

WSR 21-08-087

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed April 7, 2021, 9:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-18-090.

Title of Rule and Other Identifying Information: Chapter 16-470 WAC, Quarantine—Agricultural pests, the department is proposing adding all species in the genus *Vespa* (hornet) to the list of quarantined pests.

The proposed rules would prohibit live life stages of hornet species from being sold, offered for sale, distributed, or knowingly moved throughout or received within Washington.

Under the proposed amendment, additional restrictions would apply to "infested sites," defined as all real property within twenty meters of a nest containing any live life stage of hornet. The Washington state department of agriculture (WSDA) will attempt to notify occupants and/or owners of those properties that their property has been designated as an infested site. When an infested site has been designated, no person may enter the area without authorization until WSDA has deemed it clear of infestation. This limits the risk to public health and safety, as well as prevents further infestation. The rule clarifies that WSDA inspectors may enter infested sites to remove and treat the nest and hornets.

A special permit would be established under the proposed amendment, which would allow for the possession of live hornets for research purposes.

Hearing Location(s): On May 11, 2021, at 1:00 p.m., Microsoft Teams conference line. Join by link https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGI5ZTBjYTAatMTVjMS00ODkxLWJjNDUtNmNlODBjMjU5YjAx%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22838c55c7-c187-44ae-8de0-2be684ce5d4a%22%7d. Join by phone +1 564-999-2000, ID 636 676 622#. Due to the mandated social distancing requirements in place during the current COVID-19 pandemic, the public hearing will be held solely over video and teleconference.

Date of Intended Adoption: May 18, 2021.

Submit Written Comments to: Gloriann Robinson, Agency Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, email wsdarulescomments@agr.wa.gov, fax 360-902-2092, by 5:00 p.m., May 11, 2021.

Assistance for Persons with Disabilities: Contact Deanna Painter, phone 360-902-2061, TTY 800-833-6388 or 711, email dpainter@agr.wa.gov, by May 4, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 17.24 RCW mandates "a strong system" to protect the forest, agricultural, horticultural, floricultural, and apiary industries of the state from the impact of insect pests, plant pathogens, noxious weeds, and bee pests and infestations. WSDA is charged with implementing that mandate by excluding plant and bee pests and diseases from pest free areas of the state through the regulation of agricultural commodity movement and the quarantining of infested areas. RCW 17.24.041 authorizes the director of WSDA to adopt quarantine areas by rule.

Under the proposed amendment, when a hornet nest is discovered and an infested site has been designated, no person may come within twenty meters of the hornet nest without authorization until the department deems it clear from any live life stage of hornet. The department will attempt to notify the owner and/or occupants of the property about the designation of the area as an infested site. In the department's discretion, authorization may be granted to enter an infested site subject to conditions to limit the risks of further infestation and ensure that the nest is appropriately removed and treated. Hornet nests can be found in a variety of places, but the most common are in trees, voids of structures, subterranean cavities, and mulch. The Asian giant hornet species discovered in Washington prefers subterranean nest construction in the dry soil of wooded areas, but has also been known to nest in trees above ground. Hornet stings are extremely painful and can be life threatening. Restricting access to the area surrounding a nest is a safety precaution that prevents stings and exposure to any control measures that may be used to treat the nest. Additionally, restricting access also limits the risk of unintended spread, which may lead to further infestation.

After a hornet nest is removed and the possibility of straggler hornets is no longer present, the designation of the infested site will be lifted. Typically, WSDA will remove a hornet nest as soon as possible. The time it takes to remove a nest is situational and depends on factors such as weather, the presence of obstructions, and the availability of equipment. Generally, removal would not take longer than two weeks. To date, only one hornet nest removal has taken place in the state.

The proposed amendment would also prohibit live life stages of hornet species from being sold, offered for sale, distributed, or knowingly moved throughout or received within Washington. This would prohibit any business from selling or distributing any live life stage of hornet species. WSDA is not currently aware of any businesses within the state that sell or distribute hornet species.

A special permit would be established under the proposed amendment, which would allow for the possession of live hornets for research purposes. This would allow researchers to test the effectiveness of lures and attractants, perform behavioral studies, and study the dispersal capability of queens. Studying live hornets will provide researchers with valuable information that will enable them to better track existing populations and prevent further spread.

Reasons Supporting Proposal: Hornets pose a direct and indirect risk to agricultural crops in Washington state. They have been known to feed on fruit such as pears, peaches, plums, grapes, berries, and apples making the fruit unfit for human consumption. Hornets attack honey bees and other native insect populations. Managed honey bees and other native insects are important pollinators that are vital to the production of agriculture. Many crops within the state, such as fruits, vegetables, and crops for livestock feed, depend on these pollinating insects for reproduction. Pollination also contributes to higher crop yields, making pollinators economically valuable to Washington's agricultural industry. If hornets were to become established within the state, there could be dire economic and ecological impacts.

Hornets can pose a risk to human health. The venom in their sting can be toxic and unlike bees, they can sting repeatedly. A sting from a hornet can cause substantial pain, as well as tissue damage. In some extremely rare cases, death can also occur. Although hornets don't generally target people, they can attack when threatened. Hornets eat

ripe fruit, which could put fruit harvesters at a higher risk of getting stung.

International and interstate shipping has led to a greater potential for the distribution of hornets into the state. Mated queens often seek sheltered locations in which to undergo diapause (a dormant period). These locations are sometimes on items that are transported, making it easier for the species to spread to new areas. In the past few years, multiple detections have occurred, with Oriental hornet (*Vespa orientalis*) being found in Washington in 2010, *Vespa tropica* was detected in Guam in 2016, and *Vespa soror* was found in neighboring Vancouver, B.C. in 2019. There were multiple detections of Asian giant hornet (*Vespa mandarinia*) in Washington and Vancouver, B.C. in 2019 and 2020. Also in 2020, *Vespa crabro* was detected in B.C. and Oregon. Certain hornet species have a greater likelihood of becoming established once introduced into the state. This is due to Washington's climate and other environmental factors which result in a suitable habitat. For some hornet species, there is a lack of scientific information available. However, there are characteristic traits that all hornets possess, making it prudent to establish a quarantine against all hornet species. No species of hornet are native to Washington state and managing an invasive population once it is established is challenging and costly. Any hornet introduction could upset the state's ecosystem in a number of ways, including spreading new pathogens and parasites to native wasps, bees, and yellow jackets. Creating a quarantine for all species of hornet will allow WSDA to monitor and eradicate any potential introduction. The anticipated effects of the proposed amendment will restrict the movement of any live life stage of hornet found within the state.

Establishing a quarantine for hornets will protect the agricultural industry in multiple ways. It will protect native honey bee and insect populations, which act as important pollinators for agricultural crops throughout the state. The quarantine will also protect the state's beekeeping industry, as some species of hornet, such as the Asian giant hornet (*Vespa mandarinia*), have been known to rapidly attack and destroy honey bee hives. Hornets also feed on ripe fruit, making it unfit for human consumption and posing a potential health risk to fruit harvesters who could be stung. Lastly, any hornet introduction could impact the state's ecosystem as hornets could prey upon native insects and could introduce new pathogens and parasites to native insect populations.

Statutory Authority for Adoption: RCW 17.24.011, 17.24.021, and 17.24.041.

Statute Being Implemented: Chapter 17.24 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WSDA, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Greg Haubrich, 1111 Washington Street, Olympia, WA 98504, 360-902-2071.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. WSDA is not a listed agency under RCW 34.05.328 (5)(a)(i).

The proposed rule does impose more-than-minor costs on businesses.

Small Business Economic Impact Statement

Chapter 16-470 WAC
Quarantine - Agricultural Pests
Hornet Quarantine
April 7, 2021

SECTION 1: Describe the proposed rule, including: A brief history of the issue; an explanation of why the proposed rule is needed; and a brief description of the probable compliance requirements and the kinds of professional services that a small business is likely to need in order to comply with the proposed rule.

Background and Overview: Chapter 17.24 RCW mandates "a strong system" to protect the forest, agricultural, horticultural, floricultural, and apiary industries of the state from the impact of insect pests, plant pathogens, noxious weeds, and bee pests and infestations. WSDA is charged with implementing that mandate by excluding plant and bee pests and diseases from pest free areas of the state through the regulation of agricultural commodity movement and the quarantining of infested areas. RCW 17.24.041 authorizes the director of WSDA to adopt quarantine areas by rule.

Hornets pose a direct and indirect risk to agricultural crops in Washington state. They have been known to feed on fruit such as pears, peaches, plums, grapes, berries, and apples making the fruit unfit for human consumption. Hornets attack honey bees and other native insect populations. Managed honey bees and other native insects are important pollinators that are vital to the production of agriculture. Many crops within the state, such as fruits, vegetables, and crops for livestock feed, depend on these pollinating insects for reproduction. Pollination also contributes to higher crop yields, making pollinators economically valuable to Washington's agricultural industry. If hornets were to become established within the state, there could be dire economic and ecological impacts.

Hornets can pose a risk to human health. The venom in their sting can be toxic and unlike bees, they can sting repeatedly. A sting from a hornet can cause substantial pain, as well as tissue damage. In some extremely rare cases, death can also occur. Although hornets don't generally target people, they can attack when threatened. Hornets eat ripe fruit, which could put fruit harvesters at a higher risk of getting stung.

International and interstate shipping has led to a greater potential for the distribution of hornets into the state. Mated queens often seek sheltered locations in which to undergo diapause (a dormant period). These locations are sometimes on items that are transported, making it easier for the species to spread to new areas. In the past few years, multiple detections have occurred, with Oriental hornet (*Vespa orientalis*) being found in Washington in 2010, *Vespa tropica* was detected in Guam in 2016, and *Vespa soror* was found in neighboring Vancouver, B.C. in 2019. There were multiple detections of Asian giant hornet (*Vespa mandarinia*) in Washington and Vancouver, B.C. in 2019 and 2020. Also in 2020, *Vespa crabro* was detected in B.C. and Oregon. Certain hornet species have a greater likelihood of becoming established once introduced into the state. This is due to Washington's climate and other environmental factors which result in a suitable habitat. For some hornet species, there is a lack of scientific information available. However, there are characteristic traits that all hornets possess, making it prudent to establish a quarantine against all hornet species. No species of hornet are native to Washington state and managing an invasive population once it is established is

challenging and costly. Any hornet introduction could upset the state's ecosystem in a number of ways, including spreading new pathogens and parasites to native wasps, bees, and yellow jackets. Creating a quarantine for all species of hornet will allow WSDA to monitor and eradicate any potential introduction. The anticipated effects of the proposed amendment will restrict the movement of any live life stage of hornet found within the state.

Establishing a quarantine for hornets will protect the agricultural industry in multiple ways. It will protect native honey bee and insect populations, which act as important pollinators for agricultural crops throughout the state. The quarantine will also protect the state's beekeeping industry, as some species of hornet, such as the Asian giant hornet (*Vespa mandarinia*), have been known to rapidly attack and destroy honey bee hives. Hornets also feed on ripe fruit, making it unfit for human consumption and posing a potential health risk to fruit harvesters who could be stung. Lastly, any hornet introduction could impact the state's ecosystem as hornets could prey upon native insects and could introduce new pathogens and parasites to native insect populations.

Proposed Rule Amendments: Restrictions under the proposed amendment would prohibit live life stages of hornet species from being sold, offered for sale, distributed, or knowingly moved throughout or received within Washington.

Under the proposed amendment, additional restrictions would apply to "infested sites," defined as all real property within twenty meters of a nest containing any live life stage of hornet. WSDA will attempt to notify occupants and/or owners of those properties that their property has been designated as an infested site. When an infested site has been designated, no person may enter the area without authorization until WSDA has deemed it clear of infestation. This limits the risk to public health and safety, as well as prevents further infestation. The rule clarifies that WSDA inspectors may enter infested sites to remove and treat the nest and hornets.

The allowance of a special permit issued by the director would be established under the proposed amendment, which would allow for the possession of live hornets for research purposes. The issuance of these permits would be subject to conditions and provisions deemed necessary for the protection of Washington's agriculture.

Required Professional Services: The proposed amendment would not require professional services.

SECTION 2: Identify which businesses are required to comply with the proposed rule using the North American Industry Classification System (NAICS) codes and what the minor cost thresholds are.

Although a hornet nest may be detected at any business or industry type, the following industries sell products which may be more suitable locations for a nest.

NAICS Code (4, 5 or 6 Digit)	NAICS Business Description	Number of Businesses	1% of Average Annual Payroll*	0.3% of Average Annual Gross Business Income**
111332	Grape Vineyards	187	\$4,838.62	\$655.69
111334	Berry (except strawberry) farming	207	\$2,891.00	\$6,275.41
111421	Nursery and tree production	195	\$4,955.96	\$2,712.36
111940	Hay farming	317	\$1,312.82	\$3,818.83
112910	Apiculture	37	\$1,273.61	\$420.48

113110	Timber tract operations	21	\$7,685.17	\$5,288.01
113210	Forest nurseries and gathering of forest products	11	\$3,125.97	\$14,375.35
113310	Logging	405	\$4,733.17	\$4,855.13
115310	Support activities for forestry	177	\$3,524.04	\$2,385.67
312130	Wineries	425	\$3,581.58	\$3,369.76
321999	All other miscellaneous wood product manufacturing	37	\$4,843.39	\$10,709.65
424910	Farm supplies merchant wholesalers	301	\$7,647.50	\$37,719.39
444220	Nursery, garden center, and farm supply stores	392	\$3,429.16	\$3,622.59
561730	Landscaping services	3262	\$1,971.15	\$790.57

* Data source: 2018 Employment Security Department and 2018 Quarterly Census of Employment and Wages (Bureau of Labor Statistics).

** Data source: 2018 Department of Revenue

SECTION 3: Analyze the probable cost of compliance. Identify the probable costs to comply with the proposed rule, including: Cost of equipment, supplies, labor, professional services and increased administrative costs; and whether compliance with the proposed rule will cause businesses to lose sales or revenue.

Hornet nests can be detected in multiple ways. Some are located through chance encounters by the public, which are then reported to WSDA. Others are found through visual survey of areas where hornets have been spotted. A nest can also be located using a live hornet caught in a trap. The hornet is tagged and radio telemetry is used to track the hornet back to its nest. Currently, WSDA traps for all twenty-three species in the Genus *Vespa*.

Under the proposed amendment, when a hornet nest is discovered and an infested site has been designated, no person may come within twenty meters of the hornet nest without authorization until the department deems it clear from any live life stage of hornet. In the department's discretion, authorization may be granted to enter an infested site subject to conditions to limit the risk to public health and safety, as well as prevent further infestation and ensure that the nest is appropriately removed and treated. Additionally, no live life stage of hornet can be sold, offered for sale, distributed, or knowingly moved within the state.

Hornet nests can be found in a variety of places, but the most common are in trees, voids of structures, subterranean cavities, and mulch. The Asian giant hornet species discovered in Washington prefers subterranean nest construction in the dry soil of wooded areas, but has also been known to nest in trees above ground. If a nest is discovered on the property of a business, WSDA will notify the owner/renter and provide informational literature about the hornet. For safety, WSDA staff will then mark off the quarantine zone which extends twenty meters in all directions from the nest. Hornet stings are extremely painful and can be life threatening. Restricting access to the area surrounding a nest is a safety precaution and is not intended to impede access to a business. Rather, the twenty-meter restriction prevents employees or customers from being stung by hornets or exposed to any control measures that may be used to treat the nest. The removal of a nest may be viewed positively by businesses, as a hornet nest could become a liability issue if a customer or employee were stung. In addition to being a health and safety necessity, restricting access to the area surrounding the nest is also needed to prevent unintended spread, which may lead to further infestation.

After a hornet nest is removed and the possibility of straggler hornets is no longer present, the designation of the infested site will be lifted. Typically, WSDA will remove a hornet nest as soon as possible. The time it takes to remove a nest is situational and depends on factors such as weather, the presence of obstructions, and the availability of equipment. Generally, removal would not take longer than two weeks. To date, only one hornet nest removal has taken place in the state and there was no impact to any businesses. This removal was delayed only twenty-four hours due to weather and purchasing of necessary equipment and an additional four days to allow for tree removal. Access to the restricted area was granted by WSDA after just six days.

A hornet nest detection at a business could lead to a loss in sales and revenue. This is because patrons would not be allowed within twenty meters of where the nest was located. The extent a business is impacted depends on where the nest is found. A nest near a business' entrance will likely impact sales and revenue more than one located in an area where customers don't go. This is because nests found near the entrance of a business could prohibit customers from entering through that entrance until the infested site designation was lifted. Since only one nest removal has occurred at this time and each removal is highly situational, it is not possible to analyze the cost to a business with the information available.

The proposed amendment would prohibit businesses from selling or distributing any live life stage of hornet species. WSDA is not currently aware of any businesses within the state that sell or distribute hornet species.

Under the proposed amendment, a business could not knowingly move or transport a live life stage of hornet. Therefore, if a nest was detected on a product for sale (such as a Christmas tree or mulch pile), that product could not be moved until the nest was removed. This could impact sales or revenue for certain businesses depending on where the nest was found and its location on the property. Additionally, the process of removing the nest itself could damage the product, making it no longer fit for sale. This could lead to a loss in revenue from the lost sale of that product.

Businesses will not be required to cover costs associated with nest removal. Costs for removal are covered by WSDA, who performs the procedure. When removal of a nest takes place, any vegetation or structure which limits access to the nest entrance may be cleared away. This is not always necessary and is determined based on the specific circumstances in which the nest is located. There could be an associated cost to a business related to removal of a structure, however it is difficult to estimate potential costs due to the variety of situations which could arise. Generally, nests are removed using a vacuum to extract hornets from the nest, followed by CO² gas introduction, and excavation of the nest. If the nest is in the ground, an area of approximately two cubic feet is cleared of soil and roots. Another way a nest could be removed is through the application of Cyfluthrin dust (Tempo 1% Dust). The dust is applied directly into the nest cavity. If the nest is located in a tree cavity, the tree will be sealed after the hornets are vacuumed or treated, and felled, after which the section of the tree that contains the nest will be removed. Physical removal of the nest is required as hornets, including new queens, may continue to emerge from the nest. Baited traps will be left in the vicinity of the nest location for several weeks following

the nest removal, in order to capture hornets that were not present in the nest. Removals are timed to occur at or just before sunrise.

Under the proposed rule amendment, there are no increased costs to businesses associated with equipment, supplies, labor, professional services, or administrative costs. However, depending on where a nest is located on a property when it is discovered and the type of business it's located at, the proposed amendment may cause businesses to lose sales or revenue.

SECTION 4: Analyze whether the proposed rule may impose more than minor costs on businesses in the industry.

Due to the variability of where a hornet nest may be located, businesses in any industry have the potential to be impacted. The extent to which a business may be economically impacted is extremely situational and depends on the time of year, the nature of the business, and where the nest is located on the property. Since a business is not responsible for covering the cost of removing the nest, the only potential costs associated with the proposed amendment are related to sales and revenue. This could be from customers being unable to access the business or a business may not be able to transport products for sale if they are within the boundary of the quarantine. A quantifiable cost cannot be determined due to the situational variability of nest detections. For example, if the nest was located at the entrance of a business, the economic impact to sales and revenue would be greater. If the nest was located further than twenty meters from where customers generally frequent or in an area that could be partitioned off from customer access, then the impact would be much lower. Whether the nest was detected during a busy or slow time of year for a business would also be a factor.

Removal of a nest would occur as quickly as possible and likely be completed within two weeks. If a business must restrict customer access for two weeks during a busy time of year, the economic impact would be greater than during a slower time of year. The type of business in which the nest is discovered may also effect the financial impact. If for example, the business sells mulch and the nest is located within one of the mulch piles offered for sale, the business would not be able to transport any product within twenty meters of where the nest was detected, until the nest was removed and the department determined that the area was clear of all live life stages of hornet. Alternatively, if a nest was detected at a business with few walk-in customers, then revenue and sales would be impacted much less. Another potential revenue loss could occur if the nest was detected on or inside of a sellable product, such as inside a mulch pile or on a Christmas tree. Removing the nest might damage the product, making it unfit for sale.

Based on the situational variability of hornet detections, the economic impact of the proposed amendments cannot be determined. Although unlikely, in some instances it is possible the economic impact of the proposed quarantine could exceed the minor cost threshold in lost sales or revenue. Businesses most likely impacted by the proposed rules are identified in Section 2. However, the proposed amendment could affect any business in the state. Because circumstances can be so varied, determining the exact cost is difficult.

The department anticipates that businesses will appreciate the removal of a hornet nest because of the liability a business may face if their customers or employees are stung; especially since stings can be life threatening. In order to prevent the spread of the invasive

species, the department plans to remove the nest at no charge to the business owner.

To date, only one nest has been detected in Washington and no businesses have been impacted at this time. To assume the agency will find more hornet nests next year than this past year would require speculation that is not supported by available information.

No businesses selling live hornets will be impacted by the proposed amendment because no businesses exist in this industry in Washington.

SECTION 5: Determine whether the proposed rule may have a disproportionate impact on small businesses as compared to the ten percent of businesses that are the largest businesses required to comply with the proposed rule.

The department does not have the data to determine if the proposed amendments will impose more than minor costs on businesses within any industry. Since we cannot determine the extent of costs, we are unable to determine if the rules will have a disproportionate impact on small businesses.

SECTION 6: If the proposed rule has a disproportionate impact on small businesses, identify the steps taken to reduce the costs of the rule on small businesses. If the costs cannot be reduced provide a clear explanation of why.

RCW 19.85.030(2) requires consideration of the following methods of reducing the impact of the proposed amendment on small businesses:

(a) Reducing, modifying, or eliminating substantive regulatory requirements: Any reduction, modification, or elimination of the regulatory requirements of the proposed rule amendment could increase the risk of hornet species becoming established in Washington. Once an invasive pest becomes established, the costs of control are high and the likelihood of successfully eradicating it is low.

(b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements: There are no recordkeeping or reporting requirements associated with the proposed rule amendment.

(c) Reducing the frequency of inspections: There are no inspection requirements associated with the proposed rule amendment.

(d) Delaying compliance timetables: The proposed rule amendment does not establish any compliance timetables. Delaying the removal of a hornet nest is not a viable mitigation measure. Any delay will result in a higher risk of hornet species becoming established in Washington. Any delay in removal of the nest could expose employees and customers of affected businesses to the potential of being stung by hornets.

(e) Reducing or modifying fine schedules for noncompliance: RCW 17.24.141 specifies the penalty for violating a quarantine order. Chapter 16-470 WAC does not address penalties for violations of the hornet quarantine.

(f) Any other mitigation techniques including those suggested by small businesses or small business advocates: No other mitigation techniques were presented to the department by small businesses or small business advocates.

SECTION 7: Describe how small businesses were involved in the development of the proposed rule.

WSDA sought feedback from industry groups with members representing large and small businesses that could be impacted by the proposed amendment. These industry groups included the Washington Beekeepers Association, Washington State Tree Fruit Association, Washington Wine Industry Foundation, Washington Blueberry Commission, and the Washing-

ton Raspberry Commission. WSDA also sought feedback from the Washington State Farm Bureau, Association of Washington Businesses, and the Washington State Nursery and Landscaping Association. A presentation was also given to the Washington Seed Potato Commission.

SECTION 8: Identify the estimated number of jobs that will be created or lost as the result of compliance with the proposed rule.

No jobs are estimated to be created or lost as a result of compliance with the proposed rule. However failure to adopt the proposed amendment could result in hornet species spreading and becoming established within the state. This could have far reaching impacts on Washington's agricultural industry.

A copy of the statement may be obtained by contacting Gloriann Robinson, Agency Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, fax 360-902-2092, email wsdarulescomments@agr.wa.gov.

April 7, 2021
Brad White
Assistant Director

OTS-2981.1

NEW SECTION

WAC 16-470-070 Quarantine—Hornet. A quarantine is established under this chapter against any live life stages of all species in the genus *Vespa* (hornet) including, but not limited to, *Vespa mandarinia*. The quarantine does not include species that are not classified within the genus *Vespa* (such as wasps in the genus *Vespula*). Hornets feed on fruit and damage plants, as well as attack managed bee and other native insect populations. No species of hornet are native to Washington state. The director of agriculture has determined that the regulation and exclusion of all species of hornet is necessary to protect the environmental quality, forests, floriculture and agricultural crops of the state of Washington.

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NEW SECTION

WAC 16-470-075 Quarantine—Hornet—Area under order. (1) The area under quarantine includes the entire state of Washington.
(2) Within the state of Washington, infested sites are subject to additional restrictions. For purposes of this hornet quarantine, "infested sites" include all real property within 20 meters of a nest containing any live life stage of hornet. After identifying an infested site, the department will attempt to notify occupants and owners of properties within the infested site that the property or a portion thereof has been designated as an infested site and is subject to additional restrictions. The designation of an infested site will remain

in place until department inspectors have removed the nest and determined that the area is clear of all live life stages of hornet.

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NEW SECTION

WAC 16-470-080 Hornet quarantine restrictions. (1) No live life stage of hornet may be sold, offered for sale, distributed, or knowingly moved throughout or received within Washington unless the entity or person proposing such action has been issued a special permit under WAC 16-470-085.

(2) No unauthorized person may enter an infested site until the department has deemed the area clear of the infestation. Department inspectors may enter upon public and private premises within an infested site to remove and treat the nest and hornets. Authorization to enter an infested site will be granted to the property owners, occupants, and other persons in the department's discretion and such authorization may be made subject to conditions to limit the risks to public health and safety, as well as to prevent further infestation and ensure that the nest is appropriately and safely removed and treated.

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NEW SECTION

WAC 16-470-085 Special permits. The director may issue special permits subject to conditions and provisions deemed necessary for the protection of Washington agriculture. Additionally, a special permit may be issued which allows for the possession of live hornets for research purposes.

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