State of California
Office of Administrative Law

In re:
Department of Food and Agriculture

NOTICE OF APPROVAL OF REGULATORY ACTION

Regulatory Action:

Title 03, California Code of Regulations

Government Code Section 11349.3

Adopt sections:
Amend sections: 3417, 3588
Repeal sections:

OAL Matter Number: 2022-0921-03
OAL Matter Type: Regular (S)

This rulemaking action by the Department of Food and Agriculture revises regulations pertaining to the Mexican Fruit Fly Interior Quarantine and Eradication Area.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2023.

Date: October 26, 2022

Kevin D. Hull
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary
Copy: Rachel Avila
NOTICE REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Department of Food and Agriculture

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE

2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE

☐ Notice re Proposed

☐ Regulatory Action

☐ Other

4. AGENCY CONTACT PERSON

TELEPHONE NUMBER

FAX NUMBER (Optional)

OAL USE

ONLY

☐ Approved as Proposed Notice

☐ Approved as Modified

☐ Disapproved/Withdrawn

NOTICE REGISTER NUMBER

PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATIONS

Mexican 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.)

AMEND

3417, 3588

100

REPEAL

3

3. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code §11346)

☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11343.3, 11343.4)

☐ Emergency (Gov. Code, §11346.1(b))

☐ 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.

☐ Emergency Readopt (Gov. Code, §11346.1(h))

☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)

☐ File & Print

☐ Print Only

☐ 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(1), Cal. Code Regs., title 1, §100)

☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))

☐ Effective on filing with Secretary of State

☐ $100 Changes Without Regulatory Effect (Specify)

☐ State Fire Marshal

☐ Other (Specify)

7. CONTACT PERSON

TELEPHONE NUMBER

FAX NUMBER (Optional)

E-MAIL ADDRESS (Optional)

Rachel Avila 916-698-2947

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

Mark A. McLoughlin

DATE: 09/21/2022

TYPED NAME AND TITLE OF SIGNATORY

Mark A. McLoughlin, Director Plant Health and Pest Prevention Services
§ 3417. Mexican Fruit Fly Interior Quarantine.

[...]

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

1) All fruit of the following plants: listed in CCR 3588 (b)(1) Mexican Fruit Fly Eradication Area.

<table>
<thead>
<tr>
<th>Plant Family</th>
<th>Commodity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annona spp.</td>
<td>Cherimoya, Annona</td>
</tr>
<tr>
<td>Casimirea spp.</td>
<td>Sapote</td>
</tr>
<tr>
<td>Citrus spp.</td>
<td>Citrus, except Lemon and Sour Lime</td>
</tr>
<tr>
<td>Cydonia oblonga</td>
<td>Quince</td>
</tr>
<tr>
<td>Eugenia spp.</td>
<td>Rose-apple</td>
</tr>
<tr>
<td>Malus sylvestris</td>
<td>Apple</td>
</tr>
<tr>
<td>Mammee spp.</td>
<td>Mamey</td>
</tr>
<tr>
<td>Mangifera indica</td>
<td>Mango</td>
</tr>
<tr>
<td>Persea americana</td>
<td>Avocado</td>
</tr>
<tr>
<td>Prunus americana</td>
<td>Native-American-plum</td>
</tr>
<tr>
<td>Prunus armeniaca</td>
<td>Apricot</td>
</tr>
<tr>
<td>Prunus domestica</td>
<td>Plum, Prune</td>
</tr>
<tr>
<td>Prunus persica</td>
<td>Peach and Nectarine</td>
</tr>
<tr>
<td>Prunus salicina</td>
<td>Japanese-plum</td>
</tr>
<tr>
<td>Psidium spp.</td>
<td>Guava</td>
</tr>
<tr>
<td>Punica granatum</td>
<td>Pomegranate</td>
</tr>
<tr>
<td>Pyrus communis</td>
<td>Pear</td>
</tr>
<tr>
<td>Sapotaceae</td>
<td>Sapota, Sapote, Saposillas</td>
</tr>
<tr>
<td>Sargentia spp.</td>
<td>Sargentia</td>
</tr>
<tr>
<td>Spondias purpurea</td>
<td>Ciruelas, Spanish-plum</td>
</tr>
</tbody>
</table>

2) Soil within the drip area of plants producing, or which have produced, fruit listed in (c)(1) above CCR 3588 (b)(1) Mexican Fruit Fly Eradication Area.

[...]

§ 3588. **Mexican Fruit Fly** Eradication Area.

(b) Hosts. All citrus fruits except lemons and sour limes, mangoes, sapotas (including sapodillas and the fruit of all members of the family Sapotaceae, and of the genus *Casimirea* and all other fruits commonly called sapotas or sapotes) apples, apricots, ciruelas, guavas, mameyes, peaches, pears, plums, pomegranates, quinces, and fruits of species of the genus *Sargertia*.

The following are declared to be hosts and possible carriers of Mexican fruit fly:

1. All fruit of the following plants:

<table>
<thead>
<tr>
<th>Plant Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Anacardium occidentale</em> L.</td>
<td>Cashew nut</td>
</tr>
<tr>
<td><em>Annona cherimola</em> Mill.</td>
<td>Cherimoya, custard-apple</td>
</tr>
<tr>
<td><em>Annona cherimola</em> Mill. × <em>Annona reticulata</em> L.</td>
<td>Atemoya</td>
</tr>
<tr>
<td><em>Annona liebmanniana</em> Baill.</td>
<td>Hardshell custard-apple</td>
</tr>
<tr>
<td><em>Annona reticulata</em> L.</td>
<td>Custard-apple</td>
</tr>
<tr>
<td><em>Annona squamosa</em> L.</td>
<td>Sugar apple</td>
</tr>
<tr>
<td><em>Carica papaya</em> L.</td>
<td>Papaya</td>
</tr>
<tr>
<td><em>Casimiroa edulis</em> La Llave &amp; Lex.</td>
<td>Mexican-apple, white sapote</td>
</tr>
<tr>
<td><em>Casimiroa gregii</em> (S. Watson) F. Chiang</td>
<td>Yellow chapote</td>
</tr>
<tr>
<td><em>Casimiroa sapota</em> Oerst.</td>
<td>Matasano</td>
</tr>
<tr>
<td><em>Citrus</em> spp.</td>
<td>Orangequat, procimequat</td>
</tr>
<tr>
<td><em>Citrus xaurantifolia</em> (Christm.) Swingle</td>
<td>Lime, Key lime, Mexican lime, sour lime, lima</td>
</tr>
<tr>
<td><em>Citrus xaurantium</em> L.</td>
<td>Bitter orange, clementine, sour orange, tangelo</td>
</tr>
<tr>
<td><em>Citrus xaurantium</em> L. var. <em>sinensis</em> L.</td>
<td>Blood orange, common orange, naval orange, sweet orange, orange, Valencia orange</td>
</tr>
<tr>
<td><em>Citrus deliciosa</em> Ten.</td>
<td>Mandarina, Italian tangerine</td>
</tr>
<tr>
<td><em>Citrus xlimon</em> (L.) Osbeck</td>
<td>Dwarf lemon, Canton lemon, Chinese dwarf lemon, Sweet lemon or lime, Red lemon, Meyer lemon</td>
</tr>
<tr>
<td><em>Citrus maxima</em> (Burm.) Merr.</td>
<td>Pomelo</td>
</tr>
<tr>
<td><em>Citrus medica</em> L.</td>
<td>Buddha’s-Hand, citron, finger citron</td>
</tr>
<tr>
<td><em>Citrus xnobilis</em> Lour.</td>
<td>King orange, Mandarina, tanger</td>
</tr>
<tr>
<td><em>Citrus xparadisi</em> Macfad.</td>
<td>Grapefruit, pomelo, toronia</td>
</tr>
<tr>
<td>Plant Name</td>
<td>Common Name(s)</td>
</tr>
<tr>
<td>------------</td>
<td>----------------</td>
</tr>
<tr>
<td><em>Citrus reshni</em> hort. ex Tan</td>
<td>Cleopatra mandarin, mandarina, spice mandarin</td>
</tr>
<tr>
<td><em>Citrus reticulata</em> Blanco</td>
<td>Mandarin, Swatow orange, tangerine</td>
</tr>
<tr>
<td><em>Citrus unshiu</em> Marcow</td>
<td>Mandarin, Satsuma orange</td>
</tr>
<tr>
<td><em>Coffee arabica</em> L.</td>
<td>Coffee, Arabian coffee</td>
</tr>
<tr>
<td><em>Cydonia oblonga</em> Mill.</td>
<td>Quince, membrillo</td>
</tr>
<tr>
<td><em>Diospyros kaki</em> Thunb.</td>
<td>Oriental persimmon, Caqui, kaki</td>
</tr>
<tr>
<td><em>Inga jinencul</em> Schldtl. &amp; Cham. ex G. Don</td>
<td>Ice cream bean, Algodoncillo, Chalahuite</td>
</tr>
<tr>
<td><em>Inga micchellana</em> Harms</td>
<td>Chalum</td>
</tr>
<tr>
<td><em>Malus domestica</em> (Suckow) Borkh.</td>
<td>Apple, Manzana, Paradise apple</td>
</tr>
<tr>
<td><em>Malus pumila</em> Mill.</td>
<td>Mamay, mamme-apple, tropical-apricot</td>
</tr>
<tr>
<td><em>Mammea americana</em> L.</td>
<td>Mango</td>
</tr>
<tr>
<td><em>Manifera indica</em> L.</td>
<td>Guava</td>
</tr>
<tr>
<td><em>Melicoccus oliviformis</em> Kunth</td>
<td>Passionfruit, lilikoi, parcha, purple granadilla</td>
</tr>
<tr>
<td><em>Passiflora edulis</em> Sims</td>
<td>Avocado¹</td>
</tr>
<tr>
<td><em>Persia americana</em> Mill.</td>
<td>Durazno, peach</td>
</tr>
<tr>
<td><em>Prunus persica</em> (L.) Batsch</td>
<td>Strawberry guava, yellow guava</td>
</tr>
<tr>
<td><em>Psidium cattleyanum</em> Sabine var. littorale (Raddi) Fosberg</td>
<td>Guava</td>
</tr>
<tr>
<td><em>Psidium guajava</em> L.</td>
<td>Pomegranate</td>
</tr>
<tr>
<td><em>Punica granatum</em> L.</td>
<td>Pear</td>
</tr>
<tr>
<td><em>Sideroxylon capiri</em> (A. DC.) Pittier subsp. tempisque (Pittier) T. D. Penn.</td>
<td>Danto amarillo, tempisque</td>
</tr>
<tr>
<td><em>Spondias purpurea</em> L.</td>
<td>Red and purple mombin, ovo, Spanish-plum, jocote</td>
</tr>
<tr>
<td><em>Syzygium jambos</em> (L.) Alston</td>
<td>Jambos, rose-apple, yambo</td>
</tr>
<tr>
<td><em>Terminalia catappa</em> L.</td>
<td>Tropical almond</td>
</tr>
</tbody>
</table>

¹Fresh, mature green variety ‘Hass’ avocados are not regulated