

Steve Bullock
Governor

302 N Roberts, PO Box 200201
Helena, Montana 59620-0201

Ron de Yong
Director

406.444-3144 • Fax: 406.444.5409 • agr@mt.gov • www.agr.mt.gov

Quarantine Name: Japanese beetle

Quarantine: MTQ-2013-01

Reason for Quarantine. To minimize the potential for introduction of Japanese beetle in areas of Montana not known to be infested. Japanese beetle is a destructive pest known to feed on more than 500 species of plant, including a wide variety of trees, shrubs, grasses, nursery plants, and field and vegetable crops.

Pest: Japanese beetle, *Popillia japonica* Newman

Regulated Area

(1) Areas subject to quarantine requirements:

- (a) The entire states of Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, 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, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin;
- (b) The entire Canadian provinces of Ontario, Quebec, New Brunswick, Nova Scotia, and Prince Edward Island;
- (c) Any infested area regulated by another state or province;
- (d) The Colorado Counties of El Paso, Douglas, Jefferson, Arapahoe, Adams, Boulder, Larimer, Weld, Broomfield, and Denver; and
- (e) Any areas not mentioned above and subsequently found to be infested and areas not demonstrated free of infestation.
- (f) Any area designated by the Director.

(2) Areas not subject to quarantine requirements:

- (a) The entire states of Alaska, Arizona, California, Hawaii, Oregon, Washington, Idaho, Utah, Nevada, North Dakota, and Wyoming and
- (b) Colorado, all counties not listed in (d) above.

Regulated Articles

- 1. Japanese beetle in any living stage of development.
- 2. Soil, humus, compost, and manure except that which is:
 - a. Commercially packaged in a manner as to render it free of Japanese beetle and
 - b. Under a federal compliance agreement;

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3. All non-gramineous plants with roots, except bare root plants free of soil or plant media larger than ½ inch in diameter;
4. Grass and grass sod;
5. Plant crowns or roots for propagation except those free of soil or plant media greater than ½ inch in diameter;
6. Bulbs, corms, tubers, and rhizomes or ornamental plants except those free of soil or plant media greater than ½ inch in diameter; and
7. Any other plant, plant part, article, or means of conveyance when determined to be a risk of spreading live Japanese beetle by the Director.

Restrictions

All regulated articles and commodities are prohibited entry into Montana from an area under quarantine except as listed in this Quarantine. A phytosanitary certificate or other document attesting to quarantine compliance must accompany all regulated articles.

Pre-Notification to State Plant Regulatory Official

Advance pre-notification of regulated articles is required. Advance notification must occur 48 hours prior to entry into Montana. Advance pre-notification must include:

1. Name, contact information, and address of shipping nursery;
2. Date of notification;
3. Copy of Bill of Lading or invoice;
4. Description of regulated articles – scientific name of plant(s), quantity, size description;
5. Means of conveyance;
6. Shipping date;
7. Arrival date(s);
8. Name and address of receiving individuals, business(es), or nursery(ies)
 - a. If multiple drops are planned, order of delivery and above information for each delivery point is required; and
9. Statement ***"This notification is given in accordance with Montana Quarantine MTQ-2013-01."***

Notifications must be e-mailed to agrpmb@mt.gov, mailed to the Department to the attention of the Pest Management Bureau or faxed to 406-444-9466. Office hours are Monday through Friday, 8 am to 5 pm, MST, excluding state recognized holidays. All regulated articles allowed under the exceptions listed below may be subject to inspection upon entry into Montana or at first point of delivery prior to or during unloading, at the discretion of the department.

Regulated articles may be imported into Montana under the following conditions:

A. Production during a Pest Free Window

The entire rooted plant production cycle will be completed within a pest free window, in Japanese beetle-free commercial growing medium or sterilized field soil, i.e., planting, growth, harvest, and shipment will occur outside the adult Japanese beetle flight period, June through September. The accompanying phytosanitary certificate shall bear the following Additional Declaration: ***"These plants were produced outside the Japanese beetle flight season in Japanese beetle-free growing medium or sterilized field soil."***

B. Bareroot Plants

1. Plants with roots are acceptable if they are free from soil and growing media greater than ½ inch in diameter.

A state Phytosanitary Certificate must accompany plants and must have the following additional declaration: ***"The plants are bareroot, attached clumps of soil or growing media are less than ½ inch in diameter."***

C. Production in an Approved Japanese beetle Free Greenhouse/Screenhouse

All the following criteria apply:

1. All media must be sterilized, except for commercially processed or prepared (soiless) growing material.
2. All stock must be free of soil (bareroot) before planting into the approved medium.
3. The potted plants must be maintained within the greenhouse/screenhouse during the entire adult flight period.
4. During the adult flight period the greenhouse/screenhouse must be made secure so that adult Japanese beetle cannot gain entry. Security will be documented by the appropriate phytosanitary official.
5. No Japanese beetle contaminated material shall be allowed into the secured area at any time.
6. The greenhouse/screenhouse will be officially inspected by phytosanitary officials and must be specifically approved as a secure area. They shall be inspected by the same officials for the presence of all life stages of the Japanese beetle.
7. The plants and their growing medium must be appropriately protected from subsequent infestation while being stored, packed and shipped.
8. Certified greenhouse/screenhouse nursery stock may not be transported into or through any infested areas unless identity is preserved and adequate safeguards are applied to prevent possible infestation.

A state Phytosanitary Certificate must accompany each shipment and must have the following additional declaration: ***"The rooted plants (or crowns) were produced in an approved Japanese beetle free greenhouse or screenhouse."***

D. Japanese Beetle Nursery Trapping Program

All the following criteria apply:

1. The shipment must meet all requirements outlined in the National Plant Board U.S. Domestic Japanese Beetle Harmonization Plan.
2. The purpose of the trapping program or delimitation survey is to determine the Japanese beetle status of nursery sites within the Japanese beetle generally infested area. 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: ***"The plants were produced in a nursery which was found to be free from Japanese beetle based on a nursery trapping program."***

E. Application of Approved Regulatory Treatments

All the following criteria apply:

3. The shipment must arrive in Montana outside the Japanese beetle flight season October 1st through May 31st.
4. Shipments of field grown Nursery Stock and Sod are prohibited entry into Montana during the period of June 1st through September 30th annually unless shipped under a Bonded Compliance Agreement.
5. The shipment must meet all requirements outlined in the National Plant Board U.S. Domestic Japanese Beetle Harmonization Plan.
6. All treatments will be performed under regulatory supervision or under compliance agreement. Treatments will be monitored closely throughout the season. A state phytosanitary certificate which lists and verifies the treatment used must accompany the shipment with the following Additional Declaration: *"The plants (or sod) were treated to control Japanese beetle according to the criteria for shipment to category 2 states as provided in the U.S. Domestic Japanese Beetle Harmonization Plan."*

F. Shipments of field grown nursery stock are prohibited entry into Montana during the period of June 1st through September 30th annually unless shipped under a Bonded Compliance Agreement.

Bonded Compliance Agreement

The Department will consider, on a case by case basis, the use of a bonded compliance agreement if such compliance agreement can demonstrate, to the satisfaction of the Department, that plants can be protected against infestation by all stages of Japanese beetle through all phases of growth, management, storage, packaging, and shipment. Nurseries may send bonded compliance agreement proposals to the Montana Department of Agriculture at 302 N. Roberts, Helena, MT 59620-0201, agrprob@mt.gov, or fax to 406-444-9466.

1. Requirements and expected conditions, processes, and practices under a compliance agreement will be monitored closely throughout the season by the Montana Department of Agriculture or by an authorized agricultural official in the originating state. All costs associated with monitoring are the responsibility of the nursery.
2. The bond amount will be commensurate with the risk of Japanese beetle introduction, size and type of operation, number and type of plants, and operational practices.
3. Bond values will be determined by the Department but will be no less than five hundred thousand dollars. Bonds will be based on nursery stock shipped into Montana.
 - a. The bond will run continuously with the compliance agreement until the compliance agreement is terminated by either party or the department revokes the compliance agreement.
 - b. The department may demand an increase in the bond or an additional bond if the conditions, practices, or other factors increase the risk associated with regulated articles intended for transport or shipment into Montana.
 - c. A 60-day written notice sent by certified mail must be given to the department by the bonding company before any bond is canceled, however, cancellation of the bond does not terminate any liability of the surety incurred prior to the date of cancellation.

4. Bonds will be used by the Department, in the event of an introduction of Japanese beetle in Montana from the nursery, to conduct activities necessary to assess and respond to the introduction. Activities may include, but are not limited to, survey, trapping, identification and confirmation, eradication and management.

All shipments of regulated articles under a bonded compliance agreement must be accompanied by a state Phytosanitary Certificate and bear the following additional declaration: ***"The plants were grown, produced, and shipped to meet conditions specified in the bonded compliance agreement CG-20xx-xx and meet the Montana Japanese Beetle Quarantine requirements."***

Disposition of Regulated Articles under Quarantine

Disposition of regulated articles arriving in Montana in violation of the quarantine shall be immediately sent out of state, destroyed, or treated by a method and in a manner directed by the Montana State Plant Regulatory Official. Cost of removal, destruction, and treatment are at the expense of the owner, owners, or their duly authorized agents. Violations are subject to civil penalties as listed in Administrative Rules of Montana 4.12.1307 and may be subject to other enforcement actions.

Definitions

Area Known Not to be Infested means a nursery, defined area, county, state, or province that has been systematically trapped for Japanese beetle, using green or green and yellow Japanese beetle traps baited with a dual floral and sex attractant lure, for a minimum of one year (twelve months) with negative results. Traps must be located with 500 yards of regulated articles.

Department means the Montana Department of Agriculture.

Director means the director of the Montana Department of Agriculture or his or her authorized representative.

Certificate and Certificate of Inspection means an authenticated document issued by the department of agriculture affirming compliance with quarantine restrictions affecting movements of regulated articles, indicating articles are believed to be free of the live quarantine pest.

Free from Soil means soil in amounts that could not contain concealed Japanese beetle larvae or pupae; generally means does not contain soil particles greater than ½ inch in diameter.

Infestation means actually infested or infected with a pest or so exposed to infestation that it would be reasonable to believe than an infestation exists.

Long-term Quarantine means a quarantine lasting more than one year in duration.

Permit means written authorization issued by the department, another state, or the federal government and is approved by the department for movement of any prohibited or restricted plants, plant pests, regulated articles or quarantined plants, materials, and conveyances.

Phytosanitary Certificate means legal paperwork certifying that visual inspections have been completed by a state or federal authorized certifying official and that all other requirements such as, but not limited to surveys, laboratory tests, and treatments have been met.

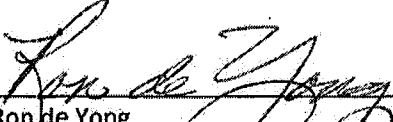
Regulated Area means an area into which, within which, and/or from which plants, plant parts, plant products, or other regulated or quarantined articles are subject to Phytosanitary or quarantine measures to prevent the introduction or spread of quarantine pests.

Soil means all growing media in which the plants are actually rooted. Packing material other than soil, added to bareroot plants after harvesting that would not normally pose a pest risk.

State Agricultural Official means a state department of agriculture or USDA APHIS PPQ official.

Length of Quarantine: Emergency quarantine and adoption as a long term quarantine

Attachments: None



Ron de Yong
Director, Montana Department of Agriculture

7-26-13
Date