

## BEFORE THE SECRETARY OF AGRICULTURE TOPEKA, KANSAS

### KARNAL BUNT QUARANTINE

The Secretary of the Kansas Department of Agriculture, pursuant to authority authorized by K.S.A. 2-2117, hereby determines that quarantine action is necessary to prevent the introduction and spread of Karnal bunt into and within the state of Kansas.

The Secretary does hereby make the following findings relevant to Karnal bunt:

WHEREAS, the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ) has implemented a federal quarantine (7 CFR Part 301.89) to protect uninfested areas of the United States from Karnal bunt.

WHEREAS, the Kansas Department of Agriculture has determined that Karnal bunt, caused by *Tilletia indica* (Mitra) Mundkur, is a plant pest as defined by K.S.A. 2-2113.

WHEREAS, the detection of Karnal bunt in Kansas could have negative economic impact for wheat industry in the state of Kansas.

#### **THE SECRETARY DOES THEREFORE ORDER THAT:**

(I) In order to prevent and retard, suppress, and control the spread of Karnal bunt into Kansas those relevant provisions of the *Domestic Quarantine Notice* established in Title 7 Part 301, Sub Part **Karnal bunt** and any subsequent amendments are hereby incorporated by reference, so that no person shall import, plant, receive for delivery, or otherwise accept or bring into the state of Kansas regulated articles as specified in 7 CFR Part 301.89 from any Karnal bunt infested area designated by USDA-APHIS-PPQ unless the regulated articles have been approved for such movement as provided in 7 CR Part 301.89.

#### **(II) DEFINITIONS**

This quarantine shall apply to any “person” as defined by K.S.A. 2-2113, and all other terms used within this quarantine shall have the meanings as defined or established pursuant to K.S.A. 2-2113 *et seq.* as amended and supplemented and in 7 CFR 301.89-1.

#### **(III) REGULATED AREAS**

Regulated areas include those areas of the states of Arizona, California and Texas as identified by 7 CFR Part 301.89-3 and any areas identified in subsequent amendments to 7 CFR Part 301.89-3.

#### **(IV) REGULATED ARTICLES**

Regulated articles include all those established by 7 CFR Part 301.89-2 [69 FR 8095, Feb. 23, 2004], and any subsequent amendments to 7 CFR Part 301-89-2. These include:

(a) Conveyances, including trucks, railroad cars, and other containers used to move host crops produced in a regulated area that have tested positive for Karnal bunt through the presence of bunted kernels;

(b) Grain elevators/equipment/structures used for storing and handling host crops produced in a regulated area that have tested positive for Karnal bunt through the presence of bunted kernels;

(c) Seed conditioning equipment and storage/handling equipment/structures that have been used in the production of wheat, durum wheat, and triticale found to contain the spores of *Tilletia indica*;

(d) Plants or plant parts (including grain, seed, and straw) and hay cut after reaching the dough stage of all varieties of wheat (*Triticum aestivum*), durum wheat (*Triticum durum*), and triticale (*Triticum aestivum* X *Secale cereale*) that are produced in a regulated area, except for straw/stalks/seed heads for decorative purposes that have been processed or manufactured prior to movement and are intended for use indoors;

(e) *Tilletia indica* (Mitra) Mundkur;

(f) Mechanized harvesting equipment that has been used in the production of wheat, durum wheat, or triticale that has tested positive for Karnal bunt through the presence of bunted kernels; and

(g) Any other product, article, or means of conveyance when:

(1) An inspector determines that it presents a risk of spreading Karnal bunt based on appropriate testing and the intended use of the product, article, or means of conveyance; and

(2) The person in possession of the product, article, or means of conveyance has been notified that it is regulated under this subpart.

[69 FR 8095, Feb. 23, 2004]

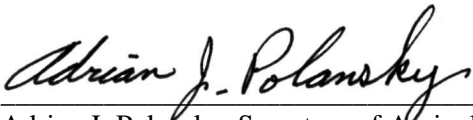
#### **(V) EFFECTIVE DATE OF QUARANTINE**

This Order of Quarantine shall become effective on the date of signature and rescinds the ORDER OF THE SECRETARY issued on July 17, 2001. This ORDER shall remain in effect until rescinded or modified by order of the Secretary.

#### **(VI) VIOLATION OF THIS QUARANTINE**

Any person who knowingly moves a regulated article in violation of this quarantine may be subject to criminal prosecution or civil penalty pursuant to K.S.A 2-2124 and 2-2125.

Dated and signed this 14<sup>th</sup> day of July, 2005.

  
Adrian J. Polansky, Secretary of Agriculture