

WSR 23-01-071
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed December 15, 2022, 9:24 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests. The department is considering expanding the boundaries of the Japanese beetle internal quarantine. The current internal quarantine specified in chapter 16-470 WAC covers 49 square miles in the southeastern corner of Yakima County and the southwestern corner of Benton County. Japanese beetle catches from the 2022 trapping season indicate that an expansion of the internal quarantine is necessary to prevent further infestation of this pest in nonquarantined areas. The department is also considering amending the articles regulated under the quarantine, as well as the conditions governing the movement of regulated articles from quarantine areas.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.011 and 17.24.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Japanese beetle (*Popillia japonica* Newman) is a highly invasive plant pest native to Japan. It has been known to cause severe damage to more than 300 species of ornamental and agricultural plants, including roses, grapes, and hops. Adult beetles damage plants by skeletonizing foliage and feeding on buds, flowers, and fruit. The larvae also damage the roots of plants such as turf grass. Although this feeding does not always kill the plant, it weakens it and may reduce the plant's overall yield.

In 2021, the department caught 24,048 Japanese beetles in the current internal quarantine area. Throughout 2021 and 2022, the department took extensive measures to reduce the spread of the beetle, with an ultimate goal of eradicating it. Measures that have been taken include treating residential and public properties with pesticide, trapping, and establishing an internal quarantine. Despite these efforts, by the end of the 2022 trapping season, numerous Japanese beetles, which indicate a reproducing population, were caught outside of the currently established internal quarantine area. Due to this, immediate action is needed to expand the internal Japanese beetle quarantine to more accurately reflect the area of infestation in order to prevent the beetles from spreading into noninfested areas.

Not only do these beetles pose a threat to the plants themselves, but if established, they have the potential to impact the availability of export markets for agricultural commodities grown in the area. Expanding the Japanese beetle quarantine is intended to prevent the spread of this invasive pest and protect Washington's agricultural industries, as well as maintain access to national and international markets.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture (USDA). The department is coordinating this quarantine with USDA and the National Plant Board, following guidance found in the National Plant Board Japanese Beetle Harmonization Plan. This plan is signed by USDA and outlines requirements for preventing the interstate movement of the Japanese Beetle from infested states.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. Affected stakeholders will also have an opportunity to submit written comments

on the proposed rules during the public comment period and will be able to present oral testimony at the public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1907, fax 360-902-2094, TTY 800-833-6388 or 711, email bwhite@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>; or Greg Haubrich, Pest Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2071, fax 360-902-2094, TTY 800-833-6388 or 711, email ghaubrich@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>.

December 15, 2022
Brad White
Assistant Director