

DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATIONS

Title 3, California Code of Regulations

Section 3262

Peach Mosaic Disease Exterior Quarantine

INITIAL STATEMENT OF REASONS/

POLICY STATEMENT OVERVIEW

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

This regulation is intended to address the obligation of the Department of Food and Agriculture to protect the agricultural industry from the movement and spread of injurious plant pests into California.

Specific Purpose and Factual Basis

The specific purpose of Section 3262 is to provide authority to the State to regulate the movement of hosts and possible carriers of Peach Mosaic Disease from infested states into California.

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

The Peach Mosaic Disease exterior quarantine was promulgated in the 1930's after an outbreak of a disease occurred in Southern California and several other states. At the time, plant virus diagnostic tools were limited and depended mostly on symptoms. Removal of symptomatic peach trees in California led to the destruction of 204,193 trees within the first five years of the disease detection. State, county and University of California scientists have no records of the disease in California within the last several decades. It is likely that the disease was eradicated from California in the 20th century.

The quarantine prohibits the movement of "all species including the flowering forms of almond, apricot, nectarine, peach, plum and prune trees" from portions of Colorado, Oklahoma, Texas and all of Arizona and New Mexico. The regulation allows for movement of prohibited material through the use of a permit. To date, no permits have been issued to comply with the regulation

requirements. It is likely that the quarantine has gone mostly unenforced for decades and during this time thousands of stone fruit shipments have left the quarantine area.

Even though material has been moving out of the quarantine without proper certification, there has been no incidence of the disease in California for decades. Due to the lack of enforcement and apparent eradication of the disease, the Department has decided to repeal the regulation. Also, the Principles of Plant Quarantine, adopted by the National Plant Board, require that a quarantine be repealed once it has reached its objective (<http://nationalplantboard.org/history-and-principles/>).

Project Description

The effect of the repeal of this regulation is to remove the State's authority to regulate the interstate movement of Peach Mosaic Disease host material and other regulated articles.

Peach mosaic virus is a serious pest and ceasing enforcement of the quarantine does not imply that the Department would be dropping its vigilance for the disease. Stone fruit surveys, nursery inspections, and general fruit quality inspections, activities that would reveal the disease if present, would all still be occurring.

Economic Impact Analysis

Economic losses due to Peach Mosaic Disease will be zero to minimal, as the disease has been eradicated. The proposed repeal of this regulation ensures the orderly marketing of nursery stock and improves access to safe, healthy food for the general public.

Anticipated Benefits from This Regulatory Action

The repeal of this regulation benefits interstate shippers of host commodities and regulated articles which would otherwise face unfair interstate commerce restrictions. Nurseries shipping regulated material from within the quarantine will benefit by not having to hold their material for proper certification. Additionally, counties currently receiving regulated material will benefit by not being required to enforce the quarantine.

Assessment

Based upon the Economic Impact Analysis, the Department has made an assessment that the amendment of the regulation 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.

The Department is the only agency which can repeal plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

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

The Department of Food and Agriculture has determined that the repeal of Section 3262 does not impose a mandate on local agencies or school districts and no reimbursement is required 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 repeal of Section 3262.

The cost impact of the changes in the regulations on private persons and businesses are expected to be insignificant.

The Department has determined that the proposed actions will not have a significant adverse economic impact on housing costs or California business, 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 statewide adverse economic impact on business was based on the following:

There are no costs for compliance as the repeal of this regulation removes all regulatory requirements.

Based on the preceding information, it was determined that the repeal of Section 3262 does not have a Statewide adverse economic impact on a representative business or private party.

Alternatives Considered

The Department of Food and Agriculture must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Alternative approaches would not be in line with the National Plant Board's Principles of Plant Quarantine. It is the Department's responsibility to remove a quarantine that has reached its objective.

Information Relied Upon

The Department relied upon the following studies, reports, and documents in the proposed adoption of Section 3262:

none