

Secretary of State

**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Department of Agriculture, Plant  
Agency and Division

OAR Chapter 603  
Administrative Rules Chapter Number

In the Matter of: Amending OAR 603-052-0127

Rule Caption: **Amends OAR 603-052-0127 establishing a quarantine in Washington County mitigation measures for the Japanese beetle infestation.**

Statutory Authority: ORS 570.305, ORS 561.510.

Other Authority: ORS 561.190.

Stats. Implemented: ORS 570.305 and ORS 561.510 (3)

Need for the Temporary Rule(s):

The rules clarify when the need for eradication of Japanese beetle in the quarantine area is triggered and establishes a quarantine in Washington County where the need for eradication efforts has been triggered. During 2016, the Oregon Department of Agriculture (ODA) detected an incipient population of the Japanese beetle in the Cedar Mill and Bethany neighborhoods of Washington County, Oregon. The ODA has determined that this is the largest Japanese beetle infestation ever detected in Oregon. If the Japanese beetle population in Oregon is not eradicated, direct damage and restrictions to Oregon's \$900 million nursery industry, of which about \$170 million originates in Washington County, will occur. Impact of quarantines and additionally required chemical treatments along with direct damages to the rest of Oregon's agricultural industry and natural resources is estimated at up to \$45 million annually. The ODA estimates that approximately \$3.5 million (2016) in nursery product sales in Washington County could be lost because of quarantine restrictions against nursery products if the Japanese beetle is not eradicated in Washington County. The ODA has determined that the actions described in its rules are methods necessary to prevent the spread, establish control, and to accomplish the eradication of Japanese beetle in Washington County. In addition to establishing mitigation measures to eradicate Japanese beetle in infested areas, the rules also establish Japanese beetle control measures that apply to nurseries operating in Washington County.

Documents relied upon, and where they are available:

Map of quarantine area is available at: [www.bit.do/jbmap](http://www.bit.do/jbmap).

Japanese beetle Harmonization Plan (2016). National Plant Board. Available: <http://nationalplantboard.org/wp-content/uploads/docs/jbhpn 2017 final.pdf>

Japanese Beetle. Fact Sheet No. 5.601 (2013), Colorado State University. Available: <http://extension.colostate.edu/docs/pubs/insect/05601.pdf>

Hydrogen Isotopes as a Sentinel of Biological Invasions by the Japanese Beetle, *Popillia japonica* (Newman), (2016). Huntgate BA, Kearns DN, Ogle K, Caron M, Marks, JC, Rogg HW. PLoS ONE 11(3)e0149599.doi 10.1371/journal.pone.014599.

Report of the Science Advisory Panel on Japanese Beetle (2015). Available: <https://www.cdfr.ca.gov/plant/jb/pdfs/JB-SAP-Recommendations.pdf>

Stanely-Stahr C. CAPS Update: Japanese Beetle (2011). Utah Pest News Vol. V, Fall 2011. Utah State University. Available: <https://utahpests.usu.edu/htm/utah-pests-news/fall2011/jap-beetle>

Bee-friendly lawn care. Landscape Management. J Larson and D. Potter 2013. Available:  
<http://landscapemanagement.net/bee-friendly-lawn-care/>

[www.japanesebeetlepdx.info](http://www.japanesebeetlepdx.info)

Justification of Temporary Rule(s):

Oregon Revised Statutes (ORS) 561.510 authorizes the ODA to adopt rules declaring a quarantine if the Director believes that any fruits, vegetables, plants, parts of plants or seeds within any area or section are infested with a pest. The quarantine may prohibit the movement of infested fruits, vegetables, plants, parts of plants or seeds or articles that might contain the infestation that might otherwise spread the infestation into the state from one area of the state to another or another area or section within or outside of the state. If an emergency exists and postponement of the effective date of the quarantine would result in serious prejudice to the public health, safety or welfare, or to the health, safety or welfare of the affected parties, the Director may make the quarantine effective immediately as authorized by ORS 183.355.

The Japanese beetle is a destructive garden pest that affects agricultural and horticultural interests of this state. The Japanese beetle is destructive to roses, grapes, orchard fruits, cane berries, corn, hops, outdoor cannabis, and urban forest trees. It is the State of Oregon's policy to eradicate Japanese beetle before breeding populations can establish. During 2016, the ODA detected an incipient population of the Japanese beetle in the Cedar Mill and Bethany neighborhoods of Washington County, Oregon. The ODA has determined that this is the largest Japanese beetle infestation ever detected in Oregon. If the Japanese beetle population in Oregon is not eradicated, damage to Oregon's \$900 million nursery industry, of which about \$170 million originates in Washington County alone, through quarantines prohibiting the import of Oregon products into other states and additional chemical treatments is estimated at approximately \$45 million. The ODA estimates that approximately \$3.5 million (2016) in nursery product sales in Washington County could be lost because of quarantine restrictions against Oregon products if the Japanese beetle is not eradicated in Washington County.

The ODA has determined that this infestation is an urgent agricultural emergency.

Treatment of Japanese beetle infestation is accomplished by application of Chlorantraniliprole (Acelepryn®) a granular pesticide that is ground applied in order to affect Japanese beetle grubs when they are about to emerge after wintering in the ground. During the spring, the grubs migrate up to the root zone to feed for four to six weeks. In order to eradicate Japanese beetle, application of Acelepryn® must occur prior to grub emergence, which is expected to occur in Washington County April 17, 2017 through early June 2017. In order to accomplish effective treatment over the entire quarantine area, the ODA must begin application of Acelepryn® on April 17, 2017. Failure to begin eradication efforts by April 17, 2017 will result in the infestation going untreated, as untreated grubs would emerge and disperse outside the currently established treatment area. Failure to timely treat emerging grubs will result in establishment of breeding populations and further spread of Japanese beetle that in turn will result in serious prejudice to the agricultural and horticultural interests of this state. Due to the importance of the nursery and other agriculture industry in Oregon, serious prejudice to the agricultural and horticultural interests of this state due to Japanese beetle infestation could seriously prejudice the public interest and welfare of the affected parties.

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Signature

Printed name

Date