

TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule LSA Document #10-554(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 30, 2010.

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 (½) 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* sp. nov.**
- (3) Any of the following originating from or transiting through a regulated area:**
 - (A) Firewood of any non-coniferous 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 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 Section (c)(4) and that is occasioned by the presence of the walnut twig beetle and *Geosmithia morbid* 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.**