

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Amend sections: 3591.12, 3424(c)

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2017-0720-04

OAL Matter Type: Emergency (E)

This emergency regulatory action supplants the existing host list for the peach fruit fly, *Bactrocera zonata*, with the host list recently revised and disseminated by the United States Department of Agriculture. 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 7/25/2017 and will expire on 1/23/2018. The Certificate of Compliance for this action is due no later than 1/22/2018.

Date: July 25, 2017



Nicole C. Carrillo
Attorney

For: Debra M. Cornez
Director

Original: Karen Ross
Copy: Dean Kelch

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 2017-0720-04E	EMERGENCY NUMBER
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUL 25 2017

1.44 PM

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JUL 20 P 1:40
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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE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) Peach Fruit Fly Eradication area & Peach Fruit Fly 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)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
		AMEND	
		3591.12, 3424(c)	
TITLE(S)		REPEAL	
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 §511346.2-11347.3 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 §511349.3, 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 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

DATE

TYPE, NAME AND TITLE OF SIGNATORY

Robert Wynn, Statewide Coordinator, Pierce's Disease Control Program

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ENDORSED APPROVED

JUL 25 2017

Office of Administrative Law

§ 3424. *Bactrocera zonata* Interior Quarantine.

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

(a) [no changes]

(b) [no changes]

(c) Articles and Commodities Covered. The following are declared to be hosts and possible carriers of peach fruit fly.

(1) All fruit, vegetables or berries of the following:

Scientific Name	Common Name
<i>Abelmoschus esculentus</i>	Okra
<i>Aegle marmelos</i>	Indian-bael
<i>Annona cherimola</i>	Cherimoya
<i>Annona muricata</i>	Soursop
<i>Annona reticulata</i>	Custard apple, annona
<i>Annona squamosa</i>	Custard apple
<i>Careya arborea</i>	Patana oak, kumbhi
<i>Carica papaya</i>	Papaya, common
<i>Citrofortunella japonica</i>	Calamondin orange
<i>Citrullus lanatus</i>	Watermelon
<i>Citrus aurantifolia</i>	Sour lime
<i>Citrus aurantium</i>	Sour orange
* <i>Citrus limon</i>	*Lemon
*(except commercially produced clean and waxed smooth lemon)	
<i>Citrus medica</i>	Citron
<i>Citrus maxima</i>	Pummelo
<i>Citrus nobilis</i>	King orange, Tanger
<i>Citrus paradisi</i>	Grapefruit
<i>Citrus reticulata</i>	Mandarin (tangerine)
<i>Citrus sinensis</i>	Orange, sweet
<i>Coccinia grandis</i>	Gourd, ivy
<i>Cucumis melo</i>	Cantaloupe
<i>Cucumis sativus</i>	Cucumber
<i>Cucumis utilissimus</i>	Melon, long
<i>Cydonia oblonga</i>	Quince
<i>Elaeocarpus angustifolius</i>	Blue-marbletree; New Guinea-quandong
<i>Elaeocarpus grandiflorus</i>	Lily of the valley tree
<i>Elaeocarpus madopetalus</i>	Ma-kok-nam
<i>Eriobotrya japonica</i>	Loquat
<i>Eugenia brasiliensis</i>	Brazil cherry
<i>Eugenia uniflora</i>	Surinam cherry
<i>Felijoia sellowiana</i>	Pineapple guava
<i>Ficus benghalensis</i>	Banyan fig

<i>Ficus carica</i>	Fig, common
<i>Ficus macrophylla</i>	Moreton Bay fig
<i>Ficus retusa</i>	Glossy leaf fig
<i>Ficus rubiginosa</i>	Port Jackson fig
<i>Ficus</i> spp.	Fig
<i>Fortunella japonica</i>	Kumquat
<i>Grewia asiatica</i>	Phalsa
<i>Lagenaria siceraria</i> (= <i>L. vulgaris</i>)	Bottle or calabash gourd
<i>Luffa acutangula</i>	Ribbed or ridged gourd, Luffa
<i>Luffa aegyptiaca</i>	Smooth loofah, sponge gourd
<i>Lycopersicon esculentum</i>	Tomato
<i>Madhuca indica</i> (= <i>Bassia latifolia</i>)	Mahua, mowra-buttertree
<i>Malus</i> spp.	Apple
<i>Malus</i> (= <i>domestica</i>) <i>sylvestris</i>	Apple, common
<i>Mangifera foetida</i>	Bachang mango
<i>Mangifera indica</i>	Mango
<i>Mangifera odorata</i>	Kuine
<i>Manilkara emarginata</i>	a Sapodilla
<i>Manilkara hexandra</i>	Balata sapodilla
<i>Manilkara zapota</i>	Sapodilla
<i>Momordica balsamina</i>	Balsam apple hawthorn
<i>Momordica charantia</i>	Balsam pear, bitter melon, bitter gourd
<i>Momordica cochinchinensis</i>	a Balsam apple
<i>Ochrosia elliptica</i>	Bourbon orange
<i>Persea americana</i>	Avocado
<i>Phoenix dactylifera</i>	Date palm
<i>Prunus americana</i>	American plum
<i>Prunus armeniaca</i>	Apricot
<i>Prunus avium</i>	Sweet cherry
<i>Prunus cerasifera</i>	Plum
<i>Prunus domestica</i>	European prune (plum)
* <i>Prunus dulcis</i>	*Almond
*(except harvested almonds with dried husks)	
<i>Prunus ilicifolia</i>	Cherry, hollyleaf
<i>Prunus lusitanica</i>	Portuguese laurel cherry
<i>Prunus lyonii</i>	Catalina cherry
<i>Prunus persica</i>	Peach
<i>Prunus persica</i> var. <i>nectarine</i>	Nectarine
<i>Prunus salicina</i> x <i>Prunus cerasifera</i>	Methley plum
<i>Prunus salicina</i>	Japanese plum
<i>Psidium cattleianum</i>	Strawberry guava
<i>Psidium cattleianum littorale</i>	Red strawberry guava
<i>Psidium cattleianum lucidum</i>	Yellow strawberry guava
<i>Psidium guajava</i>	Guava

<i>Punica granatum</i>	Pomegranate
<i>Putranjiva roxburghii</i>	Wild Olive, Indian amulet plant
<i>Pyrus communis</i>	Pear
<i>Pyrus pashia</i>	Kaenth
<i>Pyrus pyrifolia</i>	Pear, sand
<i>Solanum aculeatissimum</i>	a-Nightshade
<i>Solanum auriculatum</i>	Wild tobacco
<i>Solanum melongena</i>	Eggplant
<i>Solanum muricatum</i>	Pepino
<i>Solanum pseudocapsicum</i>	Jerusalem-cherry
<i>Solanum seaforthianum</i>	Brazilian nightshade
<i>Solanum verbascifolium</i>	Mullein nightshade
<i>Syzygium aquea</i>	Water apple, watery roseapple
<i>Syzygium cumini</i>	Java plum, jambolana
<i>Syzygium jambos</i>	Rose-apple
<i>Syzygium malaccense</i>	Malay apple
<i>Syzygium samarangense</i>	Java apple, water apple
<i>Terminalia bellirica</i>	Myrobalan
<i>Terminalia catappa</i>	Tropical or Indian almond
<i>Terminalia chebula</i>	
<i>Ziziphus mauritiana</i>	Chinese date, jujube

Scientific Name

Aegle marmelos
Azelia xylocarpa
Annona reticulate
Annona squamosa
Careya arborea
Carica papaya
Casimiroa edulis
Citrullus lanatus
Citrus aurantium
Citrus limon
Citrus nobilis x Citrus deliciosa
Citrus paradisi
Citrus reticulata
Citrus sinensis
Coccinia grandis
Cucumis sativus
Cydonia oblonga
Elaeocarpus hygrophilus

Common Name

Baeltree
Doussie
Custard apple
Sugar apple
Patana oak
Papaya
White sapote
Watermelon
Sour orange
Lemon
Kinnow
Grapefruit
Mandarin orange
Orange
Ivy gourd
Cucumber
Quince
Ma-kok-nam

Eriobotrya japonica
Ficus carica
Grewia asiatica
Lagenaria siceraria
Luffa acutangula
Luffa spp.
Malpighia emarginata
Malus pumila
Malus sylvestris
Mangifera indica
Manilkara zapota
Mimusops elengi
Momordica charantia
Olea europaea
Persea americana
Phoenix dactylifera
Prunus armeniaca
Prunus avium
Prunus domestica
Prunus persica
Prunus sp.
Psidium cattleianum
Psidium guajava
Punica granatum
Putranjiva roxburghii
Pyrus communis
Pyrus ussuriensis
Solanum lycopersicum
Solanum melongena
Syzygium jambos
Syzygium samarangense
Terminalia catappa L.
Ziziphus jujuba
Ziziphus mauritiana

Loquat
Fig
Phalsa
Bottle gourd
Angled loofah
Tori
Barbados cherry
Apple
Crab apple
Mango
Sapodilla
Spanish cherry
Bitter melon
Olive
Avocado
Date palm
Apricot
Sweet cherry
Plum
Peach
N/A
Strawberry guava
Guava
Pomegranate
Wild olive
Pear
Manchurian pear
Tomato
Eggplant
Rose apple
Java apple
Tropical almond
Jujube
Chinese date

(2) [no changes]

(3) [no changes]

(d) [no changes]

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

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

3 CCR § 3591.12

§ 3591.12. Peach Fruit Fly Eradication Area.

(a) [no changes]

(b) Hosts.

(1) Fruit of the following plants:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Abelmoschus esculentus</i>	Okra
<i>Aegle marmelos</i>	Indian bael
<i>Annona cherimola</i>	Cherimoya
<i>Annona muricata</i>	Soursop
<i>Annona reticulata</i>	Custard apple, annona
<i>Annona squamosa</i>	Custard apple
<i>Careva arborea</i>	Patana oak, kumbhi
<i>Carica papaya</i>	Papaya, common
<i>X Citrofortunella microcarpa</i>	<i>Calamondin orange</i>
<i>Citrullus lanatus</i>	Watermelon
<i>Citrus aurantifolia</i>	Sour lime
<i>Citrus aurantium</i>	Sour orange
* <i>Citrus limon</i>	*Lemon
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<i>Citrus medica</i>	Citron
<i>Citrus maxima</i>	Pummele
<i>Citrus nobilis</i>	King orange, Tanger
<i>Citrus paradisi</i>	Grapefruit
<i>Citrus reticulata</i>	Mandarin (tangerine)
<i>Citrus sinensis</i>	Orange, sweet
<i>Coccinia grandis</i>	Gourd, ivy
<i>Cucumis melo</i>	Cantaloupe
<i>Cucumis sativus</i>	Cucumber
<i>Cucumis utilissimus</i>	Melon, long

<i>Cydonia oblonga</i>	Quince
<i>Elaeocarpus angustifolius</i>	Blue-marbletree: New Guinea-quandong
<i>Elaeocarpus grandiflorus</i>	Lily-of-the-valley tree
<i>Elaeocarpus madopetalus</i>	Ma-kok-nam
<i>Eriobotrya japonica</i>	Loquat
<i>Eugenia brasiliensis</i>	Brazil-cherry
<i>Eugenia uniflora</i>	Surinam-cherry
<i>Felipaea sellowiana</i>	Pineapple-guava
<i>Ficus benghalensis</i>	Banyan-fig
<i>Ficus carica</i>	Fig, common
<i>Ficus macrophylla</i>	Moreton-Bay fig
<i>Ficus retusa</i>	Glossy-leaf fig
<i>Ficus rubiginosa</i>	Port-Jackson fig
<i>Ficus</i> spp.	Fig
<i>Fortunella japonica</i>	Kumquat
<i>Grewia asiatica</i>	Phalsa
<i>Lagenaria siceraria</i> (= <i>L. vulgaris</i>)	Bottle-or-calabash-gourd
<i>Luffa acutangula</i>	Ribbed-or-ridged-gourd, Luffa
<i>Luffa aegyptiaca</i>	Smooth-loofah, sponge-gourd
<i>Lycopersicon esculentum</i>	Tomato
<i>Madhuca indica</i> (= <i>Bassia latifolia</i>)	Mahua, mowra-buttertree
<i>Malus</i> spp.	Apple
<i>Malus</i> (= <i>domestica</i>) <i>sylvestris</i>	Apple, common
<i>Mangifera foetida</i>	Bachang-mango
<i>Mangifera indica</i>	Mango
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<i>Manilkara hexandra</i>	Balata sapodilla
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<i>Ochrosia elliptica</i>	Bourbon orange
<i>Persea americana</i>	Avocado
<i>Phoenix dactylifera</i>	Date palm
<i>Prunus americana</i>	American plum
<i>Prunus armeniaca</i>	Apricot
<i>Prunus avium</i>	Sweet cherry
<i>Prunus cerasifera</i>	Plum
<i>Prunus domestica</i>	European prune (plum)
* <i>Prunus dulcis</i>	*Almond
*(except harvested almonds with dried husks)	
<i>Prunus ilicifolia</i>	Cherry, hollyleaf
<i>Prunus lusitanica</i>	Portuguese laurel cherry
<i>Prunus lyonii</i>	Catalina cherry
<i>Prunus persica</i>	Peach
<i>Prunus persica var. nectarine</i>	Nectarine
<i>Prunus salicina x Prunus cerasifera</i>	Methley plum
<i>Prunus salicina</i>	Japanese plum
<i>Psidium cattleianum</i>	Strawberry guava
<i>Psidium cattleianum littorale</i>	Red strawberry guava
<i>Psidium cattleianum lucidum</i>	Yellow strawberry guava
<i>Psidium guajava</i>	Guava
<i>Punica granatum</i>	Pomegranate
<i>Putranjiva roxburghii</i>	Wild olive, Indian amulet plant
<i>Pyrus communis</i>	Pear
<i>Pyrus pashia</i>	Kaenth

<i>Pyrus pyrifolia</i>	Pear, sand
<i>Solanum aculeatissimum</i>	a Nightshade
<i>Solanum auriculatum</i>	Wild tobacco
<i>Solanum melongena</i>	Eggplant
<i>Solanum muricatum</i>	Pepino
<i>Solanum pseudocapsicum</i>	Jerusalem cherry
<i>Solanum seaforthianum</i>	Brazilian nightshade
<i>Solanum verbascifolium</i>	Mullein nightshade
<i>Syzygium aquea</i>	Water apple, watery roseapple
<i>Syzygium cumini</i>	Java plum, jambolana
<i>Syzygium jambos</i>	Rose-apple
<i>Syzygium malaccense</i>	Malay-apple
<i>Syzygium samarangense</i>	Java apple, water apple
<i>Terminalia bellirica</i>	Myrobalan
<i>Terminalia catappa</i>	Tropical or Indian almond
<i>Terminalia chebula</i>	
<i>Ziziphus mauritiana</i>	Chinese-date, jujube

<u>Scientific Name</u>	<u>Common Name</u>
<u><i>Aegle marmelos</i></u>	Bael tree
<u><i>Azalia xylocarpa</i></u>	Doussie
<u><i>Annona reticulata</i></u>	Custard apple
<u><i>Annona squamosa</i></u>	Sugar apple
<u><i>Careya arborea</i></u>	Patana oak
<u><i>Carica papaya</i></u>	Papaya
<u><i>Casimiroa edulis</i></u>	White sapote
<u><i>Citrullus lanatus</i></u>	Watermelon
<u><i>Citrus aurantium</i></u>	Sour orange
<u><i>Citrus limon</i></u>	Lemon
<u><i>Citrus nobilis</i> x <i>C. deliciosa</i></u>	Kinnow
<u><i>Citrus paradisi</i></u>	Grapefruit

<u>Citrus reticulata</u>	<u>Mandarin orange</u>
<u>Citrus sinensis</u>	<u>Orange</u>
<u>Coccinia grandis</u>	<u>Ivy gourd</u>
<u>Cucumis sativus</u>	<u>Cucumber</u>
<u>Cydonia oblonga</u>	<u>Quince</u>
<u>Elaeocarpus hygrophilus</u>	<u>Ma-kok-nam</u>
<u>Eriobotrya japonica</u>	<u>Loquat</u>
<u>Ficus carica</u>	<u>Fig</u>
<u>Grewia asiatica</u>	<u>Phalsa</u>
<u>Lagenaria siceraria</u>	<u>Bottle gourd</u>
<u>Luffa acutangula</u>	<u>Angled loofah</u>
<u>Luffa spp.</u>	<u>Tori</u>
<u>Malpighia emarginata</u>	<u>Barbados cherry</u>
<u>Malus pumila</u>	<u>Apple</u>
<u>Malus sylvestris</u>	<u>Crab apple</u>
<u>Mangifera indica</u>	<u>Mango</u>
<u>Manilkara zapota</u>	<u>Sapodilla</u>
<u>Mimusops elengi</u>	<u>Spanish cherry</u>
<u>Momordica charantia</u>	<u>Bitter melon</u>
<u>Olea europaea</u>	<u>Olive</u>
<u>Persea americana</u>	<u>Avocado</u>
<u>Phoenix dactylifera</u>	<u>Date palm</u>
<u>Prunus armeniaca</u>	<u>Apricot</u>
<u>Prunus avium</u>	<u>Sweet cherry</u>
<u>Prunus domestica</u>	<u>Plum</u>
<u>Prunus persica</u>	<u>Peach</u>
<u>Prunus sp.</u>	<u>N/A</u>
<u>Psidium cattleianum</u>	<u>Strawberry guava</u>
<u>Psidium guajava</u>	<u>Guava</u>
<u>Punica granatum</u>	<u>Pomegranate</u>
<u>Putranjiva roxburghii</u>	<u>Wild olive</u>

<u><i>Pyrus communis</i></u>	<u>Pear</u>
<u><i>Pyrus ussuriensis</i></u>	<u>Manchurian pear</u>
<u><i>Solanum lycopersicum</i></u>	<u>Tomato</u>
<u><i>Solanum melongena</i></u>	<u>Eggplant</u>
<u><i>Syzygium jambos</i></u>	<u>Rose apple</u>
<u><i>Syzygium samarangense</i></u>	<u>Java apple</u>
<u><i>Terminalia catappa</i></u>	<u>Tropical almond</u>
<u><i>Ziziphus jujuba</i></u>	<u>Jujube</u>
<u><i>Ziziphus mauritiana</i></u>	<u>Chinese date</u>

Any other plants determined by the director to produce fruit which is attacked by *Bactrocera zonata*.

(2) [no changes]

(c) [no changes]

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