

**State of California  
Office of Administrative Law**

**In re:**  
Department of Food and Agriculture

**Regulatory Action:**

**Title 3, California Code of Regulations**

**Adopt sections: 3591.25  
Amend sections:  
Repeal sections:**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL File No. 2011-1007-01 E**

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The Department of Food and Agriculture submitted this emergency action to adopt title 3, California Code of Regulations, section 3591.25, which will establish San Diego County as an eradication area for the New World guava fruit fly, *Anastrepha striata*, list 48 host plants and include as hosts any soil or planting media within the drip area of plants that produce host fruit, and establish the means and methods that may be used for eradication of the insect. The adoption of this regulation will provide authority for the state to perform specific detection, delimitation, control, and eradication activities against the New World guava fruit fly in San Diego County.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 10/10/2011 and will expire on 4/10/2012. The Certificate of Compliance for this action is due no later than 4/9/2012.

Date: 10/10/2011



Richard L. Smith  
Staff Counsel

For: DEBRA M. CORNEZ  
Assistant Chief Counsel/Acting Director

Original: Karen Ross  
Copy: Stephen S. Brown

NOTICE PUBLICATION REGULATIONS SUBMISSION

EMERGENCY

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-		2011-1007-01E

For use by Office of Administrative Law (OAL) only

NOTICE AGENCY WITH RULEMAKING AUTHORITY Food and Agriculture	REGULATIONS 2011 OCT -7 PM 2:03 OFFICE OF ADMINISTRATIVE LAW
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RECEIVED  
 IN THE OFFICE OF  
 2011 OCT 10 PM 1:14  
 John Bowen  
 DE. J. BOWEN  
 SECRETARY OF STATE

AGENCY FILE NUMBER (If any)  
PH11042

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE		

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Anastrepha striata Eradication Area	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 3591.25
	AMEND <del>3591.25</del>
TITLE(S) 3	REPEAL per agency RS/OAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify) _____			

7. CONTACT PERSON Stephen S. Brown	TELEPHONE NUMBER (916) 654-1017	FAX NUMBER (Optional) (916) 654-1018	E-MAIL ADDRESS (Optional) sbrown@cdfa.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Nate Dechoretz</i>	DATE 10/7/11
TYPED NAME AND TITLE OF SIGNATORY Nate Dechoretz, Deputy Secretary for Administration and Finance	

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ENDORSED APPROVED

OCT 10 2011

Office of Administrative Law

In Title 3, California Code of Regulations, adopt Section 3591.25 to read:

Section 3591.25. *Anastrepha striata* Eradication Area.

(a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which the fruit fly, *Anastrepha striata*, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest:

The County of San Diego.

(b) Hosts.

(1) Fruit of the following plants:

<u>Scientific Name</u>	<u>Common Name</u>
<u><i>Annona cherimola</i></u>	<u>Cherimoya</u>
<u><i>Annona muricata</i></u>	<u>Soursop</u>
<u><i>Annona</i> sp.</u>	<u>Annona</u>
<u><i>Bellucia pentamera</i></u>	<u>Bellucia pentamera</u>
<u><i>Campomanesia adamantium</i></u>	<u>Guabiroba branca</u>
<u><i>Campomanesia cambessedeaana</i></u>	<u>Campomanesia cambessedeaana</u>
<u><i>Campomanesia lineatifolia</i></u>	<u>Guabiroba</u>
<u><i>Chrysophyllum cainito</i></u>	<u>Star-apple</u>
<u><i>Citrus aurantiifolia</i></u>	<u>Lime</u>
<u><i>Citrus sinensis</i></u>	<u>Sweet orange</u>
<u><i>Citrus</i> sp.</u>	<u>Citrus</u>
<u><i>Coffea arabica</i></u>	<u>Coffee, Arabica</u>
<u><i>Coffea canephora</i></u>	<u>Coffee, robusta</u>
<u><i>Diospyros digyna</i></u>	<u>Sapote, black</u>
<u><i>Eugenia punicifolia</i></u>	<u>Eugenia punicifolia</u>
<u><i>Eugenia stipitata</i></u>	<u>Araza</u>
<u><i>Eugenia uniflora</i></u>	<u>Surinam cherry</u>
<u><i>Inga feuillei</i></u>	<u>Pacae</u>
<u><i>Inga</i> sp.</u>	<u>Inga</u>
<u><i>Malpighia glabra</i></u>	<u>Acerola</u>
<u><i>Mammea americana</i></u>	<u>Mamey</u>
<u><i>Mangifera indica</i></u>	<u>Mango</u>
<u><i>Mangifera</i> sp.</u>	<u>Mango</u>
<u><i>Manihot esculenta</i></u>	<u>Cassava</u>
<u><i>Manilkara zapota</i></u>	<u>Sapodilla</u>
<u><i>Myrcia popayanensis</i></u>	<u>Myrcia popayanensis</u>
<u><i>Passiflora edulis</i></u>	<u>Passionfruit</u>
<u><i>Persea americana</i><sup>1</sup></u>	<u>Avocado<sup>1</sup></u>
<u><i>Pouteria viridis</i></u>	<u>Sapote, green</u>
<u><i>Prunus persica</i></u>	<u>Peach</u>
<u><i>Psidium acutangulum</i></u>	<u>Guava, para</u>
<u><i>Psidium australe</i></u>	<u>Psidium australe</u>
<u><i>Psidium cattleianum</i></u>	<u>Guava, Chinese</u>

<u>Psidium cattleianum</u> <u>var. littorale</u>	<u>Guava, strawberry</u>
<u>Psidium friedrichsthalianum</u>	<u>Guava, wild</u>
<u>Psidium quajava</u>	<u>Guava, common</u>
<u>Psidium guineense</u>	<u>Guava, Brazilian</u>
<u>Psidium longipes</u>	<u>Mangroveberry</u>
<u>Psidium sartorianum</u>	<u>Arrayan</u>
<u>Psidium sp.</u>	<u>Guava</u>
<u>Sideroxylon obtusifolium</u> <u>buxifolium</u>	<u>Jungleplum</u>
<u>Solanum crinitum</u>	<u>Solanum crinitum</u>
<u>Spondias mombin (= S. lutea)</u>	<u>Hog-plum</u>
<u>Spondias purpurea</u>	<u>Mombin, red or purple</u>
<u>Spondias sp.</u>	<u>Mombin</u>
<u>Syzygium jambos</u>	<u>Rose-apple</u>
<u>Syzygium malaccense</u>	<u>Malay-apple</u>
<u>Terminalia catappa</u>	<u>Tropical almond</u>

<sup>1</sup> commercial grade, mature green 'Hass' avocado is not a host and any other plants determined by the department to produce fruit which is attacked by *Anastrepha striata*.

(2) Soil or planting media within the drip area of plants producing, or which have produced, host fruit.

(c) Means and Methods. The following means and methods may be used in the eradication and control of said pest in said area:

(1) The use of insecticides, chemicals, or other materials as spray (including soil spray treatments), dust, bait, or in any other manner as often as necessary to effect control or eradication.

(2) The removal and destruction of hosts, including plants of hosts, if such action is a practical way of eliminating the infestation.

(3) The searching for all stages of the fly by visual inspection, the use of traps, or any other means.

(4) The removal and destruction of abandoned or unwanted hosts or plants bearing or capable of bearing hosts.

(5) The importation, rearing, liberation, and fostering of parasites and predators which attack the fly.

(6) The importation, rearing, or liberation of sterile forms of the fly.

NOTE:

Authority: Sections 407 and 5322, Food and Agricultural Code.

Reference: Sections 5761, 5762, 5763 and 5764, Food and Agricultural Code.