



**RULE-MAKING ORDER**  
(RCW 34.05.360)

2043

**CR-103** (10/1/89)

Agency: Agriculture

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: June 8, 1990

(2) Purpose:

To prevent Japanese beetle infestation in the state of Washington.

(3) Citation of existing rules affected by this order:

Repealed:  
Amended: WAC 16-470  
Suspended:

(4) Authority for adoption:

Statute: RCW 17.24  
Other Authority:

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: The demand for certain nursery stock has outstripped local supplies forcing Washington and Oregon state nursery dealers to import large amounts of high risk nursery stock from Japanese beetle infested states in the Eastern U.S. Adding to this risk is the fact that Oregon State Dept. of Agriculture is rejecting high risk stock (based on their quarantine) and requiring that it be moved out of state. Rather than returning the stock back East, some shippers are attempting to "dump" this stock in Washington State because we have no quarantine established. We have already detected one live Japanese beetle in such a shipment.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes  No If yes, explain:

(6) Effective date of rule:

- |  |   |
|--|---|
| <b>Permanent Rules</b>                           | <b>Emergency Rules</b>                          |
| <input type="checkbox"/> 31 days after filing    | <input checked="" type="checkbox"/> Immediately |
| <input type="checkbox"/> Other (specify) _____ * | <input type="checkbox"/> Later (specify) _____  |

\* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

JUN 08 1990

TIME: 9:34 AM

WSR 90-13-010

NAME (TYPE OR PRINT)

C. Alan Pettibone

SIGNATURE

*[Handwritten Signature]*  
Deputy Director

Director

DATE 6/8/90

NEW SECTION

WAC 16-470-700 QUARANTINE--JAPANESE BEETLE. A quarantine is established under this chapter against the pest known as Japanese beetle (*Popillia japonica* Newman), a member of the family Scarabaeidae. The Japanese beetle is a persistent, serious and highly destructive pest, attacking the roots, leaves, and fruits of over three hundred kinds of plants including fruit trees, ornamentals, and field and vegetable crops.

NEW SECTION

WAC 16-470-705 AREAS UNDER QUARANTINE. (1) Except as provided in subsection (2) of this section, the entire states of Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, and the Provinces of Ontario and Quebec are declared to be under quarantine for Japanese beetle.

(2) The director may exempt individual counties of the states under quarantine from meeting the conditions in WAC 16-470-715 if the director determines that:

(a) The state has adopted and is enforcing restrictions on the interstate and intrastate movement of regulated articles that are equivalent to or exceed the restrictions placed on the movement of regulated articles as provided in this rule; and

(b) Annual surveys are conducted in such counties and the results of such surveys are negative for Japanese beetle.

(3) Any state may request exemption of one or more counties under subsection (2) of this section. Such request shall be in writing and signed by a duly authorized official stating the areas surveyed, the survey method, and the last date of Japanese beetle infestation in such county if previously infested. The director shall maintain a list of any county so exempted.

NEW SECTION

WAC 16-470-710 REGULATED ARTICLES. The following are hereby declared to be hosts or possible carriers of Japanese beetle and are prohibited entry into this state from an area under quarantine either directly, indirectly, diverted or reconsigned, except as provided for in WAC 16-470-715:

(1) Soil, humus, compost, and manure (except when commercially packaged);

(2) All plants with roots (except bareroot plants free from soil);

(3) Grass sod;

(4) Plant crowns or roots for propagation (except when free from soil);

(5) Bulbs, corms, tubers, and rhizomes of ornamental plants (except when free of soil);

(6) Any other plant, plant part, article, or means of conveyance when it is determined by the director to present a hazard of spreading live Japanese beetle due to either infestation, or exposure to infestation by Japanese beetle.

NEW SECTION

WAC 16-470-715 CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES INTO WASHINGTON STATE. (1) Persons shipping regulated articles into this state from areas under quarantine shall notify the department's plant protection branch of the nature and quantity of each shipment, its expected date of arrival at destination, the name of the intended receiver and the destination. The person to whom the commodities are shipped shall hold the same until they are inspected and released by the department.

(2) The commodities covered shall be accompanied by a certificate issued by an authorized state or federal regulatory official from the state of origin certifying that the commodity, soil, or means of conveyance is treated with methods and procedures approved and prescribed by the director.

(3) Privately owned houseplants grown indoors may be allowed entry into this state without meeting the requirements of subsection (2) of this section if a department official inspects such plants as prescribed in subsection (1) of this section and determines that they are free from Japanese beetle.

NEW SECTION

WAC 16-470-720 SPECIAL PERMITS. The director may issue special permits admitting regulated articles covered in WAC 16-470-710 not otherwise eligible for entry from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent the introduction, escape, or spread of the Japanese beetle.