

**Final Rule**

LSA Document #06-570(F)

DIGEST

Adds [312 IAC 18-3-20](#), under the article pertaining to entomology and plant pathology, to regulate Brazilian elodea (*Egeria densa*), an exotic plant, as a pest or pathogen. Effective 30 days after filing with the Publisher.

**[312 IAC 18-3-20](#)**

SECTION 1. [312 IAC 18-3-20](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 18-3-20](#) Regulation of Brazilian elodea, a pest or pathogen**

Authority: [IC 14-10-2-4](#); [IC 14-24-3](#)

Affected: [IC 14-24](#)

**Sec. 20. (a) Brazilian elodea (*Egeria densa*) is an exotic plant that has infested Indiana lakes, rivers, and other waterways in Indiana.**

**(b) Brazilian elodea is a pest or pathogen regulated under this section. This regulation applies to any life stage of Brazilian elodea.**

**(c) Except as provided in subsection (e), in Indiana a person must not do the following:**

**(1) Possess, sell, offer for sale, gift, barter, exchange, or distribute *Egeria densa* as an outdoor water plant.**

**(2) Allow Brazilian elodea to infest any of the following:**

**(A) A lake.**

**(B) A river.**

**(C) A pond.**

**(D) An outdoor water garden.**

**(E) A waterway.**

**(3) Transport Brazilian elodea on or within any of the following:**

**(A) A boat.**

**(B) A trailer.**

**(C) A motor vehicle.**

**(D) A bait bucket.**

**(E) Fishing gear.**

**(F) A creel.**

**(G) Tackle.**

**(H) A tackle box.**

**(I) Another aquatic appurtenance.**

**(d) A property owner who has Brazilian elodea in an outdoor environment must take lawful efforts to eliminate this species.**

**(e) Exempted from this section are the following:**

**(1) A retail or wholesale business that sells Brazilian elodea for use within an indoor aquarium.**

**(2) A person who possesses Brazilian elodea within an indoor aquarium.**

**(3) A person who possesses Brazilian elodea under a permit issued by the state entomologist for scientific research, a contained use, or education.**

**(4) A person engaged in a project approved by the state entomologist for the destruction of Brazilian elodea.**

**(f) The state entomologist may issue a permit to a qualified applicant to engage in scientific research, a contained use, or education. If appropriate to the purposes of this section, the state entomologist may**

**issue an order to modify a permit issued under this subsection.**

(Natural Resources Commission; [312 IAC 18-3-20](#); filed Jul 10, 2007, 2:15 p.m.: [20070808-IR-312060570FRA](#))

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Notice of Intent: [20061213-IR-312060570NIA](#)

Proposed Rule: [20070221-IR-312060570PRA](#)

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