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: 3439(b) Repeal sections: NOTICE OF APPROVAL OF EMERGENCY REGULATORY ACTION

Government Code Sections 11346.1 and 11349.6

OAL Matter Number: 2018-0518-02

OAL Matter Type: Emergency (E)

This emergency rulemaking action by the Department of Food and Agriculture repeals all existing Huanglongbing Disease Interior quarantine zones and establishes requirements for a quarantine area when the local Agricultural Commissioner is notified of the infestation and requests the establishment of the quarantine area. It establishes an appeal process for interested parties to challenge an area quarantine designation and a list serve subscription for purposes of receiving updates on changes in regional quarantine zones.

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 5/24/2018 and will expire on 11/21/2018. The Certificate of Compliance for this action is due no later than 11/20/2018.

Date: May 24, 2018

Beverly J. Johnson Deputy Direct tħr

For:

Debra M. Cornez Director

Original: Karen Ross, Secretary Copy: Rachel Avila

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Amend Huanglongbing Disease Interior Quarantine, Section 3439(b) to read:

A quarantine is established against the following pest, its hosts and possible carriers.

(a) Pest. Huanglongbing (HLB) disease (HLB associated bacteria *Candidatus* Liberibacter asiaticus) and its vector, the Asian citrus psyllid (ACP), Diaphorina citri).

(b) Area Under Quarantine.

(1) (1) In Los Angeles and Orange counties:

(A) In the Hacienda Heights, Cerritos, La Habra, Anaheim, Rosemead, and San Gabriel areas: Beginning at the intersection of E-3rd Street and S Eastern Avenue; then, starting northerly along S Eastern Avenue to its intersection with E 1st Street; then, westerly along said street to its intersection with N Marianna Avenue; then, northerly along said avenue to its intersection with Michigan Avenue; then, westerly along said avenue to its intersection with N Carmelita Avenue; then, northerly along said avenue to its intersection with E Cesar E Chavez Avenue; then, westerly along said avenue to its intersection with N Hazard Avenue; then, northerly along said avenue to its intersection with Floral Drive; then, westerly along said drive to its intersection with N Gage Avenue; then, northerly along said avenue to its intersection with Pomeroy Avenue; then, westerly along said avenue to its intersection with City Terrace Drive; then, northeasterly along said drive to its intersection with Marengo St; then, westerly along said street to its intersection with Pedestrian Overpass at 34.059931 latitude and 118.187716 longitude; then, northerly along said overpass to its intersection with Whiteside Street; then, westerly along said street to its intersection with Adkisson Avenue; then, northerly along said avenue to its intersection with Fowler Street; then, southwesterly along said street to its intersection with N Ditman Avenue; then, northerly along said avenue to its intersection with Medford Street; then, northwesterly along said street to its intersection with N Soto Street; then, northerly along said street to its intersection with Valley Boulevard; then, westerly along said boulevard to its intersection with N Main Street; then, westerly along said street to its intersection with Griffin Avenue; then, northeasterly along said avenue to its intersection with S Avenue 52; then, northeasterly along said avenue to its intersection with State Highway 110; then, easterly along said highway to its intersection with S Avenue 57; then, northerly along said avenue to its intersection with N Figueroa Street; then, northeasterly along said street to its intersection with State Highway 134; then, northeasterly along said highway to its intersection with US Interstate 210; then, easterly along said interstate to its intersection with N Los Robles Avenue; then, northerly along said avenue to its intersection with E Maple Street; then, easterly along said street to its intersection with N El Molino Avenue; then, northerly along said avenue to its intersection with E Orange Grove Boulevard; then, easterly along said boulevard to its intersection with N Lake Avenue; then, northerly along said avenue to its intersection with E Mountain Street; then, easterly along said street to its intersection with N Hill Avenue; then, northerly along said avenue to its intersection with Asbury Drive; then, easterly along said drive to its intersection with N Allen Avenue; then, northerly along said avenue to its intersection with E Washington Boulevard; then easterly along said boulevard to its intersection with N Altadena Drive; then, northerly along said drive to its intersection with New York Drive; then, southeasterly along said drive to its intersection with Eaton Canyon Drive; then, northwesterly along said drive to its intersection with Kinneloa Canyon Road; then, northeasterly along said road to its intersection with Kinneloa Mesa Road; then, northeasterly along said road to its intersection with Country Lane; then, northeasterly along said lane to its intersection with Sierra Madre

Villa Avenue; then, southeasterly along said avenue to its intersection with Vosburg Street; then, easterly along said street to its intersection with Pasadena Glen Road; then, northerly along said road to its intersection with the Angeles National Forest boundary at 34.178767 latitude and 118.079138 longitude; then, easterly along said boundary to its intersection with an imaginary line at 34.179094 latitude and 118.071909 longitude; then, southerly along said imaginary line to its intersection with an unknown river at 34.175862 latitude and 118.072077 longitude; then, southwesterly along said river to its intersection with Ranch Top Road; then, southeasterly along said Road to its intersection with Hastings Ranch Drive; then, southwesterly along said drive to its intersection with Denair Street; then, easterly along said street to its intersection with N Michillinda Avenue; then, southerly along said avenue to its intersection with Fairview Avenue; then, easterly along said avenue to its intersection with Grove Street; then, northerly along said street to its intersection with W Carter Avenue; then, easterly along said avenue to its intersection with Auburn Avenue; then, southerly along said avenue to its intersection with W Grandview Avenue; then, easterly along said avenue to its intersection with Anita Crest Drive; then, southeasterly along said drive to its intersection with Andrea Lane; then, easterly along said lane to its intersection with Orangewood Lane; then, southerly along said lane to its intersection with Sierra Madre Boulevard; then, easterly along said boulevard to its intersection with N Santa Anita Avenue; then, southerly along said avenue to its intersection with Virginia Road; then, easterly along said road to its intersection with Highland Oaks Drive; then, southerly along said drive to its intersection with E Sycamore Avenue; then, easterly along said avenue to its intersection with N 2nd Avenue; then, southerly along said avenue to its intersection with E Foothill Boulevard; then, easterly along said boulevard, becoming W Foothill Boulevard, to its intersection with S Mayflower Avenue; then, southerly along said avenue to its intersection with W Colorado Boulevard; then, easterly along said boulevard to its intersection with S Myrtle Avenue; then, southerly along said avenue to its intersection with E Central Avenue; then, easterly along said avenue to its intersection with S California Avenue; then, southerly along said avenue to its intersection with California Avenue; then, southerly along said avenue to its intersection with Shrode Avenue; then, easterly along said avenue to its intersection with Mountain Avenue; then, northerly along said avenue to its intersection with Meridian Street; then, easterly along said street to its intersection with Bateman Avenue; then, southerly along said avenue to its intersection with Avenida Barbosa; then, southerly along said avenue to its intersection with Arrow Highway; then, easterly along said highway to its intersection with Rivergrade Road; then, southwesterly along said road to its intersection with Brooks Drive; then southeasterly along said drive to its intersection with Littlejohn Street; then, southerly along said street to its intersection with Los Angeles Street; then, easterly along said street to its intersection with Hornbrook Avenue; then, southerly along said avenue to its intersection with Palm Avenue; then, easterly along said avenue to its intersection with Harlan Avenue; then, southerly along said avenue to its intersection with Ramona Boulevard; then, northeasterly along Ramona Boulevard to its intersection with Stewart Avenue; then, southeasterly along Stewart Avenue to its intersection with Baldwin Park Boulevard; then, northeasterly along Baldwin Park Boulevard to its intersection with La Rica Avenue; then, southeasterly along La Rica Avenue to its intersection with Maine Avenue; then, northeasterly along Maine Avenue to its intersection with Pacific Avenue; then, southeasterly along Pacific Avenue to its intersection with Puente Avenue; then, northeasterly along Puente Avenue to its intersection with Root Street; then, starting northeasterly along Root Street to its intersection with W-Puente Avenue; then, easterly along W-Puente Avenue to its intersection with N Vincent Avenue; then, southerly along N Vincent Avenue to its intersection with E Rowland Avenue; then, easterly along E Rowland Avenue to its intersection with N Lark Ellen Avenue; then, southerly along N Lark Ellen Avenue to its intersection with US Interstate 10; then, easterly along

US Interstate 10 to its intersection with S Hollenbeck Street; then, southerly along S Hollenbeck Street to its intersection with E Cameron Avenue; then, starting easterly along E Cameron Avenue to its intersection with Cameron Avenue; then, starting southeasterly along Cameron Avenue to its intersection with N Grand Avenue; then, starting southeasterly along N Grand Avenue to its intersection with Amar Road; then, southwesterly along Amar Road to its intersection with N Lemon Avenue; then, starting southeasterly along N Lemon Avenue to its intersection with La Puente Road; then. southwesterly along La Puente Road to its intersection with S Flemington Drive; then, starting southeasterly along S Flemington Drive to its intersection with E Millridge Drive; then, westerly along E Millridge Drive to its intersection with Camino de Gloria; then, starting southeasterly along Camino de Gloria to its intersection with Valley Boulevard; then, southwesterly along Valley Boulevard to its intersection with Fairway Drive; then, southerly along said drive to its intersection with Brea Canyon Cutoff Road; then, southeasterly along said road to its intersection with an Unnamed Creek at 33.967823 latitude and 117.846898 longitude; then, southwesterly along said creek to its intersection with Gold Run Drive; then, easterly along said drive to its intersection with Running Branch Road; then, southwesterly along said road to its intersection with an Unnamed Road at 33.960481 latitude and-117.847766 longitude; then, southerly along said road to its intersection with an Unnamed Road at 33.958382 latitude and 117.845875 longitude; then, easterly along said road to its intersection with Brea Ridge Mountainway and Tonner Canyon Road; then, southwesterly along Tonner Canyon Road to its intersection with Times Mountainway; then, easterly along said mountainway to its intersection with State Mountainway; then, easterly along said mountainway to its intersection with an Unnamed Road at 33.947035 latitude and 117.822505 longitude; then, southerly along said road to its intersection with Chino Hills State Park at 33.939334 latitude and 117.826128 longitude; then, southwesterly along said park to its intersection with an Unnamed Road at 33.933465 latitude and 117.833716 longitude; then, southerly along said road to its intersection with Trolley Court, then easterly along said court to its intersection with Boxcar Lane; then, southerly along said lane to its intersection with Whistle Train Road; then, westerly along said road to its intersection with Railway; then, southerly along said railway to its intersection with Santa Fe Avenue; then, southerly along said avenue to its intersection with Carbon Canyon Road; then, westerly along said road to its intersection with Carbon Canyon Park Boundary at 33.922660 latitude and 117.838737 longitude; then, southeasterly along Carbon Canyon Park Boundary to its intersection with an imaginary line at 33.913064 latitude and 117.839219 longitude; then, southwesterly along said line to its intersection with Blake Rd; then, southwesterly along said road to its intersection with Rose Drive; then, southerly along said drive to its intersection with Imperial Highway; then, southeasterly along said highway to its intersection with S Imperial Highway; then, southerly along said highway to its intersection with Cannon Street; then, southerly along said street to its intersection with Villa Park Road; then, westerly along said road to its intersection with N Hewes Street; then, southwesterly along said street to its intersection with Hewes Street; then, southerly along said street to its intersection with E Chapman Avenue; then, westerly along said avenue to its intersection with S Esplanade Street; then, southerly along said street to its intersection with Fairhaven Avenue; then, westerly along said avenue to its intersection with Prospect Avenue; then, southerly along said avenue to its intersection with E 17th Street; then, westerly along said street to its intersection with Yorba Street; then, southerly along said street to its intersection with W 1st Street; then, westerly along said street to its intersection with E 1st Street; then, westerly along said street to its intersection with S Lyon Street; then, southerly along said street to its intersection with E Chestnut Avenue; then, westerly along said avenue to its intersection with S Grand Avenue; then, southerly along said avenue to its intersection with E-McFadden Avenue; then, westerly along said avenue to its

intersection with S Standard Avenue; then, southerly along said avenue to its intersection with Hobart Street; then, westerly along said street to its intersection with S Main Street; then, southerly along said street to its intersection with W Edinger Avenue; then, westerly along said avenue to its intersection with S Flower Street; then, southerly along said street to its intersection with W Warner Avenue; then, westerly along said avenue to its intersection with S Bristol Street; then, southerly along said street to its intersection with W Segerstrom Avenue; then, westerly along said avenue to its intersection with S Raitt Street; then, southerly along said street to its intersection with W Alton Avenue; then, westerly along said avenue to its intersection with S Greenville Street; then, southerly along said street to its intersection with W MacArthur Boulevard; then, westerly along said boulevard to its intersection with W Lake Center Drive; then, southwesterly along said drive to its intersection with S Susan Street; then, southerly along said street to its intersection with Sunflower Avenue; then, westerly along said avenue to its intersection with W Sunflower Avenue; then, westerly along said avenue to its intersection with Harbor Boulevard; then, southerly along said boulevard to its intersection with Gisler Avenue; then, westerly along said avenue to its intersection with Costa Mesa City Boundary and an Imaginary Line at 33.687106 Latitude and 117.938493 Longitude; then, westerly along said line to its intersection with an Unnamed Road at 33.686961 Latitude and 117.940747 Longitude; then, northeasterly along said road to its intersection with Ellis Avenue; then, westerly along said avenue to its intersection with Beach Boulevard; then, northerly along said boulevard to its intersection with Talbert Avenue; then, westerly along said avenue to its intersection with Goldenwest Street; then, northerly along said street to its intersection with Slater Avenue; then, westerly along said avenue to its intersection with Edwards Street; then, northerly along said street to its intersection with Warner Avenue; then, westerly along said avenue to its intersection with Springdale Street; then, northerly along said street to its intersection with Heil Avenue; then, westerly along said avenue to its intersection with Graham Street; then, northerly along said street to its intersection with Edinger Avenue; then, westerly along said avenue to its intersection with Bolsa Chica Street; then, northerly along said street to its intersection with Bolsa Chica Road; then, northerly along said road to its intersection with Interstate 405 North; then, westerly along said interstate to its intersection with California Highway 22 West; then, westerly along said highway to its intersection with N-Studebaker Road; then, northerly along said road to its intersection with E Anaheim Road; then, westerly along said road to its intersection with Palo Verde Avenue; then, northerly along said avenue to its intersection with E Atherton Street; then, westerly along said street to its intersection with Clark Avenue; then, northerly along said avenue to its intersection with Interstate 405 North; then, northwesterly along said interstate to its intersection with Cherry Avenue; then, northerly along said avenue to its intersection with E Artesia Boulevard; then, easterly along said boulevard to its intersection with N Paramount Boulevard; then, northerly along said boulevard to its intersection with Paramount Boulevard; then, northerly along said boulevard to Alondra Boulevard; then, easterly along said boulevard to its intersection with Downey Avenue; then, northerly along said avenue to its intersection with Rosecrans Avenue; then, easterly along said avenue to its intersection with Lakewood Boulevard; then, northeasterly along said boulevard to its intersection with Alameda Street; then, northwesterly along said street to its intersection with Paramount Boulevard; then, southwesterly along said boulevard to its intersection with Quill Drive; then, northwesterly along said drive to its intersection with Old River School Road; then, southerly along said road to its intersection with Imperial Highway; then, westerly along said highway to its intersection with Garfield Avenue; then, northerly along said avenue to its intersection with Miller Way; then, southwesterly along said way to its intersection with Interstate 710; then, northerly along said interstate to its intersection with Firestone Boulevard; then, westerly along said boulevard to its intersection with Atlantic Avenue; then, northerly

along said avenue to its intersection with Patata Street; then, easterly along said street to its intersection with Wilcox Avenue; then, northerly along said avenue to its intersection with Clara Street; then, westerly along said street to its intersection with Atlantic Avenue; then, northerly along said avenue to its intersection with Atlantic Boulevard; then, northerly along said boulevard to its intersection with East 55th Street; then, westerly along said street to its intersection with Gifford Avenue; then, northerly along said avenue to its intersection with District Boulevard; then, northwesterly along said boulevard to its intersection with S Downey Road; then, northerly along said road to its intersection with S Grande Vista Avenue; then, northerly along said avenue to its intersection with Union Pacific Avenue; then, easterly along said avenue to its intersection with S Downey Road; then, northerly along said road to its intersection with E 3rd Street; then, easterly along said street to the point of beginning.

(2) In Riverside and San Bernardino counties:

In the Crestmore Heights and Riverside areas: Beginning at the intersection of the Union Pacific railroad tracks and the Jurupa Hills Country Club boundary at 33.972709 latitude and 117.444986 longitude; then, starting northerly along the Jurupa Hills Country Club boundary to its intersection with the intersection of Linares Avenue and Moraga Avenue; then, northerly along Moraga Avenue to its intersection with Avenue Juan Diaz; then, northerly along said avenue to its intersection with Peralta Place; then, northerly along said place to its intersection with Limonite Avenue; then, westerly along said avenue to its intersection with Camino Real; then, northerly along said real to its intersection with Granite Hill Drive; then, easterly along said drive to its intersection with the Sunnyslope City Boundary at 34.013533 latitude and 117.441269 longitude; then, northerly along said boundary to its intersection with the Oak Quarry Golf Club boundary at 34.019669 latitude and 117.437699 longitude, then, northeasterly along said boundary to its intersection with the Riverside and San Bernardino county boundaries at 34.034006 latitude and 117.433997 longitude; then, easterly along said boundary to its intersection with Sierra Avenue; then, northerly along said avenue to its intersection with Sierra Avenue and Jurupa Avenue; then, easterly along Jurupa Avenue to its intersection with Alder Avenue; then, northerly along said avenue to its intersection with Santa Ana Avenue; then, easterly along said avenue to its intersection with Maple Avenue; then, northerly along said avenue to its intersection with Slover Avenue; then, easterly along said avenue to its intersection with Cedar Avenue; then, northerly along said avenue to its intersection with Valley Boulevard; then, easterly along said boulevard to its intersection with W Valley Boulevard; then, easterly along said boulevard to its intersection with S Riverside Avenue; then, northerly along said avenue to its intersection with E San Bernardino Avenue; then, easterly along said avenue to its intersection with San Bernardino Avenue; then, easterly along said avenue to its intersection with W Olive Street; then, easterly along said street to its intersection with Cypress Avenue; then, southerly along said avenue to its intersection with W C Street; then, easterly along said street to its intersection with N Rancho Avenue; then, southerly along said avenue to its intersection with W F Street; then, easterly along said street to its intersection with Pennsylvania Avenue; then, southerly along said avenue to its intersection with W H Street; then, easterly along said street to its intersection with E H Street; then, easterly along said street to its intersection with N Mount Vernon Avenue; then, southerly along said avenue to its intersection with I-10 E; then, easterly along said highway to its intersection with Hunts Lane; then, southerly along said lane to its intersection with S Hunts Lane; then, southerly along said lane to its intersection with E Washington Street; then, easterly along said street to its intersection with Sierra Vista Drive; then, southerly along said drive to its end; then, southerly along an imaginary line to its intersection with Prado Lane at 34.038381 latitude and-117.267737 longitude; then, southerly along said lane to its intersection with Utility Access Road; then,

southerly along an imaginary line to its intersection with Scotch Lane at 34.023560 latitude and -117.263430 longitude; then, southwesterly along said lane to its intersection with Scotch Lane and at 34.021848 latitude and 117.263959 longitude; then, southeasterly along an Imaginary Line to its intersection with the Riverside/San Bernardino County line at 34.018800 latitude and 117.257880 longitude; then, southerly along an Imaginary Line to its intersection with Rattlesnake Ridge at 34.013657 latitude and 117.256658 longitude; then, southerly along an Imaginary Line to its intersection with an Unnamed Road at 34.007724 latitude and 117.257830 longitude; then, southerly along an Imaginary Line to 33.994941 latitude and 117.256701 longitude; then, southwesterly along an Imaginary Line to its intersection with Hidden View Lane at 33.986770 latitude and 117.263300 longitude; then, southerly along said lane to its intersection with Pigeon Pass Road; then, southerly along said road to its intersection with Climbing Rose Drive; then, westerly along said drive to its intersection with Barclay Drive; then, southerly along said drive to its intersection with Ironwood Avenue; then, westerly along said avenue to its intersection with Day Street; then, southerly along said street to its intersection with Gateway Drive; then, westerly along said drive to its intersection with Valley Springs Parkway; then, southerly along said parkway to its intersection with Eucalyptus Avenue; then, westerly along said avenue to its intersection with Eastridge Avenue; then, westerly along said avenue to its intersection with River Run; then, southerly along said run to its intersection with an Imaginary Line at the end of said run; then, southwesterly along said line to its intersection with Sycamore Canyon River at 33.9253452 latitude and 117.307673 longitude; then, westerly along said line to its intersection with Barton Street at 33.925540 latitude and 117.313980 longitude; then, westerly along said street to its intersection with Cottonwood Avenue; then, westerly along said avenue to its end; then, westerly along an imaginary line to its intersection with the beginning of Cottonwood Avenue; then, westerly along said avenue to its intersection with Wood Road; then, southerly along said road to its intersection with Cannon Road; then, westerly along said road to its intersection with Alessandro Boulevard; then, southerly along said boulevard to its intersection with Berry Road; then, westerly along said road to its intersection with Crystal View Terrace; then, northwesterly along said terrace to its intersection with Overlook Parkway; then, westerly along said parkway to its intersection with Washington Street; then, northerly along said street to its intersection with Victoria Avenue; then, southwesterly along said avenue to its intersection with Madison Street; then, northwesterly along said street to its intersection with Arlington Avenue; then, westerly along said avenue to its intersection with Streeter Avenue; then, northerly along said avenue to its intersection with Rochester Street; then, westerly along said street to its intersection with Rexford Drive; then, northerly along said drive to its intersection with Central Avenue; then, westerly along said avenue to its intersection with Hillside Avenue; then, northerly along said avenue to its intersection with Mountain View Avenue; then, westerly along said avenue to its intersection with Sheppard Street; then, northerly along said street to its intersection with Jurupa Avenue; then, northerly along said avenue to its intersection with the United Pacific railroad tracks; then, northwesterly along said tracks to the point of beginning.

An area shall be designated as under quarantine when all of the following criteria exist:

- (A) <u>Survey results indicate an HLB infestation is present. An infestation of HLB disease is present</u> when a single host plant tests positive for the disease organism.
- (B) <u>The Department has defined the infested area. The initial area under quarantine shall be a minimum of a 5 mile radius surrounding the site of the plant that contains an HLB infestation. Commercial host properties shall not be split by the quarantine boundary line</u>

and the boundary line shall be expanded beyond the 5 miles as necessary to encompass such host material in its entirety. Wherever possible, known accepted mapping features, including but not limited to roads, streets, highways, creeks, streams, rivers, canals, and city, county, state, park and forest boundary lines are used first, and if there are no acceptable features such as these then imaginary lines will be used with a beginning point and end point given as end or beginning or intersection of features or latitude and longitude.

(C) <u>The local California County Agricultural Commissioner(s) is notified and requests the</u> <u>quarantine area be established.</u>

(2) The Department shall provide electronic and/or written notification of the area designation(s) to other California County Agricultural Commissioners and other interested or affected parties and post the area description to its website at: https://www.cdfa.ca.gov/plant/regs_hlb.html. An interested party may go to the above website and elect to receive automatic notifications of any changes in quarantine areas through the list serve option.

(3) Satellite infestations. A detection of HLB disease within any established quarantine area may be considered a satellite infestation and may be used as the epicenter for an additional 5 mile radius surrounding the detection that modifies the border of the quarantine area.

(4) Any interested party or local entity may appeal an area quarantine designation by submission to the Department of a written request for review of the designation accompanied by clear and convincing evidence that the quarantine expansion does not meet the criteria specified to change the quarantine boundaries. The appeal must be submitted no later than ten (10) working days following publication of the notice of designation. The Department must respond with a written decision no later than ten (10) working days following receipt of the appeal. During the pending of the appeal, the designation under appeal shall remain in effect.

- (c) [no changes]
- (d) [no changes]
- (e) [no changes]
- (f) [no changes]

Authority cited: Sections 407, 5301, 5302, 5322 and 5705, Food and Agricultural Code. Reference: Sections 407, 5301, 5302, 5322 and 5705, Food and Agricultural Code.