

Proposed Rule
LSA Document #12-511

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.

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

[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 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 (1/2) inch of wood and 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) "Regulated articles" means each of the following:

- (A) The walnut twig beetle in any living stage of development.
 - (B) *Geosmithia morbida* sp. nov.
 - (C) Any of the following originating from or transiting through a regulated area:
 - (i) Firewood of any nonconiferous species.
 - (ii) Plants and plant parts of walnut, including the following:
 - (AA) Nursery stock.
 - (BB) Budwood.
 - (CC) Scionwood.
 - (DD) Green lumber.
 - (EE) Other material whether living or dead, such as logs, stumps, roots, branches, and chips.
 - (FF) Exempted plant parts of walnut are nuts, nut meats, hulls, processed lumber that is one hundred percent (100%) bark free, kiln-dried with square edges and finished wood products without bark (for example, 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](#))

[Notice of Public Hearing](#)

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