

FOR INFORMATION AND ACTION

DA-2020-04

February 4, 2020

Subject: APHIS Amends Karnal Bunt (*Tilletia indica*) Regulated Areas in La Paz, Maricopa, and Pinal Counties in Arizona

To: State and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is amending the Karnal bunt regulated areas in La Paz, Maricopa, and Pinal Counties in Arizona.

Following a review of the results of the 2019 survey of Karnal bunt-regulated areas, APHIS is reducing the regulated area by 38,547 field acres in accordance with the criteria listed in 7 *Code of Federal Regulations* (CFR) § 301.89-3(f). Therefore, there will be no more restrictions on the interstate movement of Karnal bunt-regulated articles from these areas. Specifically, APHIS is removing 2,167 field acres from La Paz County, 29,353 field acres from Maricopa County, and 7,027 field acres from Pinal County from the list of regulated areas. The field acres removed in La Paz County are part of the Colorado River Indian Tribes Reservation that is home to the Chemehuevi, Mohave, Hopi, and Navajo Tribes.

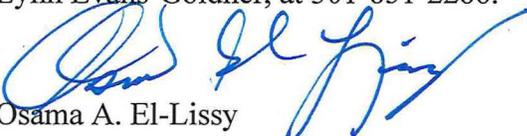
In addition, APHIS is adding one field (seven field acres) in the Palo Verde area of Maricopa County to the list of regulated areas. APHIS is adding this formerly abandoned field, not because we detected Karnal bunt, but because it is now productive agricultural land and is located within a regulated area. We have determined that this field meets the criteria for regulation outlined in 7 CFR § 301.89-3(e). This field is not on Tribal land.

APHIS is taking this regulatory action to prevent the spread of Karnal bunt from Arizona. Karnal bunt is a pest that affects wheat quality. APHIS regulates this plant disease because many trading partners require that U.S. wheat be certified as grown in areas free of Karnal bunt.

APHIS will follow this emergency action with the publication of an interim rule in the *Federal Register*. More information on Karnal bunt is available at the following website:

<http://www.aphis.usda.gov/plant-health/kb>

For additional information about the Karnal bunt program, please call National Policy Manager, Lynn Evans-Goldner, at 301-851-2286.


Osama A. El-Lissy
Deputy Administrator
Plant Protection and Quarantine

Attachment: Federal Order

FEDERAL ORDER
Domestic Quarantine for
Karnal Bunt (*Tilletia indica*)

DA-2020-04
February 4, 2020

This Federal Order amends the Karnal bunt regulated areas in Arizona. Specifically, it reduces the overall regulated area in La Paz, Maricopa, and Pinal Counties.

This Federal Order is issued pursuant to the authority provided by the Plant Protection Act of June 20, 2000, Section 412(a), 7 U.S.C. 7712(a). The Act authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, or article, if the Secretary determines the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States. The regulatory authority provided by 7 U.S.C. 7754 allows the Secretary to issue orders to carry out this provision of the Plant Protection Act. This Federal Order is likewise issued pursuant to the regulations promulgated under the Plant Protection Act found at 7 CFR 301.89 et. seq.

Section 7 CFR § 301.89-3(b) allows the designation of less than an entire state as a Karnal bunt regulated area only when the Administrator of the Animal and Plant Health Inspection Service (APHIS) has determined, as in this case, that the designation is adequate to prevent the interstate spread of Karnal bunt. In addition, 7 CFR § 301.89-3(a) requires that the state enforce an intrastate Karnal bunt quarantine that is equivalent to federal Karnal bunt regulations. The Arizona State Plant Regulatory Official has confirmed the establishment of an intrastate quarantine area for Karnal bunt that mirrors the federal regulatory requirements as specified in 7 CFR § 301.89.

Section 7 CFR § 301.89-3(d) provides for the temporary designation of new regulated areas pending publication of a rule to add the new areas to the list shown in 7 CFR § 301.89-3(g). Section 7 CFR § 301.89-3(d) further requires the federal and/or state regulatory personnel responsible for the Karnal bunt program in the affected state to give written notification to the owner or person in possession of a newly quarantined area.

This Federal Order updates the regulated areas in Arizona designated in the Code of Federal Regulations located at 7 CFR § 301.89-3(g), and updates and replaces Federal Order (DA-2011-69) issued December 6, 2011, Federal Order (DA-2013-51) issued November 22, 2013, Federal Order (DA-2016-57) issued October 3, 2016, Federal Order (DA-2017-08) issued April 11, 2017, Federal Order (DA-2018-09) issued April 5, 2018, and Federal Order (DA-2019-08) issued May 8, 2019. This Federal Order does not negate the removal of wheat, durum wheat, and triticale harvested for silage from the list of regulated articles listed at § 301.89-2 as presented in Federal Order (DA-2017-08).

Following a review of all available information, APHIS determined that 38,547 field acres qualify for deregulation in accordance with the criteria listed in 7 CFR § 301.89-3(f). Accordingly, there are no

APHIS restrictions on the interstate movement of Karnal bunt-regulated articles from these areas. Specifically, APHIS is removing 2,167 field acres from La Paz County, 29,353 field acres from Maricopa County, and 7,027 field acres from Pinal County from the list of regulated areas. The field acres removed in La Paz County are part of the Colorado River Indian Tribe Reservation that is home to the Chemehuevi, Mohave, Hopi, and Navajo Tribes.

In addition, APHIS is adding one field (7 field acres) in the Palo Verde area of Maricopa County to the list of regulated areas. We are not regulating this field due to a detection of Karnal bunt. This formerly abandoned field is now productive agricultural land and is located within a regulated area. We have determined that this field meets the criteria for regulation outlined in 7 CFR § 301.89-3(e). This field is not on Tribal land.

Update § 301.89-3(g) Arizona, La Paz County, as follows:

La Paz County. Beginning at the northeast corner of sec. 36, T. 8 N., R. 21 W.; then south to the southeast corner of sec. 1, T. 7 N., R. 21 W.; then east to the northeast corner of sec. 7, T. 7 N., R. 20 W.; then south to the southeast corner of sec. 19, T. 7 N., R. 20 W.; then west to the southwest corner of sec. 19, T. 7 N., R. 20 W.; then south to the southeast corner of sec. 36, T. 7 N., R. 21 W.; then west to the southwest corner of sec. 32, T. 7 N., R. 21 W.; then north to the northwest corner of sec. 32, T. 7 N., R. 21 W.; then west to the southwest corner of sec. 30, T. 7 N., R. 21 W.; then north from that point to the Colorado River; then northeast along the Colorado River to the northern boundary of sec. 32 T. 8 N., R. 21 W.; then east to the point of beginning.

Update § 301.89-3(g) Arizona, Maricopa County, paragraph (2), as follows:

(2) Beginning at the intersection of the Maricopa/Pinal County line and the southeast corner of sec. 36, T. 2 S., R. 7 E.; then west along the Maricopa/Pinal County line to the southwest corner of sec. 36, T. 2 S., R. 7 E.; then north to the northwest corner of sec. 24, T. 2 S., R. 7 E.; then east to the northeast corner of sec. 24, T. 2 S., R. 7 E. and the Maricopa/Pinal County line; then south along the Maricopa/Pinal County line to the point of beginning.

Update § 301.89-3(g) Arizona, Maricopa County, paragraph (3), as follows:

Remove § 301.89-3(g) Arizona, Maricopa County, paragraph (3) in its entirety from the list of regulated areas.

Update § 301.89-3(g) Arizona, Maricopa County, paragraph (5), as follows:

Remove § 301.89-3(g) Arizona, Maricopa County, paragraph (5) in its entirety from the list of regulated areas.

Update § 301.89-3(g) Arizona, Pinal County, paragraph (1), as follows:

(1) Beginning at the intersection of the Maricopa/Pinal County line and the northwest corner of sec. 18, T. 2 S., R. 8 E.; then east to the northeast corner of sec. 16, T. 2 S., R. 8 E.; then south to the southeast corner of sec. 16, T. 2 S., R. 8 E.; then east to the northeast corner of sec. 23, T. 2 S., R. 8 E.; then south to the southeast corner of sec. 14, T. 3 S., R. 8 E.; then west to the southwest corner of sec. 18, T. 3 S., R. 8 E.; then north to the northwest corner of sec. 18, T. 3 S., R. 8 E.; then west to the southwest corner of sec. 12, T. 3 S., R. 7 E.; then north to the northwest corner of sec. 1, T. 3 S., R. 7 E. and the intersection of the Maricopa/Pinal County line; then east

along the Maricopa/Pinal County line to the northeast corner of sec. 1, T. 3 S., R. 7 E.; and then north along the Maricopa/Pinal County line to the point of beginning.

Update § 301.89-3(g) Arizona, Pinal County, paragraph (2), as follows:

(2) Beginning at the southeast corner of sec. 3, T. 6 S., R. 4 E.; then west to the southwest corner of sec. 4, T. 6 S., R. 4 E.; then south to the southeast corner of sec. 17, T. 6 S., R. 4 E.; then west to the southwest corner of sec. 18, T. 6 S., R. 4 E.; then south to the southeast corner of sec. 24, T. 6 S., R. 3 E.; then west to the southwest corner of sec. 23, T. 6 S., R. 3 E.; then north to the southeast corner of sec. 15, T. 6 S., R. 3 E.; then west to the southwest corner of sec. 16, T. 6 S., R. 3 E.; then north to the southeast corner of sec. 8, T. 6 S., R. 3 E.; then west to the southwest corner of sec. 8, T. 6 S., R. 3 E.; then north to the southeast corner of sec. 6, T. 6 S., R. 3 E.; then west to the southwest corner of sec. 6, T. 6 S., R. 3 E.; then north to the southeast corner of sec. 31, T. 5 S., R. 3 E.; then west to the southwest corner of sec. 31, T. 5 S., R. 3 E.; north to the southeast corner of sec. 25, T. 5 S., R. 2 E.; then west to the southwest corner of sec. 26, T. 5 S., R. 2 E.; then north to the southeast corner of sec. 10, T. 5 S., R. 2 E.; then west to the southwest corner of sec. 10, T. 5 S., R. 2 E.; then north to the northwest corner of sec. 27, T. 4 S., R. 2 E.; then east to the northeast corner of sec. 27, T. 4 S., R. 2 E.; then north to the northwest corner of sec. 14, T. 4 S., R. 2 E.; then east to the northeast corner of sec. 18, T. 4 S., R. 3 E.; then follow the section line north to the northwest corner of sec. 8, T. 4 S., R. 3 E.; then east to the northeast corner of sec. 9, T. 4 S., R. 3 E.; then follow the section line south to the southeast corner of sec. 9, T. 4 S., R. 3 E.; then east to the northeast corner of sec. 15, T. 4 S., R. 3 E.; then south to the southeast corner of sec. 15, T. 4 S., R. 3 E.; then east to the northeast corner of sec. 19, T. 4 S., R. 4 E.; then south to the southeast corner of sec. 30, T. 4 S., R. 4 E.; then east to the northeast corner of sec. 32, T. 4 S., R. 4 E.; then south to the southeast corner of sec. 32, T. 4 S., R. 4 E.; then east to the northeast corner of sec. 3, T. 5 S., R. 4 E.; then south to the southeast corner of sec. 3, T. 5 S., R. 4 E.; then east to the northeast corner of sec. 12, T. 5 S., R. 4 E.; then south to the southeast corner of sec. 36, T. 5 S., R. 4 E.; then west to the northeast corner of sec. 3, T. 6 S., R. 4 E.; then south to the point of beginning.

We appreciate the cooperative relationship with the state regulatory officials, Colorado River Indian Tribes, Ak-Chin Indian Community, Gila River Indian Community, the Salt River Pima-Maricopa Indian Community, and the wheat industry in our effort to prevent the spread of Karnal bunt.

For more information on the Karnal Bunt Program, please call National Policy Manager, Lynn Evans-Goldner, at 301-851-2286.