

Revised
FINAL STATEMENT OF REASONS
DEPARTMENT OF FOOD AND AGRICULTURE
SUBMISSION OF REGULATIONS PERTAINING TO
Title 3, California Code of Regulations
Section 3434, Subsection (b)
Light Brown Apple Moth Interior Quarantine

Update of Initial Statement of Reasons/Policy Statement Overview

The initial statement of reasons/policy statement overview is still valid.

In the “Notice” there were some typographical errors that occurred as a result of reusing an existing electronic document.

Under the section, “COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS,” it stated:

“The Department of Food and Agriculture has determined that the adoption of Section 3591.20 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.20 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.” Section 3591.20 is the Department’s authority to conduct eradication activities for the light brown apple moth. Section 3434 is the Department’s regulatory authority for conducting light brown apple moth quarantine activities.

This statement should have read, “The Department of Food and Agriculture has determined that Section 3434 does not impose a mandate on local agencies or school districts, except

that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3434. No reimbursement is required for Section 3434 under Section 17561 of the Government Code because all of the affected county agricultural commissioners requested the change in the regulation.”

Under the section, “AUTHORITY,” it stated:

“The Department proposes to amend subsections 3591.20 (a) and (b) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.”

This statement should have read, “The Department proposes to amend Section 3434 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.”

Under the section, “REFERENCE,” it stated”

“The Department proposes to amend subsections 3591.20 (a) and (b), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.”

This statement should have read, “The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.”

It should be noted that under the Department’s “INITIAL STATEMENT OF REASONS/POLICY STATEMENT OVERVIEW,” which was mailed and posted to the Department’s website with the “Notice,” the proper citations were made.

Summary of and Response to Objections or Comments Regarding the Regulations

No public hearing was held or requested. The summary of and response to each objection or comment received during the written comment period are as follows:

No written comments were received during the public comment period.

Mandate on Local Agencies and School Districts

The Department of Food and Agriculture has determined that Section 3434 does not impose a new mandate on local agencies or school districts. The local agencies that have a duty to enforce this regulation, the agricultural commissioners of Alameda, Contra Costa, Los Angeles, Marin, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz and Solano counties, requested the adoption and subsequent amendments of this regulation. Additionally, some of the amendments to Section 3434 removed portions of previously regulated areas, including the entire counties of Los Angeles and Napa. There are no known costs associated with the removal of areas from the regulation. Therefore, no reimbursement is required for Section 3434 under Section 17561 of the Government Code.

The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

The cost impact of the changes in the regulations on a representative private person or business is not expected to be significantly adverse. The Department has also determined that this action will not have a significant adverse economic impact on housing costs or California businesses, including the ability of California businesses to compete with businesses in other states.

Assessment

The Department has made an assessment that this amendment to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Alternatives Considered

The Department of Food and Agriculture has determined that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.