood Blight

Recitals.

- A. Boxwood Blight, *Calonectria pseudonaviculatum*, is a new pest to the United States and in the Commonwealth. This is a deadly disease to plants in the *Buxus* genus and not widely prevalent or distributed within or throughout the Commonwealth or the United States.
- B. The Plant Pest Act (Act)(act of December 16, 1992, P.L. 1228, No. 162)(3 P. S. §§ 258.1—258.27) empowers The Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. These powers include the authority, under section 258.21 of the Act, to establish quarantines to prevent the spread of plant pests within this Commonwealth (act of December 16, 1992, P.L. 1228, No. 162, § 21) (3 P.S. § 258.21).
- C. Under the authority of section 258.20 of the Act (related to pests declared public nuisance)(act of December 16, 1992, P.L. 1228, No. 162, § 20) (3 P.S. § 258.20) the Department may declare a plant pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraph A above, the Department declares Boxwood Blight to be a public nuisance.
- D. Once a plant pest is declared a nuisance, “It shall be unlawful for any person knowingly to permit any plant pest so declared to exist on his premises or to sell, offer for sale, give away or move any plants, plant products or other material capable of harboring the pest.” (act of December 16, 1992, P.L. 1228, No. 162, § 20)(3 P.S. § 258.20)
- E. Where the Department detects or confirms Boxwood Blight, *Calonectria pseudonaviculatum*, the property, facility, premises, place or area where it is detected or confirmed shall be subject to this Order of Quarantine.

Definitions.

Associated equipment. Articles associated with production, movement, and sales. Such equipment may include tractors, wagons, trucks, stands, benches, etc.

Compost products. Products containing pieces of *Buxus* (*sp.*) including chipped plant materials, soil, leaves, and compost.

Landscaping, Nursery production and retail waste. Includes living or dead plants or plant parts from the *Buxus (sp.)*, product produced in the course of or resulting from landscaping, nursery production, and retail sales, including associated supplies and equipment.

Systems Approach. The application of multiple pest management measures, at least two of which act independently but with cumulative effect, to reach the appropriate level of phytosanitary protection for prevention of pathogen development and movement. A pest management plan developed using a Systems Approach will address critical control points which include but are not limited to: inspection of new plants, isolation, water management, sanitation, shipping and returns.

ORDER

Under authority of section 21 of the Act (act of December 16, 1992, P.L. 1228, No. 162, § 21) (3 P. S. § 258.21), and with the Recitals and definitions previously listed incorporated into this Order of Quarantine by reference, the Department orders the following:

1. *Establishment of Quarantine on any property, facility, premises, place or area where Boxwood Blight is confirmed.* The Department will establish a quarantine and define the area of quarantine in a manner to prevent movement of *Buxus* material which has been exposed to or may be a carrier for, Boxwood Blight, *Calonectria pseudonaviculatum*, in any life stage. Quarantine boundaries will be established after an investigation and evaluation of the situation determines what areas may have been exposed to and harbor life stages of Boxwood Blight. An external quarantine is established by this Order of Quarantine to prevent further movement of Boxwood Blight, *Calonectria pseudonaviculatum* into the Commonwealth.

2. *Quarantine areas may be established by the Department based on any of the following:*

- a) Confirmation of the plant pest at any in state or out of state location, property, facility, premises, place or area.
- b) Confirmation of the plant pest in any delivery of a host plant or potential host plant to a Commonwealth location, property, facility, premises, place or area.
- c) Locations, properties, facilities, premises, places or areas receiving shipments of host plants from a vendor, nursery or person known to have shipped contaminated plants to other locations.
- d) Trace forward and trace back results indicating locations, properties, facilities, premises, places or areas where cross contamination of host plants could have occurred.
- e) Suppliers or persons receiving plants which may have multiple locations, properties, facilities, premises, places or areas within the Commonwealth with plant hosts where there is evidence of exposure to a shared plant production source, a motor vehicle, carrier, container or other vessel that carried a host plant or was exposed to a contaminated host plant or other source of the plant pest.
- f) Locations, properties, facilities, premises, places or areas with plant hosts where there is evidence of exposure to a motor vehicle, carrier, container or other vessel that carried

a host plant or was exposed to a contaminated host plant or other source of the plant pest.

3. *Regulated Articles and Limitations Imposed.* The plant pest established by this Order of Quarantine – Boxwood Blight, *Calonectria pseudonaviculatum*- along with any material or object that may carry or spread the plant pest such as the following objects or materials, are considered regulated articles under this Order of Quarantine and may not be moved out of the quarantined area or transported into or within this Commonwealth, unless done in accordance with the applicable requirements of Paragraphs 4, 5 and 6 of this Order of Quarantine:

- a) Any living life stage of the Boxwood Blight, *Calonectria pseudonaviculatum*.
- b) All plants and plant parts. This shall include, but is not limited to, all live, dead, infected or non-infected nursery stock, budwood, scionwood, and produce and other material living, dead, cut, fallen including stumps, roots, branches, mulch, and composted and uncomposted chips.
- c) Brush, debris, bark, or yard waste.
- d) Landscaping, nursery/greenhouse and plant retail waste
- e) Leaves, branches, and soil of infected *Buxus* genus
- f) Any other article or means of conveyance when it is determined by an authorized state inspector or through Phytosanitary or other means of state approved inspection to present a risk of spread of Boxwood Blight, *Calonectria pseudonaviculatum*, in any life stage and is in or has been in proximity to such articles and the articles presenting a high risk of artificial spread.

4. *External Quarantine: Buxus (sp.) plant material originating outside of the Commonwealth shall only be imported if:* The originating state authorities have conducted a phytosanitary or other inspection meeting the requirements of movement into Pennsylvania or have entered into a Compliance Agreement, which meets the standards for movement into Pennsylvania, with the person shipping the regulated article. The State Agency with authority to regulate *Buxus (sp.)* plant material shall verify and attest that all of the following criteria are met:

- a) The regulated article will be moved in compliance with the provisions of this Order of Quarantine and any additional emergency conditions that the Department may impose under the Plant Pest Act in order to prevent the artificial spread of Boxwood Blight, *Calonectria pseudonaviculatum*;
- b) The regulated article, through the required inspection set forth in this Order of Quarantine, has been determined to be free of Boxwood Blight, *Calonectria pseudonaviculatum* based on inspection;
- c) The regulated article has been grown, produced, manufactured, stored by a state approved systems approach and safeguarded in a manner that, in the judgment of the Department, prevents the regulated article from presenting a risk of spreading Boxwood Blight, *Calonectria pseudonaviculatum*;

d) All shipments of *Buxus (sp.)* shipped into the Commonwealth must be accompanied by a state Phytosanitary Certificate or Shipping Certificate which states: **“The plants were grown, produced, and shipped to meet conditions specified and are not known to have Boxwood Blight, *Calonectria pseudonaviculatum*.”**

5. *Documentation to Accompany Buxus (sp.) in Movement from a Quarantined Area.* If a regulated article(s), delineated in Paragraph 3 of this Order of Quarantine, is to be moved the regulated article(s) shall be plainly marked with the name and address of the consignor and any person utilized in processing the *Buxus (sp.)* for movement and the name and address of the consignee. Such movement shall only be done under a Department issued and fully executed Compliance Agreement. A copy of a Department issued shipping certificate shall be securely attached to each regulated article itself or the container carrying each *Buxus (sp.)* and such certificate shall be attached to the consignee's copy of the accompanying waybill at all times during movement. The description on the certificate, and on the waybill, shall be sufficient to identify the *Buxus (sp.)*. The consignor shall be responsible for compliance with such documentation standards and shall assure the carrier furnishes the certificate authorizing the movement of the regulated article to the consignee at the destination of the shipment. The consignor, carrier and the consignee shall keep a copy of the certificate. All such records shall be maintained by the consignee, consignor and carrier for a period of 2 years. Such records shall be made available to the Department for inspection upon request.

6. *Compliance Agreements.* The Department will consider entering into a compliance agreement with any Commonwealth person that demonstrates an understanding of the requirements of this Order of Quarantine and satisfies the Department that said person is capable of issuing certificates in accordance with the requirements of this Order of Quarantine. For allowance of out-of-state shipments, the Department will consider valid attestations and signed documentation of inspection from an originating State Agency that possesses regulatory authority with regard to the regulated article. The Department will honor compliance agreements established by the out-of-state Agency, so long as they contain terms consistent with the requirements established by the Department for interstate movement of regulated articles. The Department may provide either blank certificates and limited permits to a person operating under a compliance agreement or authorize reproduction of the certificates on shipping containers, or both, as determined by the Department at its sole discretion. These certificates and limited permits may then be completed and used, as needed, for the movement of regulated articles that have met all of the requirements of this Order of Quarantine. Originals of each certificate issued by a person operating under a compliance agreement shall be kept by said person for a period of 2 years and shall be made available to the Department upon request.

7. *Cancellation of a Certificate or Compliance Agreement.* Any certificate, stamp, or any Compliance Agreement may be canceled orally or in writing by the Department whenever the Department determines that the holder of the certificate or the Compliance Agreement has not complied with a provision of the Act, regulations or this Order of Quarantine. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit.

8. *Federal Requirements for Interstate Movement of Articles.* This Order of Quarantine is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the movement of articles from, to or within a quarantined area.

9. *Contacting the Department.* A person seeking information about the requirements of this Order of Quarantine, or a limited permit or certificate for movement of a regulated article(s), or a compliance agreement for intrastate movement of a regulated article(s), shall contact the Department at: Pennsylvania Department of Agriculture, Bureau of Plant Industry, Attention: Dana Rhodes, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5205, danrhodes@pa.gov.

10. *Violations.* In accordance with the provisions of section 258.22 of the Act (act of December 16, 1992, P.L. 1228, No. 162, § 22)(3 P.S. § 258.22) it shall be unlawful to violate or fail to comply with any provision of the Act, regulations or this Order of Quarantine. Failure to abide by the terms of this Order of Quarantine may result in the following :

a) If the regulated article is determined to be positive for Boxwood Blight, *Calonectria pseudonaviculatum*, all plants in *Buxus*, (*sp*) which may be infected are subject to destruction as determined by the Department.

b) The area in which the plants were located shall be subject to approved methods for sanitation where the infected plants were produced, stored and/or maintained.

c) When a supplier is determined by the Department to be a source of Boxwood Blight, *Calonectria pseudonaviculatum*, that facility will be suspended from sending *Buxus* (*sp*) to any address within the Commonwealth until such time as the following provisions can be demonstrated to the Department by the facility and verified by the Department:

- i. The facility shall produce *Buxus* (*sp.*) utilizing a state certification process which incorporates a systems approach for pest mitigation for diseases such as Boxwood Blight; and
- ii. The facility shall utilize suppliers or nurseries of *Buxus* (*sp.*) that have been officially inspected and licensed by a State Department of Agriculture or such State Agency with regulatory authority over the matter; and
- iii. Any *Buxus* (*sp.*) purchased by the facility shall be held for 30 days in isolation from other *Buxus* (*sp.*) currently on the premises of the facility; and
- iv. During the 30 day isolation of the *Buxus* (*sp.*), no fungicides active against Boxwood Blight shall be applied during the isolation holding period, as these fungicides may mask symptoms; and
- v. All means of conveyance shall be sanitized and maintained to prevent the movement of Boxwood Blight; and
- vi. The *Buxus* (*sp.*) shall not be combined or commingled with other *Buxus* (*sp.*) so as to lose its individual identity during production, maintaining, shipping or display; and

vii. The supplier, for a minimum of 1 year, shall notify the Department at plant@pa.gov of all shipments of *Buxus (sp.)* prior to shipment of the plant material to its destination; and

d) When a supplier is determined by the Department to be a source of Boxwood Blight, *Calonectria pseudonaviculatum*, for a second time, that supplier will be suspended from sending *Buxus (sp.)* to any address within the Commonwealth until such time as the following provisions can be demonstrated to the Department by the supplier and verified by the Department or verified by the State of origin authority, if the supplier is not located within the Commonwealth;

- i. All *Buxus (sp.)* at the location will be placed under “Stop Sale” or State of origins equivalent for non-movement of plants.
- ii. A sample of not less than 2% or a minimum of 10 (ten) plants, whichever is greater, of *Buxus (sp.)* block under “Stop Sale”, shall be randomly selected, marked and isolated to an observation block and the following conditions applied:
 - aa) The observation blocks shall have **no** fungicide applications for at least 30 days and shall remain untreated until such time as the conditions are conducive for Boxwood Blight to present.
 - bb) Once conditions are present for Boxwood Blight and fungicide applications have ceased for at least 30 days, the Department, or where out-of-state, the State Agency with such authority, will sample and inspect the blocks as necessary.
 - cc) If Boxwood blight is found to be present in the observation block, the *Buxus (sp.)* of that size and variety corresponding to the positive block shall be destroyed.
 - dd) If Boxwood Blight is not found to be present, the *Buxus (sp.)* of that size and variety corresponding to the negative block may be released by the Department, or where out-of-state, the State Agency with such authority after final inspection.
- iii. For a minimum of 2 years, the facility shall notify the Department at plant@pa.gov of all shipped *Buxus (sp.)* prior to shipment of the plant material to its destination; and

e) When a supplier is determined by the Department to be a source of Boxwood Blight, *Calonectria pseudonaviculatum*, for a third time, that supplier will be suspended from sending *Buxus (sp.)* to any address within the Commonwealth.

f) Wholesale and Retail facilities, which do not produce *Buxus sp.* material and have been found positive for Boxwood Blight, *Calonectria pseudonaviculatum*, shall enter into a Clean Boxwood Program for non-producers with the Department.

g) Wholesale and Retail facilities, which do not produce *Buxus (sp.)* material and have been found positive for Boxwood Blight, *Calonectria pseudonaviculatum*, shall notify the

Department of all incoming *Buxus (sp.)*. prior to receipt of the plant material for a minimum of 1 year at plant@pa.gov ; and

11. *Criminal and Civil Penalties.* In accordance with the provisions of the Act, at sections 258.23 and 258.24 (act of December 16, 1992, P.L. 1228, No. 162, §§ 23 and 24)(3 P.S. §§ 258.23 and 258.24), a person who violates this Order of Quarantine may face summary criminal prosecution carrying up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Order of Quarantine may be assessed a civil penalty of up to \$20,000 with respect to each violation.

12. *Cooperation with other agencies.* As authorized by section 258.26 of the Act (act of December 16, 1992, P.L. 1228, No. 162, §26)(3 P.S. § 258.26), the Department may cooperate and enter into agreements with any individual, organization or Federal, State or county agency for the purpose of implementing the provisions of the Plant Pest Act. This may include cooperation with respect to the most efficacious measures to survey for and detect Boxwood Blight, *Calonectria pseudonaviculatum*, to slow the spread or eradicate these plant pests.

13. *Effective Date.* This quarantine is effective upon signature and shall be published in the *Pennsylvania Bulletin* and shall remain in effect until rescinded by subsequent order.