

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATIONS

Title 3, California Code of Regulations
Section 3589 Japanese Beetle Eradication Area

INITIAL STATEMENT OF REASONS/
POLICY STATEMENT OVERVIEW

The California Department of Food and Agriculture (Department) proposes to amend Title 3, California Code of Regulations (CCR) Section 3589 Japanese Beetle Eradication Area. This regulation will allow the Department to create eradication areas for Japanese beetle (*Popillia japonica*) which will help prevent the spread of these pests within California should they be detected within the state.

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.

Background

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 2015).

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

Purpose and Factual Basis

This regulation is intended to address the obligation of the Department of Food and Agriculture to protect the agricultural industry and environment from the introduction and spread of injurious plant pests within California. This amendment will allow targeted actions for eradication of Japanese beetle within California as necessary and reduce the chance of allowing natural and artificial dispersal and the subsequent spread of the pest in California. Any necessary eradication and quarantine actions taken by the Department will be in cooperation with the USDA and the affected county agricultural commissioners.

The factual basis for the determination by the Department that the amendment of Section 3589 is necessary is as follows:

There have been occasional Japanese beetle outbreaks in California that the Department has eradicated before the beetle could become established. Locations of these past outbreaks has varied, as might be expected from a pest that is largely introduced via air

cargo and motorized vehicles and that has a large plant host range grown throughout the state. One of the recent incursions was in May 2014 in Fair Oaks, Sacramento County. 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. Currently within California, treatment for this pest is taking place in Carmichael, Sacramento County and Roseville, Placer County.

Oregon is weakening its Japanese beetle protections. On August 27, 2025 Ashley Toland, the Eradication Entomologist & Project Coordinator with the Oregon Department of Agriculture, confirmed that Oregon is ending their Japanese Beetle eradication programs. Without these programs, Japanese beetle, which has already infested several counties within Oregon, is likely to spread.

Because Japanese beetle are so damaging to host plants and the host plants are widespread throughout California, CDFA is amending California's eradication area to include the entire state. The purpose of this amendment is to further limit costs from damage caused by the Japanese beetle and costs associated with its control. . Both as adults and as grubs (the larval stage), Japanese beetles are destructive plant pests. Among the plants most commonly damaged are both cultivated and wild apple, pears, caneberries, blueberries, cherries, plums, corn, rose, grape, crabapple, turf grass and beans. Adults leave behind skeletonized leaves and/or large, irregular holes in leaves. The grubs develop in the soil, feeding on the roots of various plants and grasses and often destroying turf in lawns, parks, golf courses, and pastures. Today, the Japanese beetle is the most widespread turf-grass pest in the United States. Efforts to control the larval and adult stages 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 2015). In 2017, the Oregon Department of Agriculture conducted an economic risk analysis for the impact of Japanese beetle in Oregon and concluded the estimated crop damage costs to be \$45,546,660 and estimated

quarantine costs to be \$4,813,204 if Japanese beetle was not controlled. As the value of California's affected industries is substantially larger than Oregon's, the economic impacts would be substantially higher. Additionally, as a general feeder, the Japanese beetle likely poses a serious threat to the general environment and likely some of California's ecologically important as well as threatened and endangered species. Potential and demonstrated hosts for this pest exist in California's natural environment, putting them at risk.

The production, processing, manufacture, and distribution of floriculture and nursery products constitute an important industry of California. These products not only provide substantial revenues for California and its political subdivisions through tax revenues and other means, but they also furnish employment and a means of livelihood for many thousands of California's population. These industries also furnish substantial employment to related industries that are vital to the public health and welfare. The Legislature has determined that these industries are affected with a public interest, and sections enacted to declare the importance of these industries are for the purpose of protecting and furthering the public health and welfare. (FAC Section 24).

Currently the Japanese beetle is not found throughout California and when it is found the Eradication Area regulation has been amended as an emergency to allow for swift treatment in the affected area. However, due to the wide variety of hosts and the recent changes to Oregon's Japanese beetle program, is becoming more likely that the beetle will enter the state in greater numbers. If the beetle is allowed to spread and become established in host production areas, California's agricultural industry would suffer losses due to decreased production of foliage and fruits, increased pesticide use, and loss of markets if other states or countries enact quarantines against California products. The urban and natural environment also contains host plants for this pest and would be at risk as well. Therefore, the Department is proposing amend Title 3 CCR Section 3589 (a), Japanese Beetle Eradication Area, to include the entire state of California.

This regulation will help avoid harm to the public's general welfare by providing authority

for the Department to perform detection, control, and eradication activities against Japanese beetle throughout California. It is necessary to have eradication authority in order to stop the Japanese beetle in the early stages of infestation and prevent spread of the beetle to non-infested areas. The amendment will allow timely response to any future detections of Japanese beetle in California. Therefore, it is necessary to amend this regulation to allow for eradication activities in California as a statewide eradication area will allow for a faster response when the pest is detected.

If the Japanese beetle were allowed to spread and become established in host production areas, California's agricultural industry would suffer losses due to decreased production of marketable produce, increased pesticide use, and, if other states or countries enacted quarantines against California products, loss of markets.

Project Description

This amendment will provide authority for the State to perform specific detection, control, and eradication activities against Japanese beetle in California. This will allow targeted actions for eradication of Japanese beetle and reduce the chance of natural and artificial dispersal and the subsequent spread of the pest in California. Any eradication actions taken by the Department will be in cooperation with the USDA and the affected county agricultural commissioners.

Current Laws & Regulations

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 that the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary

to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

Existing law, FAC Section 5761, provides that the Secretary may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC Section 5762, provides that the Secretary may proclaim any pest with respect to which an eradication area has been proclaimed, and any stages of the pest, its hosts and carriers, and any premises, plants, and things infested or infected or exposed to infestation or infection with such pest or its hosts or carriers, within such area, are public nuisances, which are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

Existing law, FAC Section 5763, provides that the Secretary, or the commissioner acting under the supervision and direction of the director, in a summary manner, may disinfect or take such other action, including removal or destruction, with reference to any such public nuisance, which he thinks is necessary.

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.

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.” The amendment of this regulation is preventing

the potential spread of the Japanese beetle to uninfested areas of the State.

Anticipated Benefits from This Regulatory Action

The adoption of this regulation provides the necessary regulatory authority to eradicate a serious insect pest; this is a mandated, statutory goal.

This regulation is necessary to prevent the spread of Japanese beetle to un-infested areas of the State. The regulation benefits industries (nursery, fruit for domestic use and exports, packing facilities), the environment (urban landscapes), and the overall California economy by preventing the spread of Japanese beetle.

The amendment of this regulation benefits the apple, pears, caneberries, blueberries, cherries, plums, corn, rose, grape, crabapple, turf grass and beans (nursery, fruit for domestic use and exports, packing facilities) and the environment (urban landscapes) by providing the Department an eradication program to prevent the artificial spread of Japanese beetle over short and long distances.

The California, national and international consumers of California apple, pears, caneberries, blueberries, cherries, plums, corn, rose, grape, crabapple, turf grass and beans benefit by having high quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on the consumer.

The amendment of this regulation benefits homeowners who grow their own host fruits for consumption and host material which is planted as ornamentals in various rural and urban landscapes.

The adoption of this regulation may benefit homeowners who grow host material for consumption and/or ornamentals in various rural and urban landscapes. By providing a basis to prevent infestation with Japanese beetle and thereby preventing damage to hosts, the

regulation eliminates any future need for hosts to be treated to mitigate infestations of Japanese beetle.

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 of Food and Agriculture 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 eradication and prevention of the spread of Japanese beetle in California through the amendment and implementation of this regulation economically benefits:

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

The Creation or Elimination of Jobs within the State

The Department has been conducting eradication actions throughout the State for over 30 years without causing significant creation or elimination of jobs. Therefore, the Department has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California.

The Creation or Elimination of Businesses in California

The Department has been conducting eradication actions throughout the State for over 30 years without causing significant creation of new businesses. Therefore, the Department has determined that this regulatory proposal will not have a significant impact on the creation of new businesses in the State of California.

The Expansion of Businesses in California

The Department has been conducting eradication actions throughout the State for over 30 years without causing significant impact on businesses. Therefore, the Department has determined that this regulatory proposal will not have a significant impact on the expansion of businesses currently doing business in the State of 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 of Food and Agriculture has determined that Section does not impose a mandate on local agencies or school districts. All eradication activities shall be conducted by the Department. 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 subsection 3589.

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.

Potential Impact to Homeowners and Community Gardens

The implementation of this regulation will aid in preventing increased costs to the consumers of host materials and increased pesticide usage by homeowners and others. If an infestation of Japanese beetle is not eradicated due to a delay in eradication efforts, then homeowners and community gardeners would be negatively impacted.

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 a fast and effective response if Japanese beetle is detected in the new designated eradication area. Speed of response is key to eradicating an incipient pest infestation. Programmatic delays potentially can lead to pest quarantines, as well as increased production costs and potential job loss. 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 eradication 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 3589 to include the entire State of California. The Department has made an assessment that the amendment to this regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California,(3) affect the expansion of businesses currently doing business within California, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and (6) is not expected to benefit workers' safety.

The health and welfare of California residents: The proposed action will benefit the health and welfare of California residents by preventing increased costs to the consumers of host materials and preventing increased pesticide usage.

The state's environment: The amendment of this regulation benefits the environment (urban landscapes) by providing the Department an eradication program to prevent the artificial spread of the Japanese Beetle over short and long distances. As a general feeder, the Japanese beetle likely poses a serious threat to the general environment and likely some of California's threatened and endangered species. Hosts for this pest also exist in California's natural environment, putting them at risk.

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.

The Department considered taking no action. If no action is taken, the Department would need to continue to amend or promulgate new eradication authority regulations for Japanese beetle along with the concomitant delays in regulatory response. If these response delays allowed this pest to spread and become fully established in host production areas, California's agricultural industry would suffer losses due to increased pesticide use, decreased production of marketable produce, and loss of markets if the

United States Department of Agriculture (USDA) or other countries enact quarantines against California products which are hosts for Japanese beetle. Therefore, this alternative was rejected.

Information Relied Upon

The Department is relying upon the following studies, reports, and documents in the amendment of Section 3589:

California Department of Food and Agriculture, "Japanese Beetle (JB) Project Decisions" Accessed: November 10 ,2025.

https://www.cdfa.ca.gov/plant/jb/project_decisions/2025.html

California Department of Food and Agriculture, Plant Health and Pest Prevention Services (nine pages). "Action Plan for Japanese Beetle, *Popillia japonica* (Newman)," May 2000,

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

National Plant Board. "U.S. Domestic Japanese Harmonization Plan," revised June 20, 2016,

Oregon Department of Agriculture. "Economic Risk Analysis: Oregon and the Japanese Beetle (*Popillia japonica*)", revised February 1, 2017

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

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.