ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
PLANT INDUSTRY
ADMINISTRATIVE CODE

CHAPTER 80-10-4
JAPANESE BEETLE QUARANTINE

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80-10-4-.01 Purpose.

The purpose of this chapter is to establish a quarantine against the Japanese Beetle for the protection of horticultural and cultivated crops in Alabama.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-2-.01. Rules reformatted - Rule No. changed to Chapter 80-10-4: Filed June 19, 1986. **Amended:** Filed May 18, 1990.

80-10-4-.02 Previous Regulations, Rules And Quarantines Withdrawn.

That quarantine identified as Japanese Beetle Quarantine No. 7, dated December 3, 1975, and amendments thereto dated December 3, 1975, and December 10, 1975, and all other amendments thereto and all other quarantines against the Japanese Beetle are hereby repealed and withdrawn. The following quarantine is substituted in their place.
Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-2-.01. Rules reformatted - Rule No. changed to Chapter 80-10-4: Filed June 19, 1986.

80-10-4-.03 Findings And Determinations.

It has been determined that the dangerous pest known as the Japanese Beetle (Popillia japonica Newm.), defined as a pest under the provisions of Code of Ala. 1975, §2-25-1(1), has become established in the State of Alabama. It is also found and determined that the above pest is injurious to Alabama horticultural and cultivated crops. It is further determinated that a quarantine against said pest would be in the best interests of horticulture and agriculture in Alabama.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§ 2-25-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-2-.01. Rules reformatted - Rule No. changed to Chapter 80-10-4: Filed June 19, 1986. **Amended:** Filed May 18, 1990.

80-10-4-.04 Definitions.

For the purpose of this chapter, the following definitions shall apply:

(1) Certificate. A document issued or authorized to be issued by the commissioner to allow the movement of regulated articles to any destination.

(2) Commissioner. The Commissioner of the Department of Agriculture and Industries of the State of Alabama, and his authorized representative.

(3) Compacted Soil. Soil attached to equipment which cannot be removed by brisk brushing and/or washing with water under normal city water pressure.

(4) Department. The Department of Agriculture and Industries of the State of Alabama.

(5) Compliance Agreement. A written agreement between a person, engaged in growing, dealing in, or moving regulated articles and the department, wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of the Japanese Beetle.

(6) Exemptions. Conditions which provide for modifications in conditions of movement of regulated articles from regulated areas under specified conditions.

(7) Infestation. The presence of the Japanese Beetle or the existence of circumstances that make it reasonable to believe the Japanese Beetle is present.

(8) Mechanized Soil-Moving Equipment. Mechanized equipment used to move or transport soil, e.g., draglines, bulldozers, road scrapers, and dump trucks.

(9) Permit. A document issued or authorized to be issued by the commissioner to allow the movement of noncertified regulated articles to a specified destination for particular handling, utilization, or processing, or for treatment.

(10) Person. Any individual, firm, partnership, concern, corporation, association or other legal entity or organization.

(11) Moved, Movement, Move. Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by any means whatsoever, by any person, directly or indirectly.

(12) Pest. The insect known as the Japanese Beetle (Popillia japonica Newm.) in any stage of development.

(13) Scientific Permit. A document issued or authorized to be issued by the commissioner to allow the movement to a specific destination of regulated articles for scientific purposes.

(14) Soil. Soil shall be considered as that part of the upper layer of earth in which plants can grow.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-2-.01. Rules reformatted - Rule No. changed to Chapter 80-10-4: Filed June 19, 1986. **Amended:** Filed May 18, 1990.

80-10-4-.05 Quarantine Imposed.

Upon the findings and determinations set out in Rule 80-10-4-.03, it is Hereby Ordered, under the provisions of Code of Ala. 1975, §2-25-4(5), that a quarantine be imposed upon the articles and pest set out in this chapter, subject to the conditions imposed by these rules.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-2-.01. Rules reformatted - Rule No. changed to Chapter 80-10-4: Filed June 19, 1986. **Amended**: Filed May 18, 1990.

80-10-4-.06 Regulated Articles.

(1) The following pest and articles shall be regulated by these rules:

(a) The Japanese Beetle (Popillia japonica Newm.) in any living stage of development;

(b) Soil, humus, compost, muck, peat, and decomposed manure, separately or with other things;

(c) Plants with roots with soil attached, except houseplants grown in the home and not for sale, greenhouse grown plants, soil-free aquatic plants;

(d) Grass sod;

(e) Plant crowns and roots for propagation;

(f) True bulbs, corms, rhizomes and tubers of ornamental plants;

(g) Used mechanized soil-moving equipment;

(h) Any other products, articles, or means of conveyance of any character whatsoever not covered by paragraphs (1)(a) through (1)(g) of this rule, when it is determined by the commissioner that they present a hazard of spread of the Japanese Beetle and the person in possession thereof has been so notified.

(2) The following articles previously listed under paragraph (1) above as regulated shall be exempt from regulations, restrictions, and requirements so long as the conditions set out below are met and they also have not been exposed to infestation after cleaning or other handling.

(a) Soil, humus, compost, muck, peat, and decomposed manure, if commercially prepared, packaged, and shipped in original containers;

(b) True bulbs, corms, rhizomes and tubers of ornamental plants if free of soil;

(c) Plant crowns and roots for propagation, if free of soil;

(d) Transplants, if substantially free of soil;

(e) Used mechanized soil-moving equipment, if cleaned of all loose, noncompacted soil;

(f) Soil samples for processing, testing or analysis may be moved from the regulated area (without certificate or permit) only to laboratories operated under compliance agreement or only in emergencies under authorization from the commissioner. The above exemptions always remain subject to applicable restrictions under other state quarantines.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-2-.01. Rules reformatted - Rule No. changed to Chapter 80-10-4: Filed June 19, 1986. **Amended:** Filed May 18, 1990.

80-10-4-.07 Regulated And Suppressive Areas.

The following areas shall be deemed regulated.

(1) Out-of-state regulated areas:

Connecticut	Maryland	Ohio
Delaware	Massachusetts	Pennsylvania
District of Columbia	Michigan	Rhode Island
Georgia	Missouri	SouthCarolina
Illinois	New Hampshir	Tennessee
Indiana	New Jersey	Vermont
Kentucky	New York	Virginia
Maine	North Carolina	West Virginia

(2) Alabama areas regulated:

Calhoun County. Sec. 1-3, 11-16, 21, T. 16 S., R. 9 E.; Sec. 1-5, 9-16, 21-36, T. 15 S., R. 9 E.; Sec. 1-36, T. 14 S., R. 9 E.

Clay County. Sec. 1-36, T. 18 S., R. 9 E.

Cleburne County. The entire county.

DeKalb County. That portion east and north of the intersection of I-59 and Alabama Highway 35.

Jackson County. The entire county.

Lee County. Sec. 12, 13, 24, 25, T. 19 S., R. 26 E.; Sec. 3-11, 14-23, 27-30, T. 19 S. R. 27 E.

Madison County. That portion east of U.S. Highway 431.

Marion County. Sec. 16-21, 28-33, T. 11 S., R. 14 W.; Sec. 4-6, T. 11 S., R. 14 W.; Sec. 13-14, 23-26, 35-36, T. 10 S., R. 15 W.; Sec. 1-2, T. 11 S., R. 15 W.; Sec. 25-27, 34-36, T. 9 S., R. 11 W.; Sec 1-3, 10-15, 22-24, T. 10 S., R. 11 W.

Marshall County. That portion east of the west border of R. 3 E. and north of the south border of T. 7 S.

Randolph County. The entire county.

Tuscaloosa County. T. 20 S., R. 9 W.

Winston County. Sec. 28-33, T. 9 S., R. 10 W; Sec. 4-9, 16-21, T. 10 S., R. 10 W.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-2-.01. Rules reformatted - Rule No. changed to Chapter 80-10-4: Filed June 19, 1986. **Amended:** Filed May 18, 1990.

80-10-4-.08 Certificate Or Permit Required For Movement Of Articles.

(1) Unless specified otherwise in these rules, a certificate or permit must accompany the movement of regulated articles from any regulated area into or through any point outside thereof. Regulated articles originating outside of a regulated area may be moved without a certificate or permit if the point of origin is clearly indicated on the shipping document accompanying the regulated articles, provided, in the case of articles moved through a regulated area, the regulated articles are protected from infestation, while within regulated areas, to the satisfaction of the commissioner. In all cases certificates and permits shall be furnished by the carrier to the consignee at the destination of the shipper.

(2) Certificates or permits shall be securely attached to the outside of the container in which the regulated articles are moved except where the certificate or permit is attached tothe shipping document and the regulated articles are adequately described on the shipping document or on the certificate or permit, the attachment of the certificate or permit to each of the containers is not required.

(3) Regulated articles may be moved for experimental or scientific purposes in accordance with conditions specified by the commissioner provided a scientific permit is securely attached to the container of such regulated articles or to the article itself.

(4) Before the issuance of a certificate or permit, all requirements under other applicable quarantines must be met.

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Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-2-.01. Rules reformatted - Rule No. changed to Chapter 80-10-4: Filed June 19, 1986. **Amended:** Filed May 18, 1990.

80-10-4-.09 Issuance Of Certificates And Permits.

(1) Certificates may be issued by the commissioner if the regulated articles meet the following:

(a) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated area; or

(b) Upon examination, have been found to be free of infestation; or

(c) Have been treated to destroy infestation in accordance with approval procedures; or

(d) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(2) Permits may be issued by the commissioner to allow the movement of noncertified regulated articles to locations outside the regulated areas for particular handling, utilization, processing, or for treatment in accordance with approved procedures, provided the commissioner has determined that such movement will not result in the spread of the Japanese Beetle.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-2-.01. Rules reformatted - Rule No. changed to Chapter 80-10-4: Filed June 19, 1986. **Amended:** Filed May 18, 1990.

80-10-4-.10 Movement Of Regulated Articles Within Regulated Areas.

There are no restrictions imposed on the movement of regulated articles within regulated areas unless the articles originate on infested properties and the commissioner has determined that a hazard of spread exists and the property owner has been so notified. A property owner so notified may move the specified regulated articles within the regulated area only under conditions approved by the commissioner.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-2-.01. Rules reformatted - Rule No. changed to Chapter 80-10-4: Filed June 19, 1986. **Amended:** Filed May 18, 1990.

80-10-4-.11 Compliance Agreement Required.

As a condition of issuance of certificates or permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the commissioner.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-2-.01. Rules reformatted - Rule No. changed to Chapter 80-10-4: Filed June 19, 1986. **Amended:** Filed May 18, 1990.

80-10-4-.12 Inspection And Disposal.

(1) Under the provisions of Code of Ala. 1975, §2-25-3, the commissioner may, after first being properly identified, stop and inspect, without a warrant, any person or means of conveyance moving into, within or from the state of Alabama upon probable cause to believe that such means of conveyance or articles are infested with the Japanese Beetle; and the commissioner is authorized to seize, treat, destroy, orotherwise dispose of articles found to be moving in violation of these rules.

(2) Any costs incurred in implementing the provisions of these rules shall not be borne by the department with the exception of the services of its agents.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-2-.01. Rules reformatted - Rule No. changed to Chapter 80-10-4: Filed June 19, 1986. **Amended:** Filed May 18, 1990.

80-10-4-.13 Penalty For Violation.

Any person violating the provisions of this regulation shall be subject to the penalties imposed under the provisions of Code of Ala. 1975, § 2-25-22.
Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§ 2-25-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-2-.01. Rules reformatted - Rule No. changed to Chapter 80-10-4: Filed June 19, 1986.