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**IDAPA 02
TITLE 06
CHAPTER 36**

**02.06.36 - RULES GOVERNING KARNAL BUNT DISEASE
OF WHEAT, RYE, AND TRITICALE**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapter 20, Idaho Code. (5-3-03)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is "Rules Governing Karnal Bunt Disease of Wheat, Rye, and Triticale". (3-20-97)

02. Scope. This chapter has the following scope: this quarantine will restrict the shipment of regulated articles from regulated areas into Idaho and provide for exemptions. These rules also provide provisions for the disposition of fields planted with contaminated seeds and the penalty for violations. (3-20-97)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-20-97)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-20-97)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (5-3-03)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Office Hours. Office hours are 8 a.m. to 5 p.m. Mountain Time, Monday through Friday, except holidays designated by the State of Idaho. (5-3-03)

02. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (5-3-03)

03. Street Address. The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (5-3-03)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the Department and the State Law Library. (5-3-03)

007. FINDINGS.

This rule will confer benefits to the Idaho wheat industry. Karnal bunt, a fungal disease of wheat, rye, and triticale, is known to not exist in Idaho. The disease was first detected in the United States in Arizona, and has subsequently been found in California, New Mexico and Texas. If allowed, the establishment of this disease in Idaho will seriously affect the marketability and export of Idaho-grown wheat, rye and triticale. (5-3-03)

008. -- 009. (RESERVED).

010. DEFINITIONS.

The Idaho Department of Agriculture adopts the definitions set forth in Section 22-2005, Idaho Code. (5-3-03)

011. -- 049. (RESERVED).

050. REGULATED ARTICLES.

- 01. Karnal Bunt.** Karnal bunt (*Tilletia indica* Mitra). (3-20-97)
- 02. Wheat, Rye, And Triticale.** Wheat (*Triticum* spp.), rye (*Secale cereale*) and triticale (*Xtritico* secale). (3-20-97)
- 03. Barley And Oats.** Barley (*Hordeum vulgare*) and oats (*Avena sativa*). (3-20-97)
- 04. Wheat, Rye, And Triticale Straw.** (3-20-97)
- 05. Equipment, Containers, Or Conveyances.** All farm equipment, containers, and or conveyances used to move regulated articles in an area designated by the United States Department of Agriculture as a Karnal bunt infested area. (3-20-97)
- 051. -- 059. (RESERVED).**
- 060. REGULATED AREA.**
All countries, territories, states, or portions of states designated by the United States Department of Agriculture as a Karnal bunt infested area. (3-20-97)
- 061. -- 069. (RESERVED).**
- 070. RESTRICTIONS.**
No person shall import into Idaho any regulated article from a regulated area. (3-20-97)
- 071. EXEMPTIONS.**
- 01. Breeder Seeds Shall Be Treated.** Breeder seeds of regulated articles from regulated areas to be planted in Idaho shall be treated with an efficacious seed treatment fungicide registered with the EPA and the state of Idaho. (3-20-97)
- 02. Written Application For Exemption.** Upon receipt of a written application for an exemption from any portion of these rules, the Director may grant an exemption subject to any conditions the Director may deem necessary. The written application for an exemption shall include the reason for the request and evidence demonstrating that an exemption can be granted without posing a threat to the wheat industry. (3-20-97)
- 072. -- 100. (RESERVED).**
- 101. DISPOSITION OF INFECTED FIELDS.**
- 01. Fields Planted With Contaminated Seeds.** Fields within the state of Idaho which are known to have been planted with contaminated seeds shall be mown by the landlord or grower prior to heading; and (3-20-97)
- a.** The field shall not be planted to wheat, rye, or triticale for at least five (5) years. Thereafter, the progeny (seeds) of host plants planted for at least the subsequent five (5) years shall be tested for Karnal bunt spores; or (3-20-97)
- b.** The field shall be treated with methyl bromide at the rate and in the manner prescribed by the Director. The treated field may be planted to wheat, rye, or triticale. Thereafter, the progeny (seeds) of host plants planted for at least the subsequent five (5) years shall be tested for Karnal bunt spores; or (3-20-97)
- c.** The field shall be treated by other practices authorized by the Director. (3-20-97)
- 102. -- 149. (RESERVED).**
- 150. PENALTY.**
Any person violating any provisions of these rules shall be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code. (5-3-03)

151. -- 999. (RESERVED).

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