

**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*

*Small Business Regulatory Coordinator: Megan Abraham, Fumigation and Compliance Inspector, Division of Entomology and Plant Pathology, Department of Natural Resources, Indiana Government Center South, 402 West Washington Street, Room W290, Indianapolis, IN 46204, (317) 234-5182, [mabraham@dnr.in.gov](mailto:mabraham@dnr.in.gov)*

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

*An [html](#) version of this document.*