

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Amend section: 3591.12

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2018-0928-01


OAL Matter Type: Emergency (E)

This emergency action adds the entire county of Contra Costa to the list of counties proclaimed to be eradication areas with respect to the peach fruit fly, *Bactrocera zonata*.

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 10/2/2018 and will expire on 4/3/2019. The Certificate of Compliance for this action is due no later than 4/2/2019.

Date: October 2, 2018



Nicole C. Carrillo
Attorney

**For: Debra M. Cornez
Director**

**Original: Karen Ross, Secretary
Copy: Karen Olmstead**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on
reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

| | | | |
|---------------------|---------------------------------|--------------------------|--|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- | REGULATORY ACTION NUMBER | EMERGENCY NUMBER 2018-0928-01E |
|---------------------|---------------------------------|--------------------------|--|

For use by Office of Administrative Law (OAL) only

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

OCT. 02 2018

1:42pm

 2018 SEP 28 A 9:11
 OFFICE OF
 ADMINISTRATIVE LAW

NOTICE

REGULATIONS

 AGENCY WITH RULEMAKING AUTHORITY
 Department of Food and Agriculture

AGENCY FILE NUMBER (If any)

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 <input type="checkbox"/> 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 Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE | |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) Peach Fruit Fly Eradication Area | | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) | |
| 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 | |
| | | AMEND | |
| TITLE(S) 3 | | REPEAL | |
| 3. TYPE OF FILING | | | |
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only | | | |
| 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 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 Karen Olmstead | | TELEPHONE NUMBER 916-403-6879 | FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) Karen.Olmstead@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

DATE



9/27/18

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

OCT 02 2018

Office of Administrative Law

Amend Section 3591.12 Peach Fruit Fly Eradication Area to read:

(a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which peach fruit fly, *Bactrocera zonata*, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest, and as such, it is amenable to the provisions of Article 4 (Sections 5761, 5762, 5763 and 5764) of Chapter 8, Part 1, Division 4, of the Food and Agricultural Code of California.

- (1) The entire county of Alameda.
- (2) The entire county of Contra Costa.
- (23) The entire county of Fresno.
- (34) The entire county of Los Angeles.
- (45) The entire county of Napa.
- (56) The entire county of Riverside.
- (67) The entire county of San Bernardino.
- ~~(7) The entire county of Santa Clara.~~
- ~~(8) The entire county of Solano.~~
- (98) The entire county of San Joaquin.
- ~~(109) The entire county of San Mateo.~~
- (10) The entire county of Santa Clara.
- (11) The entire county of Solano.
- (112) The entire county of Ventura.

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Note: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761, 5762, 5763 and 5764, Food and Agricultural Code.