

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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