

Final Rule

LSA Document #12-511(F)

DIGEST

Adds [312 IAC 18-3-24](#) pertaining to entomology and plant pathology to regulate the walnut twig beetle (*Pityophthorus juglandis*) and *Geosmithia morbida* sp. nov, a fungus that kills walnut trees. Effective 30 days after filing with the Publisher.

[312 IAC 18-3-24](#)

SECTION 1. [312 IAC 18-3-24](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 18-3-24](#) Control of thousand cankers disease

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

Affected: [IC 14-24](#)

Sec. 24. (a) The walnut twig beetle (*Pityophthorus juglandis*) is:

- (1) a pest or pathogen; and
- (2) regulated under this section.

(b) *Geosmithia morbida* sp. nov is:

- (1) a pest or pathogen; and
- (2) regulated under this section.

(c) The definitions in [312 IAC 1](#), [312 IAC 18-1](#), and the following apply throughout this section:

- (1) "Bark" means the natural external covering of the woody stems, branches, twigs, knots, bark pockets, and roots of walnut, including the vascular cambium.
- (2) "Compliance agreement" means a written agreement between the state entomologist and a person that moves a regulated article into Indiana.
- (3) "Move" means to:
  - (A) ship;
  - (B) offer for shipment;
  - (C) receive for transportation;
  - (D) transport;
  - (E) carry; or
  - (F) allow to move or ship.
- (4) "Regulated area" refers to each of the following:
  - (A) Arizona.
  - (B) California.
  - (C) Colorado.
  - (D) Idaho.
  - (E) Nevada.
  - (F) New Mexico.
  - (G) Oregon.
  - (H) Pennsylvania.
  - (I) Tennessee.
  - (J) Utah.
  - (K) Virginia.
  - (L) Washington.
  - (M) Another area of the United States determined by the state entomologist to have thousand cankers disease.
- (5) Except as exempted by clause (E), "regulated article" means each of the following:
  - (A) The walnut twig beetle in any living stage of development.
  - (B) *Geosmithia morbida* sp. nov.
  - (C) Firewood of any nonconiferous species.

**(D) Plants and plant parts of walnut, whether living or dead, including the following:**

- (i) Nursery stock.**
- (ii) Budwood.**
- (iii) Scionwood.**
- (iv) Logs.**
- (v) Stumps.**
- (vi) Roots.**
- (vii) Branches.**
- (viii) Chips.**
- (ix) Any similar material.**

**(E) Exempted from a regulated article is each of the following:**

- (i) Nuts, nut meats, and hulls.**
  - (ii) Processed lumber without bark.**
  - (iii) Processed lumber that is kiln-dried.**
  - (iv) Finished wood products without bark. Examples are furniture, instruments, and gun stocks.**
- (6) "State plant regulatory official" means the national plant board member of the state of origin.**
- (7) "Thousand cankers disease" refers to a lethal insect-fungal pathogen pest complex of walnut that has been detected in the states identified in subdivision (4) and that is occasioned by the presence of the walnut twig beetle and *Geosmithia morbida* sp. nov.**
- (8) "Walnut" means *Juglans* spp.**

**(d) 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;**
- (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.**

*(Natural Resources Commission; [312 IAC 18-3-24](#); filed Apr 22, 2013, 9:46 a.m.: [20130522-IR-312120511FRA](#))*

*LSA Document #12-511(F)*

*Notice of Intent: [20120829-IR-312120511NIA](#)*

*Proposed Rule: [20121003-IR-312120511PRA](#)*

*Hearing Held: October 29, 2012*

*Approved by Attorney General: April 9, 2013*

*Approved by Governor: April 22, 2013*

*Filed with Publisher: April 22, 2013, 9:46 a.m.*

*Documents Incorporated by Reference: None Received by Publisher*

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*Posted: 05/22/2013 by Legislative Services Agency*

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