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TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-207(E)

DIGEST

Temporarily modifies the rules governing entomology and plant pathology by establishing a quarantine against *Phytophthora ramorum* (commonly known as “sudden oak death disease”). Effective July 29, 2004.

SECTION 1. (a) *Phytophthora ramorum* (commonly known as “sudden oak death disease”) is a pest or pathogen not known to occur in Indiana. This document establishes standards to assist with preventing introductions of *Phytophthora ramorum* into Indiana.

(b) As used in this document, the following definitions apply:

- (1) “CDFA” means the California Department of Food and Agriculture.
- (2) “Department” means the Indiana department of natural resources.
- (3) “Pest or pathogen” has the meaning set forth in IC 14-8-2-203.
- (4) “Plant” includes its bulbs, roots, grafts, scions, buds, logs, bark, mulch, firewood, lumber, sawdust, unprocessed wood or wood products, associated soils, or another related material capable of carrying *Phytophthora ramorum*.
- (5) “PPQ” means the United States Department of Agriculture, Animal Plant Health Inspection Service, Plant Protection Quarantine.
- (6) “State entomologist” means the director of the department’s division of entomology and plant pathology.

(c) The following areas are infested with *Phytophthora ramorum* and are regulated under this document:

- (1) California.
- (2) Any other state or any province determined by the state entomologist to present a threat of introduction of *Phytophthora ramorum* into Indiana.

(d) Any plant of the following genera that originates from California (or another state or a province determined by the state entomologist) is a regulated article under this document:

- (1) *Abies* (fir).
- (2) *Acer* (maple).
- (3) *Aesculus* (buckeye, horsechestnut).
- (4) *Arbutus* (madrone or strawberry tree).
- (5) *Arctostaphylos* (kinnikinnick or manzanita).
- (6) *Camellia* (camellias, sasanquas).
- (7) *Castanea* (chestnut).
- (8) *Corylus* (hazelnut, filbert).
- (9) *Fagus* (beech).
- (10) *Hamamelis* (witch hazel).
- (11) *Heteromeles* (Christmas berry, toyon, California holly).
- (12) *Kalmia* (mountain laurel).
- (13) *Leucothoe* sp.
- (14) *Lithocarpus* (tanbark oak).
- (15) *Lonicera* (honeysuckle).
- (16) *Pieris* (pieris, andromeda).
- (17) *Pittosporum* (pittosporums, Victorian box).
- (18) *Pseudotsuga* (Douglas-fir).
- (19) *Quercus* (oak).

- (20) **Rhamnus** (buckthorn).
- (21) **Rhododendron** (rhododendron and azalea).
- (22) **Rhus** (sumac).
- (23) **Rosa** (rose).
- (24) **Rubus** (for example, salmonberry, raspberry, or blackberry).
- (25) **Syringa** (lilac).
- (26) **Taxus** (yew).
- (27) **Trientalis** (western starflower).
- (28) **Umbellularia** (California bay or Oregon myrtle).
- (29) **Vaccinium** (for example, blueberry or huckleberry).
- (30) **Viburnum** (arrowwood or nannyberry).
- (31) Another plant species identified by the state entomologist as a possible vector of *Phytophthora ramorum*.

(e) A person must not bring into Indiana a regulated article, described in subsection (d), without a certificate or its equivalent from PPQ or a phytosanitary certificate from the CDFA. The certificate must state the article has been produced and shipped from an area known to be free of *Phytophthora ramorum* and must be based on certification surveys conducted by agents of CDFA or PPQ that use approved published PPQ protocols regulating the pathogen.

(f) A nursery or dealer within Indiana that has received a shipment of regulated articles identified in subsection (d), or a person who controls a regulated article listed in subsection (d) received before the effective date of this document, must not sell, move, barter, trade, transport, give, or tender a regulated article until the article is released or destroyed by the state entomologist.

(g) A person must notify the state entomologist or a representative regarding receipt or possession of any regulated article. The notification shall include the name, contact information (telephone, cell phone, street address, city, zip code, of the persons controlling regulated article and the specific location (including directions) of the regulated article and number and kinds of regulated article). Any regulated article and any intermingled plant materials shall be removed from sale and held until inspected and cleared by an authorized inspector.

(h) This document does not prevent the state entomologist from issuing a permit to a qualified scientist to study *Phytophthora ramorum* or a regulated article infested by the pest or pathogen.

(i) When conducting an official duty, exempted from this document is any cooperator identified by the state entomologist, employee of the department, or employee of the PPQ.

(j) The state entomologist shall hold any regulated article that is received or moved in violation of this document until the state entomologist determines to destroy or to return the regulated article to the originator.

(k) A violation of this document is a violation of IC 14-24 and 312 IAC 18.

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