

Rules and Regulations for the Enforcement for the Virginia Tree and Crop Pests Law –  
Box Tree Moth Quarantine

**Section 10. Declaration of Quarantine.**

A quarantine is hereby established to restrict the movement of certain articles capable of transporting the box tree moth from regulated areas to unregulated areas of the Commonwealth.

**Section 20. Purpose of Quarantine.**

The box tree moth is an introduced species that is known for ravenous feeding and defoliation of boxwood plants. Given its biology, multiple generations of box tree moth can occur during the growing season, and feeding damage is such that the boxwood plants cannot recover and succumb to the intensive feeding. The box tree moth has become established in portions of the Commonwealth and has the potential to spread to unregulated areas by natural means or through the movement of infested articles. The purpose of this quarantine is to prevent the artificial spread of the box tree moth to unregulated areas of the state by regulating the movement of those articles that pose a significant threat of transporting the box tree moth.

**Section 30. Definitions.**

The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the Virginia Board of Agriculture and Consumer Services.

"Box tree moth" means the live insect, in any life stage, known as the box tree moth, *Cydalima perspectalis*.

"Buxus spp." means boxwood plants of any species, regardless of cultivar or variety, with the genus name *Buxus*.

"Certificate" means a document issued by the department or another state's regulatory equivalent to a person operating in accordance with a compliance agreement to allow the movement of regulated articles from a regulated area to an unregulated area.

"Commissioner" means the Commissioner of the Virginia Department of Agriculture and Consumer Services.

"Compliance agreement" means a written agreement between a person engaged in growing, handling, receiving, or moving regulated articles and either (i) the Virginia Department of Agriculture and Consumer Services, (ii) the U.S. Department of Agriculture, or (iii) another state's regulatory equivalent wherein the person agrees to comply with inspection, disinfection, certification, or other requirements necessary to prevent the spread of box tree moth when moving regulated articles originating in a regulated area into an unregulated area of Virginia.

"Department" means the Virginia Department of Agriculture and Consumer Services.

"Infestation" means the presence of the box tree moth or the existence of signs or symptoms that make it reasonable to believe that the box tree moth is present.

"Inspector" means an employee of the department authorized by the commissioner to enforce the provisions of this quarantine.

"Permit" means a document issued or authorized by the Commissioner or by another state's regulatory equivalent to provide for the movement of regulated articles to restricted destinations for limited handling, utilization, or processing.

"Moved," "move," or "movement" means shipped; offered for shipment; received for transportation; transported; carried; or allowed to be moved, shipped, transported, or carried.

"Person" means the term as defined in § [1-230](#) of the Code of Virginia.

"Regulated area" means a locality of Virginia or another state listed in Section 50 of this quarantine.

"Tree and Crop Pests Law" means Chapter 7 (§ [3.2-700](#) et seq.) of Title 3.2 of the Code of Virginia.

"Unregulated area" means a locality of Virginia or another state that has not been officially confirmed to have populations of the box tree moth and is not listed in Section 50 of this quarantine.

#### **Section 40. Regulated Articles.**

The following articles are regulated under the provisions of this quarantine:

1. Box tree moth (*Cydalima perspectalis*), in any living form;
2. The whole plant, plant parts, cuttings, or nursery stock of any living or dead *Buxus spp.* plant, including cut or fallen stems or branches, stumps, stems, roots, branches, leaves, or debris; and
3. Any other article, commodity, item, product, or means of conveyance that an inspector determines (i) presents a risk of spread of the box tree moth or (ii) is infested or susceptible to infestation of the box tree moth.

#### **Section 50. Regulated Areas.**

- A. The following areas in Virginia are quarantined for box tree moth:

The entire counties of:

Clarke

Frederick

The entire city of:

Winchester

- B. Any area that is subject to a federal box tree moth quarantine, a box tree moth quarantine of another state, or state statute restricting the movement of box tree moth is considered a regulated area for the purpose of this quarantine.

#### **Section 60. Conditions for the Movement of Regulated Articles.**

- A. A person may move a regulated article solely within regulated areas of Virginia without restriction.
- B. A person may move a regulated article from an unregulated area into a regulated area of Virginia without restriction.

C. A person may move a regulated article from an unregulated area, through a regulated area where the final destination is an unregulated area of Virginia, when:

1. The regulated article is accompanied by a waybill that sets forth the regulated article's point of origin and intended destination; and
2. The regulated article has moved directly through a regulated area without stopping, except for refueling or due to traffic conditions.

D. A person may move a regulated article from an unregulated area to an unregulated area and stop in a regulated area, if the regulated article (i) is safeguarded from infestation by tarping or enclosure; and (ii) is not commingled with a regulated article from the regulated area.

E. A person may move a regulated article from a regulated area of Virginia into an unregulated area after obtaining:

1. A certificate issued by the department in accordance with a valid and active compliance agreement with the department; or
2. A permit issued by the department or the Commissioner, indicating that the regulated article has been inspected and is free from any living life stage of the box tree moth and is free from evidence of box tree moth feeding.

F. A person may move a regulated article from a regulated area of another state into an unregulated area of Virginia after obtaining:

1. A certificate issued by (i) the U.S. Department of Agriculture or (ii) another state's regulatory equivalent in accordance with a valid and active compliance agreement, including provisions related to inspection, disinfection, certification, or other requirements as the Commissioner deems necessary to effectuate the purposes of this article; or
2. A permit issued by (i) the U.S. Department of Agriculture or (ii) another state's regulatory equivalent.

## **Section 70. Compliance Agreements.**

A. A person engaged in growing, handling, or moving a regulated article may request a compliance agreement with the department. The department may, in its sole discretion, issue or decline to issue a compliance agreement. Any person operating under a compliance agreement shall comply with the provisions of this quarantine and any conditions imposed under the compliance agreement.

B. Once the department approves the compliance agreement, any person operating under a compliance agreement shall follow all prescribed safeguards to scout, trap, treat, and inspect regulated articles, ensuring that they are free from the box tree moth, prior to movement out of a regulated area.

C. The department may orally or in writing cancel a compliance agreement when the department finds that a person operating under a compliance agreement has failed to comply with this quarantine. If the cancellation is oral, the department shall confirm the cancellation and the reasons for the cancellation in writing to the person who entered into such compliance agreement as promptly as circumstances allow.

**Section 80. Certificates and Limited Permits.**

- A. The department may issue a certificate or permit for the movement of a regulated article to any destination within Virginia when:
1. The regulated article has been examined by the inspector and found to be apparently free from the box tree moth and there is no evidence of a box tree moth infestation;
  2. The regulated article has been grown, produced, stored, or handled in such a manner that, in the judgement of the inspector, would prevent an infestation of box tree moth;
  3. The regulated article has received an approved treatment for box tree moth; or
  4. The regulated article is to be moved in compliance with conditions deemed necessary under the Tree and Crop Pests Law to prevent the spread of the box tree moth.
- B. The department may orally or in writing withdraw any certificate or permit if the department determines that the holder of the certificate or permit has not complied with all conditions for the use of the certificate or permit or with any applicable compliance agreement. If the withdrawal is oral, the department shall confirm the withdrawal and the reasons for the withdrawal in writing to the certificate or permit holder as promptly as circumstances allow.

**Section 90. Assembly and inspection of regulated articles.**

- A. Any person who desires to move a regulated article and is seeking a certificate or permit shall apply for inspection of the regulated article as far in advance as practical, but no less than five business days before the regulated article is to be moved.
- B. The regulated article must be assembled at the place and in the manner the inspector designates as necessary to facilitate inspection and shall be safeguarded from infestation.

**Section 100. Attachment and disposition of certificates and permits.**

- A. During the intrastate movement of a regulated article that requires a certificate or permit to be moved, the certificate or permit must be attached at all times to the outside of the container that contains the regulated article or to the regulated article itself. The requirements of this section may also be met by attaching the certificate or permit to the consignee's copy of the waybill, provided the regulated article is sufficiently described on the certificate or permit and on the waybill to facilitate the identification of the regulated article.
- B. The certificate or the permit for the intrastate movement of a regulated article must be furnished by the carrier to the consignee at the destination of the regulated article. A copy of the certificate or the permit must be retained by the sender of the regulated article at the place of shipment.

**Section 110. Inspection and disposal of regulated articles and pests.**

Upon presentation of official credentials, an inspector is authorized to stop sale and inspect, and to seize, destroy, require treatment of, or otherwise dispose of or require disposal of regulated articles as provided in the Tree and Crop Pests Law.

**Section 120. Non-liability of the Department.**

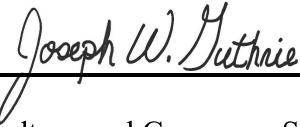
The department is not liable for any costs incurred by third parties whose costs result from, or are incidental to, inspections, disinfection, certification, or other required actions outlined in a compliance agreement issued under the provisions of this quarantine.

**Section 130. Revocation of this quarantine.**

This quarantine may be revoked by the Board when the Board is satisfied that the need for this quarantine no longer exists. Such revocation shall become effective upon the date specified by the order of the Board that revokes this quarantine.

Pursuant to the authority established in Section 3.2-703 of the Code of Virginia, I hereby impose a quarantine to restrict the movement of certain articles capable of transporting box tree moth, *Cydalima perspectalis*, as described herein.

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 Joseph W. Guthrie  
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Joseph W. Guthrie  
Commissioner of Agriculture and Consumer Services

December 3, 2025

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Date