

WSR 21-12-094

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed June 2, 2021, 6:57 a.m., effective July 3, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends chapter 16-470 WAC, Quarantine—Agricultural pests, by adding all species in the genus *Vespa* (hornet) to the list of quarantined pests.

The amended rule prohibits live life stages of hornet species from being sold, offered for sale, distributed, or knowingly moved throughout or received within Washington.

Under the amendment, additional restrictions apply to "infested sites," defined as all real property within twenty meters of a nest containing any live life stage of hornet. The Washington state department of agriculture (WSDA) will attempt to notify occupants and/or owners of those properties that their property has been designated as an infested site. When an infested site has been designated, no person may enter the area without authorization until WSDA has deemed it clear of infestation. This limits the risk to public health and safety, as well as prevents further infestation. The rule clarifies that WSDA inspectors may enter infested sites to remove and treat the nest and hornets.

A special permit is established under the amendment, which allows for the possession of live hornets for research purposes.

Citation of Rules Affected by this Order: New WAC 16-470-070, 16-470-075, 16-470-080, and 16-470-085.

Statutory Authority for Adoption: RCW 17.24.011, 17.24.021, and 17.24.041.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 21-08-087 on April 7, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 4, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 1, 2021.

Derek I. Sandison
Director

OTS-2981.1

NEW SECTION

WAC 16-470-070 Quarantine—Hornet. A quarantine is established under this chapter against any live life stages of all species in the genus *Vespa* (hornet) including, but not limited to, *Vespa mandarinia*. The quarantine does not include species that are not classified within the genus *Vespa* (such as wasps in the genus *Vespula*). Hornets feed on fruit and damage plants, as well as attack managed bee and other native insect populations. No species of hornet are native to Washington state. The director of agriculture has determined that the regulation and exclusion of all species of hornet is necessary to protect the environmental quality, forests, floriculture and agricultural crops of the state of Washington.

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NEW SECTION

WAC 16-470-075 Quarantine—Hornet—Area under order. (1) The area under quarantine includes the entire state of Washington.

(2) Within the state of Washington, infested sites are subject to additional restrictions. For purposes of this hornet quarantine, "infested sites" include all real property within 20 meters of a nest containing any live life stage of hornet. After identifying an infested site, the department will attempt to notify occupants and owners of properties within the infested site that the property or a portion thereof has been designated as an infested site and is subject to additional restrictions. The designation of an infested site will remain in place until department inspectors have removed the nest and determined that the area is clear of all live life stages of hornet.

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NEW SECTION

WAC 16-470-080 Hornet quarantine restrictions. (1) No live life stage of hornet may be sold, offered for sale, distributed, or knowingly moved throughout or received within Washington unless the entity or person proposing such action has been issued a special permit under WAC 16-470-085.

(2) No unauthorized person may enter an infested site until the department has deemed the area clear of the infestation. Department inspectors may enter upon public and private premises within an infested site to remove and treat the nest and hornets. Authorization to enter an infested site will be granted to the property owners, occupants, and other persons in the department's discretion and such authorization may be made subject to conditions to limit the risks to public health and safety, as well as to prevent further infestation and ensure that the nest is appropriately and safely removed and treated.

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NEW SECTION

WAC 16-470-085 Special permits. The director may issue special permits subject to conditions and provisions deemed necessary for the protection of Washington agriculture. Additionally, a special permit may be issued which allows for the possession of live hornets for research purposes.

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