

**NEBRASKA THOUSAND CANKERS DISEASE OF WALNUT QUARANTINE
#5072010**

TO ALL AFFECTED PERSONS:

You are hereby notified that the Nebraska Department of Agriculture (Department) is establishing a quarantine on the importation of all walnut (*Juglans* spp.) and other regulated articles originating in areas infested with Thousand Cankers Disease of Walnut, pursuant to the Plant Protection and Plant Pest Act, Neb. Rev. Stat. §§2-1072 to 2-10,117 (Act).

Sections 2-1091 and 2-10,108 provide that for the enforcement of the Act, the Department may issue a quarantine whenever the Department finds there exists, in any other state, territory, country, or part thereof, any plant pests detrimental to the agricultural interests of the state and that the control, eradication, retarding, or prevention of such pests is necessary to protect the plant industry of the state, the Department may impose and enforce a quarantine prohibiting the transportation into, within, or through Nebraska of such pests. Quarantine enforcement shall apply to any plants or any other property capable of carrying such plant pests.

PURPOSE: This quarantine prevents the introduction into Nebraska of a newly described destructive pest complex known as Thousand Cankers Disease of Walnut (TCD), which poses a serious threat to the walnut trees in Nebraska, and places at risk the ability of Nebraska producers to produce, sell, and distribute walnut plants and products interstate and internationally. TCD is a pest complex involving infestation by the Walnut Twig Beetle (*Pityophthorus juglandis*) and a fungal pathogen (*Geosmithia morbida*), which eventually kills the walnut tree. It is particularly lethal to black walnut (*Juglans nigra*). Nebraska forests are home to more than 1.5 million black walnut trees. These trees contain over 40 million board feet of merchantable wood, worth \$40 to \$80 million. Approximately 1 million board feet of walnut wood is harvested annually, contributing \$3.5 million to the Nebraska economy. The state is also home to several hundred nut tree growers, with nearly 4,000 bearing trees in production. These growers produce over 70,000 pounds of hulled nuts annually, worth approximately \$150,000. The overall value of the Nebraska nut crop to the state economy is estimated at \$1.2 million per year. TCD threatens to cost the state over \$81 million in uninsured losses to trees killed, and over \$4.7 million annually in lost income from wood and nut processing and sales. TCD has not yet been found in Nebraska. In order to protect Nebraska black walnut production areas and native timber stands from TCD, the Department finds it necessary to impose this quarantine.

This quarantine was originally effective on May 7, 2010. As of May 19, 2017, the specific requirements of the quarantine are as follows:

1. Quarantined Areas:

Quarantined areas shall consist of the entire states of Arizona, California, Colorado, Idaho, Indiana, Maryland, Nevada, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Virginia, and Washington; and any other state or foreign country known to be infested.

2. Definitions:

- A. Bark shall mean the natural bark of a tree, including the ingrown bark around knots and bark pockets between rings of annual growth, and an additional one-half(1/2)-inch of wood, including vascular cambium;

- B. Compliance agreement shall mean a written agreement between the State Entomologist or designee and a person or entity moving regulated articles out of or through a quarantined area;
- C. Firewood for the purpose of this quarantine shall be defined as wood, either split or unsplit, in sections less than four feet in length;
- D. State Plant Regulatory Official refers to the National Plant Board member of the state of origin.
- E. Transited through an infested area shall mean a regulated article has been moved into or through an infested area and remained in the infested area for 48 or more hours.

3. Regulated Articles:

- A. All plants and plant parts of the genus *Juglans* or *Pterocarya* including but not limited to nursery stock, budwood, scionwood, green lumber, and other material living, dead, cut, or fallen, including logs, boards, firewood, stumps, burls, roots, branches, bark, mulch, composted and uncomposted chips, and lumber for wood packing material;
- B. All life stages of the walnut twig beetle (*Pityophthorus juglandis*) or any other insect determined by the State Entomologist to be a vector of *Geosmithia morbida*;
- C. The fungal pathogen (*Geosmithia morbida*);
- D. Firewood or fuel wood of any non-coniferous (hardwood) species.
- E. Any other article, product, or means of conveyance when it is determined by the State Entomologist to present the risk of spread of the Walnut Twig Beetle (*Pityophthorus juglandis*), or the fungal pathogen (*Geosmithia morbida*).

4. Except as otherwise provided herein, all regulated articles from the areas under quarantine and regulated articles which were transited through an infested area are prohibited from entry into or movement through Nebraska. The following are conditions of movement of regulated articles:

- A. Non-propagative regulated wood articles **harvested from, or transited through a known infested state**, may be shipped into Nebraska if each shipment is accompanied by a state phytosanitary certificate or equivalent certificate of compliance, issued in the state of origin declaring one of the following certification methods has been used:
 - a. The regulated article has been heat treated to a minimum of 60° C (140° F) for 60 minutes; The phytosanitary certificate, or equivalent certificate of compliance, must include the following additional declaration: "*The regulated article(s) is/are certified as apparently free of walnut twig beetle (Pityophthorus juglandis) and Geosmithia morbida, and was heat treated with an inner core temperature of 140 degrees Fahrenheit (60 degrees Celsius) maintained for at least sixty (60) minutes and stored in a manner to retain freedom from the Walnut Twig Beetle until shipped.*"
 - b. The regulated article has been fumigated with Methyl bromide using one of the following schedules:

- i. 15 pounds per 1000 cubic feet for 24 hours at or above 5° C (41° F) and stored in such a manner as to retain freedom from walnut twig beetle in storage and transit. The phytosanitary certificate, or equivalent certificate of compliance, must include the following additional declaration: *"The regulated article(s) is/are certified as apparently free of walnut twig beetle (Pityophthorus juglandis) and Geosmithia morbida, and treated with methyl bromide at 15 pounds per 1000 cubic feet for 24 hours at or above 5 degrees Celsius and stored in a manner to retain freedom from the Walnut Twig Beetle until shipped."*
 - ii. 6 pounds per 1000 cubic feet for 24 hours at or above 16° C (60.8° F) and stored in such a manner as to retain freedom from walnut twig beetle in storage and transit. The phytosanitary certificate, or equivalent certificate of compliance, must include the following additional declaration: *"The regulated article(s) is/are certified as apparently free of walnut twig beetle (Pityophthorus juglandis) and Geosmithia morbida, and treated with methyl bromide at 6 pounds of methyl bromide per 1000 cubic feet for 24 hours at or above 16 degrees Celsius, and stored in a manner to retain freedom from the Walnut Twig Beetle until shipped."*
 - c. All regulated articles with more than 5% bark remaining attached must be shipped within 15 days of treatment.
- B. Non-propagative regulated wood articles originating from **non-infested counties in infested states and not otherwise included in paragraph 4A above** may be shipped into Nebraska if:
- a. The state regulatory agency at origin annually conducts official survey for walnut twig beetle/thousand cankers disease of walnut in the non-infested county, and the results were negative, and;
 - b. When accompanied by a state phytosanitary certificate or equivalent certificate of compliance issued in the state of origin declaring *"The regulated article(s) was/were officially inspected after harvest and found apparently free of walnut twig beetle (Pityophthorus juglandis) and Geosmithia morbida."*
- C. No person, firm, corporation, or other entity shall import, plant, receive for delivery, or otherwise accept or bring into Nebraska any regulated articles from any TCD infested area designated by the Department, unless the regulated article is accompanied by the proper certification documents.
- D. Regulated articles, at the discretion of the State Entomologist, may move into the state under a Compliance Agreement between the Department and the Nebraska recipient. At minimum, the Compliance Agreement may require inspection of the regulated articles at the point of origin, a state phytosanitary certificate issued by the state plant regulatory official in the state of origin, and at least seven (7) days pre-shipment notification.
5. Commodities exempt from quarantine requirements:
- A. All nuts, nut meat, and hulls of the genus *Juglans*;
 - B. Processed lumber (100% bark-free and kiln dried,);

- C. Finished wood products without bark, including walnut furniture, instruments, and gun stocks;
- D. Nonviable, preserved specimens of the walnut twig beetle (*Pityophthorus juglandis*); or
- E. Nonviable, preserved specimens of the Geosmithia fungus (*Geosmithia morbida*).

6. Penalties:

- A. Regulated articles transported in violation of this quarantine may be seized, destroyed, and/or returned to point of origin, without compensation, by the Department, pursuant to § 2-10,108 of the Act.
- B. Section 2-10,115 of the Act provides that any person or entity shall be guilty of a Class IV misdemeanor for a first violation, and a Class II misdemeanor for a subsequent violation of the same nature if that person violates this quarantine.
- C. Any person or entity found to have violated this quarantine will be held financially responsible for all regulatory and mitigation expenses related to the violation, pursuant to § 2-10,111 of the Act.

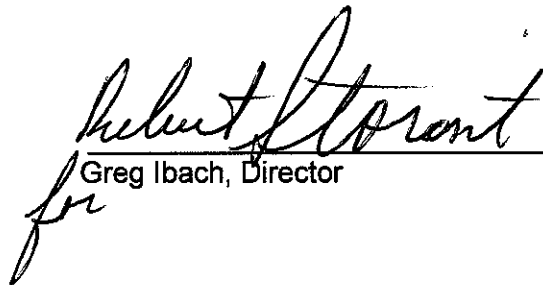
Any person affected by this quarantine may request a hearing before the Department. Such requests should be made in writing to the:

Nebraska Department of Agriculture
301 Centennial Mall South
P.O. Box 94756
Lincoln, Nebraska 68509

This quarantine is effective until the Department amends the quarantine or determines that the quarantine is no longer necessary.

NEBRASKA DEPARTMENT OF AGRICULTURE

May 19, 2017
Date



for Greg Ibach, Director

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