

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATIONS

Title 3, California Code of Regulations
Section 3280 Japanese Beetle Exterior Quarantine

INITIAL STATEMENT OF REASONS/
POLICY STATEMENT OVERVIEW

The California Department of Food and Agriculture (Department) proposes to make permanent the emergency amendment to Title 3, California Code of Regulations (CCR) Section 3280 Japanese Beetle Exterior Quarantine, which removes Oregon from the exterior quarantine area.

Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulation is Intended to Address

These regulations are intended to address the obligation of the Secretary of Food and Agriculture to protect the agricultural industry of California from the movement and spread within California of injurious plant pests as required by Food and Agricultural Code (FAC) Sections 401 and 403.

Purpose and Factual Basis

This amendment will remove Oregon from the states under quarantine for Japanese beetle. It is necessary to immediately remove this state from the quarantine area to comply with the U.S. Domestic Beetle Harmonization Plan.

The factual basis for the determination by the Department that the amendment of Section 3280 is necessary is as follows:

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, would have likely spread. However, because Oregon has reversed course and funding has been restored to Oregon's eradication 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.

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).

For decades, extremely high populations have occurred in infested areas across the eastern United States. The larvae feed on grass roots, which damages lawns, golf courses, and pasturelands. Attacking foliage, flowers, or fruits, the adults feed on more than 300 different ornamental and agricultural plants in 79 botanical families. Where Japanese beetle has become established in the eastern United States, it is so abundant as to cause serious injury to tree fruits as well as many field and vegetable crops on which it feeds. In some areas, such as parts of Georgia, roses are so badly damaged that few people attempt to grow them

in their gardens. Japanese beetle control by insecticides or biological methods is often expensive due to the labor, equipment, and/or pesticides involved.

There have been occasional Japanese beetle outbreaks in California that the Department has eradicated before the beetle could become established. One of the recent incursions was in May 2014 in Fair Oaks, Sacramento. During the three-year period of 2014 through 2018, the Japanese beetle infestation was eradicated from this area at a cost of nearly \$2.4 million.

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.

Project Description

Section 3591.12

This amendment will remove Oregon from the states under quarantine for Japanese beetle. It is necessary to immediately remove this state from 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 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.

Current Laws & Regulations

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.

Existing law, FAC section 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 obligate 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.

This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

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.

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.).

Mandate on Local Agencies or School Districts

The Department has determined that this regulation does not impose a mandate on local agencies or school districts.

Economic Impact Analysis (Government Code 11346.3(b))

The removal of Oregon through the amendment of this regulation economically benefits:

- the general public
- homeowners and community gardens
- the agricultural industry
- California's natural environment
- the State's general fund

If Oregon is included in the exterior quarantine requires it will create an unnecessary burden on the public and the state. If the prohibited articles 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.

The Creation or Elimination of Jobs within the State

The amendment will remove Oregon from the exterior quarantine. The Department does not expect that Oregon's removal will create any additional risk of Japanese beetle entering the state and will prevent unneeded regulatory requirements on material moving between Oregon and California. Therefore, the Department has determined that this regulatory proposal will have no significant impact on the creation or elimination of jobs in California.

The Creation or Elimination of Businesses in California

The amendment will remove Oregon from the exterior quarantine. The Department does not expect that Oregon's removal will create any additional risk of Japanese beetle entering the state and will prevent unneeded regulatory requirements on material moving between Oregon and California. Therefore, the Department has determined that this regulatory proposal will have no significant impact on the creation or elimination of businesses in California.

The Expansion of Businesses in California

The amendment will remove Oregon from the exterior quarantine. The Department does not expect that Oregon's removal will create any additional risk of Japanese beetle entering the state and will prevent unneeded regulatory requirements on material moving between Oregon and California. Therefore, the Department has determined that this regulatory proposal will have no significant impact on the expansion of businesses in California.

Worker Safety

This regulation is not expected to have an effect on worker safety.

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

The Department has determined that Section 3280 does not impose a mandate on local agencies or school districts. All eradication activities shall be conducted by the Department and quarantines by county agricultural commissioners as part of their regular duties. Therefore, no reimbursement is required under Section 17561 of the Government Code.

The Department also has determined that 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 and no nondiscretionary costs or savings to local agencies or school districts, will result from the amendment of Sections 3280.

There are 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 and no nondiscretionary costs or savings to local agencies or school districts anticipated from the adoption of this amendment.

The Department has determined that the proposed actions will not have a significant adverse economic impact on housing costs or California business, including the ability of California businesses to compete with businesses in other states. Rather, it will help maintain the economic baseline.

Potential Impact to Homeowners and Community Gardens

The amendment will remove Oregon from the exterior quarantine. The Department does not expect that Oregon's removal will create any additional risk of Japanese beetle entering the state and will prevent unneeded regulatory requirements on material moving between Oregon and California. Therefore, there will be a positive impact to homeowners and community gardens using material that moves from Oregon to California.

Potential Impacts to General Fund and Welfare

The proposed amendment does not have immediate or definitive impact to the general fund or general welfare. Rather, it would facilitate preventing an unneeded regulatory burden.

The agricultural industry is one of the economic engines in the State. Negative impacts to agriculture impact the State's economic recovery and the general welfare of the State. Additionally, any further job losses in this area would likely be felt by low-skilled workers whose employment options are already limited. The loss of any additional agricultural jobs would likely result in an increase in the State's public assistance obligations which would also negatively impact the State's economic recovery.

The Department is the only agency which can implement quarantine areas. 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.

Assessment

The amendment is designed to prevent or minimize the spread of Japanese beetle by amending Section 3280. The Department has made an assessment that the amendment to this regulation would: (1) not create or eliminate jobs within California, (2) not create new business or eliminate existing businesses within California, (3) not affect the expansion of businesses currently doing business within California, (4) is expected to benefit the health and welfare of California residents, (5) is not expected to benefit the state's environment, and is (6) not expected to benefit workers' safety.

Health and welfare: The proposed action will benefit the health and welfare of California residents by preventing an unneeded regulator burden. Maintaining the economic baseline is important to the health and welfare of California residents.

Alternatives Considered

The Department must determine that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

The Department considered taking no action. If no action is taken Oregon would still be included in the exterior quarantine area. Because Oregon has continued its Japanese Beetle Eradication program it is currently “Category 1 state” as defined in the U.S. Domestic Japanese Beetle Harmonization Plan. If California includes Oregon in its exterior quarantine California will no longer be abiding by the U.S. Domestic Japanese Beetle Harmonization Plan. Therefore, this alternative was rejected.

Information Relied Upon

The Department is relying upon the following studies, reports, and documents in the adoption and amendment of Section 3280:

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.