

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 3435(d)

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2017-0725-01


OAL Matter Type: Emergency Readopt (EE)

This emergency readopt action by the Department of Food and Agriculture maintains the changes adopted in OAL File Nos. 2016-1212-02E and 2017-0523-04EE that prohibited the movement of bulk citrus within quarantine areas, except for shipments moved under the terms of a special permit as authorized under section 3154 of title 3 of the CCR.

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 8/31/2017 and will expire on 11/30/2017. The Certificate of Compliance for this action is due no later than 11/29/2017.

Date: July 31, 2017



Lindsey S. McNeill
Attorney

For: Debra M. Cornez
Director

Original: Karen Ross

Copy: Dean Kelch

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

EMERGENCY

STD. 400 (REV. 01-2013)

| | | | |
|------------------|---------------------------------|--------------------------|---|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- | REGULATORY ACTION NUMBER | EMERGENCY NUMBER 2017-0725-01EE |
|------------------|---------------------------------|--------------------------|---|

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

JUL 31 2017
3:10 PM

For use by Office of Administrative Law (OAL) only

2017 JUL 25 A 11:29
OFFICE OF ADMINISTRATIVE LAW

| | |
|--------|-------------|
| NOTICE | REGULATIONS |
|--------|-------------|

AGENCY FILE NUMBER (If any)

AGENCY WITH RULEMAKING AUTHORITY
Department of Food and Agriculture

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 | ACTION ON PROPOSED NOTICE | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | |
|--|--|
| 1a. SUBJECT OF REGULATION(S) Asian Citrus Psyllid Interior Quarantine | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2016-1212-02E, 2017-0523-04EE |
|--|--|

| | | |
|--|------------------|---|
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | ADOPT | LM per agency request 7/27/17 |
| | AMEND 3435(d) | |
| | REPEAL | |
| TITLE(S) 3 | | |

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 checked="" 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 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 January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) | <input type="checkbox"/> Effective on filing with Secretary of State | <input type="checkbox"/> §100 Changes Without Regulatory Effect | <input checked="" type="checkbox"/> Effective other (Specify) August 31, 2017 |
|---|--|---|--|

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 56660) | <input type="checkbox"/> Fair Political Practices Commission | <input type="checkbox"/> State Fire Marshal |
| <input type="checkbox"/> Other (Specify) _____ | | |

| | | | |
|---------------------------------|----------------------------------|-----------------------|---|
| 7. CONTACT PERSON Dean Kelch | TELEPHONE NUMBER 916-403-6650 | FAX NUMBER (Optional) | E-MAIL ADDRESS (Optional) Dean.Kelch@cdfa.ca.gov |
|---------------------------------|----------------------------------|-----------------------|---|

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>Kevin Masuhara</i> | DATE 7/21/17 |
| TYPED NAME AND TITLE OF SIGNATORY Kevin Masuhara, Deputy Secretary of Administration and Finance | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 31 2017

Office of Administrative Law

3 CCR § 3435

§ 3435. Asian Citrus Psyllid Interior Quarantine.

....

(d) Restrictions.

(1) Articles and commodities covered in subsection (c)(1); and (2) and (4) are prohibited movement from the area under quarantine and articles and commodities covered in subsection (c)(4) are prohibited movement from or within the area under quarantine except if the article or commodity covered is moved under the terms of a special permit as authorized under Title 3, Section 3154 of the California Code of Regulations.

(2) Articles and commodities covered in subsection (c)(3) are prohibited movement from the area under quarantine except if cleaned and/or treated in a manner to eliminate all live life stages of *Diaphorina citri* to the satisfaction of the Department or county agricultural commissioner.

(3) Articles or commodities originating outside the quarantine area may be moved directly through the area under quarantine without delay and by a direct route in an enclosed vehicle or container or completely enclosed by a covering to prevent exposure to the *Diaphorina citri* while enroute through the area.

(4) All nursery stock sold or distributed within the quarantine area shall be treated in a manner approved by the Department and bear a label stating that it may not be moved outside the quarantine area.

Note: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.
Reference: Sections 401.5, 407, 5301, 5302, 5321 and 5322, Food and Agricultural Code.