COLORADO DEPARTMENT OF AGRICULTURE

Plant Industry Division

QUARANTINE IMPOSED AGAINST ALL LIFE STAGES OF THE JAPANESE BEETLE (POPILLIA JAPONICA) AND HOSTS OR POSSIBLE CARRIERS OF JAPANESE BEETLE PURSUANT TO THE COLORADO PEST CONTROL ACT

8 CCR 1203-21

1.00 Quarantine Established.

A quarantine is hereby established pursuant to section 35-4-110 C.R.S. of the Colorado Pest Control Act against the pest known as Japanese beetle (*Popillia japonica*) a member of the family Scarabaeidae. In the larval stage this pest feeds on the roots of many plants and in the adult stage feeds on the flowers, foliage and fruit of many plants.

2.00 Applicability of this Quarantine.

This quarantine applies to all persons who import into Colorado any commodity covered in section 4.00 below from any of the areas under quarantine specified in section 3.00 below. For purposes of this quarantine any individual, partnership, limited liability company, corporation, governmental agency or other legal entity that imports a commodity covered under this quarantine into Colorado shall be considered a producer of such commodity.

3.00 Areas Under Quarantine.

The entire states of Alabama, Alaska, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, the Provinces of Ontario and Quebec, Canada.

4.00 Commodities Covered.

All life stages of the Japanese beetle, including eggs, larvae, pupae, and adults; and the following hosts or possible carriers of Japanese beetle:

(a) Soil, growing media, humus, compost, and manure. Soil samples under a federal Compliance Agreement and commercially packaged soil, growing media, humus, compost, manure are exempt;

(b) All plants with roots with the exception of nursery produced container grown plants imported in containers with a diameter of 12 inches or less and the volume of the container is less than 750 cubic inches, except as provided in section 4.00 (c);

(c) All ornamental grasses and sedges regardless of container size are possible hosts;

(d) Grass sod;

(e) Plant crowns or roots for propagation (except when free from soil and growing media; clumps of soil or growing media larger than 1/2 inch diameter will be cause for rejection);

(f) Bulbs, corms, tubers, and rhizomes of ornamental plants (except when free from soil and growing media; clumps of soil or growing media larger than 1/2 inch diameter will be cause for rejection); and

(g) Any other plant, plant part, article or means of conveyance when it is determined by the Colorado Department of Agriculture ("Department") to present a hazard of spreading live Japanese beetle due to either infestation, or exposure to infestation, by Japanese beetle.

5.00 Restrictions.

All commodities listed in section 4.00 are prohibited entry into Colorado from the area under quarantine specified in section 3.00 unless they have the required certification. A listed commodity may be imported from an area under quarantine into Colorado provided such shipment fully conforms with the requirements of *one of the following options* and is accompanied by a certificate issued by an authorized state agricultural official at origin verifying compliance:

Japanese Beetle Nursery Trapping Program – Section 5.00 (a);

Nursery Accreditation Program – Section 5.00 (b);

Soil Sampling Protocol – Section 5.00 (b)(i);

Japanese Beetle Management Strategy – Section 5.00 (b)(ii);

Application of Approved Regulatory Treatments – Section 5.00 (c);

Dip Treatments – B&B and Container Plants – Section 5.00 (c)(i);

Pre-Harvest Soil Surface Treatments – Section 5.00 (c)(ii);

Containerized Nursery Stock Accreditation Program – Section 5.00 (d);

Shipment of Sod – Section 5.00 (e);

Japanese Beetle Trapping – Section 5.00 (e) (i);

Japanese Beetle Management. – Section 5.00 (e) (ii).

Shipment of Ornamental Grasses – Section 5.00 (f);

Japanese Beetle Trapping – Section 5.00 (f)(i);

Japanese Beetle Management – Section 5.00 (f)(ii).

The documents of compliance must be kept for a minimum of three years.

(a) Japanese Beetle Nursery Trapping Program.

Regulated nursery stock produced in nurseries found to be free from Japanese beetle based on the nursery trapping program can be certified for shipment when accompanied by a certificate with the following Additional Declaration (AD): *"The plants were produced in a nursery which was found to be free from Japanese beetle (Popillia japonica) based on a nursery trapping program."*

To be eligible for certification nursery sites must meet the following criteria:

The Japanese beetle-free zone shall be the nursery site per se. A nursery business may have more than one nursery site. Each site may have an independent regulatory status relative to Japanese beetle. It is the duty and responsibility of the nursery to maintain the integrity of the Japanese beetle free zones at all times.

To avoid a risk of transshipping Japanese beetle-infested commodities, only commodities certified to be free from Japanese beetle shall be introduced into the nursery.

The entire nursery site shall be surveyed using a detection trapping survey at the rate of 49 traps per square mile (1 trap per 13 acres). Traps should be evenly spaced throughout the trapping areas. There shall be a minimum of three (3) traps per site regardless of the size of the nursery site. Traps shall be baited with a lure consisting of a Japanese beetle food lure (phenyl-ethyl proprionate:eugenol: geraniol [3:7:3 ratio]) and male sex pheromone, and renewed as often as necessary to maintain trapping efficacy. Traps shall be placed and/or monitored regularly by official regulatory authorities during the period of adult flight. Traps should be checked every two weeks. Records shall be maintained of trap monitoring and all Japanese beetle captures.

The survey shall be conducted annually during the adult flight period (June 1 – September 30). If no beetles are captured in the survey, the nursery site meets the criterion. If one or two beetles are captured, in total, from all traps set for the delimitation survey, the nursery may ship if in the judgment of the supervising state plant regulatory official in the exporting state, the detection represents an interception rather than a locally established population of Japanese beetle and that a delimitation survey as specified in the Nursery Site Survey for Japanese beetle is conducted in the following year. If no beetles are captured, in total, from all traps in the delimitation survey following a positive find, the nursery site may continue to ship.

(b) Nursery Accreditation Program.

Plant shipments using either of the two protocols below must be accompanied by a certificate that includes the following Additional Declaration (AD): *"The rooted plants (or plant material) are certified in accordance with the Japanese Beetle Nursery Accreditation Program soil sampling (or Japanese Beetle Management Strategy) protocol."*

(i) Soil Sampling Protocol.

Acceptably low levels of Japanese beetle infestation shall be verified by soil surveys conducted at a rate based on acreage to be accredited. All larvae collected must be examined by a regulatory official to confirm species. Larvae may be forwarded to a specialist for positive identification if species determination cannot be made on-site. Sampling records and maps shall be maintained and made available to plant protection authorities upon request.

Samples must be taken when the majority of larvae are second or third instars (September - May) uniformly and at random throughout the field from within the growing rows of plants that are to be harvested. Specific areas with a higher susceptibility for harboring Japanese beetle grubs shall be given additional attention.

When most larvae are near the soil surface (September to October and April to May), samples are taken at a depth of four to six inches. From November to March, samples must be taken to a depth of eight inches. Accreditation cannot be granted if more than one Japanese beetle larva is present in any of the samples collected. The following are approved sampling methods using the table below for the number of samples required:

Cup cutter or similar coring device. Soil shall be sampled using a cup cutter or similar coring device no smaller than 4.25 inches in diameter. These cup cutters are available from golf course supply companies. Random samples shall be taken from growing rows, within the drip lines of the stock to be harvested, to the depth specified above.

Spade or shovel. Soil shall be sampled using a spade no smaller than 7-inches wide to extract soil "squares". Random samples shall be taken from growing rows, within the drip lines of the stock to be harvested, to the depth specified above.

Table 1: Determining Numbers of Soil Samples to Collect

Block Size (Acres)	Cup Cutter Method	Spade Method
0.1 – 1.0	50	20
1.1 – 5.0	70	30
5.1 – 10.0	80	35
10.1 – 25.0	90	40
25.1 – 50.0	125	50
> 50.0	125 plus 2 samples	50 plus 1 sample for

	for each additional 10 acres	each additional 10 acres

(ii) Japanese Beetle Management Strategy.

This option incorporates production practices that reduce Japanese beetle pest risk, coupled with a less-intensive sampling protocol to assure adequate risk mitigation. Accreditation shall not be granted if more than one Japanese beetle larva is present in any of the samples collected. Management practices include all the following:

Maintenance of a weed-free critical zone. (Defined in Appendix 5 as 12-inches beyond the edge of the rootball.) A weed-free zone may be established based on mechanical cultivation, use of herbicides capable of killing the above and below-ground portions of weed plants, application of sufficient mulching to prevent weed emergence and growth, use of plastic film or barrier cloth, or use of exclusion techniques such as growpot.

Weed-free zones must be established before weed establishment and continued throughout the adult flight season. Weeds should be killed when young to minimize presence of organic matter. Areas of the field outside the critical zone may be managed as the grower chooses.

Japanese beetle adult and larval treatments. Application of adult and/or larval pesticide treatments. As specified in Section 5 (c)(ii) below.

Soil sampling. Take soil samples as outlined above in section 5 (b) (i) (Soil Sampling Protocol); however, reduce the number of samples indicated in Table 1, shown above, by one-half. Accreditation will not be granted if more than one Japanese beetle larva is present in any of the samples collected.

(c) Application of Approved Regulatory Treatments.

A state certificate which lists and verifies the treatment used must accompany shipment with the following Additional Declaration (AD*): "The plants were treated to control Japanese beetle according to the criteria for shipment to category 2 states as provided in the Colorado Japanese Beetle quarantine."*

(i) Dip Treatments - B&B and Container Plants including pot-in-pot production (drench application methods are acceptable only for ornamental grasses in containers less than 12 inches in diameter as provided in Section 5 (f)(ii)).

All balled and burlapped, potted and containerized nursery stock with a rootball diameter of 32 inches or smaller are eligible for certification with this option. The potted or balled and burlapped stock must be dipped, in one of the insecticides listed in this section 5.00 (c) (i) below, 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 must be a minimum of two (2.0) minutes or until complete saturation occurs, as indicated by the cessation of

bubbling whichever time is longer. Upon removal from the solution the plants must be drained in an approved manner.

Plants must not be shipped before they are well drained and can be easily handled. Media must be at least 50° F at the time of treatment. The dip treatment targets Japanese beetle larval stages. Growing medium must be of moderate moisture content (not too wet or not too dry) so that pesticide will adequately penetrate the medium. Treatment must be applied between September 1 and April 15 in southern states and between September 1 and May 1 in the northern states as determined by the appropriate phytosanitary official in the exporting state. During the adult flight period all treated plants must be protected from re-infestation.

Chlorpyrifos (4E formulations labeled for dipping, including Dursban 4E). Apply at a rate of one-quarter (0.25) pound active ingredient (8 ounces per 100 gallons of water).

Bifenthrin (OnyxPro Insecticide- EPA Registration # 279-4269). Apply at a rate of 14.4 fl. oz per 100 gallons of water or 1 lb/gal.

(ii) Pre-Harvest Soil Surface Treatments.

Balled & burlapped or field-potted plants, harvested from production fields, must be treated, with one of the insecticides listed in this section 5.00 (c) (ii) below, before harvest using a band width six (6) inches wider than the actual root ball diameter to be dug. Do not allow the bands in adjacent rows to overlap. Apply May through July with a minimum of eighty-seven (87) gallons of water per acre.

Imidacloprid (Marathon 1% G – EPA Reg # 432-1329-59807 and 60WP- EPA reg # 432-1361-59807, Imida E-Pro – EPA Reg #81959-22, Quali-Pro Imicacloprid 2F – EPA Reg #53883-232-73220 and AM Tide Imidacloprid 2F – EPA Reg #83851-14). Follow label directions for Field and Forest Nursery applications. Review and adhere to Marathon label instructions regarding vegetation management and irrigation before and after application.

Imidacloprid + Cyfluthrin (Discus – EPA reg # 432-1392-59807). Use 17 fl. oz per 3,000 sq. ft.

Thiamethoxam (Flagship 0.22G – EPA reg # 153719-23-4 and Flagship 25WG- EPA reg # 100-955). Use 120 lb per acre or 13.8 lb per 5,000 sq. ft. (Flagship 0.22G) or 8 oz per acre using a minimum of 1.5 gal. of water per 1,000 sq. ft (Flagship 25WG).

(d) Containerized Nursery Stock Accreditation Program.

Containerized nursery stock can be certified if grown under all of the following conditions. Ornamental grasses and sedges, which have been identified as preferred hosts of Japanese beetle, will not be allowed certification under this program. Plants certified under this program must be accompanied by a certificate including the following (or an equivalent) Additional Declaration (AD): *"The plants have been found to be free from Japanese beetle (Popillia japonica) on the basis of a container accreditation program."*

Conditions

i. Above Ground Containers.

1. Only artificial growing media or sterilized soil shall be used and plants for potting must be free of Japanese beetle.

2. Potted plants shall be maintained on a material which serves as a suitable ground barrier for Japanese beetle, i.e. gravel, plastic, hard packed clay, etc.

3. Certified lots shall be identified and segregated in a manner satisfactory to the phytosanitary official in the exporting state.

4. All containers shall be maintained apparently free of weeds.

(Ornamental grasses and sedges will not be allowed certification under the Containerized Nursery Stock Accreditation Program as specified in Section F below.)

ii. Pot-in-pot production (production of nursery stock in containers (production pots) which are placed inside permanent in-ground containers – i.e. two containers one inside the other) may be certified to be Japanese beetle free under the Containerized Nursery Stock Accreditation Program if the following conditions are met:

1. Only artificial growing media or sterilized soil shall be used and plants for potting must be free of Japanese beetle.

2. The permanent in-ground container in which the production pot sits shall provide a ground barrier for Japanese beetle.

3. The lip of the permanent in-ground container shall be placed so that 3 – 4 inches of container lip protrudes above the soil surface.

4. The surface area surrounding the pot-in-pot containers must be apparently weed free and be maintained with a thick layer (more than 3 inches) of woodchip mulch, gravel, or heavy grade landscape fabric between containers.

5. All containers shall be maintained apparently free of weeds and grasses.

6. The inner container shall not come in contact with soil and there must be air space between containers.

(Ornamental grasses and sedges will not be allowed certification under the Containerized Nursery Stock Accreditation Program as specified in Section F below.)

(e) Shipment of Sod.

(i) Japanese Beetle Trapping.

Sod may be shipped to Colorado from the areas under quarantine specified in section 3.00 from sites found to be Japanese beetle-free based on negative detection trapping (as with nurseries) and must be accompanied by a certificate with the following Additional Declaration (AD*): "The turf was produced in a sod farm which was found to be free from Japanese beetle (Popillia japonica) based on a sod farm trapping program."*

(ii) Japanese Beetle Management.

Sod may be shipped into Colorado from the areas under quarantine specified in section 3.00 and must be accompanied by a certificate listing and verifying the treatment used and with the following Additional Declaration (AD): *"The sod was treated to control Japanese beetle according to the criteria for shipment to category 2 states as provided in the Colorado Japanese Beetle quarantine."*

Management activities include (all of the following must be performed):

Maintenance of a Japanese beetle adulticide program on the sod-farm periphery.

Removal of Japanese beetle attractive plant species from the immediate growing area (where practical).

Periodic verification of compliance by regulatory officials.

Documentation of insecticide treatments with products recognized as providing effective regulatory treatment against Japanese beetle. Sod shall be inspected in the presence of a regulatory officer to determine its freedom from Japanese beetle at the time of harvest (sod cutting). Colorado will accept sod from Japanese beetle infested areas if the sod is inspected and found to be free of Japanese beetle at the time of harvest (sod cutting) or if one of the following pesticide treatments are applied when larvae are most susceptible to treatment (avoid mowing turf until after sufficient irrigation or rainfall has occurred so that uniformity of the application will not be affected). Apply as a curative treatment between April 1 and July 31st. Applications must be followed by sufficient irrigation or rainfall within 24 hours to move the active ingredient through the thatch and into the root zone where grubs feed.

Chlorantraniliprole (Acelepryn- EPA reg #352-731). Use at a rate of 16 fl. oz per acre.

Clothianidin (Arena 50WDG – EPA reg # 59639-152 or 0.5G – EPA reg # 59639-156). Use a rate of 8 oz (Arena 50 WDG) or 50 lb (Arena 0.5 G) per acre.

Halofenozide (Mach 2 – EPA reg # 62719-471). Use a rate of three (3) quarts per acre (2.2 fl. oz per 1,000 sq. ft).

Imidacloprid (Merit 75 WP – EPA reg # 432-1314, Merit 75 WSP – EPA reg # 432-1318, Merit 2F –EPA reg # 432-1312). Use a rate of 8.6 oz per

acre for Merit 75 formulations (4 level teaspoons per 1,000 sq. ft for Merit 75 WP; 1.6 oz (1 packet) per 8,250 sq. ft for Merit 75 WSP) and at a rate of 1.6 pints per acre for Merit 2 (0.6 fl. oz per 1000 sq. ft).

Thiamethoxam (Meridian 0.33G – EPA reg # 100-961, Meridian 25WG-EPA reg # 100-943). Use a rate of 80 lb per acre or 9.4 lb per 5,000 sq. ft for the Meridian 0.33G formulation and 17 oz per acre or 1.95 oz per 5,000 sq. ft for the Meridian 25WG formulation.

(f) Shipment of Ornamental Grasses

(i) Japanese beetle trapping (containerized or field potted ornamental grasses).

Ornamental grasses (regardless of container size) may be shipped to Colorado from the areas under quarantine specified in Section 3.00 from sites found to be Japanese beetle-free based on negative detection trapping (as with nurseries) and must be accompanied by a certificate with the following additional declaration: *"The ornamental grass was produced in a nursery which was found to be free from Japanese beetle (Popillia japonica) based on a nursery trapping program."*

(ii) Japanese beetle management (containerized ornamental grasses only-field potted ornamental grasses are not eligible for certification under this protocol).

Ornamental grasses may be shipped into Colorado from the areas under quarantine specified in Section 3.00 and must be accompanied by a certificate listing and verifying the treatment used and with the following additional declaration: *"The ornamental grass was treated to control Japanese beetle according to the criteria for shipment to Colorado as provided in the Colorado Japanese beetle quarantine."*

Management activities include (all of the following must be performed):

Maintenance of a Japanese beetle adulticide program on the nursery periphery.

Removal of Japanese beetle attractive plant species from the immediate growing area (where practical).

Periodic verification of compliance by regulatory officials in the exporting state.

Documentation of insecticide treatments with products recognized as providing effective regulatory treatment against Japanese beetle. Ornamental grasses shall be inspected in the presence of a regulatory officer in the exporting state to determine its freedom from Japanese beetle. Colorado will accept ornamental grasses from Japanese beetle infested areas if one of the following pesticide treatments are applied when larvae are most susceptible to insecticide application.

1. Drench treatments – plants in containers 12" diameter or smaller.

Imidacloprid (Marathon 1% G – EPA Reg # 432-1329-59807 and 60wp- epa reg # 432-1361-59807, Imida E-Pro – EPA Reg # 81959-22, Quali-Pro Imidacloprid 2F – EPA Reg # 53883-232-73220 and AM Tide Imidacloprid 2F – EPA Reg # 83851-14. Follow label directions.

Bifenthrin (Talstar select insecticide, Onxypro insecticide). Apply as a drench, approximately four (4) fl. oz. of tank mix per six (6) inches or container diameter.

Thiamethoxam (Meridian 25 wg). Apply as a partial drench (1/3 of full drench volume) at a rate of 1.95 oz. in 17 gal. water.

Potting media used must be sterile and soilless. Containers must be clean. This is a prophylactic treatment protocol targeting eggs and early first instar larvae. Treat just before Japanese beetle flight season (June 1 or as determined by the appropriate phytosanitary official in the exporting state.) Apply tank mix as a drench to wet the entire surface of the potting media. Avoid excessive irrigation following treatment to reduce leaching of active ingredient. During the adult flight season, as determined by the appropriate phytosanitary official in the exporting state, plants must be retreated after sixteen (16) weeks if not shipped to assure adequate protection. If the containers are exposed to a second flight season they must be retreated.

2. Dip treatments – container plants 32” in diameter or smaller:

Chlorpyrifos (4E formulations labeled for dipping including Dursban 4E). Apply at a rate of one-quarter (0.25) pound active ingredient (8 ounces per 100 gallons of water).

Bifenthrin (Onyxpro inseciticide – EPA Reg # 279-4269). Apply at a rate of 14.4 fl. oz. per 100 gallons of water or 1lb/gal.

The potted stock must be dipped so as to submerge the entire root ball and growing media of the container or the root retaining materials into the solution. The submersion time should be a minimum of two (2.0) minutes and until complete saturation occurs, as indicated by the cessation of bubbling.

Plants should not be shipped before they are well drained and can be easily handled. Media must be at least 50° F at the time of treatment. The dip treatment targets Japanese beetle larval states. Growing medium must be of moderate soil moisture content (not too wet or not too dry) so that pesticide will adequately penetrate the medium. Treatment must be applied between September 1 and April 15 in southern states and

between September 1 and May 1 in northern states as determined by the appropriate phytosanitary official in the exporting state. During the adult flight period all treated plants must be protected from re-infestation.

6.00 Exceptions.

Upon written request, and upon investigation and finding that unusual circumstances exist justifying such action, the Department may issue a permit allowing entry into this state of commodities covered without meeting the requirements of section 5.00. However, all conditions specified in the permit shall be met before such permit will be recognized.

7.00 Privately-owned house plants.

Notwithstanding the requirements of section 5.00, the Department may allow privately owned house plants obviously grown, or certified at the place of origin as having been grown indoors without exposure to Japanese beetle to be brought into this state without meeting the requirements of section 5.00. Contact the Colorado Department of Agriculture for information: Director, Plant Industry Division, Colorado Department of Agriculture, 700 Kipling Street Suite 4000, Lakewood, Colorado 80215-8000, telephone: 303/239-4140, FAX: 303/239-4177.

8.00 Violation of Quarantine.

All covered commodities described in section 4.00 of this rule found to be in violation of this quarantine shall immediately be sent out of the state, destroyed, or treated by a method and in a manner as directed by the Commissioner. Removal from the state, destruction or treatment of such commodity shall be performed at the expense of the producer, or their duly authorized agent.

Any violations of this quarantine are subject to a civil penalty, as determined by the Commissioner. Pursuant to Section 35-4-114.5, C.R.S., the maximum penalty shall not exceed one thousand dollars per violation. Each day the violation continues shall constitute a separate violation.

9.00 Inspections and Investigations.

The Division of Plant Industry of the Department of Agriculture shall conduct any inspections necessary to ensure compliance with this quarantine and investigations of all alleged violations of the quarantine. In accordance with Section 35-4-112 C.R.S. Except as provided in Section 35-4-107, the Commissioner or his designees are authorized, upon consent of the producer or its authorized agent or upon obtaining an administrative search warrant, to enter upon or into any premises, land, buildings, or other places of business during reasonable business hours for the purpose of carrying out the provisions of the article and this quarantine.

10.00 Costs.

The actual costs for inspections, investigations and any other activities related to control and eradication measures such as destruction or treatment for enforcement of the quarantine shall be charged to the producer at a rate of $34 an hour plus 25 cents per mile.

11.00 – 12.00 Reserved

13.00 Statements of Basis, Specific Statutory Authority and Purpose

(a) Adopted November 19, 2009 – Effective December 30, 2009

Statutory Authority

This Quarantine is imposed pursuant to the Pest Control Act, §§ 35-4-110, C.R.S. (2009).

Purpose

The purpose of this Quarantine is to protect Colorado by reducing the introduction of Japanese beetle *(Popillia japonica)* into Colorado. Reduction of Japanse beetle introductions will reduce damage to susceptible landscape plants and crops and minimize the need for pesticide treatment to control the pest. Reducing the introduction of Japanese beetle will allow for some nurseries to continue to export nursery stock to noninfested states. In addition the quarantine provides for the recovery of costs incurred by the Commissioner in enforcement of the quarantine.

Factual Findings

The Commissioner of Agriculture finds as follows:

1) Japanese beetle is a scarab beetle, approximately one-half inch long with a metallic green body and copper-colored covers on its wings. It can be identified by its 12 tufts of hairs bordering the margin of the wing covers.

2) From its original introduction in New Jersey in 1919, Japanese beetle has greatly expanded its range. It is now generally distributed throughout the country, excluding the western United States. It is also found in parts of Ontario, Canada.

3) Japanese beetle is most commonly transported to new locations with soil surrounding nursery plants. Eggs are sometimes laid in the soil of container stock and balled/burlap nursery materials, so the root feeding larvae are carried with the plants.

4) The Japanese beetle can be a very damaging insect in both the adult and larval stages. Adult Japanese beetles cause serious injury to leaves and flowers of many ornamentals, fruits, and vegetables. Among the plants most commonly damaged are rose, grape, crabapple, and beans. Larvae chew roots of turfgrasses and it is the most important white grub pest of turfgrass in much of the northeastern quadrant of the United States.

5) Japanese beetle is a regulated insect subject to internal quarantines in the United States. The presence of established Japanese beetle populations in Colorado restricts trade. Nursery products originating from Japanese beetle-infested states require special treatment or are outright banned from shipment to areas where this insect does not occur.

6) Japanese beetle has likely been introduced into Colorado on several occasions. However, historically these almost always failed to result in reproducing, established populations in the state. Unfortunately, this situation has recently changed as at least two populations are now known. The first population began in 2003 in the Palisade area on the West Slope. Efforts to eradicate it have now been successful. More recently, Japanese beetle has been discovered in Denver and Arapahoe County.

7) Historically, this insect is a target for large amounts of insecticide use where it is established.

(b) Adopted December 16, 2010 – Effective January 30, 2011

Statutory Authority:

These amendments to the permanent rules are adopted by the Colorado Commissioner of Agriculture (Commissioner) pursuant to his authority under the Pest Control Act (the 'Act') at Section 35-4-110 C.R.S.

Purpose

The purpose of this amendment is to:

1. Correct errors.

2. Clarify treatment protocols.

3. Clarify that all ornamental grasses are restricted.

4. Add restriction protocol for pot-in-pot production of nursery stock.

Factual and Policy Issues

The factual and policy issues encountered in proposing these amendments are as follows:

1. British Columbia is not under quarantine and needs to be removed.

2. Ornamental grasses regardless of size have been identified as a high risk carrier of Japanese beetle.

3. Allow for a non-chemical treatment option for pot-in-pot nursery stock production.