

**BEFORE THE SECRETARY OF AGRICULTURE, TOPEKA, KANSAS  
THOUSAND CANKERS DISEASE OF WALNUTS QUARANTINE**

The Secretary of the Kansas Department of Agriculture (Secretary) is authorized to enforce the plant pest and agriculture commodity certification act and rules and regulations promulgated thereunder. K.S.A. 2009 Supp. 2-2112 *et seq.*

1. WHEREAS the Secretary is authorized to quarantine the state of Kansas, or any portion thereof, when the secretary determines that such action is necessary to prevent or retard the spread of a plant pest, and to quarantine any other state or portion thereof whenever the secretary determines that a plant pest exists therein and that such action is necessary to prevent or retard its spread into the state of Kansas. K.S.A. 2009 Supp. 2-2117.
2. WHEREAS Thousand Cankers Disease of Walnut is a plant pest disease complex involving infestation of walnut trees and plants (*Juglans* sp) by the Walnut Twig Beetle (*Pityophthorus juglandis*) and an unnamed species of Geosmithia fungus (*Geosmithia* sp.), which eventually kills the walnut tree (*Juglans* sp).
3. WHEREAS Thousand Cankers Disease of Walnut poses a serious threat to walnut trees in Kansas, and places at risk the ability of Kansas producers to produce, sell, and distribute walnut plants (*Juglans* sp) and products intrastate, interstate, and internationally.
4. WHEREAS it is necessary to protect Kansas walnut timber and nut production, walnuts as a landscape species, and the native ecosystem from Thousand Cankers Disease of Walnut and the Walnut Twig Beetle.
5. WHEREAS Thousand Cankers Disease of Walnut and the Walnut Twig Beetle are currently present in many states of the western United States.
6. WHEREAS unregulated articles are transported into many states with the potential of introducing or spreading Thousand Cankers Disease of Walnut and the Walnut Twig Beetle.
7. WHEREAS quarantine action is necessary to prevent the introduction and spread of Thousand Cankers Disease of Walnut and the Walnut Twig Beetle into and within the State of Kansas.

**IT IS THEREFORE ORDERED BY THE SECRETARY THAT:**

1. In order to prevent, retard, suppress, and control the spread of the plant pest Thousand Cankers Disease of Walnut, and the Walnut Twig Beetle, the movement of regulated articles into or through the State of Kansas, from any other state, territory, or foreign country, by any person, is prohibited except as set forth in paragraph 5 of this Order, below.

2. In the event that either the Thousand Cankers Disease of Walnut or the Walnut Twig Beetle are discovered within the State of Kansas, this quarantine order will prohibit the movement of regulated articles that are infected with Thousand Cankers Disease of Walnut or infested by the Walnut Twig Beetle, both within the State of Kansas, and from the State of Kansas to any other state, territory, or foreign country, by any person.
3. Except as exempted in paragraph 6 of this Order, below, the following shall be considered "regulated articles" under this quarantine order: all plants, plant parts, and products of the genera *Juglans*; articles of *Juglans*, including, but not limited to: logs, lumber, firewood, bark, mulch, burls, stumps, and packing materials; all life stages of the walnut twig beetle (*Pityophthorus juglandis*); all life stages of the Geosmithia fungus (*Geosmithia sp.*).
4. The Secretary may register those persons or facilities handling regulated articles within the State of Kansas.
5. All regulated articles under this Order are prohibited entry into the State of Kansas unless specifically exempted by this Order or meet the following requirements of certification for pest free status, including all necessary documentation:
  - a. All persons intending to import regulated articles into the State of Kansas must register with the Secretary and enter into a compliance agreement that includes handling and documentation guidelines required by the Secretary. Such agreements for the purpose of this quarantine are subject to change or revocation by the Secretary without notice. All persons importing regulated articles into the State of Kansas will be subject to inspection fees as set forth in K.S.A. 2009 Supp. 2-2112 *et seq.*, and K.A.R. 4-5-8.
  - b. A regulated article may be imported into the state by one of the following options:
    - i. From the states of Arizona, California, Colorado, Idaho, New Mexico, Oregon, Utah, Washington, and other states, territories, and foreign countries where the disease has been found to exist: A phytosanitary certificate from the state or country of origin declaring, "*The article was officially inspected after harvest and found free of the fungus Geosmithia, the Walnut Twig Beetle, free of bark, and stored in such a manner to retain freedom from the Walnut Twig Beetle in storage and transit.*"
    - ii. From all other states and territories of the United States and foreign countries that do not conduct an official survey on an annual basis: A phytosanitary certificate from the state or country of origin declaring, "*The article was officially inspected after harvest and found to be free of Thousand Cankers Disease of Walnut and the*

*Walnut Twig Beetle. The article was harvested on (date), and stored and shipped in a manner to retain freedom from the Walnut Twig Beetle in storage and transit."*

iii. From states and territories of the United States and foreign countries that conduct an official survey on an annual basis, and the state or territory of the United States or foreign country has been found free of Thousand Cankers Disease of Walnut and the Walnut Twig Beetle, no phytosanitary certificate is required.

c. A state where Thousand Cankers Disease of Walnut or the Walnut Twig Beetle have not been reported can appeal to the Secretary for a one-year waiver from the official survey, and be considered a pest free area for that time period. After the one-year time period for the waiver expires, such state must complete an official survey for the disease and insect for continued importation of a regulated article into the State of Kansas without a phytosanitary certificate.

d. A state phytosanitary certificate for importation into the state of Kansas is valid for thirty (30) days from the time of inspection. The regulated article cannot be physically altered in any way after issuance of the certificate and before entry into the state of Kansas.

6. The following regulated articles are exempt from the requirements of this quarantine order:

a. All nuts, nut meat and hulls of the genera *Juglans*.

b. Finished wood products, without bark (95% bark free), including walnut furniture, musical instruments, and gun stocks.

c. Processed lumber, without bark (95% bark free), with square edges, that has received a heat treatment with a minimum wood core temperature of 133 degrees Fahrenheit (56 degrees Celsius) maintained for at least 30 minutes, which is received from states, territories, or foreign countries where Thousand Cankers Disease of Walnut and the Walnut Twig Beetle have not been detected.

d. Nonviable, preserved specimens of the Walnut Twig Beetle (*Pityophthorus juglandis*) and the fungus *Geosmithia* defined below.

7. Terms set forth herein are defined as follows:

a. WALNUT: A genus of trees and their hybrids of the genus *Juglans*.

b. FUNGUS: GEOSMITHIA: An unnamed species of the genus *Geosmithia*, a genus of dry-spored anamorphic fungi that predominate in galleries built by phloem feeding bark beetles and other subcortical insects. Unofficially referred to as the species *morbida*.

c. BARK: (1) The thickened cork layer outside of the cork cambium of the wood composed mostly of dead lignified cells and produced by the formation of multiple layers of periderm, cortical, and phloem tissue; and, (2) the outer layer of a tree stem outside the vascular cambium composed of outer bark (corky tissue) and inner bark (phloem).

d. OFFICIAL INSPECTION: An inspection by a state or federal regulatory official trained in the identification of Thousand Cankers Disease of Walnut and Walnut Twig Beetle.

e. OFFICIAL SURVEY: A survey conducted by a state regulatory agency or designated agents of wood handling facilities, harvest sites, related articles, and plantings or native stands of walnuts to determine whether Thousand Cankers Disease of Walnut and Walnut Twig Beetle are present in the article's county of harvest or origin.

f. DESIGNATED AGENT: A public official with knowledge and training regarding a pest, facility, or operation whose information is deemed reliable by the Secretary.

8. Pursuant to K.S.A. 2009 Supp. 2-2112 *et seq.*, and 2-2125, any person who knowingly sells, barter, offers for sale, moves, transports, delivers, ships, or offers for shipment, into or within this state, a regulated article in violation of this quarantine order may be subject to criminal prosecution or civil penalties. In addition, such person may be subject to any and all expenses associated with the destruction or treatment of the regulated articles, or the removal of the regulated articles from the state.
9. Any person or their agent who harvests, removes, disposes, or diagnoses the health of walnut trees, that either suspects or confirms a tree to have Thousand Cankers Disease of Walnut or the Walnut Twig Beetle, must inform the Secretary of the location and disposition of the tree, or the name of the owner of the tree, within fourteen (14) days of such harvest, removal, disposition, or diagnosis. Any movement of such walnut tree is prohibited until the Secretary, or Secretary's authorized representative, has inspected the tree for plant pests, and verified that the tree is free of *Geosmithia* sp. and the Walnut Twig beetle.
10. The Secretary may conduct annual inspections and surveys of walnut harvest sites; timber mills and related facilities handling raw wood products or articles; and, planted and native stands of walnut trees within the state of Kansas for Thousand Cankers Disease of Walnut and the Walnut Twig Beetle.
11. The Secretary may, without further hearing, take further action not specified in this quarantine order if deemed necessary by the Secretary to protect walnut trees within the

State of Kansas. Such action may include eradication and suppression activities, and the destruction of trees and articles.

12. This quarantine order shall become effective on the date it is signed by the Secretary and shall remain in effect until rescinded or modified by order of the Secretary.

IT IS SO ORDERED THIS 20<sup>th</sup> DAY OF July, 2010 IN TOPEKA, SHAWNEE COUNTY, KANSAS.

  
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Joshua Svaty, Secretary  
Kansas Department of Agriculture

Approved by:

  
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Randy Stookey, #21885

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