

**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(b)

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2017-0214-02E

OAL Matter Type: Emergency (E)

This emergency rulemaking action by the Department of Food and Agriculture adopts new subdivision (b)(16) of section 3435 of Title 3 of the California Code of Regulations and creates a new quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* of approximately 113 square miles in the Dixon area of Solano County. This action provides authority for the state to perform quarantine activities against ACP within this area.

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 2/21/2017 and will expire on 8/22/2017. The Certificate of Compliance for this action is due no later than 8/21/2017.

Date: February 21, 2017



Dale P. Mentink
Senior Attorney

For: Debra M. Cornez
Director

Original: Karen Ross
Copy: Sara Khalid

EMERGENCY

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

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 2017-0214-02E
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For use by Office of Administrative Law (OAL) only

2017 FEB 14 P 2:54
OFFICE OF ADMINISTRATIVE LAW

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

FEB 21 2017

3:16 PM

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture	AGENCY FILE NUMBER (if any)
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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 Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE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)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)						
<table border="1"> <tr> <td>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</td> <td>ADOPT</td> </tr> <tr> <td></td> <td>AMEND 3435(b)</td> </tr> <tr> <td>TITLE(S) 3</td> <td>REPEAL</td> </tr> </table>	SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT		AMEND 3435(b)	TITLE(S) 3	REPEAL
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT					
	AMEND 3435(b)					
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 Sara Khalid	TELEPHONE NUMBER 916-403-6625	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Sara.Khalid@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 	DATE 2/13/17
TYPED NAME AND TITLE OF SIGNATORY Robert Wynn, Statewide Coordinator, Pierce's Disease Control Program	

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ENDORSED APPROVED
FEB 21 2017
Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Quarantine.

....

(b) Area Under Quarantine:

....

(16) In Solano County, in the Dixon area: Beginning at the intersection of Allendale Road and Tubbs Road; then, northerly along Tubbs Road to its intersection with McCune Road; then, easterly along said road to its intersection with Halley Road; then, northerly along said road to its intersection with an Unnamed Road at 38.500701 latitude and -121.923875 longitude; then, northeasterly along said road to its intersection with an Unnamed Road at 38.502658 latitude and -121.918405 longitude; then, northeasterly along said road to its intersection with an Unnamed Road at 38.512171 latitude and -121.890833 longitude; then, northwesterly along said road to its intersection with Putah Creek Road; then, easterly along said road to its intersection with Stevenson Bridge Road; then, northerly along said road to its intersection with Putah Creek; then, southeasterly along said creek to its intersection with South Fork Putah Creek; then, southeasterly along said creek to its intersection with Old Davis Road; then, southerly along said road to its intersection with Becker Road; then, easterly along said road to its intersection with Eggert Road; then, southerly along said road to its intersection with Tremont Road; then, easterly along said road to its intersection with Bulkley Road; then, southerly along said road to its intersection with Midway Road; then, westerly along said road to its intersection with Sikes Road; then, southerly along said road to its intersection with Radio Station Road; then, westerly along said road to its intersection with Robben Road; then, southerly along said road to its intersection with an Unnamed Creek at 38.358392 latitude and -121.786362 longitude; then, westerly along said creek to its intersection with Rio Dixon Road; then, westerly along said road to its intersection with Hawkins Road; then, westerly along said road to its intersection with Fox Road; then, northerly along said road to its intersection with Ulatis Creek; then, northwesterly along said creek to its intersection with Byrnes

Road; then, northerly along said road to its intersection with Kilkenny Road; then, westerly along Kilkenny Road to its intersection with an Imaginary Line at 38.395153 latitude and -121.924218 longitude; then, westerly along said line to its intersection with Quinn Road and Ellsworth Road; then, westerly along Ellsworth Road to its intersection with Leisure Town Road; then, northerly along said road to its intersection with Allendale Road; then, westerly along said road to the point of the beginning.

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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.