



## NURSERY INDUSTRY REGULATIONS:

# What Nurseries Need to Know About the Invasive Species Regulation

Kyle Daniel,  
Nursery & Landscape  
Specialist, Purdue University

Eric Biddinger,  
Nursery Inspector &  
Compliance Officer,  
Indiana Department of  
Natural Resources

By now most growers in Indiana's nursery industry are probably familiar with, or have heard mention of, the problems associated with species of plants that have become invasive. This document seeks to update the nursery and landscape industry about legislative steps the State of Indiana has taken in response to this problem. Educating clients on better selections has long been part of the job. This document provides information to help the nursery industry stay compliant with new laws that just took effect and those will take effect in 2020.

The *Indiana Terrestrial Plant Rule* (312 IAC 18-3-25) makes it illegal to sell, gift, barter, exchange, distribute, transport or introduce 44 species of plants in the State of Indiana.

The rule goes into effect in two stages. As of April 18, 2019, it is illegal to introduce a plant species (from the list of 44) if it is

not already in Indiana. Listed plant species already in trade will be restricted from sale one year later (April 2020). The one-year grace period is designed to reduce the economic impact on the nursery industry by allowing time to sell down existing stock and adjust production.

From the nursery industry's perspective, the inclusion of the one-year grace period is important. It reflects lessons learned from the emerald ash borer invasion. The nursery industry suffered major economic losses from that ongoing invasion, which continues to haunt the Indiana landscape.

Purdue Extension published a document for the nursery industry that lists potential replacement species that an operation can consider when reducing/eliminating a species that is considered invasive.

That document, which can be downloaded and printed for free, is found at the Purdue Extension Education Store: <https://www.extension.purdue.edu/extmedia/ID/ID-464-W.pdf>

Not all of the 44 species on the list are commonly found in the trade. Other species could be added in the coming years; callery pear and Norway maple are likely candidates, and nurseries should consider selling down stocks of those species. [Note: It's not been determined whether sell-down periods will be allowed for species added in the future.]

### Indiana Code

The Indiana Terrestrial Invasive Plant Rule: (312 IAC 18-3-25). <http://www.in.gov/legislative/iac/20181121-IR-312180316PRA.xml.pdf>.

### Questions?

- If you have questions about alternative plants, email Kyle Daniel at [daniel38@purdue.edu](mailto:daniel38@purdue.edu)
- Questions about the rule can be directed to the DNR Division of Entomology and Plant Pathology at [DEPP@dnr.in.gov](mailto:DEPP@dnr.in.gov) or 1-866-NO-EXOTIC (1-866-663-9684)

### The long list

The complete list of the 44 plants on the Terrestrial Plant Rule can be found at:

- Indiana Department of Natural Resources: <https://www.in.gov/dnr/6351.htm>

For a list of plants that are considered invasive or potentially invasive in Indiana:

- Indiana Invasive Species Council: <https://www.entm.purdue.edu/iisc/invasiveplants.php/>

### The short list

The following is a selected list of plants from the Terrestrial Plant Rule that can be found commonly in trade or in the environment:

- Berberis thunbergii* (Japanese barberry)
- Celastrus orbiculatus* (Asian bittersweet)
- Coronilla varia* (crown vetch)
- Elaeagnus umbellata* (autumn olive)
- Euonymus fortunei* (wintercreeper)
- Hesperis matronalis* (dame's rocket)
- Ligustrum obtusifolium* (blunt-leaved privet)
- Lonicera japonica* (Japanese honeysuckle)
- Lonicera maackii* (Amur honeysuckle)
- Phalaris arundinacea* (reed canarygrass)
- Polygonum perfoliatum* (mile-a-minute vine)
- Reynoutria japonica* (Syn: Fallopia japonica or Polygonum cuspidatum) (Japanese knotweed)
- Rhamnus cathartica* (common buckthorn)

### Alternative species

<https://www.extension.purdue.edu/extmedia/ID/ID-464-W.pdf>

### Definition

U.S. Presidential Executive Order 13112, signed February 3, 1999, defines an invasive species as “an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.” Invasive species often change habitats by outcompeting native species for the resources needed to survive. Consequences include loss of diversity, degradation of natural habitats, and negative effects on property values, agricultural yields, public utilities, recreation, and tourism. Indiana landowners and managers spend millions of dollars annually combating invasive species.