

# NEW YORK

## SUMMARY OF PLANT PROTECTION REGULATIONS Updated June 2019

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**The information, as provided, is for reference only and should not be interpreted as complete, nor should it be considered legally binding. Coordination with both your state and the destination state plant regulatory agency listed above may be necessary to stay up-to-date on revised requirements.**

### **NURSERY STOCK DEFINITION**

All trees, shrubs, plants and vines and parts thereof, annuals, biennials, perennials, vegetables, fruit, forage and cereal plants and all other plant cuttings, grafts, scions, buds, bulbs and roots.

### **GENERAL SHIPPING REQUIREMENTS**

Any nursery stock shipped into New York must have an unexpired inspection certificate issued by an authorized official from the state of origin attached to each package, signifying that the contents appear to be free from all injurious plant pests. Addresses of the consignor and the consignee shall be included along with a list of varieties of nursery stock and a statement that the contents are alive and vigorous.

### **NOXIOUS WEEDS**

The introduction of noxious weeds is prohibited; referring to any living stage of any parasitic or other plant of a kind which is of foreign origin, is new to or not widely prevalent, and can directly or indirectly injure crops, other useful plants, livestock or poultry or other interest of agriculture.

### **PART 575 - NEW YORK STATE PROHIBITED AND REGULATED INVASIVE SPECIES\***

**\*FOR FULL REGULATION AND ADDITIONAL INFORMATION GO TO:**  
<https://www.dec.ny.gov/animals/99141.html>

The purpose of this Part is to establish procedures to identify and classify invasive species and to establish a permit system to restrict the sale, purchase, possession, propagation, introduction, importation, and transport of invasive species in New York, as part of the Department of Environmental Conservation's statewide invasive species management program, as required by Environmental Conservation Law sections 9-1709 and 71-0703.

Nurserymen should be aware of the list of 69 plants that are prohibited from sale, purchase, possession, propagation, introduction and transport in New York State. Nurserymen should also be aware that there is a list of six regulated plants that must be labeled with the following statement when in commerce or trade in NYS –“Invasive Species-Harmful to the environment,” in at least 14 point bold font. These labels must also list non-invasive alternative plants and care techniques to prevent spread or introduction into a free-living state. Sample labels can be found at [http://www.agriculture.ny.gov/PI/invasive\\_species.html](http://www.agriculture.ny.gov/PI/invasive_species.html)

The six regulated plants are:

*Acer platanoides*, Norway maple  
*Clematis terniflora*, Japanese virgin's bower  
*Euonymus alatus*, Burning bush  
*Euonymus fortunei*, Winter creeper  
*Miscanthus sinensis*, Chinese silver grass  
*Robinia pseudoacacia*, Black locust

Also be aware that all cultivars of *Berberis thunbergii* will be prohibited from trade after March 10, 2016. Specific cultivar exemptions are listed from time to time in the Environmental bulletin [http://www.dec.ny.gov/enb/20150520\\_not0.html](http://www.dec.ny.gov/enb/20150520_not0.html) or at this website: <https://www.dec.ny.gov/animals/99141.html>

## QUARANTINES OR ADDITIONAL REQUIREMENTS

### PART 138 - CERTIFICATION OF GRAPE ROOT STOCKS AND PROPAGATING MATERIAL

PEST: Fanleaf, Leaf Roll, Corky Bark and *Flavesence doree* virus diseases of grapes.

STATES REGULATED: All

MATERIALS REGULATED: Grape plants and all parts capable of propagation, except fruit

RESTRICTIONS: Grape plants must be certified free of the viruses listed upon inspection by a state agency using an approved method.

## **PART 132 - VEGETABLE PLANT QUARANTINE**

PEST: Insects, pests and plant diseases affecting vegetable seedlings.

STATES REGULATED: All

MATERIALS REGULATED: Vegetable seedlings

RESTRICTIONS: Plants must be certified to have been grown under an official certification program or to have been inspected and found apparently free of injurious insects and diseases. All shipments must be plainly marked indicating the names and addresses of the grower and the shipper.

## **PART 142 - EXTERIOR QUARANTINE OF SPOTTED LANTERNFLY\***

**\*FOR FULL REGULATION AND ADDITIONAL INFORMATION GO TO:**

<https://www.agriculture.ny.gov/PI/final-express-terms-spotted-lanternfly.pdf>

PEST: Any living life stage of the spotted lanternfly *Lycorma delicatula*

AREAS REGULATED: SEE BELOW

PA - The counties of Berks, Bucks, Carbon, Chester, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Philadelphia, and Schuylkill.

VA – The county of Frederick.

NJ - The counties of Hunterdon, Mercer and Warren.

DE - The county of Newcastle.

REGULATED ARTICLES: Any living life stage of Spotted Lanternfly, *Lycorma delicatula*. Items originating from or travelling through the quarantine area capable of harboring live spotted lanternfly including brush, debris, yard waste, packing materials.

RESTRICTIONS: Regulated articles originating from or moving through the quarantine area must be accompanied by a certificate of inspection, waybill and must be loaded, handled or shipped in a manner reasonably designed to prevent it from becoming infested with or harboring Spotted Lanternfly.

## **SEEDS AND COMMODITIES**

Fertilizer, Ammonium Nitrate, and Compost Distributors/Labelers, Soil and Plant Inoculants, and Lime Brands being distributed or offered for sale in New York must be licensed with the

NYSDAM. All commodity licenses expire on December 31 of even numbered years, except an Ammonium Nitrate Retailer's license which expires on December 31 of every year.

Noxious Weed Seeds- When present in agricultural, including lawn seeds, and vegetable seeds. The label for agricultural seed or mixtures must show the name and number of seeds per pound of each kind of noxious weed seed present.

Bluegrass, annual.....	<i>Poa annua</i> (in lawn seed)
Spurge, leafy.....	<i>Euphorbia esula</i>

Annual bluegrass (*Poa annua*) seeds are considered noxious weed seeds when present in lawn seeds, unless listed as a kind of seed and the percentages of pure seed and germination are given.