

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 3417, 3588

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

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 PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

OCT 26 2022

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OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2022-07-01	REGULATORY ACTION NUMBER 2022-0921-03	EMERGENCY NUMBER 3
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture			AGENCY FILE NUMBER (If any)

OFFICE OF ADMIN. LAW
2022 SEP 21 PM 2:12

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 Disapproved/Withdrawn			NOTICE REGISTER NUMBER	PUBLICATION DATE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) 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.)		ADOPT	
		AMEND	
3417, 3588		REPEAL	
3. TYPE OF FILING			
<input checked="" 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 §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)	
<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 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 checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))		<input 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"/> Other (Specify) _____		<input type="checkbox"/> State Fire Marshal	
7. CONTACT PERSON Rachel Avila		TELEPHONE NUMBER 916-698-2947	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional)

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	

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ENDORSED APPROVED

OCT 26 2022

Office of Administrative Law

§ 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.

Annona spp.	Cherimoya, Annona
Casimiroa spp.	Sapote
Citrus spp.	Citrus, except Lemon and Sour Lime
Cydonia oblonga	Quince
Eugenia spp.	Rose apple
Malus sylvestris	Apple
Mammea spp.	Mamey
Mangifera indica	Mango
Persea americana	Avocado
Prunus americana	Native American plum
Prunus armeniaca	Apricot
Prunus domestica	Plum, Prune
Prunus persica	Peach and Nectarine
Prunus salicina	Japanese plum
Psidium spp.	Guava
Punica granatum	Pomegranate
Pyrus communis	Pear
Sapotaceae	Sapota, Sapote, Sapodillas
Sargentia spp.	Sargentia
Spondias purpurea	Ciruelas, Spanish plum

(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.

[...]

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

§ 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 *Casimiroa* and all other fruits commonly called sapotas or sapotes) apples, apricots, ciruelas, guavas, mameys, peaches, pears, plums, pomegranates, quinces, and fruits of species of the genus *Sargentia*.

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

(1) All fruit of the following plants:

<u><i>Anacardium occidentale</i> L.</u>	<u>Cashew nut</u>
<u><i>Annona cherimola</i> Mill.</u>	<u>Cherimoya, custard-apple</u>
<u><i>Annona cherimola</i> Mill. × <i>Annona reticulata</i> L.</u>	<u>Atemoya</u>
<u><i>Annona liebmanni</i> Baill.</u>	<u>Hardshell custard-apple</u>
<u><i>Annona reticulata</i> L.</u>	<u>Custard-apple</u>
<u><i>Annona squamosa</i> L.</u>	<u>Sugar apple</u>
<u><i>Carica papaya</i> L.</u>	<u>Papaya</u>
<u><i>Casimiroa edulis</i> La Llave & Lex.</u>	<u>Mexican-apple, white sapote</u>
<u><i>Casimiroa greggii</i> (S. Watson) F. Chiang</u>	<u>Yellow chapote</u>
<u><i>Casimiroa sapota</i> Oerst.</u>	<u>Matasano</u>
<u><i>Citrus</i> spp.</u>	<u>Orangequat, procimequat</u>
<u><i>Citrus ×aurantiifolia</i> (Christm.) Swingle</u>	<u>Lime, Key lime, Mexican lime, sour lime, lima</u>
<u><i>Citrus ×aurantium</i> L.</u>	<u>Bitter orange, clementine, sour orange, tangelo</u>
<u><i>Citrus ×aurantium</i> L. var. <i>sinensis</i> L.</u>	<u>Blood orange, common orange, naval orange, sweet orange, orange, Valencia orange</u>
<u><i>Citrus deliciosa</i> Ten.</u>	<u>Mandarina, Italian tangerine</u>
<u><i>Citrus ×limon</i> (L.) Osbeck</u>	<u>Dwarf lemon, Canton lemon, Chinese dwarf lemon, Sweet lemon or lime, Red lemon, Meyer lemon</u>
<u><i>Citrus maxima</i> (Burm.) Merr.</u>	<u>Pomelo</u>
<u><i>Citrus medica</i> L.</u>	<u>Buddha's-Hand, citron, finger citron</u>
<u><i>Citrus ×nobilis</i> Lour.</u>	<u>King orange, Mandarin, tangor</u>
<u><i>Citrus ×paradisi</i> Macfad.</u>	<u>Grapefruit, pomelo, toronja</u>

<u><i>Citrus reshni</i> hort. ex Tan</u>	<u>Cleopatra mandarin, mandarina, spice mandarin</u>
<u><i>Citrus reticulata</i> Blanco</u>	<u>Mandarin, Swatow orange, tangerine</u>
<u><i>Citrus unshiu</i> Marcow</u>	<u>Mandarin, Satsuma orange</u>
<u><i>Coffea arabica</i> L.</u>	<u>Coffee, Arabian coffee</u>
<u><i>Cydonia oblonga</i> Mill.</u>	<u>Quince, membrillo</u>
<u><i>Diospyros kaki</i> Thunb.</u>	<u>Oriental persimmon, Caqui, kaki</u>
<u><i>Inga jinicuil</i> Schlttdl. & Cham. ex G. Don</u>	<u>Ice cream bean, Algodoncillo, Chalahuite</u>
<u><i>Inga micheliana</i> Harms</u>	<u>Chalum</u>
<u><i>Malus domestica</i> (Suckow) Borkh.</u>	<u>Apple, Manzana</u>
<u><i>Malus pumila</i> Mill.</u>	<u>Paradise apple</u>
<u><i>Mammea americana</i> L.</u>	<u>Mamey, mamee-apple, tropical-apricot</u>
<u><i>Mangifera indica</i> L.</u>	<u>Mango</u>
<u><i>Melicoccus oliviformis</i> Kunth</u>	<u>Guaya</u>
<u><i>Passiflora edulis</i> Sims</u>	<u>Passionfruit, lilikoi, parcha, purple granadilla</u>
<u><i>Persea americana</i> Mill.</u>	<u>Avocado¹</u>
<u><i>Prunus persica</i> (L.) Batsch</u>	<u>Durazno, peach</u>
<u><i>Psidium cattleianum</i> Sabine var. littorale (Raddi) Fosberg</u>	<u>Strawberry guava, yellow guava</u>
<u><i>Psidium quajava</i> L.</u>	<u>Guava</u>
<u><i>Punica granatum</i> L.</u>	<u>Pomegranate</u>
<u><i>Pyrus communis</i> L.</u>	<u>Pear</u>
<u><i>Sideroxylon capiri</i> (A. DC.) Pittier subsp. <i>tempisque</i> (Pittier) T. D. Penn.</u>	<u>Danto amarillo, tempisque</u>
<u><i>Spondias purpurea</i> L.</u>	<u>Red and purple mombin, ovo, Spanish-plum, jocote</u>
<u><i>Syzygium jambos</i> (L.) Alston</u>	<u>Jambos, rose-apple, yambo</u>
<u><i>Terminalia catappa</i> L.</u>	<u>Tropical almond</u>

¹Fresh, mature green variety 'Hass' avocados are not regulated

[...]

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