

## NEBRASKA

### SUMMARY OF PLANT PROTECTION REGULATIONS

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### NURSERY STOCK DEFINITION

Nursery stock shall mean all field-grown or container-grown perennial & woody plants, including, but not limited to, vegetative or propagative parts or perennial or woody plants dug from the wild, so labeled, and distributed, and excluding, among other things, greenhouse plants grown for indoor use, annual plants, biennial plants, florist stock, cut flowers, sod, turf, onions, or potatoes, or seeds of any such plant.

### GENERAL SHIPPING REQUIREMENTS

All nursery stock distributed into or out of the state of Nebraska must be accompanied by a label showing the name and address of the consignor and consignee, the nature and quantity of the contents, the place of origin, and the license or its equivalent issued by the recognized authorizing agency stating that the nursery from which the nursery stock originates has been inspected.

All nursery stock distributed in Nebraska shall be labeled plainly and legibly with the correct common name or botanical name and place of origin of nursery stock. The exception would be container-grown or potted nursery stock of one-gallon or less is not required to have an individual place of origin label. Place of origin labels may be in code, provided the department is given access to the code.

Nursery stock must be sound, healthy, reasonably capable of growth, labeled correctly, free from injurious plant pests, and stored or displayed under conditions which shall maintain its vigor as outlined in the rules and regulations. If nursery stock originated in an area under federal or state quarantine for a plant pest, and is a regulated article under said quarantine, then each shipment must include documentation certifying the nursery stock is in compliance with the applicable quarantine(s).

**NOXIOUS WEEDS**

<i>Carduus acanthoides</i>	Plumeless thistle
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea diffusa</i>	Diffuse knapweed
<i>Centaurea maculosa</i>	Spotted knapweed
<i>Cirsium arvense</i>	Canada thistle
<i>Euphorbia esula</i>	Leafy spurge
<i>Fallopia japonica</i>	Japanese knotweed
<i>Fallopia sachalinensis</i>	Giant Knotweed
<i>Lespedeza cuneata</i>	Serecia lespedeza
<i>Lythrum salicaria</i>	Purple loosestrife
<i>Lythrum virgatum</i>	Wand loosestrife
<i>Phragmites australis var. australis</i>	Phragmites
<i>Tamarix ramosissima</i>	Saltcedar
<i>Tamarix parviflora</i>	Saltcedar

**County option weeds:**

<i>Ambrosia grayi</i>	Woollyleaf bursage
<i>Cirsium altissimum</i>	Tall thistle
<i>Cirsium flodmani</i>	Flodman thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Convolvus arvensis</i>	Field bindweed

**AQUATIC INVASIVE SPECIES**

Effective January 1, 2013, it will be unlawful to possess, import, export, purchase, sell, transport or release into the waters of the state, any of the plant species listed below. This regulation is under the authority of the Nebraska Game & Parks Commission.

<i>Arundo donax</i>	Giant Reed
<i>Butomus umbellatus</i>	Flowering Rush
<i>Didymosphenia geminate</i>	Didymo, Rock Snot
<i>Egeria densa</i>	Brazilian Water Weed, Elodea
<i>Hydrilla verticillata</i>	Hydrilla

<i>Ludwigia peploides</i> .....	Creeping Water Primrose
<i>Myriophyllum spicatum</i> .....	Eurasian Watermilfoil
<i>Najas minor</i> .....	Brittle Niad
<i>Nymphoides peltata</i> .....	Yellow Floating Heart
<i>Potamogeton crispus</i> .....	Curly-leaf Pondweed

## QUARANTINES OR ADDITIONAL REQUIREMENTS

### EMERALD ASH BORER

<http://www.nda.nebraska.gov/plant/entomology/eab/201806082016.pdf>

STATE REGULATED: Quarantine areas shall consist of the entire Nebraska counties of Cass, Dodge, Douglas, Lancaster, Otoe, Sarpy, Saunders and Washington; all states or portions of states regulated under the Federal EAB quarantine found in the Code of Federal Regulation at 7 CFR 301.53-1 through 9; and any other state or foreign country known to be infested.

#### MATERIALS REGULATED:

- A. EAB in all viable life stages.
- B. Ash nursery stock.
- C. Green ash lumber.
- D. Any living, dead, cut or fallen material of the ash including logs, limbs, branches, stumps and roots.
- E. Composted and uncomposted chips, bark, and mulch of all hardwood species.
- F. Firewood or fuel wood of all non-coniferous (hardwood) species
- G. Any item made from or containing ash wood that is capable of spreading EAB.
- H. Any other article, product, or means of conveyance when it is determined by the Department to present the risk of spread of EAB.

#### RESTRICTIONS:

- A. The sale or other distribution including movement of all ash nursery stock within or out of the quarantined area is prohibited under all conditions.
- B. Regulated articles other than ash nursery stock may be moved from a quarantined area to a non-quarantined area within Nebraska only under the following circumstances:
  1. When moved by a person who holds a current compliance agreement and a Certificate indicating compliance with the quarantine accompanies each shipment; or
  2. With a Limited Permit for the Movement of Non-certified Articles when moved by a person who holds a current compliance agreement and a copy of the Limited Permit accompanies each shipment; or
  3. Without a Certificate or Limited Permit when:
    - a. The Department authorizes an employee of USDA APHIS PPQ or the Department to move a regulated article for experimental or scientific purposes; or

- b. A regulated article originates from and is destined to a point outside of 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 March 16 through September 30, or when the ambient air temperature is 40°F or higher, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; 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 as not posing a risk of infestation by EAB; and
  - iv. The article has not been combined or commingled with other articles so as to lose its individual identity.

## **JAPANESE BEETLE**

STATES REGULATED: All Category 2 & 3 states as listed in the U.S. Domestic Japanese Beetle Harmonization Plan

MATERIALS REGULATED: All nursery stock

RESTRICTIONS: All nursery stock entering Nebraska must meet the standards established in the U.S. Domestic Japanese Beetle Harmonization Plan (JBHP), for shipments to a category 1 or 2 state. Shipments of nursery stock must be accompanied by official documents declaring that the nursery stock is in compliance with the JBHP. This can be documented on either a state phytosanitary certificate or on a nursery stock certificate with an additional declaration or equivalent documentation attesting to compliance with the JBHP.

## **KARNAL BUNT (*Tilletia indica* Mitra)**

STATES REGULATED: AZ

MATERIALS REGULATED: Seeds and grain from Karnal bunt quarantine areas.

RESTRICTIONS: All seed and grain from regulated areas under the Federal Karnal Bunt quarantine must be tested and found free of Karnal bunt. The regulated article shall be accompanied with a permit or phytosanitary certificate.

**COLUMBIA ROOT KNOT NEMATODE (*Meloidogyne chitwoodi*)**

[http://www.nda.nebraska.gov/plant/entomology/crk\\_nematode.pdf](http://www.nda.nebraska.gov/plant/entomology/crk_nematode.pdf)

STATES REGULATED: entire states of CA, ID, OR, and WA and the listed counties in the following states: CO (Alamosa County, Conejos, Costilla, Rio Grande, and Saguache Counties); NV (Humboldt County); NM (San Juan County); TX (Hartley County); UT (Iron and Weber Counties); and WY( Laramie County) and any foreign country known to be infested.

MATERIALS REGULATED: Seed potatoes, tablestock potatoes, potatoes intended for processing, potato tubers intended for planting, used containers, used bags and used machinery and implements, soil from any Columbia root knot nematode infested field, and all life stages of the Columbia root knot nematode.

RESTRICTIONS: Except as otherwise provided herein, all regulated articles are prohibited entry into the state from the areas under quarantine.

- A. Potatoes for processing. Potatoes from quarantined areas must be washed and be reasonably free of soil. The potatoes must also be accompanied by a state phytosanitary certificate or a United States Department of Agriculture (USDA) Agricultural Marketing Service (AMS) Certificate of Inspection. The state phytosanitary certificate or USDA AMS Certificate of Inspection must state that the potatoes in the shipment are for processing only and are in compliance with this quarantine.
- B. Tablestock potatoes. Potatoes from quarantined areas must be washed and reasonably free of soil, and show no evidence of surface or internal defects caused by the Columbia root knot nematode. The potatoes must also be accompanied by a state phytosanitary certificate or a USDA AMS Certificate of Inspection. The state phytosanitary certificate or USDA AMS Certificate of Inspection must state that the potatoes in the shipment are for consumption only and are in compliance with this quarantine. The potatoes are to be packaged in consumer bags of 100 pounds or less and, if shipped, between the period of January 1<sup>st</sup> and May 30<sup>th</sup>, must be treated with a sprout inhibitor.
- C. Seed potatoes. Potatoes from quarantined areas intended for planting must come from a growing area officially sampled in the state or county of origin and shall be tested by an official laboratory and the soil and tubers found to be free from Columbia root knot nematode. The sampling and laboratory procedures shall follow all accepted phytosanitary certification standards and shall occur prior to the shipment into Nebraska. Each shipment shall be accompanied by a state phytosanitary certificate stating the potatoes in the shipment are for planting and are in compliance with this quarantine.
- D. Used machinery and implements from quarantined areas. Used machinery and implements employed in the planting, cultivating, harvesting, packaging or transportation of potato tubers contaminated with Columbia root knot nematode or from areas designated as quarantine areas shall not be allowed entry, except if rendered free of soil and related debris, washed and thoroughly disinfected prior to shipment or transport into Nebraska, and accompanied by a

statement of cleaning and disinfection issued by the official certification agency in the area of origin.

- E. Used bags and containers. Used bags or other containers employed in the planting, harvesting, packaging, or transportation of potato tubers contaminated with Colombia root knot nematode and from areas designated as quarantine areas shall not be allowed entry into Nebraska.
- F. Soil intended for laboratory analysis may be allowed entry into the state under this quarantine, provided the Nebraska recipient applies for a compliance agreement and receives a soil permit issued by the Department.
- G. Regulated articles to be used for research purposes, at the discretion of the Department, may move into the state under Compliance Agreement between the Department and the Nebraska recipient.

EXEMPTIONS: All potatoes processed prior to entry into Nebraska are exempt from this quarantine. This quarantine does not apply to regulated articles in enclosed containers transiting Nebraska in interstate or international commerce.

## **SEED POTATO REQUIREMENTS**

STATES REGULATED: All

MATERIAL REGULATED: Seed Potatoes

RESTRICTIONS: All seed potatoes shipped into Nebraska for the purpose of planting must be accompanied by:

- A health certificate to certify that the lot of seed potatoes was certified by another state or province, having a similar seed potato quality assurance (certification) program, as determined by the Nebraska certification entity; or,
- An official grade certificate describing the grade of the potatoes; and any other document or certificate required for the importation of seed potatoes by the state, province, territory, or country of origin, including test results issued by a laboratory approved by the United States Department of Agriculture (USDA) Animal Plant Health Inspection Service (APHIS).

## **THOUSAND CANKERS DISEASE OF WALNUT**

[http://www.nda.nebraska.gov/plant/entomology/tcd\\_quarantine.pdf](http://www.nda.nebraska.gov/plant/entomology/tcd_quarantine.pdf)

STATES REGULATED: Arizona, California, Colorado, Idaho, 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.

MATERIALS REGULATED:

- 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*).

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.

EXEMPTIONS:

- A. All nuts, nut meat, and hulls of the genus *Juglans*;
- B. Processed lumber (100% bark-free and kiln dried,);
- C. Wood veneer
- D. Finished wood products without bark, including walnut furniture, instruments, and gun stocks;
- E. Nonviable, preserved specimens of the walnut twig beetle (*Pityophthorus juglandis*); or
- F. Nonviable, preserved specimens of the *Geosmithia* fungus (*Geosmithia morbida*).

## **OTHER QUARANTINES**

All nursery stock, and other regulated articles, shipped into Nebraska must adhere to all applicable state and federal quarantines, including, but not limited to:

- Asian Longhorn Beetle
- Barberry/Black Stem Rust
- Emerald Ash Borer
- Gypsy Moth
- Pine Shoot Beetle
- Potato Cyst Nematode
- Sudden Oak Death