

# **Kansas Administrative Regulations**

## **Kansas Department of Agriculture**

### **Article 15.—Plants and Plant Products**

#### **4-15-10. Pest freedom standards.**

(a) As used in this regulation, "possessed" shall include being grown, sold, or offered for sale, distributed, planted, transported, moved, or given away.

(b) The pest freedom standards specified in this regulation shall apply to all live plants grown, sold or offered for sale, distributed, planted, transported, moved, or given away by a live plant dealer or special event live plant dealer or the live plant dealer's or special event live plant dealer's designated agent.

(c) A live plant dealer, special event live plant dealer, or a designated agent of a live plant dealer or special event live plant dealer shall not possess within this state or cause or allow to enter into this state live plants on which quarantine pests are present.

(d) A live plant dealer, special event live plant dealer, or a designated agent of a live plant dealer or special event live plant dealer shall not possess within this state or cause or allow to enter into this state live plants on which regulated nonquarantine pests are present in excess of the applicable limits specified in this regulation.

(e) Live plant dealers, special event live plant dealers, and designated agents of live plant dealers or special event live plant dealers may possess within this state and cause or allow to enter this state live plants on which plant pests that are neither quarantine pests nor regulated nonquarantine pests are present.

(f) Live plants shall be free of quarantine pests and within the limits specified in this regulation for the presence of regulated nonquarantine pests to be eligible to be certified as meeting pest freedom standards pursuant to this regulation. 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 or to prevent economic or environmental harm.

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

(1) For insects that bore into live plants and Coccoidea insects 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; and

(2) for diseases known as viruses, viroids, phytoplasmas, spiroplasmas, and mycoplasmas; diseases caused by *Phytophthora* spp., *Bursaphelenchus xylophilus* (pine wood nematode), *Meloidogyne* (root knot nematodes), *Erwinia amylovora* (fire blight), and *Agrobacterium tumefaciens* (crown gall); and bacterial species that cause wilt diseases, 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.

(h) Lots, cultivars, and groups of single species of plants shall not be subject to the restrictions specified in subsection (g)(2) if all the following circumstances are met:

(1) The vector and virus at issue are species-specific;

(2) the disease at issue is generally accepted to cause little or no injury to any known host;

(3) a large percentage of the crop within the industry at issue is infected with the disease at issue and there has been no initiative to eradicate the disease; and

(4) the disease poses little risk for environmental or economic harm.

(Authorized by K.S.A. 2-2126; implementing K.S.A. 2-2117; effective Oct. 18, 2002; amended May 18, 2012; amended Jan. 17, 2025.)

\*\*\*\*\* Authenticated Kansas Administrative Regulation \*\*\*\*\*