

**State of California  
Office of Administrative Law**

In re:  
Department of Food and Agriculture

Regulatory Action:

Title 3, California Code of Regulations

Adopt sections:  
Amend sections: 3423(b)  
Repeal sections:

NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION

Government Code Sections 11346.1 and  
11349.6

OAL File No. 2011-0915-03 E

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The Department of Food and Agriculture submitted this emergency action to amend title 3, California Code of Regulations, section 3423. The proposed amendment will establish a quarantine area surrounding the Stockton area of San Joaquin County for the Oriental fruit fly, *Bactrocera dorsalis*, based on eight recent detections of the insect between September 8 - 15, 2011. The area will encompass approximately 118 square miles. The effect of the change is to provide authority for the State to regulate movement of hosts of Oriental fruit fly from, into, and within this area to prevent the artificial, human-assisted spread of the fly to noninfested areas to protect the public and California's agricultural industry.

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 9/19/2011 and will expire on 3/20/2012. The Certificate of Compliance for this action is due no later than 3/19/2012.

Date: 9/19/2011



Richard L. Smith  
Staff Counsel

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

Original: Karen Ross  
Copy: Stephen S. Brown

# EMERGENCY

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATION SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2011-0915-03E</b>
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For use by Office of Administrative Law (OAL) only

2011 SEP 15 PM 2:55

OFFICE OF ADMINISTRATIVE LAW

2011 SEP 19 PM 2:31

*Stephen S. Brown*  
DEPUTY SECRETARY

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY  
Food and Agriculture

AGENCY FILE NUMBER (if any)  
PH11040

### 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)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <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) Oriental Fruit Fly Interior Quarantine	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)	
<b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 3423(b)
TITLE(S) 3	REPEAL

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"/> Resubmission of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmission 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 9/15/11
TYPED NAME AND TITLE OF SIGNATORY Nate Dechoretz, Deputy Secretary for Administration and Finance	

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**ENDORSED APPROVED**

SEP 19 2011

Office of Administrative Law

Amend Section 3423(b) to read:

Section 3423. Oriental Fruit Fly Interior Quarantine (Quarantine Regulation 28),

(a) Pest. Oriental fruit fly (Dæus Bactrocera dorsalis).

(b) Area Under Quarantine.

(1) In Los Angeles County, in the Pasadena and San Marino areas: [continued]

(2) In San Joaquin County, in the Stockton area: Beginning at the intersection of US Interstate 5 and Pixley Slough; then, easterly along said slough to its intersection with Telephone Cut Creek; then, easterly along said creek to its intersection with an unnamed irrigation canal and Thornton Road; then, easterly along said canal to its intersection with Pixley Slough; then, starting northeasterly along said slough to its intersection with State Highway 99; then, southerly along said highway to its intersection with E Morse Road; then, starting easterly along said road to its intersection with the CCT Railroad tracks; then, southerly along said tracks to its intersection with Bear Creek; then, starting easterly along said creek to its intersection with N Alpine Road; then, starting southeasterly along said road to its intersection with the Calaveras River; then, starting northeasterly along said river to its intersection with Pezzi Road; then, southeasterly along said road to its intersection with State Highway 88; then, starting southwesterly along said highway to its intersection with E Baker Road; then, easterly along said road to its intersection with N Confer Road; then, starting southerly along said road to its intersection with E Fairchild Road; then, southwesterly along said road to its intersection with Burge Road; then, southeasterly along said road to its intersection with the STKN Term and E Railroad tracks; then, starting southwesterly along said tracks to its intersection with N Alpine Road; then, starting southeasterly along said road to its intersection with E Main street; then, southwesterly along said street to its intersection with Gillis Road; then, southeasterly along said road to its intersection with State Highway 4; then, starting southwesterly along said highway to its intersection with E 8<sup>th</sup> Street; then, starting southwesterly along said street to its southwestern most point; then, southwesterly along an imaginary line to its intersection with the northeastern most point of Cloyne Court; then, southwesterly along said court to its intersection with Peralta Avenue; then, northwesterly along said avenue to its intersection with E 8<sup>th</sup> Street; then, starting southwesterly along said street to its intersection with S Fresno Avenue; then, northerly along said avenue to its intersection with W Charter Way; then, southwesterly along said way to its intersection with the western shoreline of the San Joaquin River; then, starting northwesterly along said

shoreline to its intersection with the AT and SF Railroad tracks; then, westerly along said tracks to its intersection with S Inland Drive; then, starting northerly along said drive to its intersection with W McDonald Road; then, westerly along said road to its intersection with S Holt Road; then, northerly along said road to its intersection with N Holt Road; then, northerly along said road to its intersection with Windmill Cv; then, northerly along an imaginary line to its intersection with the shoreline of the San Joaquin River at 37.996548 latitude and -121.420624 longitude; then, starting southwesterly along said shoreline to its intersection with 38.041977 latitude and -121.419706 longitude; then, northwesterly along an imaginary line to its intersection with the shoreline of the South Mokelumne River at 38.043848 latitude and -121.419661 longitude; then, starting northwesterly along said shoreline to its intersection with W Eight Mile Road; then easterly along said road to its intersection with US Interstate 5; then, northwesterly along said interstate to the point of the beginning.

(c) Articles and Commodities Covered. The following are declared to be hosts and possible carriers of Oriental fruit fly.

(1) All fruit of the following plants:

Akia	Wikstroemia phyllyraefolia
Alexander laurel, <u>laurel</u>	Calophyllum inophyllum
Apple, common	Malus sylvestris
Apricot	Prunus armeniaca
Avocado	Persea americana
Banana	Musa paradisiaca var. sapientum = (Musa x paradisiaca)
Banana, dwarf	Musa nana
Barbados cherry	Malpighia glabra
Brazil cherry	Eugenia dombeyi
Breadfruit	Artocarpus altilis
Cactus	Cereus coerulescens
Caimitillo	Chrysophyllum oliviforme
Cashew	Anacardium occidentale
Cherimoya	Annona cherimola
Cherry, Catalina	Prunus ilicifolia (ornamental)
<u>Cherry, Portugese</u>	<u>Prunus lusitanica</u>

<u>Cherry, Sweet</u>	<u>Prunus avium</u>
Chili	Capsicum frutescens var. longum
Coffee, Arabian	Coffea arabica
Country gooseberry	Averrhoa carambola
Cucumber	Cucumis sativas
Custard apple	Annona squamosa
Custard apple, Annona	Annona reticulata
Date palm	Phoenix dactylifera
Dragon tree	Dracena draco
Eggfruit tree	Pouteria campechiana = (Lucuma nervosa)
Elengi tree	Mimusops elengi
Fig, common	Ficus carica
Gourka	Garcinia celebica
<u>Granadilla, Purple Passionflower</u>	<u>Passiflora edu</u>
Granadilla, sweet	Passiflora ligularis
Granadilla, yellow	Passiflora lauriflora
Grape	Vitis spp
Grapefruit	Citrus paradisi
Guava	Psidium guajava
Guava, pineapple	Feijoa sellowiana
Guava, red strawberry	Psidium littorale
Guava, yellow strawberry	Psidium cattleianum lucidum
Imbu	Spondias tuberosa
Jackfruit	Artocarpus heterophyllus
Jerusalem Cherry	Solanum pseudocapiscum
<u>Jharber</u>	<u>Ziziphus nummularia, = Ziziphus rotundifolia</u>
<u>Jujube, Common</u>	<u>Ziziphus zizyphus, = Ziziphus jujuba</u>
<u>Jujube, Indian</u>	<u>Ziziphus mauritiana</u>
<u>Jujube, Jackal</u>	<u>Ziziphus oenoplia</u>
Kitebilla	Dovyalis hebecarpa
Kumquat	Fortunella japonica
Lemon	Citrus limon
<u>Lime, Persian</u>	<u>Citrus latifolia</u>
Lime, sour	Citrus aurantiifolia

Longan	<i>Euphoria longan</i>
Loquat	<i>Eriobotrya japonica</i>
Lychee	<i>Lychee chinensis</i>
Malay apple	<i>Eugenia malaccensis</i>
Mammee apple	<i>Mammea americana</i>
Mandarin (tangerine)	<i>Citrus reticulata</i>
Mango	<i>Mangifera indica</i>
Mangosteen	<i>Garcinia mangostana</i>
Mock orange	<i>Murraya exotica</i>
Mulberry, black	<i>Morus nigra</i>
Myrtle, downy rose	<i>Rhodomyrtus tomentosa</i>
Natal plum	<i>Carissa grandiflora</i>
Nectarine	<i>Prunus persica</i> var. <i>nectarina</i>
Oleander, yellow	<i>Thevetia peruviana</i>
Orange, calamondin	<i>Citrus japonica</i> and <i>Citrus mitis</i>
Orange, Chinese	<i>Citrus japonica hazara</i>
Orange, king	<i>Citrus, nobilis</i>
Orange, sour	<i>Citrus aurantium</i>
Orange, sweet	<i>Citrus sinensis</i>
Orange, unshu	<i>Citrus unshu</i>
Otaheite apple	<i>Spondias dulcis</i>
Palm, date	<i>Phoenix</i> spp.
Palm, syrup	<i>Jubaea spectabilis</i>
Papaya, common	<i>Carica papaya</i>
Passionflower,	<i>Passiflora mollissima</i>
Passionfruit (yellow lilikoi)	<i>Passiflora edulis flavicarpa</i>
Peach	<i>Prunus persica</i>
Pear	<i>Pyrus communis</i>
Pepino	<i>Solanum muricatum</i>
<u>Pepper, bell or chilli</u>	<u><i>Capsicum annuum</i></u>
Pepper, oriental bush red	<i>Capiscum frutescens</i> var. <i>abbreviatum</i>
Pepper, sweet	<i>Capiscum frutescens</i> var. <i>grossum</i>
Persimmon	<i>Diospyros</i> spp.
Persimmon, Japanese	<i>Diospyros kaki</i>
Plum, American	<i>Prunus americana</i>

Plum, garden (common European prune)	<i>Prunus domestica</i>
Pomegranate	<i>Punica granatum</i>
<u>Prickly Pear</u>	<u><i>Opuntia ficus-indica</i></u>
Prickly pear, mission	<i>Opuntia megacantha</i>
Pummelo	<i>Citrus grandis</i>
Quince	<i>Cydonia oblonga</i>
Rose apple	<i>Eugenia jambos</i> = ( <i>Syzygium jambos</i> )
Sandalwood	<i>Santalum paniculatum</i>
Sandalwood, white	<i>Santalum album</i>
Santol	<i>Sandericum koetjape</i>
Sapodilla	<i>Manilkara zapota</i>
Sapodilla chiku	<i>Achras zapota</i>
Sapote, white	<i>Casimiroa edulis</i>
Seagrape	<i>Coccoloba uvifera</i>
Soursop	<i>Annona muricata</i>
Star apple	<i>Chrysophyllum cainito</i>
Surinam cherry	<i>Eugenia uniflora</i>
Tomato	<i>Lycopersicon esculentum</i>
Tropical almond	<i>Terminalia catappa</i>
Terminalia	<i>Terminalia chebula</i>
Velvet apple	<i>Diospyros discolor</i>
Walnut, California black	<i>Juglans hindsii</i>
Walnut, English	<i>Juglans regia</i>
Wampi	<i>Citrus lansium</i>
West Indian cherry	<i>Malpighia puniceifolia</i>
Ylang-ylang	<i>Cananga odorata</i>

[Continued]

Note: Authority: Sections 407, 5301, 5302, and 5322, Food and Agricultural Code.

Reference: Sections 5301, 5302, and 5322, Food and Agricultural Code.