



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: April 17, 2002

(2) Purpose: To adopt rules to prevent spread of longhorned beetles of the genus Anoplophora and to declare quarantine restrictions in an area of known entry of the citrus longhorned beetle.

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

Repealed:
Amended:
Suspended:

(4) Statutory authority for adoption: Chapter 17.24 RCW.

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 02-06-131 on 3/20/02 (date). *3-6-02 JB*

Describe any changes other than editing from proposed to adopted version: none

EMERGENCY RULE ONLY

Under 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:

(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:

Permanent Rules

- 31 days after filing
- Other (specify) _____*

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

Emergency Rules

- Immediately
- Later (specify) _____

CODE REVISER USE ONLY

Name (Type or Print)

William E. Brookreson

Signature

Title
Acting Director

Date
April 17, 2002

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

APR 17 2002

11 35

02-09-099

TIME _____ (AM) _____ (PM)

WSR _____

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed

The number of sections adopted at the request of a nongovernmental entity:

New	Amended	Repealed
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The number of sections adopted in the agency's own initiative:

New	<u>8</u>	Amended	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended	Repealed
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New	Amended	Repealed

LONGHORNED BEETLE QUARANTINE

New Section

WAC 16-470-800 Establishing quarantine for longhorned beetles of the genus

Anoplophora. Beetles of the genus *Anoplophora* include the citrus longhorned beetle (*Anoplophora chinensis*) and the Asian longhorned beetle (*Anoplophora glabripennis*). There are no species of *Anoplophora* native to North America. These beetles are serious pests in their native ranges in Asia and are highly invasive species which have entered and may become established in Washington State. The establishment of any species of *Anoplophora* beetle in Washington would cause reduction in native vegetation and ornamental plants and great economic loss to the forestry, nursery and agricultural industries of the state. The director of agriculture, pursuant to authorities in RCW 17.24 and RCW 15.13, has determined that the regulation and exclusion of all life stages of beetles of the genus *Anoplophora* and of any potentially infested host material is necessary to protect the environmental quality, forests and agricultural crops of the state of Washington.

New Section

WAC 16- 470-810 Prohibiting possession, transportation or distribution of living beetles

of the genus Anoplophora. Possession of any living life stage of any beetle of the genus *Anoplophora*, including but not limited to citrus longhorned beetle (*Anoplophora chinensis*) and Asian longhorned beetle (*Anoplophora glabripennis*), is prohibited. Transportation or distribution of any living life stage of any beetle of the genus *Anoplophora* into or between points within the state of Washington is prohibited. Any *Anoplophora* beetle eggs, larvae, pupae, or adults should be killed at the site of discovery. Trained employees of the department are available to assist the public in identifying *Anoplophora* beetle life stages and can be reached at toll-free telephone number (800) 443-6684 or email pestprogram@agr.wa.gov.

New Section

WAC 16-470-820 What is the area under quarantine for citrus longhorned beetle?

The boundaries of the area under order are within the City of Tukwila in King County. The area under order consists of all properties lying primarily within a circle with a radius of a half mile, centered at the property immediately southwest of the intersection of Macadam Rd. S. and S. 144th St. Any property on the border of the circle, which lies at least 50% outside the circle, is excluded from the area under quarantine for citrus longhorned beetle. A map of the area under quarantine can be obtained through a request to the department at toll-free number (800) 443-6684 or email pestprogram@agr.wa.gov.

New Section

WAC 16-470-830 Prohibition on moving living plants from the area under quarantine for citrus longhorned beetle.

(1) All species of the following genera of plants are declared to be potential host plants for citrus longhorned beetle:

- (a) Acer (maple)
- (b) Albizzia (silk tree)
- (c) Alnus (alder)
- (d) Betula (birch)
- (e) Camellia
- (f) Carya (hickory, pecan)
- (g) Castanea (chestnut)
- (h) Citrus (orange, lemon)
- (i) Cryptomeria (Japanese cedar)
- (j) Elaeagnus (wild olive)
- (k) Fagus (beech)
- (l) Ficus (fig)
- (m) Fraxinus (ash)
- (n) Hibiscus (rose of sharon, mallow)
- (o) Ilex (holly)
- (p) Juglans (walnut)
- (q) Lindera (spicebush)
- (r) Maackia (amur)
- (s) Malus (apple, crabapple)
- (t) Morus (mulberry)
- (u) Photinia
- (v) Platanus (sycamore, plane tree)
- (w) Populus (poplar; aspen, cottonwood)
- (x) Prunus (cherry, peach, apricot, plum)
- (y) Pyracantha (firethorn)
- (z) Pyrus (pear)
- (aa) Quercus (oak)
- (bb) Rhus (sumac)
- (cc) Robinia (locust)
- (dd) Rosa (rose)
- (ee) Rubus (blackberry, raspberry)
- (ff) Salix (willow)
- (gg) Sophora (pagoda tree)
- (hh) Stransvaesia
- (ii) Styrax (snowbell tree)
- (jj) Ulmus (elm)

(2) The following species are declared to be potential host plants for citrus longhorned beetle:

- (a) Eriobotrya japonicus
- (b) Fortunella marginata

(c) *Poncirus trifoliata*

(3) Movement of living potential host plants with a diameter of greater than three-eighths of an inch at soil level from the area under quarantine for citrus longhorned beetle to outside the area is prohibited, unless a permit has been issued by the department pursuant to WAC 16-470-870 below.

New Section

WAC 16-470-840 Prohibition on moving wood and prunings from the area under quarantine for citrus longhorned beetle.

(1) The following articles are declared to be potential host material for citrus longhorned beetle, and their movement or transportation from the area under quarantine is prohibited:

- (a) untreated hardwood grown within the area under quarantine
- (b) firewood from hardwood species
- (c) deadwood, stumps, tree trunks and similar portions of trees from hardwood species
- (d) hardwood prunings from hardwood species with diameter of greater than three-eighths inch

(2) Materials that are not restricted by this section include:

- (a) lumber not grown in the area under quarantine
- (b) softwood (that is, wood from coniferous plants such as pine or Douglas fir)
- (c) fruit
- (d) nuts
- (e) leaves
- (f) wreaths
- (g) finished wood products such as furniture
- (h) hardwood prunings and debris with a maximum diameter of three-eighths of an inch, and
- (i) wood chipped to a maximum size of five eighths of an inch.

New Section

WAC 16-470-850 Exemption for articles in transit. Articles declared in WAC 16-470-830 and WAC 16-470-840 to be potential host material for citrus longhorned beetle are exempt from the requirements of WAC 16-470-820 through WAC 16-470-870 if all the following conditions are met:

- (1) The articles originate outside the quarantine area for citrus longhorned beetle,
- (2) They enter the quarantine area for citrus longhorned beetle as an incidental portion of transportation to a location outside the quarantine area, and
- (3) They are not unloaded or parked overnight within the quarantine area for citrus longhorned beetle.

New Section

WAC 16-470-860 Disposal of articles regulated under longhorned beetle quarantine.

Any regulated articles that are in violation of this longhorned beetle quarantine are subject to destruction or other disposition in a manner prescribed by the department.

New Section

WAC 16-470-870 Special permits – longhorned beetle. The department may issue special permits for actions otherwise forbidden under provisions of WAC 16-470-800 through WAC 16-470-860. These special permits shall be conditioned to minimize the risk of spreading longhorned beetle.