

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE  
PROPOSED CHANGES IN THE REGULATIONS

Title 3, California Code of Regulations  
Sections 4500 Noxious Weed Species

INITIAL STATEMENT OF REASONS/  
POLICY STATEMENT OVERVIEW

The California Department of Food and Agriculture (Department) proposes to amend Title 3 California Code of Regulations (CCR) Section 4500 Noxious Weed Species to change *Volutaria canariensis* to *Volutaria tubuliflora*.

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

Title 3 CCR section 4500 lists the species of plants that are noxious weeds within the meaning of Section 5004 of the Food and Agricultural Code (FAC). A weed species originally identified as *Volutaria canariensis* has been corrected by the individual who identified it to *Volutaria tubuliflora*; this amendment changes the name to the correct species within the regulation.

Purpose and Factual Basis

The specific purpose of Section 4500 is to establish the weed species that have been designated as noxious by the Secretary. Plant species that have been designated as noxious weeds may be subject to various restrictions including the statutory provisions for weed-free areas, noxious weed management, and provisions of the California Seed Law. Management or control activities taken against noxious weeds may both protect California's agricultural industry and protect important native species.

The factual basis for the determination by the Department that amendment of this regulation is necessary is as follows: FAC Section 401 states that the Department shall promote and protect the agricultural industry of the state. FAC Section 403 mandates that the Department shall prevent the introduction and spread of noxious weeds. FAC Section 5004 defines "noxious weed" as any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native species, and difficult to control or eradicate, which the Secretary, by regulation, designates to be a noxious weed.

Title 3 California Code of Regulations (CCR) Section 4500 designates those weed species that are noxious weed species. Noxious weed species pose a hazard to agriculture and some native species in California, although some may have been grown for ornamental purposes.

The Department reviews potential invasive weeds and if they pose a substantial threat to the state's agriculture and environment, adds them to Section 4500 as a noxious weed species.

#### Project Description

A plant listed in Title 3 CCR Section 4500 is incorrectly identified as *Volutaria*, "*canariensis*," Canary Island knapweed. The correct name is *Volutaria tubuliflora*, desert knapweed.

*Volutaria tubuliflora* was first identified in California about 15 years ago. A photo of the plant was sent to the world expert on the genus, Dr. Gerhard Wagenitz, who initially identified it as *V. canariensis* (a species he distinguished from *V. tubuliflora* in 1991). The name the Department used when it was added to CCR section 4500 was *V.canariensis*.

However, when Dr. Wagenitz saw an actual specimen of the weed, he identified it as *Volutaria tubuliflora*. This amendment to Section 4500 corrects the name of the species so any regulatory action towards this weed is correctly applied.

### Current Laws & Regulations

Existing law, FAC section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that the Secretary is directed or authorized to administer or enforce.

Existing law, FAC section 5004, provides that the Secretary may adopt a list of the plants that is, or is liable to be, detrimental, to agriculture or important native species, and difficult to control or eradicate, which the Secretary, by regulation, designates to be a noxious weed.

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of these regulations and has determined that it is not inconsistent or incompatible with existing state regulations.

### Anticipated Benefits from This Regulatory Action

By correctly classifying noxious weeds the Department will be limiting their spread, provides economic savings to the general public, farmers, ranchers, local governments, state and federal agencies, affected and potentially affected businesses, and land management entities, both private and public.

### California Environmental Quality Act

Prior to conducting any action authorized by this regulation, the Department shall comply with the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et. seq. as amended) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et. seq.).

### Mandate on Local Agencies or School Districts

The Department has determined that this regulation does not impose a mandate on local agencies or school districts.

Economic Impact Analysis (Government Code 11346.3(b))

Noxious weeds correctly identified will benefit:

- the general public
- the agricultural industry
- the State's general fund

*The Creation or Elimination of Jobs within the State*

As the proposed modifications of Section 4500 corrects a noxious weed species name, the Department has determined that this regulatory proposal will not have an impact on the creation or elimination of jobs in the State of California.

*The Creation or Elimination of Businesses in California*

As the proposed modifications of Section 4500 corrects a noxious weed species name the Department has determined that this regulatory proposal will not have an impact on the creation of new businesses in the State of California.

*The Expansion of Businesses in California*

As the proposed modifications of Section 4500 corrects a noxious weed species name, the Department has determined that this regulatory proposal will not have an impact on the expansion of businesses currently doing business in the State of California.

*Worker Safety*

This regulation is not expected to have any effect on worker safety.

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

The Department of Food and Agriculture has determined that changes to Sections 4500 does not impose a mandate on local agencies or school districts. This amended regulation will not result in additional monetary tasks. Therefore, no reimbursement is required under Section 17561 of the Government Code.

The Department also has determined that 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 and no nondiscretionary costs or savings to local agencies or school districts, will result from the amendment of Section 4500.

There are 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 and no nondiscretionary costs or savings to local agencies or school districts anticipated from the amendment.

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.

*Potential Impact to Homeowners and Community Gardens*

This regulation is not expected to have an effect on homeowners and community gardens.

*Potential Impacts to General Fund and Welfare*

The proposed amendment does not have immediate or definitive impact to the general fund or general welfare. The corrected species name will allow current businesses to continue operations.

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of these regulations and has determined that it is not inconsistent or incompatible with existing state regulations.

### Assessment

The Department has concluded that the amendment of Section 4500 1) will have no impact on the creation or elimination of jobs in the State of California, (2) will have no impact on the creation or elimination of businesses within the State of California, (3) will have no impact on the expansion of businesses within the State of California, (4) as stated above under “Anticipated Benefits from This Regulatory Action”, will limit the spread of the noxious weeds and provide benefits to California residents, including public and private entities and interests and the state’s environment. There are no known specific benefits to worker safety or the health of California residents.

### Alternatives Considered

The Department has determined that no reasonable alternative has been identified and brought to the attention of the agency that would be more effective in carrying out the purpose for which the action is proposed, or is as effective and less burdensome to affected private persons than the proposed action, or is as cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department considered taking no action. If no action is taken weed would continue to be incorrectly named within the regulation. Therefore this action was rejected.

### Information Relied Upon

The Department is relying upon the following reports, and documents in the amendment of Section 4500:

Email from Dean Kelch, “Volutaria in CA” sent November 21, 2023