

**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 section: 3435(b)

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2017-0222-02

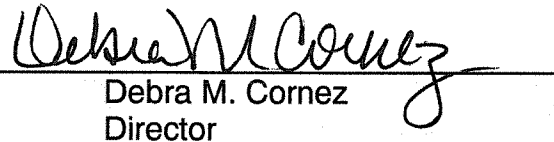
OAL Matter Type: Emergency (E)

This emergency regulatory action by the Department of Food and Agriculture will expand the existing quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) in the San Bruno area of San Mateo County by approximately 12 square miles. The effect of this emergency action provides authority for the state to perform quarantine activities against ACP within this additional area, along with the many already existing regulated areas in the state.

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 3/2/2017 and will expire on 8/30/2017. The Certificate of Compliance for this action is due no later than 8/29/2017.

Date: March 2, 2017


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 2017-0222-02E |
|------------------|---------------------------------|--------------------------|------------------------------------------|

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

MAR 02 2017
1:43p-m

For use by Office of Administrative Law (OAL) only

2017 FEB 22 P 3:38

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 Regulatory Action <input type="checkbox"/> Other | 4. AGENCY CONTACT PERSON | TELEPHONE NUMBER | FAX NUMBER (Optional) |
| OAL USE ONLY | 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) Asian Citrus Psyllid Interior Quarantine | 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) | ADOPT |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | AMEND 3435(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"/> 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 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 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 |
|----------------------------------|----------------------------------|-----------------------|------------------------------------------------------|

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 2/21/17 |
| TYPED NAME AND TITLE OF SIGNATORY Robert Wynn, Statewide Coordinator, Pierce's Disease Control Program | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 02 2017

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Interior Quarantine.

....

(b) Area Under Quarantine:

....

(9) In San Mateo and San Francisco Counties, in the Daly City and San Bruno areas: Beginning at the intersection of the California Coast at 37.750938 latitude and -122.510413 longitude and an Imaginary Line; then, starting easterly along said line to its intersection with Ortega Street; then, easterly along said street to its intersection with 14th Avenue; then, northerly along said avenue to its intersection with Moraga Street; then, easterly along said street to its intersection with 9th Avenue; then, northerly along said avenue to its intersection with Lawton Street; then, easterly along said street to its intersection with Warren Drive; then, southeasterly along said drive to its intersection with Oak Park Drive; then, southeasterly along said drive to its intersection with Clarendon Avenue; then, northeasterly along said avenue to its intersection with Twin Peaks Boulevard; then, southeasterly along said boulevard to its intersection with Burnett Avenue; then, southeasterly along said avenue to its intersection with Hopkins Avenue; then, southeasterly along said avenue to its intersection with Argent Alley; then, easterly along said alley to its intersection with Market Street; then, southerly along said street to its intersection with Portola Drive; then, southwesterly along said drive to its intersection with Diamond Heights Boulevard; then, northeasterly along said boulevard to its intersection with Clipper Street; then, northeasterly along said street to its intersection with Diamond Street; then, southerly along said street to its intersection with 29th Street; then, easterly along said street to its intersection with Church Street; then, southerly along said street to its intersection with 30th Street; then, easterly along said street to its intersection with Mission Street; then, southwesterly along said street to its intersection with Cortland Avenue; then, southeasterly along said street to its intersection with US Highway 101; then, southerly along said highway to its intersection with the San Mateo - San Francisco County Line; then easterly along said line to its intersection with the San Francisco Bay; then, southerly along the San Francisco Bay to its intersection with an Imaginary Line at 37.639081 latitude and -123.391011 longitude; then, southeasterly along said line to its intersection with N Access Road; then, westerly along said road to its intersection with the San Francisco Bay Trail at 37.638012 latitude and -122.402684 longitude; then, southerly along said trail to its intersection with San Bruno Avenue E; then, southwesterly along said avenue to its intersection with US Highway 101 at 37.600956 latitude and -122.378087 longitude and an Imaginary Line; then, southeasterly along said line to its intersection with

Adrian Court and Adrian Road; then, southerly along said road to its intersection with Rollins Road; then, easterly along said road to its intersection with Broderick Road; then, southerly along said road to its intersection with an Imaginary Line; then, southwesterly along said line to its intersection with California Drive and Trousdale Drive; then, southwesterly along Trousdale Drive to its intersection with Interstate 280; then, southwesterly along an Imaginary Line that starts at Interstate 280; then, southwesterly along said line to its intersection with San Mateo Creek at 37.566463 latitude and -122.426313 longitude; then, westerly along an Imaginary Line to its intersection with San Pedro Valley County Park Boundary at 37.562901 latitude and -122.459283 longitude; then, westerly along said boundary to its intersection with Martini Creek; then, southerly along said creek to its intersection with the California Coast; then, southeasterly along said highway to its intersection with E Millbrae Avenue; then, southwesterly along said avenue to its intersection with El Camino Real; then, northwesterly along said camino to its intersection with Meadow Glen Avenue; then, southwesterly along said avenue to its intersection with Magnolia Avenue; then, northwesterly along said avenue to its intersection with Helen Drive; then, southwesterly along said drive to its intersection with Larkspur Drive; then, southwesterly along said drive to its intersection with an Imaginary Line at the terminus of said drive; then, southeasterly along said line to its intersection with Big Bend Drive; then, northwesterly along said drive to its intersection with Grand Teton Drive; then, westerly along said drive to its intersection with Park Pacifica Avenue; then, southerly along said avenue to its intersection with Aspen Drive; then, southwesterly along said drive to its intersection with Terra Nova Boulevard; then, northerly along said boulevard to its intersection with Alicante Drive; then, southwesterly along said drive to its intersection with Linda Mar Boulevard; then, northwesterly along said boulevard to its intersection with Peralta Road; then, southwesterly along said road to its intersection with San Pedro Terrace Road; then, northwesterly along said road to its intersection with the City Boundary of Pacifica; then, northwesterly along said boundary to its intersection with the California Coast; then, northerly along said coast to the to the point of the beginning.

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.