

FINDING OF EMERGENCY

The Secretary of the California Department of Food and Agriculture (Department) determined that an emergency exists and that the foregoing amendment to Title 3 of the California Code of Regulations (CCR) Section 3280 Japanese Beetle Exterior Quarantine is necessary to avoid serious harm to the public peace, health and safety, or general welfare. On March 9, 2026, Chris Benemann, the Division Director & State Plant Regulatory Official with the Oregon Department of Agriculture confirmed that Oregon is continuing Japanese Beetle eradication programs. In 2025, the Department had been informed these programs would no longer be funded and thus added Oregon to the Japanese beetle exterior quarantine. Without these programs, Japanese beetle, which has already infested multiple counties within Oregon, is likely to spread. However, because Oregon has reversed course and funding has been restored to these programs, Oregon's risk of spreading the Japanese beetle infestation will continue to be low; therefore, it should be removed from the California Japanese beetle exterior quarantine in order to avoid unnecessary regulatory actions that divert resources from other high risk programs and that limit California citizens' access to an important source of nursery stock and turfgrass.

The Japanese beetle is a highly destructive plant pest that is very difficult and expensive to control. Feeding on grass roots, Japanese beetle grubs damage lawns, golf courses, and pastures. Japanese beetle adults attack the foliage, flowers, or fruits of more than 300 different ornamental, wild, and agricultural plants. Due to the sustained efforts of the California Department of Food and Agriculture Pest Prevention Program, this damaging pest has not established in California and the Department maintains an active detection and eradication program to detect any outbreaks that occur from Japanese beetle incursions and eradicate the incipient populations.

Emergency Defined

“Emergency means a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare,” Government Code Section 11342.545. If a state agency makes a finding that the adoption of a regulation is necessary to address an emergency, the regulation may be adopted as an emergency regulation. Government Code Section 11346.1(b)(1).

In this document, the Department is providing the necessary specific facts demonstrating the existence of an emergency and the need for immediate action to prevent serious harm to the general welfare of the citizens of California, pursuant to Government Code Section 11346.1(b)(2).

Government Code Section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency.

The information contained within this finding of emergency also meets the requirements of Government Code Sections 11346.1 and 11346.5.

The Secretary is proposing to implement this regulation pursuant to the authority in Food and Agricultural Code (FAC) Section 407; “the director may adopt such regulations as are reasonably necessary to carry out the provisions of this code which she is directed or authorized to administer or enforce,” and FAC Section 5322, “the director may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in his or her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC Section 5321.”

Additionally, FAC Section 401.5 states: “the Department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of

agriculturally dependent rural communities in this state,” and Section 403 states: “the department shall prevent the spread of injurious insect pests.”

Evidence of an Emergency

The National Plant Board is a non-profit organization of the plant pest regulatory agencies of each of the states, including California. Participating states agree to follow common rules and standards to protect themselves from Japanese beetle introduction. With an active eradication project, Oregon continues to hold its “Category 1 state” classification. A “Category 1 state” is defined by the National Plant Board as a state where Japanese beetle is not known to be established based on official survey, where the state has officially adopted and maintained a quarantine to prevent entry of Japanese beetle, and where the state has an active eradication program in place for any incipient populations. California is a Category 1 state under the U.S. Domestic Japanese Beetle Harmonization Plan as adopted by the National Plant Board. The Japanese Beetle Harmonization Plan provides a framework that encourages states to consistently and appropriately characterize Japanese beetle pest risk and infestation status based on current scientific and field information. Following the U.S. Domestic Japanese Beetle Harmonization Plan guidance provides a uniform adoption and implementation of pest risk mitigation measures to reduce pest risk to a level acceptable to receiving states. Strict adherence to the provisions of the U.S. Domestic Japanese Beetle Harmonization Plan is critical in maintaining cooperation from the other signatory states in monitoring for and treatment of Japanese beetle; this, in turn, significantly reduces the chance of establishment of Japanese beetle in California. It also prevents other states from imposing regulatory quarantine restrictions on California and other states for any Japanese beetle incursions undergoing eradication efforts. Therefore, because Oregon will continue to conduct activities to eradicate its shrinking incursion of Japanese beetle, California must exclude Oregon from its exterior quarantine in order to maintain its status in good standing under the U.S. Domestic Japanese Beetle Harmonization Plan.

Background

Under Section 14.5 of the State of California Emergency Plan, created by the California Governor's Office of Emergency Services and dated July 1, 2009, the Department is responsible for coordinating integrated federal, state and local preparedness for response to, recovery from, and mitigation of plant diseases and pests, and overseeing the control and eradication of outbreaks of harmful or economically significant plant pests and diseases. The Department is also charged with leading the administration of programs to detect, control, and eradicate pests affecting plants. The Japanese beetle is a federal and state quarantine pest. As a pest that is quarantined under both federal and state law, the Department considers it to be a public nuisance, subject to abatement, if discovered within California (See Food & Agr. Code, § 5322, Cal. Code Regs., tit. 3, §§ 3280; 3589.).

A native of Asia, Japanese beetle (*Popillia japonica*) occurs in Japan (Hokkaido, Honshu, Shikoku, and Kyushu) and in at least one of the Kuril Islands (Kunashir, currently part of Russia). Japanese beetle was first found in the United States in 1916 near Riverton, New Jersey. In 1918, the USDA and New Jersey authorities attempted to exterminate this pest. However, because the infestation was well established, eradication was not achieved. Since its introduction, Japanese beetle has spread throughout much of the eastern United States. Efforts to control the larval and adult stages in the eastern United States are estimated to cost more than \$460 million a year. Losses attributable to the larval stage alone have been estimated at \$234 million per year—\$78 million for control costs and an additional \$156 million for replacement of damaged turf (USDA Program Aid No. 1599, Managing the Japanese Beetle: Homeowner's Handbook, revised 2007).

Because of its wide adaptability and the threat of artificial spread by aircraft and other conveyances, the Japanese beetle is a major risk to the agriculture and environment of California.

The Department has conducted trapping for Japanese beetle since 1936 and has successfully eliminated occasional introductions of this pest. The first infestation of

Japanese beetle in California was detected in 1961 near Capitol Park in downtown Sacramento and the infestation was declared eradicated in 1965. Two subsequent major infestations were discovered in 1973 in San Diego County and in 1983 in the Orangevale area of Sacramento County; both were successfully eradicated. Since that time, several additional, smaller infestations elsewhere in California have been detected and eradicated.

Other western states in which Japanese beetle is not established, including Idaho and Utah, conduct detection trapping and response activities similar to those used by California. In contrast, in the eastern United States, the pest has become widely established and is no longer considered eradicable. These states pose a significant risk for Japanese beetle introduction into California.

As air freight and passenger travel have increased substantially, detections of Japanese beetle by the Department on aircraft and at airports and nearby properties have also increased. The Department continues to enforce prevention measures at origin through carrier compliance, conduct statewide detection trapping, delimit incursions, and implement stringent eradication measures when incipient populations are detected.

Through these efforts, California remains a state in which Japanese beetle is not established, preventing billions of dollars in potential damage to California agriculture, horticulture, and natural environments.

Project Description

This amendment will remove Oregon from the States under quarantine for Japanese beetle. It is necessary to immediately remove this state to the quarantine area to comply with the U.S. Domestic Beetle Harmonization Plan and to prevent a violation of the provisions of the plan and to avoid an unnecessary burden on the public and the state. Including Oregon in the exterior quarantine requires the State of California to prevent prohibit articles and commodities potentially exposed to Japanese beetle entry into

California unless the requirements with the exterior quarantine regulation are followed. This would include almost all nursery stock and all turfgrass. However, if the prohibited articles as listed within the exterior quarantine regulation are not potentially exposed to infestation, then the requirements to safely move these articles and commodities are unnecessary in order to protect California's environment and agriculture. The Department is responsible for managing regulations so that they do not cause unneeded hindrance to the public and our trading partners. In addition, unnecessary regulatory action can divert limited resources from critical processes, thus decreasing the Department's ability to achieve the goals of its state-mandated mission. Oregon will keep its Category 1 status under the plan, and therefore continue to pose a low risk of Japanese beetle introduction into California. Therefore, it should not be included within the exterior quarantine and must be removed in keeping with the provisions of the U.S. Domestic Japanese Beetle Harmonization Plan.

The Department relied upon the following documents for determining this proposed emergency rulemaking:

Email from Jason Leathers on Wednesday, August 27, 2025 "End of JB programs in Oregon"

Email from Chris Benemann, "Update to OR JB Program Funding Status". March 9, 2026

National Plant Board. 2016. U.S. Domestic Japanese Beetle Harmonization Plan. Revised June 20, 2016. 43 pages.

National Plant Board, 2025. "What is the National Plant Board."
<https://www.nationalplantboard.org/about-npb.html>

USDA. 2022. "Japanese Beetle Program Manual", United States Department of Agriculture.

USDA. 2025. Japanese Beetle (*Popillia japonica* Newman), United States Department of Agriculture; Animal and Plant Health Inspection Service. Accessed: September, 15, 2025.

<https://www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/japanese-beetle>

USDA Program Aid No. 1599, "Managing the Japanese Beetle: Homeowner's Handbook," revised May 2015.

Authority and Reference Citations

Authority: Sections 401.5, 407, 5301, 5302 and 5311 Food and Agricultural Code

Reference: Sections 5024, 5301, 5302, 5311, 5701, 6401, 6403, 6441, 6442 and 6461, and 6461.5 Food and Agricultural Code

Informative Digest

Existing law, FAC Section 401.5, states that the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.

Existing law, FAC section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which the Secretary is directed or authorized to administer or enforce.

Existing law, FAC section 5024, provides that the Secretary, during the maintenance of any quarantine established by the secretary pursuant to Article 1 (commencing with Section 5301) of Chapter 5, inspect any plant or thing that is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest. The person who conducts the inspection shall not permit any of those plants or things to pass over the quarantine line during the inspection, except pursuant to a certificate of inspection and release that is signed by that person.

Existing law, FAC section 5301, provides that the Secretary may establish, maintain, and enforce such quarantine regulations as he or she deems necessary to protect the agricultural industry of this State from pests. The regulations may establish a quarantine at the boundaries of this State or elsewhere within the State.

Existing law, FAC section 5302, provides that the Secretary may make and enforce such regulations as he or she deems necessary to prevent any plant or thing which is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest, from passing over any quarantine line which is established and proclaimed pursuant to this division.

Existing law, FAC section 5311, provides the secretary may levy a civil penalty against a person violating this regulation in an amount not to exceed two thousand five hundred dollars (\$2,500) for each violation. The remainder of the section outlines the procedures for implementing this fine and the appeals process.

Existing law, FAC section 5701, provides that if any pest exists on any premises, the Secretary may hold any plant or other host or possible carrier which is, or may be, capable

of disseminating or carrying the pest. The Secretary shall notify the owner of the plant or other host or possible carrier, or his or her agent, of this action, and the issuance of any shipping permit or nursery stock certificate with respect to the plant or other host or possible carrier shall be refused and any such permit or certificate which has been previously issued shall be revoked.

Existing law, FAC Section 6401, provides that it is unlawful for any person to transport, receive, or import into the state any plant or any thing against which a quarantine has been established, or any plant, unless he does both of the following:

- (a) Notifies the director or the commissioner of the county in which the plant or thing is received, of the arrival of the plant or thing immediately after its arrival.
- (b) Holds the plant, or thing for immediate inspection by the director or commissioner, without unnecessarily moving it, or placing it where it may be harmful.

Existing law, FAC section 6403, provides that the officer who makes the inspection may enter at any time into any conveyance or place within the state where the plant or thing is located to ascertain whether it is, or is liable to be, infested or infected with any pest.

Existing law, FAC section 6441, provides that if, after inspection, any plant or thing is found to be infested or infected, the owner or bailee shall, at his expense, disinfect the conveyance or place where the plant or thing may have been located, in such manner as to destroy all infection or infestation present, or that is liable to be present.

Existing law, FAC section 6442, provides that the officer who makes the inspection shall not permit any article to be removed which has come in contact with the infested or infected plant or thing, if such article might convey infection or infestation, until after the infection or infestation is destroyed, except for the purpose of destruction or disinfection under the supervision of the inspecting officer. Any article which is liable to be infested or infected shall be held until it has been thoroughly disinfected and the pest has been destroyed.

Existing law, FAC section 6461, provides that it is unlawful to ship or transport any plant or any other thing into this state which is infested with any pest which has been listed, by the Secretary, as detrimental to agriculture in this state. In addition to the civil, criminal, and administrative remedies specified in this division, the Secretary may, after notice and opportunity to respond, impose inspection, treatment, certification, holding, or other requirements for any shipper or transporter that has shipped or transported three or more pest-infested shipments into this state within any 12-month period. Regarding any commercial shipment violating any of those requirements imposed pursuant to this section, the Secretary may also charge the shipper or transporter the cost of inspecting and controlling the pest.

6461.5. Except as otherwise provided in this article, if any shipment of plants or any other things in violation of this chapter or any quarantine which has been established, is brought into this state and it is found to be infested or infected, or there is reasonable cause to believe that it may be infested or infected, with any pest, the shipment shall be immediately destroyed by, or under the supervision of, the officer who inspects it, at the expense of the owner or bailee of the shipment.

The existing laws obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal.

Japanese Beetle Exterior Quarantine.

This amendment will remove the state of Oregon as a quarantine area for Japanese beetle. The effect of the regulation is to allow Oregon to maintain its status as it is once again a Category 1 state as defined by the National Plant Board under the U.S. Domestic Japanese Beetle Harmonization Plan. This status is maintained by Oregon by having an active Japanese beetle eradication program, which, as of a March 9th, is again being funded.

California Environmental Quality Act

Prior to conducting any action authorized by this regulation, the Department shall comply with the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et. seq. as amended) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et. seq.).

Anticipated Benefits from This Regulatory Action

Removing Oregon from the quarantine area will help the Department continue allowing covered articles and commodities to move between the states without the requirements of the Japanese beetle exterior quarantine. This will benefit the

- the general public
- agricultural industry
- the State's general fund.

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

Estimated Cost or Savings to Public Agencies or Affected Private Individuals or Entities

The Department has determined that the amendment of Section 3280 does not impose a mandate on local agencies or school districts and no reimbursement is required under Section 17561 of the Government Code.

The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the amendment of Section 3280.

