

NOTICE

Order of Quarantine

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Thousand Cankers Disease of Walnut

Recitals

- A. Thousand Cankers Disease (TCD), a disease complex that kills walnut trees, *Juglans spp.*, has been detected in the Commonwealth. There is no cure for a tree once it is infected. The fungus *Geosmithia morbida* is vectored by the walnut twig beetle, *Pityophthorus juglandis*, causing small cankers under the bark of the tree. The beetle introduces the fungus while it tunnels beneath the bark. As more beetles attack the tree, the number of cankers increases until they coalesce to girdle twigs and branches, restricting movement of nutrients and eventually killing the tree. Thousand Cankers Disease has been detected in the Commonwealth and has the potential to spread to uninfested areas by natural means or through the movement of infested articles.
- B. The Plant Pest Act (Act) (3 P. S. §§ 258.1—258.27) empowers The Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. These powers include the authority to establish quarantines to prevent the spread of plant pests within this Commonwealth.
- C. Under the authority of section 258.20 of the Act (3 P.S. § 258.20) the Department may declare a pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraph A above, the Department declares TCD, the fungus *Geosmithia morbida* and the walnut twig beetle, *Pityophthorus juglandis*, to be plant pests.
- D. Where the Department detects or confirms any of the plant pests established in this Order of Quarantine – Thousand Cankers Disease, *Geosmithia morbida* or *Pityophthorus juglandis* – the place or area in which any of these plant pests are detected or confirmed shall be subject to this Order of Quarantine.
- E. The place or area in which the plant pest is detected or confirmed shall be added to this Order of Quarantine through an addendum delineating the specific location and geographic parameters of the area or place. Such addendum shall be published in the *Pennsylvania Bulletin* and enforcement of this Order of Quarantine with regard to that place or area shall become effective immediately upon such publication in the *Pennsylvania Bulletin*.

Order

Under authority of section 21 of the act (3 P. S. § 258.21), and with the Recitals previously listed incorporated into this Order of Quarantine by reference, the Department orders the following:

1. *Establishment of Quarantine.*

A quarantine is hereby established with respect to Bucks, Chester, Delaware, Montgomery and Philadelphia counties and any other area or place delineated in an addendum to this Order of Quarantine as set forth in Paragraphs D. and E. of the “*Recitals*” to this Order of Quarantine.

2. *Regulated Articles and Limitations Imposed.* The plant pests established by this Order of Quarantine - Thousand Cankers Disease, *Geosmithia morbida* and *Pityophthorus juglandis* - along with any material or object that may carry or spread those plant pests, such as the following objects or materials, are considered regulated articles under this Order of Quarantine and may not be moved out of the quarantined area, unless done in accordance with Paragraph 3 of this Order of Quarantine:

- Any life stage of the walnut twig beetle, *Pityophthorus juglandis*.
- The fungal pathogen, *Geosmithia morbida*.
- Firewood of any non-coniferous (hardwood) species.
- All plants and plant parts of the genus *Juglans*. This shall include, but is not limited to, all live, dead, infected or non-infected trees of the genus *Juglans*, nursery stock, budwood, scionwood, green lumber, firewood, and other material living, dead, cut, fallen including stumps, roots, branches, mulch, and composted and uncomposted chips.
- Any other article or means of conveyance when it is determined by an inspector to present a risk of spread of Thousand Cankers Disease or the fungus *Geosmithia morbida* or the twig beetle *Pityophthorus juglandis*.

Specific exemptions include nuts, nut meats, hulls, processed lumber (which is one hundred percent bark-free and kiln-dried, with squared edges) and finished wood products without bark, including walnut furniture, musical instruments, and other items derived from the genus *Juglans*.

3. *Movement of regulated articles from quarantined areas.* A regulated article, delineated in Paragraph 2 of this Order of Quarantine, may be moved from a quarantined area only under the following circumstances:

a. *With* a valid certificate or limited permit attached and issued in accordance with the provisions of Paragraph 4 or Paragraph 6 of this Order of Quarantine. The valid certificate or limited permit shall be attached to the regulated article(s) as set forth in Paragraph 5 of this Order of Quarantine.

b. *Without* a certificate or limited permit attached and issued in accordance with the provisions of Paragraph 4 of this Order of Quarantine if the regulated article originates outside the quarantined area and is moved intrastate through the quarantined area under the following conditions:

- i. The points of origin and destination are indicated on a waybill accompanying the regulated article; and
- ii. The regulated article, if moved through the quarantined area during the period of May 1 through August 31 or when the ambient air temperature is 40° F or higher, is moved in an enclosed vehicle or is completely covered, such as by a tarp or full shrink wrapping, to prevent exposure to Thousand Cankers Disease or the fungus *Geosmithia morbida* or the twig beetle *Pityophthorus juglandis* or access to the regulated article by any of the plant pests established in this Order of Quarantine; and
- iii. The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed or handled at locations approved by the Department inspector as not posing a risk of infestation by or exposure to Thousand Cankers Disease or the fungus *Geosmithia morbida* or the twig beetle *Pityophthorus juglandis*; and
- iv. The article has not been combined or commingled with other articles so as to lose its individual identity.

4. *Obtaining a Certificate or Limited Permit from the Department for Movement of Articles.*

The Department or a person operating under a compliance agreement, as set forth in Paragraph 6 of this Order of Quarantine, may issue a certificate or limited permit authorizing the movement of a regulated article, delineated in Paragraph 2 of this Order of Quarantine, if it is satisfied that all of the following criteria are accurate and will be met:

a. The regulated article is to be moved in compliance with the provisions of this Order of Quarantine and any additional emergency conditions that the Department may impose under the Plant Pest Act in order to prevent the artificial spread of Thousand Cankers Disease, the fungus *Geosmithia morbida* and the twig beetle *Pityophthorus juglandis*; and

b. The regulated article is either of the following:

- i. The regulated article is determined to be free of Thousand Cankers Disease, the fungus *Geosmithia morbida* and the twig beetle *Pityophthorus juglandis*, based on inspection; or the regulated article has been grown, produced, manufactured, stored or handled in a manner that, in the judgment of the Department, prevents the regulated article from presenting a risk of spreading Thousand Cankers Disease, the fungus *Geosmithia morbida* and the twig beetle *Pityophthorus juglandis*; or

ii. The regulated article is to be moved to a specified destination for specific processing, handling or utilization (the destination and other conditions to be listed on the advance written permission), and the Department has determined this movement will not result in the spread of Thousand Cankers Disease, the fungus *Geosmithia morbida* or the twig beetle *Pityophthorus juglandis* because those plant pests will have been destroyed by the specific processing, handling or utilization process undertaken and completed prior to movement of the regulated article.

5. *Documentation to Accompany Regulated Articles in Movement from a Quarantined Area.* If a regulated article(s), delineated in Paragraph 2 of this Order of Quarantine, is to be moved from a quarantined area, the regulated article(s) shall be plainly marked with the name and address of the consignor and any person utilized in processing the regulated article for movement and the name and address of the consignee and must have a copy of the applicable Department-issued or Department-authorized (by compliance agreement as described in Paragraph 6 of this Order of Quarantine) certificate or limited permit securely attached to each regulated article itself or the container carrying each regulated article and such certificate or limited permit shall be attached to the consignee's copy of the accompanying waybill at all times during movement. The description of the regulated article(s) on the certificate or limited permit, and on the waybill, shall be sufficient to identify each regulated article. The consignor shall be responsible for compliance with such documentation standards and shall assure the carrier furnishes the certificate or limited permit authorizing the movement of the regulated article to the consignee at the destination of the shipment. The consignor, carrier and the consignee shall keep a copy of the certificate or limited permit. All such records shall be maintained by the consignee, consignor and carrier for a period of 2 years. Such records shall be made available to the Department for inspection upon request.

6. *Compliance Agreements.* The Department will consider entering into a compliance agreement with any person that demonstrates an understanding of the requirements of this Order of Quarantine and satisfies the Department that said person is capable of issuing certificates or limited permits in accordance with the requirements of this Order of Quarantine. The Department shall either provide blank certificates and limited permits to a person operating under a compliance agreement or authorize reproduction of the certificates or limited permits on shipping containers, or both, as requested by the person operating under the compliance agreement. These certificates and limited permits may then be completed and used, as needed, for the movement of regulated articles that have met all of the requirements of Paragraph 4 of this Order of Quarantine. Originals of each certificate or limited permit issued by a person operating under a compliance agreement shall be kept by said person for a period of 3 years and shall be made available to the Department upon request.

7. *Cancellation of a Certificate, Limited Permit or Compliance Agreement.* Any certificate or limited permit or any Compliance Agreement may be canceled orally or in writing by the Department whenever the Department determines that the holder of the certificate or limited permit or the Compliance Agreement has not complied with a provision of the Act or this Order of Quarantine. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit.

8. *Prohibited entry into Pennsylvania.* The movement of a regulated article, delineated in Paragraph 2 of this Order of Quarantine, originating in states known to have Thousand Cankers Disease, the fungus *Geosmithia morbida* or the twig beetle *Pityophthorus juglandis* or from any other area of the United States where federal or state plant regulatory officials have determined Thousand Cankers Disease, the fungus *Geosmithia morbida* or the twig beetle *Pityophthorus juglandis* to be present, is prohibited unless prior written approval is issued by the Department. States with known areas of infestation of Thousand Cankers Disease, the fungus *Geosmithia morbida* or the twig beetle *Pityophthorus juglandis* include, but are not limited to, Arizona, California, Colorado, Idaho, Indiana, Maryland, Nevada, New Mexico, North Carolina, Ohio, Oregon, Tennessee, Utah, Virginia, and Washington.

Consideration by the Department for entry of a regulated article, delineated in Paragraph 2 of this Order of Quarantine, into Pennsylvania may be given if:

- The plant regulatory agency of the state of origin issues a document certifying that the regulated article is determined to be free of Thousand Cankers Disease, the fungus *Geosmithia morbida* and the twig beetle *Pityophthorus juglandis*, based on inspection; or that the regulated article has been grown, produced, manufactured, stored, processed or handled in a manner that, in the judgment of the state regulatory agency, will prevent the regulated article from presenting a risk of spreading Thousand Cankers Disease, the fungus *Geosmithia morbida* and the twig beetle *Pityophthorus juglandis*; or
- The regulated article is to be moved to a specified destination for specific processing, handling or utilization (the destination and other conditions to be listed on the advance written permission), and this movement will not result in the spread of Thousand Cankers Disease, the fungus *Geosmithia morbida* or the twig beetle *Pityophthorus juglandis* because all those plant pests will be destroyed by the specific processing, handling or utilization undertaken and completed prior to movement of the regulated article; or
- The movement of the regulated article is for research purposes to a facility with appropriate containment conditions and the movement to that facility will not result in the spread of Thousand Cankers Disease, the fungus *Geosmithia morbida* or the twig beetle *Pityophthorus juglandis* because the packaging or other shipping methods to be utilized, which were undertaken and completed prior to movement of the regulated article will act to contain all said plant pests; and
- The regulated article will be moved in a manner consistent with the provisions of Paragraph 3(b)(ii) of this Order of Quarantine; and
- The regulated article will be identified, moved and recorded in a manner consistent with the provisions of Paragraph 5 of this Order of Quarantine.

Any person or business receiving a regulated article(s) from outside the Commonwealth who finds that the shipment or entry of the regulated article(s) into the Commonwealth does not fully comply with the requirements of this Paragraph 8 (related to prohibited entry into Pennsylvania) shall report that information or observation to the Department immediately upon discovery. Failure to do so shall constitute a violation of this Order of Quarantine by the person(s) receiving the regulated article(s).

9. *Federal Requirements for Interstate Movement of Articles.* This Order of Quarantine is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the movement of articles from the quarantined area or this Commonwealth.

10. *Contacting the Department.* A person seeking information about the requirements of this Order of Quarantine, or a limited permit or certificate for movement of a regulated article(s), or a compliance agreement for intrastate movement of a regulated article(s), shall contact the Department at: Pennsylvania Department of Agriculture, Bureau of Plant Industry, Attention: Dana Rhodes, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5205, danrhodes@pa.gov.

11. *Violations.* In accordance with the provisions of section 258.22 of the Act (3 P.S. § 258.22) it shall be unlawful to violate or fail to comply with any provision of the Act, regulations or this Order of Quarantine.

12. *Criminal and Civil Penalties.* A person who violates this Order of Quarantine may face summary criminal prosecution carrying up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Order of Quarantine may be assessed a civil penalty of up to \$20,000 with respect to each violation.

13. *Cooperation with other agencies.* As authorized by section 258.26 of the Act (3 P.S. § 258.26), the Department will consult with other State agencies and the Pennsylvania State University Cooperative Extension with respect to the most efficacious measures to survey for and detect Thousand Cankers Disease, the fungus *Geosmithia morbida* and the twig beetle *Pityophthorus juglandis* to slow the spread or eradicate these plant pests.

14. *Effective Date.* This quarantine is effective upon publication in the *Pennsylvania Bulletin*, and shall remain in effect until rescinded by subsequent order.

George D. Greig,
Secretary