

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Amend section: 3591.13

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

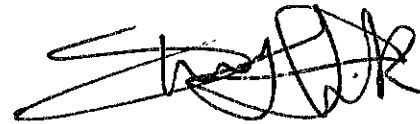
OAL Matter Number: 2024-0611-05

OAL Matter Type: Regular Resubmittal (SR)

In this regular rulemaking, the Department of Food and Agriculture is amending regulations to (1) add 10 counties to the eradication area with respect to guava fruit fly (*Bactrocera correcta*) and (2) revise the list of host plants of guava fruit fly.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2024.

Date: July 17, 2024



Steven J. Escobar
Senior Attorney

Original: Karen Ross, Secretary
Copy: Rachel Avila

For: Kenneth J. Pogue
Director

RESUBMITTAL

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2024-0117-02	REGULATORY ACTION NUMBER 2024-0611-05 SR	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

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

JUL 17 2024
2:16 PM

OFFICE OF ADMIN. LAW
2024 JUN 11 PM 3:25

AGENCY WITH RULEMAKING AUTHORITY
Department of Food and Agriculture

AGENCY FILE NUMBER (If any)

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 checked="" 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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2024, No. 5-2	PUBLICATION DATE 2/2/2024	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Guava Fruit Fly Eradication Area	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2024-0404-01S
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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
	3591.13
TITLE(S)	REPEAL
3	

3. TYPE OF FILING	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)
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Resubmission of disapproved or withdrawn nonemergency filing (Gov. Code §§ 11349.3, 11349.4)	<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Resubmission of disapproved or withdrawn nonemergency filing (Gov. Code §§ 11349.3, 11349.4)	<input type="checkbox"/> Resubmission of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<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)
5/15/2024-5/31/2024

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); 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	Effective other (Specify)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Rachel Avila	TELEPHONE NUMBER 916-698-2947	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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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 Victoria Hornbaker <small>Digitally signed by Victoria Hornbaker Date: 2024.06.10 09:27:04 -0700</small>	DATE 6/10/24
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TYPED NAME AND TITLE OF SIGNATORY
Victoria Hornbaker, Director Plant Health & Pest Prevention Services Division

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 17 2024

Office of Administrative Law

§ 3591.13. Guava Fruit Fly Eradication Area.

(a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which a certain pest, guava fruit fly (*Bactrocera correcta*), is known to exist, is hereby proclaimed to be an eradication area with respect to said pest:

The entire counties of Alameda, Contra Costa, El Dorado, Los Angeles, Marin, Napa, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, and Ventura, and Yolo.

(b) Hosts.

(1) Fruit of the following plants:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Anacardium occidentale</i>	cashew
<i>Areca catechu</i>	areca palm
<i>Artocarpus chama</i>	chaplasha
<i>Artocarpus integer</i>	chempedak
<i>Averrhoa carambola</i>	carambola, star fruit
<i>Baccaurea racemosa</i>	kapundung, menteng
<i>Benincasa hispida</i>	winter-melon
<i>Bouea gandaria macrophylla</i>	gandaria, ma prang
<i>Bouea oppositifolia</i>	mariantree, plum-mango
<i>Capparis sepriaria</i> <i>Capparis thorelii</i>	cap thorel wild caper
<i>Capparis thorelii</i>	cap thorel
<i>Careya arborea</i>	slow match tree, kumbhi
<i>Careya sphaerica</i>	kra doon
<i>Carica papaya</i>	papaya
<i>Carissa carandas</i>	Bengal-currants, karanda
<i>Citrus maxima</i>	pumomelo
<i>Citrus reticulata</i>	mandarin (tangerine)
<i>Clausena lansium</i>	wampi
<i>Coccinia grandis</i>	ivy gourd
<i>Coffea canephora</i>	robusta coffee
<i>Cucumis melo</i>	cantaloupe, honeydew melon
<i>Dimocarpus longan</i>	longan
<i>Dipterocarpus obtusifolius</i>	kok sat, keruing, mai sat
<i>Elaeocarpus hygrophilus</i> (synonym: <i>E. madopetalus</i>)	ma kok nam , Spanish plum
<i>Flacourtia indica</i>	governor's plum, Indian-plum
<i>Flacourtia jangomas</i>	greater krekup, Indian-plum

<i>Flueggea virosa</i>	Chinese waterberry, common bushweed
<i>Garcinia dulcis</i>	Claude mangosteen, eggtree
<i>Garcinia xanthochymus</i>	sour mangosteen
<i>Heynea trijuga</i>	buah pasat, kalibaian
<i>Irvingia malayana</i> (Synonym: (<i>I. oliveri</i>))	bok, pau kinjang
<i>Knema angustifolia</i>	horse blood
<i>Lepisanthes fruticosa</i> <i>Luffa aegyptiaca</i>	smooth loofah, sponge gourd <u>Chamaliang</u>
<i>Luffa aegyptiaca</i>	<u>smooth loofah, sponge gourd</u>
<i>Madhuca longifolia</i>	mahua, mowra-buttertree
<i>Maerua siamensis</i> <i>Malpighia emarginata</i>	Barbados or West Indian <u>Thai bush-cherry</u>
<i>Malpighia emarginata</i>	<u>Barbados or West Indian cherry</u>
<i>Malpighia glabra</i>	accerola
<i>Mangifera indica</i>	mango
<i>Manilkara zapota</i>	sapodilla
<i>Mimusops elengi</i>	medlar, Spanish-cherry
<i>Muntingia calabura</i>	calabur-tree strawberry tree
<i>Musa x paradisiacal</i>	banana, plantain
<i>Olex scadens</i>	namchai Khrai
<i>Opuntia monacantha</i>	drooping prickly-pear
<i>Phyllanthus acidus</i>	gooseberry-tree
<i>Polyalthia longifolia</i>	cemetery or mast tree
<i>Prunus avium</i>	sweet cherry
<i>Prunus cerasus</i>	sour cherry
<i>Prunus domestica</i>	European prune (plum)
<i>Prunus persica</i>	peach
<i>Prunus persica</i> var. <i>nectarine</i>	nectarine
<i>Prunus salicina</i>	Japanese plum
<i>Psidium guajava</i>	guava
<i>Sandoricum koetjape</i>	red sentol, sentol
<i>Schoepfia fragrans</i>	<u>xiang fu mu</u>
<i>Spondias dulcis</i>	golden-apple, makopa
<i>Spondias pinnata</i>	hog-plum
<i>Strychnos potatorum</i>	clearing-nut-tree
<i>Syzygium aqueum</i>	water apple, watery rose-apple
<i>Syzygium borneense</i>	kelat, kerian
<i>Syzygium cumini</i>	Java plum, jambolana
<i>Syzygium jambos</i>	jambos, rose-apple
<i>Syzygium malaccense</i>	Malay or mountain-apple

<i>Syzygium nervosum</i>	Daly River satin ash
<i>Syzygium samarangense</i>	Java-apple, water-apple
<i>Terminalia bellirica</i>	myrobalan
<i>Terminalia catappa</i>	tropical or Indian almond
<i>Trichosanthes costata</i>	ribbed orange gourd
<i>Trichosanthes cucumerina</i>	annual or club gourd
<i>Vitis vinifera</i>	European grape
<i>Ziziphus jujuba</i>	Chinese-date, jujube
<i>Ziziphus mauritiana</i>	Chinese-date, jujube
<i>Ziziphus nummularia</i>	jujube
<i>Ziziphus oenoplia</i>	jackal jujube

(2) Soil or planting media within the drip area of plants producing, or which have produced, host fruit.

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NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761, 5762, 5763 and 5764, Food and Agricultural Code.