

DEPARTMENT OF FOOD AND AGRICULTURE  
PROPOSED CHANGES IN THE REGULATIONS

Title 3, California Code of Regulations

Section 3436(b), *Bactrocera albistrigata* Interior Quarantine

INITIAL STATEMENT OF REASONS/

POLICY STATEMENT OVERVIEW

Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulation is Intended to Address

This regulation is intended to address the obligations of the Department of Food and Agriculture to protect the agricultural industry of California and prevent the introduction and spread of injurious plant pests.

Specific Purpose and Factual Basis

The specific purpose of Section 3436 is to provide State regulation of host movement and possible carriers of *Bactrocera albistrigata* within and from the area under quarantine to prevent artificial spread of the pest to noninfested areas to protect California's agricultural industry.

The factual basis for the determination by the Department that amendment of this regulation is necessary is as follows:

*Bactrocera albistrigata*, a pest of guavas and mangoes, was detected in Los Angeles County, California July of 2009. Section 3436, *Bactrocera albistrigata* Interior Quarantine was then adopted on July 31, 2009. As a result of negative surveys in the area for the pest, on January 25, 2010, eradication activities in the area were discontinued. Therefore it is now necessary to remove the remaining area in Los Angeles and San Bernardino counties from quarantine regulation. As the Department believes *Bactrocera albistrigata* may be introduced into California in the future, it intends to reserve subsection 3436(b).

The proposed amendment of the regulation removes authority for the State to perform quarantine activities against *Bactrocera albistrigata* in Los Angeles and San Bernardino counties.

Estimated Cost or Savings to Public Agencies or Affected Private Individuals or Entities

The Department of Food and Agriculture has determined that Section 3436 does not impose a mandate on

local agencies or school districts. No reimbursement is required under Section 17561 of the Government Code because this amendment reduces the size of the quarantine area and lessens some restrictions; therefore, county enforcement activities will also be reduced.

The Department also has determined that the amendment of the regulations will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Section 17561 of the Government Code, and no costs or savings in federal funding to the State.

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Department has 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. The Department's determination that the action will not have a significant adverse economic impact on businesses was based on the following:

The proposed amendment of Section 3436(b) will remove the portion of Los Angeles and San Bernardino counties from the regulated area. The effect of the proposed action is to remove the authority for the State to regulate the movement of hosts and possible carriers of *Bactrocera albistrigata* from these counties. This proposed action will remove restrictions on the movement of hosts and carriers of this pest in Los Angeles and San Bernardino counties and should have a positive impact on businesses in that area.

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

### Information Relied Upon

The Department relied upon the following studies, reports, and documents in the amendment of Section 3436(b):

Memorandum from Debby Tanouye to Dr. Robert Leavitt, dated January 25, 2010