

KANSAS

SUMMARY OF PLANT PROTECTION REGULATIONS

Updated August 2021

Plant Protection and Weed Control Program
Kansas Department of Agriculture
1320 Research Park Dr.
Manhattan, KS 66502

Jeffrey W. VogelProgram Manager, Plant Protection and Weed Control Program
(Live Plants/Nursery Stock, Quarantines, Noxious Weeds, Apiary, Seed Regulations)
Phone: 785-564-6698
Fax: 785-564-6779

The information, as provided, is for informational purposes 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.

LIVE PLANT DEFINITION

Live plant means any living plant, cultivated or wild, or any part thereof that can be planted or propagated unless specifically exempted by the rules of the secretary (K.S.A. 2-2113). Current exclusions include: field and forage crops, seeds of any kind, cut flowers and cut greenery not used for propagation, and fruits and vegetables used for food or feed, (K.S.A. 4-15-4).

GENERAL SHIPPING REQUIREMENTS

All live plants sold, delivered, transported or shipped into or within this state by a live plant dealer shall be accompanied by a tag, label, itemized bill of lading, receipt or other document on which shall appear the name and address of the consigner or shipper, a description of the contents and the place of origin. In addition, all live plants, including annuals, bedding, herbaceous, and woody perennials, shipped into Kansas must have attached to each quantity or package a tag or label on which shall appear a copy of a valid certificate of inspection issued by the proper state plant regulatory official indicating the shipment is in compliance with Kansas Pest Freedom Standards. Catalog and electronic sales are subject to this requirement (K.S.A.2-2123).

PRE-NOTIFICATION OF NURSERY SHIPMENTS

Pre-notification of nursery shipments can be sent via email to KDA.PPWC@ks.gov, via fax at (785) 564-6779, or by mail at Kansas Department of Agriculture, Plant Protection and Weed Control, 1320 Research Park Dr., Manhattan, KS 66502.

NOXIOUS WEEDS

Category A noxious weeds, which are weed species that are generally not found in the state or that are found limited in distribution throughout the state. Category B noxious weeds, which are weed species with discrete distributions throughout the state. Category C noxious weeds, which are weed species that are well established within the state and known to exist in larger or more extensive populations in the state.

Category A noxious weeds shall be subject to control efforts directed at excluding the noxious weeds from the state or eradicating the population of noxious weeds wherever detected statewide, in order to protect neighboring lands and the state as a whole. Category A noxious weeds shall include the following:

- (1) Hoary cress *Lepidium draba*
- (2) leafy spurge *Euphorbia virgata*
- (3) quackgrass *Elymus repens*
- (4) Russian knapweed *Rhaponticum repens*
- (5) kudzu *Pueraria montana variety lobata*
- (6) pignut *Hoffmannseggia glauca*

Category B noxious weeds shall be subject to control wherever populations have become established within the state and subject to control efforts directed at eradication wherever populations are not established. Category B noxious weeds shall include:

- (1) Canada thistle *Cirsium arvense*

New populations of category C noxious weeds shall be subject to control efforts directed at reducing or eradicating those populations. Known and established populations of category C noxious weeds shall be managed by any approved control method. Category C noxious weeds shall include the following:

- (1) Field bindweed *Convolvulus arvensis*
- (2) musk thistle *Carduus nutans*
- (3) sericea lespedeza *Lespedeza cuneata*
- (4) Johnsongrass..... *Sorghum halepense*
- (5) bur ragweed *Ambrosia grayii*

QUARANTINES OR ADDITIONAL REQUIREMENTS

PURPLE LOOSESTRIFE QUARANTINE

PESTS: Purple Loosestrife. Purple loosestrife means all species and hybrids of *Lythrum* except *Lythrum alatum* and *Lythrum californicum*.

STATES REGULATED: All

RESTRICTIONS: Purple loosestrife is prohibited from sale in Kansas.

GRECIAN FOXGLOVE QUARANTINE

PESTS: Grecian Foxglove, *Digitalis lanata*

STATES REGULATED: All

RESTRICTIONS: Grecian foxglove is prohibited from sale in Kansas.

TAMARIX QUARANTINE

PESTS: Tamarisk (Salt cedar), *Tamarix* spp.

STATES REGULATED: All

RESTRICTIONS: Tamarisk (Salt cedar) is prohibited from sale in Kansas.

FEDERAL NOXIOUS WEED QUARANTINE

PESTS: All federal noxious weeds designated by USDA-APHIS-PPQ.

STATES REGULATED: All

RESTRICTIONS: The movement of federal noxious weeds into or within the State of Kansas is prohibited.

THOUSAND CANKERS DISEASE OF WALNUT QUARANTINE

PESTS: Thousand Cankers Disease of Walnut, *Geosmithia* sp. and the Walnut Twig Beetle, *Pityophthorus juglandis*

STATES REGULATED: All

MATERIALS REGULATED: All plants, plant parts, and products of the genera *Juglans*; articles of *Juglans*, including, but not limited to: logs, lumber, firewood, bark, mulch, burls,

KS - 4 of 5

stumps, and packing materials; all life stages of the walnut twig beetle (*Pityophthorus juglandis*); all life stages of the *Geosmithia* fungus (*Geosmithia* sp.).

EXEMPTIONS: All nuts, nut meat and hulls of the genera *Juglans*. Finished wood products, without bark (95% bark free), including walnut furniture, musical instruments, and gun stocks. 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. Nonviable, preserved specimens of the Walnut Twig Beetle (*Pityophthorus juglandis*) and the fungus *Geosmithia* sp.

RESTRICTIONS: 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.*”; or “*The article was heat treated with an inner core temperature of 140 degrees Fahrenheit (60 degrees Celcius) maintained for at least sixty minutes and stored in such a manner to retain freedom from the Walnut Twig Beetle in storage and transit.*”; or “*The article was treated with Methyl Bromide at 15 pounds per 1000 cubic feet for 24 hours at or above 5 degrees Celsius or 6 pounds of Methyl Bromide per 1000 cubic feet for 24 hours at or above 16 degrees Celsius and stored in such a manner to retain freedom from the Walnut Twig Beetle in storage and transit.*” Regulated article must be shipped within 10 days of treatment. In the case of live plants; requirements for pre entry inspection, transportation into the state of Kansas, and post entry inspection will be determined by the Kansas Department of Agriculture after assessing the risk regarding the shipment based on size and number of the plants, location and type of growing situations in state of origin, and other related factors.

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.*”

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.

LIVE PLANT PEST FREEDOM STANDARDS (K.A.R. 4-15-10)

The pest freedom standards specified in this regulation shall apply to all live plants grown, sold, distributed, planted, transported, moved, or given away by a live plant dealer or the

live plant dealer's designated agent. As used in this regulation, "possessed" shall include being grown, sold, distributed, planted, transported, moved, or given away. Live plants on which quarantine pests are present shall be prohibited from entering the state or being possessed within the state by live plant dealers or any live plant dealer's designated agent. Live plants on which regulated nonquarantine pests are present shall be prohibited from entering the state or being possessed within the state by live plant dealers or any live plant dealer's designated agent unless the live plants are within the limits as specified in this regulation. Live plants on which plant pests that are neither quarantine pests nor regulated nonquarantine pests are present may enter the state and be possessed by live plant dealers. These live plants shall remain subject to regulatory action if the secretary finds that action is necessary to prevent or retard the spread of a plant pest that could cause economic or environmental harm. Only live plants free of quarantine pests and within the limits for the presence of regulated nonquarantine pests may be certified as meeting pest freedom standards. When necessary for export, standards more stringent than those specified in this regulation may be utilized by the secretary to ensure compliance with all applicable quarantines and regulated nonquarantine pest freedom standards.

The classes of regulated nonquarantine pests shall be the following, with the limits specified:

- (1) For insects and arachnids that bore into live plants, scarab beetles, scale insects, and weevils, the number of infested plants shall be zero percent of the total number of plants in the lot, cultivar, or group of a single species of plant.
- (2) For diseases known as viruses, viroids, phytoplasmas, spiroplasmas, mycoplasmas, the genera or species of diseases caused by *Phytophthora* (a group of fungal diseases that infect various plants and plant parts), *Bursaphelenchus xylophilus* (pine wilt nematode), *Meloidogyne* (root knot nematodes), *Erwinia amylovora* (fire blight), *Agrobacterium tumefaciens* (crown gall), and bacterial species that can cause wilt disease, the number of infected plants shall be zero percent of the total number of plants in the lot, cultivar, or group of a single species of plant.
- (3) For diseases known to cause wilts, galls, cankers, root rot, and crown rot, the number of infected plants shall be less than five percent of the total number of plants in the lot, cultivar, or group of a single species of plant.
- (4) For plant parasitic nematodes, the number of infected plants with foliage affected or root systems stunted or underdeveloped shall be less than five percent of the total number of plants in the lot, cultivar, or group of a single species of plant.
- (5) For foliar diseases of plants other than evergreens, the number of infected plants with more than 10 percent of the foliage affected shall be less than 15 percent of the total number of plants in the lot, cultivar, or group of a single species of plant.
- (6) For foliar diseases of evergreens, the number of infected plants with more than one percent of the foliage affected shall be less than five percent of the total number of plants in the lot, cultivar, or group of a single species of plant.