

Emergency Rule
LSA Document #11-459(E)

DIGEST

Temporarily amends [312 IAC 18-3](#) pertaining to entomology and plant pathology to provide standards to regulate the walnut twig beetle (*Pityophthorus juglandis*) and *Geosmithia morbida* sp. nov, a fungus that kills walnut trees. Effective August 29, 2011.

SECTION 1. This document assists in the implementation of [IC 14-24-4](#) and supplements [312 IAC 18-3](#).

SECTION 2. The walnut twig beetle (*Pityophthorus juglandis*) is a pest or pathogen and is regulated under this document.

SECTION 3. *Geosmithia morbida* sp. nov is a pest or pathogen and is regulated under this document.

SECTION 4. (a) The definitions in this SECTION are in addition to those in [312 IAC 1](#) and [312 IAC 18-1](#) and apply throughout this document.

(b) "Bark" means the natural bark of a tree. The term applies to the bark around the knots and bark pockets between annual-growth rings, including an additional one-half (1/2) inch of wood and the vascular cambium.

(c) "Compliance agreement" means a written agreement between the state entomologist and a person that moves a regulated article into Indiana.

(d) "Move" means to:

- (1) ship;
- (2) offer for shipment;
- (3) receive for transportation;
- (4) transport;
- (5) carry; or
- (6) allow to move or ship.

(e) "Regulated area" refers to each of the following:

- (1) Arizona.
- (2) California.
- (3) Colorado.
- (4) Idaho.
- (5) Nevada.
- (6) New Mexico.
- (7) Oregon.
- (8) Tennessee.
- (9) Utah.
- (10) Washington.
- (11) Another area of the United States determined by the state entomologist to have thousand cankers disease.

(f) "Regulated articles" means each of the following:

- (1) The walnut twig beetle in any living stage of development.
- (2) *Geosmithia morbid* [sic] sp. nov.
- (3) Any of the following originating from or transiting through a regulated area:
 - (A) Firewood of any nonconiferous species.
 - (B) Plants and plant parts of walnut, including the following:
 - (i) Nursery stock.
 - (ii) Budwood.
 - (iii) Scionwood.
 - (iv) Green lumber.

- (v) Other material whether living or dead, such as logs, stumps, roots, branches, and chips.
- (vi) Exempted plant parts of walnut are nuts, nut meats, hulls, processed lumber that is one hundred percent (100%) bark free, kiln dried with square edges and finished wood products without bark (ex. furniture, instruments, and gun stocks).

(g) "State plant regulatory official" means the national plant board member of the state of origin.

(h) "Thousand cankers disease" refers to a lethal insect-fungal pathogen pest complex of walnut that has been detected in the states identified in subsection (e) and that is occasioned by the presence of the walnut twig beetle and *Geosmithia morbid* [sic] sp. nov.

(i) "Walnut" means *Juglans* spp.

SECTION 5. A person must not move any regulated articles into or through Indiana unless the person:

- (1) obtains a compliance agreement from the division and ensures a copy of the compliance agreement remains with the regulated article during transit within Indiana; and
- (2) has the regulated article inspected at the point of origin by a state department of agriculture or state regulatory official; and
- (3) delivers a phytosanitary certificate, issued by the state plant regulatory official, to the state entomologist at least twenty-four (24) hours before the regulated article enters Indiana.

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