

LCB File No. T043-99

**ADOPTED TEMPORARY REGULATION
OF THE DIVISION OF AGRICULTURE OF
THE DEPARTMENT OF BUSINESS AND INDUSTRY**
(Effective May 21, 1999)

Authority: NRS 554.020

EXTERIOR QUARANTINE AGAINST JAPANESE BEETLE

554.170 Establishment of quarantine. A quarantine against the Japanese beetle (*Popillia japonica*) of the family Scarabaeidae, its hosts and possible carriers is hereby ordered.

554.180 Areas under quarantine. The area under quarantine against the Japanese beetle consists of:

1. The states of Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and West Virginia;

2. The counties of Blount, Calhoun, Chambers, Cherokee, Clay, Cleburne, Coosa, DeKalb, Etowah, Jackson, Jefferson, Lee, Limestone, Macon, Madison, Marion, Marshall, Morgan, Randolph, St. Clair, Shelby, Talladga, Tallapoosa, Tuscaloosa and Winston in Alabama;

3. The Counties of Jonson, Sedwick, Shawnee and Wyandotte in Kansas

4. The counties of Carver, Dakota, Hennepin Ramsey, and Scott in Minnesota

[3.] 5. The counties of [Crawford,] Franklin, [Gasconade,] Jefferson, [Saint Charles,] Saint Louis, Warren and Washington, Stone and the City of St. Louis in Missouri;

[4. The county of Lancaster in Nebraska;]

5. The counties of Dane, Door, Found Du Lack, Jefferson, Kenosha, Milwaukee, Ozaukee, Rucine, Rock, Sheboygan, Wood and Waukesha in Wisconsin;

6. The District of Columbia;

7. The counties of Niagara, [Lincoln,] Haldimand-Northfork, [Wellan] and Hamilton-Wentworth in the Province of Ontario, Canada;

8. The [counties] Regional Municipalities of Brome-Missiquoi, Le Haut-Richelieu, Champlain, Rousillon and [Saint Jean] Le Bas-Richelieu in the Province of Quebec, Canada. ; and

[9. The Anderson Air Force Base in Guam.]

554.190 Hosts and possible carriers. The hosts and possible carriers of the Japanese beetle are:

1. Soil, humus, compost, [and] manure and all growing media, except when packaged commercially;
2. Grass sod;
3. All plants with roots, except bareroot plants which are free from soil in amounts that could conceal Japanese beetle larvae or pupa ;
4. Bulbs, corms, tubers, and rhizomes of ornamental plants [and plant crowns or roots for propagation, except when they are free from soil;] and
5. Any other plant, part of a plant, article or means of conveyance determined by a state quarantine officer as presenting the hazard of spreading live Japanese beetles because of infestation or exposure to infestation.

554.200 Certification of commodities entering Nevada. The hosts and possible carriers of the Japanese beetle, when originating in any area under quarantine, are prohibited from entering Nevada unless:

1. All hosts and possible carries of Japanese beetle are approved for entry into Nevada from the areas under quarantine when accompanied by [A] a certificate issued by an authorized state [or] agricultural[regulatory] official at the point of origin[accompanies the hosts or possible carriers,] stating that the commodity, shipment or means of conveyance was[fumigated with methyl bromide or otherwise treated or grown in accordance with methods or procedures approved by the administrator.] treated for Japanese beetle prior to shipment with methods or procedures approved by the Administrator or by a certificate issued by an authorized agriculture official at the point of origin stating that the article or commodity was grown in accordance with methods and procedures approved by the administrator.

[2. The host or possible carrier is a house plant grown indoors or in a glass house and passes an inspection by a deputy state quarantine officer or is certified at the point of origin as having been grown in such a manner or treated in a manner approved by the administrator.]

2. Approved Treatments:

All pesticide products must be registered in the state where treatments are applied, and must be used in strict accordance with product labeling instructions and worker protection standards.

Nothing in this regulation is intended to augment or contradict EPA-approved label instructions.

All treatments shall be performed under direct supervision of a Phytosanitary official or under a compliance agreement. Treatments and procedures under a compliance agreement shall be monitored closely throughout the season. State phytosanitary certificates listing and verifying the treatment used shall be faxed to the Nevada Division of agriculture at (775) 668-1178 or be electronically mailed to rgronow@govmail.state.nv.us, as well as accompanying the shipment. The Phytosanitary certificate shall bear the following additional declaration: “The rooted plants were treated to control *Popillia japonica* according to the criteria for shipment to category 1 states as provided in the U. S. Domestic Japanese Beetle Harmonization plan.”

A. Dip Treatment- Balled and Burlap and Container Plants

[3. The host or possible carrier is enclosed in a container, or is balled and covered in burlap, and is accompanied by a certificate issued by an authorized state or agricultural regulatory official at the point of origin stating that the material is treated with not less than 32 ounces of active ingredient of] Chlorpyrifos (Dursban4E, Dursban TNP). Apply at a rate of 2.0 active ingredient (64 ounces) per 100 gallons of water.[and, if]

Only balled and burlapped, potted, and containerized nursery stock with [the] root balls twelve (12) inches [is less than 1 foot] or smaller in diameter and [does not] consisting of non-clay soil [containing clay.] are eligible. The potted or balled and burlapped stock will be dipped so as to submerge the entire root ball and all growing media of the container or the root retaining materials into the solution. The submersion time should be a minimum of two (2) minutes and until complete saturation occurs. Upon removal from the solution the plants are drained in an environmentally safe way.

B. DRENCH TREATMENTS- CONTAINER PLANTS ONLY

Potting media must be sterile and soilless. Containers must be clean. Field potted plants are not eligible for certification using this treatment. This treatment is targeting eggs and early first instar larvae. If the containers are exposed to a second flight season they must be retreated. Pesticides and methods of application approved for drench treatments are:

Imidaclopid (Marathon 60 WP). Apply one-half (0.5) gram of active ingredient per gallon , just prior to Japanese beetle adult flight season (June 1, or as otherwise directed by the phytosanitary official). Apply tank mix as a drench to wet the entire surface of the potting media. During the adult flight season, plant must be retreated if not shipped after sixteen (16) weeks.

Bifenthrin 9 Talstar Nursery Flowable 7.9%).

Mix at the rate of twenty (20) ounces per 100 gallons of water. Apply, approximately eight (8) ounces of tank mix per six (6) inches of container diameter.

C. Media (Granule) Incorporation-Container plants only

All pesticides used for media incorporation must be mixed prior to potting and plants potted a minimum of thirty (30) days prior to shipment. Potting media used must be clean and soilless , containers must be clean and plants for potting must be free of Japanese beetle. The granules must be incorporated into the media prior to potting. Field potted plants are not eligible for treatment. The treatment targets eggs and early first instar larvae and allows for certification of plants that have been exposed to only one flight season after application. If the containers are exposed to a second flight season they must be repotted with a granule incorporated mix or retreated using one of the approved drench treatments. Pesticides and methods of media incorporation approved are:

Imidacloprid (Marathon 1G). Mix at a rate of five (5) pounds per cubic yard.

Bifenthrin (talstar Nursery Granular or Talstar T&O Granular (2.5G).

Mix at the rate of 25 ppm or one-third of a pound per cubic yard based on a potting media bulk density of 200 (bulk density = dry weight in pounds of one cubic yard of potting media).

Tefluthrin (Fireban 1.5 G)

Mix at a rate of 25ppm based on a potting media bulk density of 400 (see above for definition of bulk density).

D. Methyl bromide Fumigation

Nursery stock: methyl bromide fumigation at normal atmosphere pressure, chamber or tarpaulin following all label rates and precautions to avoid plant injury.

3. Approved Methods or procedures for origin certification

Commercial plant shipments with soil may be shipped from the area under quarantine into Nevada provided such shipments are accompanied by a certificate issued by an authorized state agricultural official at origin. Such certificates shall be issued only if the shipment conforms fully with (A), (B), or (C) below:

A. The greenhouse in which the plants were produced was tightly constructed so that adult Japanese beetles would not gain entry, the plants and greenhouses were inspected and found free from all life stages of Japanese beetle, and the plants and soil were protected from subsequent infestation while being stored, packed, and shipped; or

B. The plants were not produced in an area under quarantine, were transported into the area under quarantine in a closed conveyance or closed container and at all times thereafter were protected from becoming infested with Japanese beetle; or

C. States or portions of states listed in the area under quarantine may have counties that are not infested with Japanese beetle. Shipments of hosts and possible carriers of Japanese beetle will be accepted for entry into Nevada from these uninfested counties if annual surveys are made in such counties and the results of such surveys are negative for Japanese beetle. A list of approved counties will maintained by the Administrator. The agricultural officials of other states may recommend a non infested county be placed on the approved list by writing for such approval and stating how the surveys were made giving the following information:

1. Area surveyed.
2. How the survey was carried out.
3. Personnel involved.
4. If the county was previously infested, the date of the last infestation.

The recommendation for approval of such counties will be evaluated by the Plant Industry Bureau of the Nevada Division of Agriculture. Approval of such counties will by made by the Administrator.

If heavy infestation occurs in neighboring counties the approval may be denied. To be maintained on the approved list, each county must be reappraised every twelve (12) months. Shipments of hosts and possible carriers from non infested counties will only be allowed entry into Nevada if the noninfested county has been placed on the approved list prior to the arrival of the shipment in Nevada.

[4. The host or possible carrier is shipped in a mixture of growing media which does not have a predominance of mineral soil, and is accompanied by a certificate issued by an authorized state or agricultural regulatory official at the point of origin stating that the material is treated with isofenphos at a rate of 3.7 fluid ounces per 100 gallons of water and applied as a drench at the rate of 1 gallon of solution per 1.6 cubic foot of growing media.]

(Added to NAC by Dep't of Agriculture, eff. 2-9-79; A by St. Quarantine Officer, 11-12-93)

554.210 Permits for commodities entering Nevada. The administrator may issue permits allowing hosts and possible carriers to enter the state subject to the conditions and provisions which he prescribes.

(Added to NAC by Dep't of Agriculture, eff. 2-9-79)

554.220 Applicability of quarantine. The provisions of NAC **554.170** to 554.210, inclusive, do not apply to soil samples which are being moved pursuant to a federal compliance agreement.

NOTE: For any clarification of these amendments, please contact Robert Gronowski at (775) 688-1182 Ext. 239

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INFORMATIONAL STATEMENT

The following statement is submitted for adopted temporary amendments to Nevada Administrative Code (NAC) 554.170-554.220

1. A public workshop was held on March 15, 1999 in Reno, Nevada at the Nevada Division of Agriculture office located at 350 Capitol Hill Avenue.

A public hearing was held on March 29, 1999 in Reno, Nevada at the Nevada Division of Agriculture office located at 350 Capitol Hill Avenue.

Notice of workshop and notice of hearing were posted at all six Division offices, the Nevada State Library in Carson City, and all Nevada County Libraries. Copies could be requested from the Nevada Division of Agriculture by writing to 350 Capitol Hill Avenue Reno, Nevada 89502, calling (702) 688-1180, contacting all other Division offices, the Nevada State Library in Carson City, and all Nevada County Libraries. All person who have requested to be notified of amendments were notified by mail.

2. Workshop held March 15, 1999-Reno
0 people attended
no written statements were submitted

Hearing held March 29, 1999 Reno
There were no business or public attendees
no written statement were submitted

3. Comments were solicited from business and the public by posting in public locations and thru direct mail notices as outlined in #1 above. There was no oral or written comments submitted. A copy of the comments may be obtained by calling the Nevada Division of Agriculture office, (702) 688-1180.

4. Due to no objections received, the amendments were adopted without change by the Nevada Board of Agriculture on May 14, 1999.

5. The economic effects of the adopted amendment on the business which it is to regulate;

Adverse effects:

Nurseries in the area under quarantine will be required to treat or have their plants certified prior to shipment into Nevada. The treatment or certification does increase the

cost to the owners of the nurseries and market economy will determine if they want to ship plants to Nevada. These nurseries have other outlets for their stock within the infested area.

Beneficial effects:

Nurseries who want to ship plants from the infested area to Nevada will be able to treat or have them certified. Plants that meet the quarantine requirements can be shipped to Nevada.

Immediate and long term economic effects:

The economic effects are both immediate and long term.

The economic effects of the adoption of the amendments on the Public:

Adverse effects:

None

Beneficial effects:

The public will benefit from the prevention of the entry of this pest which if it became established would cause severe economic and environmental losses to occur.

Immediate and long term effects:

The economic effects are both immediate and long term.

6. Economic cost to the agency for the enforcement of the regulation:

There will not be any additional cost to the agency to enforce the amendments adopted.

7. There are no other state or federal agency regulations which the adopted amendments overlap or duplicate.

8. The amendments adopted do not include any provisions more stringent than any federal regulation which the same activity.

9. This regulation does not establish or increase any fees.