

Finding of No Significant Impact Box Tree Moth Cooperative Control Program in Select Counties in New York State

Final Environmental Assessment May 2022

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) prepared an environmental assessment (EA) in cooperation with the New York Department of Agriculture and Markets, Division of Plant Industry evaluating the impacts of a control program for box tree moth (BTM), *Cydalima perspectalis*, in select counties in New York state.

The EA is incorporated into this Finding of No Significant Impact (FONSI) by reference and is available at the APHIS website at <https://www.aphis.usda.gov/planthealth/ea/>, at regulations.gov (APHIS-2022-0018), or from:

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The draft EA evaluated the potential impacts to human health and the environment from the use of quarantine, survey, and control actions, including host removal and pesticide treatments to control BTM and prevent spread to other areas in New York. In addition to the delimiting survey, the Program would conduct surveys of areas within the quarantine to identify infested boxwoods. All properties located inside the quarantine boundary are subject to control actions. The Program will require control action on boxwood plants when BTM is found at businesses that sell BTM host plants. The Program would request and require permission to perform control actions at other locations, such as residences or business lots. Control actions would include removal of host plants and pesticide applications using one of three options, *Bacillus thuringiensis kurstaki* (Btk), chlorantraniliprole, or spinosad. All products would be applied according to label requirements for the particular use to control BTM. The Program uses one pesticide per location but may make more than one application per season to treat boxwood for BTM on commercial properties or on other properties

The draft EA for the proposed BTM control program was made available to the public for a 30-day comment period beginning on March 29, 2022 at www.regulations.gov and on the APHIS website. APHIS received two public comments on the draft EA. One comment was from the Canadian Food Inspection Agency and the other was from the Canadian Nursery Landscape Association. Both letters supported a control program for BTM and provided recommendations to APHIS based on experiences for addressing BTM in Canada. Both comment letters are available at regulations.gov for reference. The final EA was updated to clarify that boxtree (*Buxus* spp.) is the only BTM host plant that is part of the preferred alternative and to clarify

other aspects of the program.

The analysis in the EA suggests that the use of quarantine, survey, and control methods, such as host plant removal and pesticide use to control the spread of BTM will not result in significant impacts to human health and the environment. The traps used during survey contain a BTM lure and a small amount of a pesticide incorporated into a pest strip to kill adult BTM that enter the trap. Traps are placed in areas that are out of the reach of children. The Program places traps on commercial properties located within the quarantine area that sell host plants. The Program places traps on public and private properties only with the permission of the property manager/landowner. The risk to human health from the use of the three proposed pesticides in the Program is anticipated to be very low when used according to the Program's proposed use pattern. Exposure will be low to the public based on the proposed use pattern for each pesticide and lack of significant exposure. Significant dietary risk is not anticipated since no applications will be made to crops or host plants that would be consumed by people. Drinking water sources are also not anticipated to be impacted based on the proposed use pattern for each pesticide, label requirements to protect water resources, and favorable environmental fate data for most Program pesticides. Any pesticide applications to boxwood on private properties would only be conducted with landowner notification and approval. Applicators are at the greatest risk of exposure to BTM pesticides; however, these risks are reduced by adhering to label requirements including the use of appropriate personal protective equipment (PPE). Program personnel and contractors are required to comply with all US Environmental Protection Agency label requirements and meet all recommendations for PPE during pesticide application. Adherence to label requirements and additional program measures designed to reduce exposure to workers and the public result in low risk to all human population segments from program use of pesticides.

Impacts to nontarget fish and wildlife are anticipated to be very low. Quarantine, survey, and host removal pose very low risks to fish and wildlife. Survey use of traps that contain a pesticide and a BTM lure will pose negligible risks to nontarget fish and wildlife. Some terrestrial invertebrates may be attracted to the traps; however, the impact is anticipated to be minimal since the lure used in the trap is specific to BTM. Impacts to fish and wildlife from pesticide use will also be low based on the toxicity profiles for Btk, chlorantraniliprole, and spinosad and their proposed use pattern in the BTM control program. Treatments will occur in businesses that sell boxtree and on private properties with landowner consent, and only to the host plants.

The proposed BTM control program will not adversely affect any federally listed threatened and endangered species that may occur in the New York counties covered in this EA. APHIS has completed informal consultation with the US Fish and Wildlife Service on federally listed species, and any designated critical habitat, that may occur in the Program areas. These species include bog turtle, *Clemmys muhlenbergii*; eastern massasauga rattlesnake, *Sistrurus catenatus*; clubshell mussel, *Pleurobema clava*; dwarf wedgemussel, *Alasmidonta heterodon*; northern

riffleshell mussel, *Epioblasma torulosa rangiana*; rayed bean mussel, *Villosa fabalis*; longsolid mussel, *Fusconaia subrotunda*; and bog buck moth, *Hemileuca maia menyanthevora*.

There are no disproportionate adverse effects to minorities, low-income populations, or children, in accordance with Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations,” and Executive Order 13045, “Protection of Children from Environmental Health Risks and Safety Risks.” Under the preferred alternative, the control efforts involve quarantine and survey as well as pesticide applications and host removal. Before the Program treats an area or removes host plants, it notifies property owners before it treats or removes plants. The notification process and information provided by the Program regarding reducing exposure to treatments will ensure that human health exposure and risk will be minimized, including minority and low-income populations and underserved communities. Based on the analysis of available toxicity data and the potential for exposure, the human health and environmental risk from the proposed applications are minimal and are not expected to have disproportionate adverse effects to any minority or low-income family. The Program anticipates host removal to cause visual landscape impacts and possibly financial costs should property managers/owners choose to replace plants with non-host species. The Program’s goal is the control of the BTM and involves working with local communities to inform them about the moth and its impact and the approach the Program uses to control the moth.

The potential for impacts to historic properties, including sites of tribal importance were evaluated pursuant to Section 106 of the National Historic Preservation Act. Approximately 2,696 historic properties within the Program area are listed on the National Register of Historic Places, with many of these sites being structures. In Niagara County, where the BTM currently occurs, there are 94 historic properties. Based on the criteria defined in Section 106 of what constitutes an adverse effect, the proposed program will not harm buildings, structures, or objects listed. The Program applies pesticides to host plants, not to buildings or structures. Other Program actions (e.g., survey, removal of infested host material) will not directly affect buildings. The use of pesticides on historic properties may temporarily alter public accessibility to accommodate the pesticide’s drying time. The Program will coordinate treatment times to minimize this potential impact. The removal of existing host plants from listed historic properties may alter the landscape appearance. The New York State Historic Preservation Officer (SHPO) or property manager for the historic site may opt to treat infested plants as opposed to host removal. Prior to implementing BTM control at a historic site, program personnel will contact the SHPO and appropriate officials.

APHIS contacted the Tuscarora, Oneida, and Tonawanda Band of Seneca Nations by letter prior to publication of the draft EA. APHIS received no comments or requests from the Tribes to meet to discuss the BTM control program. APHIS will continue to communicate with the Tribes if

there are any changes to the BTM control program or if any archaeological Tribal resources are discovered during any BTM control activities.

I have determined that there would be no significant impact on the quality of the human environment from the implementation of the preferred alternative. APHIS' finding of no significant impact from the preferred alternative is based on the results of the analysis in this EA. Lastly, because I have not found evidence of significant environmental impacts associated with the proposed program, I further find that no additional environmental documentation needs to be prepared and that the program may proceed.

/s/

May 31, 2022

Allen Proxmire
National Policy Manager
Plant Protection and Quarantine
Animal and Plant Health Inspection Service

Date