

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

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

This regulation is intended to address the obligation of the Department of Food and Agriculture to protect the agricultural industry from the movement and spread of injurious plant pests within California.

Specific Purpose and Factual Basis

The specific purpose of Section 3280 is to provide authority to the State to establish Japanese beetle, *Popillia japonica*, as a quarantine pest, the area under quarantine area, the articles and commodities covered the restrictions on movement and that the director may issue special permits.

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

Japanese beetle, (*Popillia japonica*) a serious pest of a wide variety of plants, feeds on the surface of fruit and leaves of deciduous fruits. The female beetles lay their eggs in soil, which overwinter there as buried grubs. The grubs feed mainly on decaying vegetation at first, but later on fine roots of grasses and other plants. The grubs cause serious damage to grasses, lawns, vegetables and nursery stock. Growth is completed during June, and the adults emerge in greatest numbers in July. The adults are most abundant during July and August, flying and feeding actively on warm sunny days. The adults feed on foliage and ripening fruit of grape, apple, cherry, plum, peach, quince, nectarines, various berries, corn, soybeans, many ornamental

flowers and shrubs, and shade trees. As a rule, there is one generation annually, but grubs may take two years to develop in wet, cold soils. Established Japanese beetle populations cause serious injury to tree fruits, field crops, and some truck crops. Introduction and establishment of Japanese beetle populations in California would be severely detrimental to California's agricultural industry.

This proposed amendment of the regulation provides authority for the State to perform quarantine activities against Japanese beetle, aligning State regulations with the National Plant Board's Japanese Beetle Harmonization Plan. The plan was created to assure that the pest risks associated with movement of plant material were acceptably managed and to facilitate the orderly marketing of nursery stock and other regulated commodities between states. Adopted by the National Plant Board on August 19, 1998, it was most recently revised on April 12, 2011. The proposed amendment will quarantine states listed in the Japanese Beetle Harmonization Plan as infested, as well as infested Canadian provinces. Responses were solicited from all potentially regulated states.

Subsection 3280(b) will establish that California is defined as a category 1 state under the US Domestic Japanese Beetle Harmonization Plan. The effect is to enable other state regulatory agencies to immediately know the types of nationally accepted quarantine restrictions in place.

Existing subsection 3280(b) was renumbered subsection 3280(c) and was reorganized and will establish the current states and provinces under quarantine. The effect is to enable the State to enforce the proposed quarantine restrictions uniformly for all known infested states and provinces.

Existing subsection 3280(c) was renumbered subsection 3280(d). No other text was modified.

Existing subsection 3280(d) was renumbered subsection 3280(e). Text was modified to add an additional declaration requirement to phytosanitary certificates issued by an authorized state agricultural official, approval of plant shipments produced in a Japanese beetle free greenhouse or screenhouse, approval of plant shipments from Japanese beetle free nurseries based on

extensive trapping surveys, and approval of plant shipments produced during a pest free window. The effect is to enable other state regulatory agencies to have a uniform method of shipping to category 1 states.

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

The Department of Food and Agriculture has determined that 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 3280.

The cost impact of the changes in the regulations on private persons and businesses are expected to be insignificant.

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. The Department's determination that the action will not have a significant statewide adverse economic impact on business was based on the following:

The proposed amendment of Section 3280 provides authority for the Department to conduct quarantine activities against Japanese beetle and there are no known private sector cost impacts.

#### Assessment

The Department has made an assessment that the repeal of the regulation would not 1) create or eliminate jobs within California; 2) create new business or eliminate existing businesses with California; or 3) affect the expansion of businesses currently doing business with California.

### Alternatives Considered

The Department of Food and Agriculture 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.

### Information Relied Upon

The Department relied upon the following documents in the proposed amendment of Section 3280:

U.S. Domestic Japanese Beetle Harmonization Plan, National Plant Board, April 12, 2011.

Letter from Colorado Department of Agriculture, December 22, 2010.

Letter from Louisiana Department of Agriculture and Forestry, December 16, 2010.

Letter from Montana Department of Agriculture, November 26, 2010.

Letter from Oklahoma Department of Agriculture, Food, and Forestry, December 15, 2010.

Letter from Oregon Department of Agriculture, December 13, 2010.

Letter from South Dakota Department of Agriculture, November 30, 2010.

Letter from Iowa Department of Agriculture and Land Stewardship, December 6, 2010.

Letter from Michigan Department of Agriculture, November 30, 2010.

Letter from Georgia Department of Agriculture, December 28, 2010.

Letter from Nebraska Department of Agriculture, December 22, 2010.

Letter from Arizona Department of Agriculture, December 17, 2010.

Letter from North Dakota Department of Agriculture, December 22, 2010.

Letter from Florida Department of Food and Agriculture, December 10, 2010.

Letter from Wyoming Department of Agriculture, December 6, 2010.

Letter from Nevada Department of Agriculture, December 30, 2010.

Email from Idaho State Department of Agriculture, November 19, 2010.

Email from Minnesota Department of Agriculture, November 29, 2010.

Email from Kansas Department of Agriculture, December 17, 2010.

Email from Wisconsin Department of Agriculture, November 19, 2010.

Email from Washington State Department of Agriculture, December 10, 2010.

Email from Utah Department of Agriculture, December 15, 2010.

