

Proposed Rules  
of the  
Tennessee Department of Agriculture  
Division of Plant Certification

Chapter 0080-06-11  
Japanese Beetle Quarantine

Presented herein are proposed amendments of the Division of Plant Certification, Department of Agriculture, submitted pursuant to T.C.A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Division of Plant Certification, Department of Agriculture, to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed with the Department of Agriculture, Regulatory Services Division, Ellington Agricultural Center, P.O. Box 40627, Nashville, TN 37204, and in the Department of State, 312 Rosa L. Parks Avenue, 8th Floor, William Snodgrass Tower, Nashville, TN 37243-1102, and must be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For copies of the entire text of the proposed amendments, contact: Keith Hodges, Counsel, Department of Agriculture, Regulatory Services Division, Ellington Agricultural Center, P.O. Box 40627, Nashville, TN 37204, 615-837-5331.

The text of the proposed amendments is as follows:

Amendments

Chapter 0080-06-11 Japanese Beetle Quarantine is amended by repealing the chapter in its entirety.

Authority: T.C.A. §§ 43-6-104, 43-6-106

The proposed rules set out herein were properly filed in the Department of State on the 17th day of September, 2008, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of January, 2009. (FS-09-15-08; DBID 3270)

Addendum  
As Required By Public Chapter No. 464  
Economic Impact Statement

Tennessee Department of Agriculture  
Amendments  
Chapter 0080-06-11  
Japanese Beetle Quarantine

(1) Type or types of small business subject to the proposed rule that would bear the cost of, and/or directly benefit from, the proposed rule:

Plant producers (both greenhouses and nurseries) would directly benefit from the repeal of the existing rules by not having to treat nursery stock moving into the western part of the state. Japanese Beetles are endemic throughout the state of Tennessee at this time.

(2) Identification and estimate of the number of small businesses subject to the proposed rule:

All plant producers would be subject to the proposed amendment, one thousand thirteen of which are certified by the Department.

(3) Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

Compliance with the proposed amendment will not involve any additional reporting, recordkeeping or other administrative costs.

(4) Statement of the probable effect on impacted small businesses and consumers:

The proposed amendment will keep small businesses and consumers from having to use chemicals or conduct special cultural practices before their nursery stock can be moved into areas of the state that are not infested with Japanese Beetle.

(5) Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:

There are no less burdensome, less intrusive or less costly alternative methods of achieving the purposes and/or objectives of the proposed rule.

(6) Comparison of the proposed rule with any federal or state counterparts:

There are no comparable federal or state counterparts.

(7) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule. N/A

Exempting small businesses from the proposed amendment would mean that small businesses would have to continue spending time and money guarding against Japanese Beetles.

