
TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #11-740

DIGEST

Amends [312 IAC 18-1-13](#) to update the definition of "pest or pathogen" to be consistent with the statutory definition. Amends [312 IAC 18-2-2](#) to allow the director to establish and modify boundaries of a quarantined area for a pest or pathogen consistently with amendments made to [IC 14-24-4-2](#). Adds [312 IAC 18-3-22](#) to produce seedlings, used in reforestation, afforestation, or another natural resources purpose, that are free of pests or pathogens. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[312 IAC 18-1-13](#); [312 IAC 18-2-2](#); [312 IAC 18-3-22](#)

SECTION 1. [312 IAC 18-1-13](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 18-1-13](#) "Pest or pathogen" defined

Authority: [IC 14-10-2-4](#); [IC 14-24-3-1](#)

Affected: [IC 14-24](#)

Sec. 13. "Pest or pathogen" means:

- (1) an arthropod;
- (2) a nematode;
- (3) a microorganism; or
- (4) a fungus;
- (5) a parasitic plant;
- (6) a mollusk;
- (7) a plant disease; or
- (8) an exotic weed;

that may be injurious to nursery stock, agricultural crops, other vegetation, or bees.

(Natural Resources Commission; [312 IAC 18-1-13](#); filed Nov 22, 1996, 3:00 p.m.: 20 IR 941; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; readopted filed Sep 19, 2008, 10:23 a.m.: [20081008-IR-312080076RFA](#))

SECTION 2. [312 IAC 18-2-2](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 18-2-2](#) Infested areas; quarantines

Authority: [IC 14-10-2-4](#); [IC 14-24-3-1](#)

Affected: [IC 14-24](#)

Sec. 2. (a) The division may inspect any site in Indiana where agricultural, horticultural, or sylvan products are being grown, shipped, sold, or stored to determine if a pest or pathogen is present. If, as a result of an inspection, a site is determined to be infested with a pest or pathogen that is likely to spread or communicate to adjacent or contiguous territory in an adjoining township, area, the director may declare all or part of the township **prescribe the boundaries of an area** where the pest or pathogen is located **and declare the area** to be an infested area.

(b) The division director shall formulate a quarantine under section 3 of this rule for an infested area declared under subsection (a). The quarantine may restrict or prohibit the transportation, maintenance, or continued existence of designated plants, plant products, elements of beekeeping, pests or pathogens, animal products, or other articles or materials known or reasonably believed to harbor or carry pests or pathogens.

(Natural Resources Commission; [312 IAC 18-2-2](#); filed Nov 22, 1996, 3:00 p.m.: 20 IR 942; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; readopted filed Sep 19, 2008, 10:23 a.m.: [20081008-IR-312080076RFA](#))

SECTION 3. [312 IAC 18-3-22](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 18-3-22](#) Production of pest and pathogen free nursery stock

Authority: [IC 14-10-2-4](#); [IC 14-24-3-1](#)

Affected: [IC 14-24-5-3](#)

Sec. 22. (a) This section assists with the implementation of [IC 14-24-5-3](#) for a nursery that produces forest seedlings to be replanted in Indiana or outside of Indiana for any of the following:

- (1) Reforestation.
- (2) Afforestation.
- (3) Another natural resources purpose.

(b) Preplant soil fumigation of forest seedling nursery beds is an official control treatment to meet quarantine requirements and to assure pest and pathogen free forest seedlings, including underground portions of forest seedlings.

(c) Preplant soil fumigation is the preferred method to produce pest and pathogen free forest seedlings.

(d) A nursery must perform any preplant soil fumigation treatment using state and federally-registered pesticides that are applied according to pesticide label instructions.

(e) A nursery must not perform any preplant soil fumigation treatment that differs from the requirements of this section except upon prior approval by the state entomologist or a designate of the state entomologist.

(Natural Resources Commission; [312 IAC 18-3-22](#))

[Notice of Public Hearing](#)

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