

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Amend sections: 3591.22

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2024-0624-01

OAL Matter Type: Regular (S)

This regular rulemaking action by the Department of Food and Agriculture makes corrections to the list of plant species identified as hosts for the false codling moth (*Thaumatotibia leucotreta*) and clarifies that the identification as a host applies to all parts the listed plants.

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 30, 2024



Timothy Findley
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary
Copy: Rachel Avila

NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

per agency request

REGULAR

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2024-0402-02	REGULATORY ACTION NUMBER 2024-0624-015	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only	
NOTICE	REGULATIONS

ENDORSED APPROVED
in the office of the Secretary of State
of the State of California

JUL 30 2024

1:44 PM

OFFICE OF ADMIN. LAW
2024 JUN 24 AM 10:47

AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture	AGENCY FILE NUMBER (If any)
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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 <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER
			PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) False Codling Moth Eradication Area	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2024-0402-02
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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 3591.22
TITLE(S) 3	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"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<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"/> Emergency (Gov. Code, §11346.1(b))	<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)

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)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify)

7. CONTACT PERSON Rachel Avila	TELEPHONE NUMBER 916-698-2947	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) rachel.avila@cdfa.ca.gov
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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: 2024.06.18 15:00:52 -0700</small>	DATE
TYPED NAME AND TITLE OF SIGNATORY Victoria Hornbaker, Director, Plant Health and Pest Prevention Services	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 30 2024

Office of Administrative Law

Amend the following:

§ 3591.22. False Codling Moth Eradication Area.

(a) Proclamation of Eradication Area. ~~That~~ Those portions of the State of California described as follows within which a certain pest, false codling moth (*Thaumatotibia leucotreta*), is known to exist are hereby proclaimed to be eradication areas with respect to said pest:

The entire State.

(b) Hosts Within Said Area. The following nursery stock, plants, and plant parts and any green waste residues thereof or any other plant or plant part ~~that~~ which by scientific investigation is shown to be capable of sustaining false codling moth in any stage of development:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Abelmoschus esculentus</i>	Okra
<i>Abutilon x hybridum</i>	Indian mallow
<i>Abutilon</i> spp.	Flowering-maple, Mallow
<i>Afrocarpus (Podocarpus) falcatus</i>	<u>Outeniqua yellowwood</u>
<i>Ananas comosus</i>	Pineapple
<i>Annona cherimola</i>	Cherimoya
<i>Annona glabra</i>	Pond apple
<i>Annona muricata</i>	Soursop
<i>Annona reticulata</i>	Custard apple
<i>Annona squamosa</i>	Sugar apple
<i>Annona</i> spp.	Sweetsop
<i>Averrhoa carambola</i>	Carambola, <u>star fruit</u>
<i>Azanza garckeana</i>	Snot-apple
<i>Bauhinia galpini</i>	Pride of De Kaap
<i>Butryospermum parkii</i>	Butterseed
<i>Caesalpinia pulcherrima</i>	Peacock flower
<i>Calotropis procera</i>	Sodom-apple
<i>Camellia sinensis</i>	Tea
<i>Capparis tomentosa</i>	Woolly caper-bush
<i>Capparis</i> spp.	<u>Caper</u>
<i>Capsicum annuum</i>	<u>Chili pepper</u>
<i>Capsicum</i> spp.	Pepper
<i>Cassia petersiana</i>	Monkey pod
<i>Catha edulis</i>	Khat
<i>Ceiba pentandra</i>	Kapok
<i>Cenchrus (Pennisetum) purpurea</i>	<u>Elephant grass</u>

<i>Chrysophyllum cainito</i>	Star apple
<i>Chrysophyllum magalis-montanum</i>	
<i>Citrus x aurantiifolia</i>	Key Lime
<i>Citrus x limon</i>	Lemon
<i>Citrus x paradisi</i>	Grapefruit
<i>Citrus x paradisi x Citrus reticulata</i>	Tangelo
<i>Citrus reticulata</i>	Mandarin orange
<i>Citrus reticulata x Citrus x sinensis</i>	Temple orange
<i>Citrus x sinensis</i>	Sweet orange
<i>Citrus</i> spp.	Orange
<i>Coffea arabica</i>	Coffee
<i>Coffea</i> spp.	Coffee
<i>Cola nitida</i>	Cola
<i>Combretum apiculatum</i>	Red bushwillow, Rooibos
<i>Combretum zeyheri</i>	Large fruited bushwillow
<i>Crassula</i> spp.	Jade plant
<i>Cyphomandra betacea</i>	Tree tomato
<i>Diospyros mespiliformis</i>	Jakkalsbessie
<i>Diospyros virginiana</i>	American Persimmon
<i>Diospyros</i> spp.	Persimmon
<i>Englerophytum magalismontanum</i>	Stemfruit
<i>Eriobotrya japonica</i>	Loquat
<i>Eugenia uniflora</i>	Surinam cherry
<i>Eugenia</i> spp.	Stopper
<i>Ficus capensis</i>	Wild Cape fig
<i>Flacourtia indica</i>	Governor's plum
<i>Garcinia mangostana</i>	Mangosteen
<i>Gossypium hirsutum</i>	Cotton
<i>Gossypium</i> spp.	Cotton
<i>Harpephyllum caffrum</i>	Kafir <u>South African wild-plum</u>
<i>Harpephyllum caffrum</i>	
<i>Hibiscus</i> spp.	Hibiscus
<i>Juglans regia</i>	English walnut
<i>Juglans</i> spp.	Walnut
<i>Litchi chinensis</i>	Litchi
<i>Lycopersicon esculentum</i>	Tomato
<i>Macadamia integrifolia</i>	Macadamia nut
<i>Macadamia ternifolia</i>	Macadamia nut
<i>Macadamia</i> spp.	Macadamia
<i>Mangifera indica</i>	Mango

<i>Mimosa zeyheri</i> - <i>Mimosa zeyheri</i>	Red milkweed Red milkwood
<i>Musa x paradisiaca</i> var. <i>sapientum</i>	Banana
<i>Olea europaea</i>	Olive
<i>Pennisetum purpureum</i>	Elephant grass
<i>Persea americana</i>	Avocado
<i>Phaseolus lunatus</i>	Lima bean
<i>Physalis ixocarpa</i>	Husk tomato
<i>Physalis</i> spp.	Ground cherry
<i>Podocarpus falcatus</i>	Outeniqua yellowwood
<i>Prunus armeniaca</i>	Apricot
<i>Prunus x domestica</i>	Plum, Prune
<i>Prunus persica</i>	Peach
<i>Prunus</i> spp.	Cherry (all), Plum
<i>Pseudolachnostylis maprounaefolia</i>	Kudu-berry
<i>Psidium guajava</i>	Common guava
<i>Punica granatum</i>	Pomegranate
<i>Quercus</i> spp.	Oak
<i>Ricinus communis</i>	Castor bean
<i>Rosa</i> spp.	Rose
<i>Royena pallens</i>	Bluobos
<i>Saccharum officinarum</i>	Sugarcane
<i>Schotia afra</i>	Boerboon
<i>Schotia speciosa</i>	Boonenboom Hottentot kafir bean tree
<i>Sclerocarya birrea</i>	Marula
<i>Sclerocarya caffra</i>	Marula, Kafir-marulanut
<i>Sechium edule</i>	Chayote
<i>Sida</i> spp.	Sida, Fanpetals
<i>Solanum melongena</i>	Eggplant
<i>Sorghum vulgare</i>	Sorghum
<i>Sorghum</i> spp.	Sorghum, Broom-corn
<i>Syzygium cordatum</i>	Water-bessie
<i>Syzygium jambos</i>	Rose apple
<i>Synsepalum dulciticum</i>	Miraculous berry
<i>Theobroma cacao</i>	Cacao
<i>Triumfetta</i> spp.	Burrbark
<i>Vachellia (Acacia) karroo</i>	Sweet thorn
<i>Vangueria infausta</i>	Wild medlar
<i>Vigna unguiculata</i>	Cowpea
<i>Vigna</i> spp.	Cowpea

<i>Vitis vinifera</i>	Wine G rape
<i>Vitis</i> spp.	Grape
<i>Xeroderris stuhlmannii</i>	Wing bean
<i>Ximenia caffra</i>	Large sour plum
<i>Yucca alofolia</i> <i>Yucca aloifolia</i>	Spanish bayonet
<i>Yucca gloriosa</i>	Spanish dagger
<i>Yucca</i> spp.	Yucca
<i>Zea mays</i>	Corn, <u>maize</u>
<i>Ziziphus jujube</i>	Jujube
<i>Ziziphus mucronata</i> <u><i>Ziziphus mucronate</i></u>	Buffalo thorn

(c) Possible Carriers. Possible carriers shall include all appliances used in the growing, harvesting, processing and hauling of the host plants and plant parts and any green_waste residues including but not limited to tractors, trailers, trucks, planting, picking and pruning equipment and processing machinery, the premises and appurtenances thereto and any lands where host plants are growing or were grown during the past season, or any other thing which by scientific investigation is shown to be capable of harboring or spreading any stage of false codling moth.

(d) Means and Methods. The following means and methods may be used in the control and eradication of said pest within said area:

(1) The repeated application of insecticides, as spray, dust, bait, or other form, ~~or~~ herbicides, sprays or dusts or biological agents, ~~or~~ pheromones to disrupt mating, or mass trapping by approved methods to any or all premises or lands, host plants or possible carriers, and any other articles or things ~~that~~which are infested or exposed to infestation and capable of harboring or spreading the false codling moth.

(2) The removal and destruction of all plant parts known to harbor, or capable of harboring, any stage of false codling moth.

(23) The removal and destruction of any and all possible carriers, including nursery stock or trees and shrubs if permission is received from the property owner, or if such action is the only practical way of eliminating the infestation of a host or possible carrier to prevent the spread or reinfestation of false codling moth.

(34) The searching for all stages of false codling moth by visual inspection, the use of traps, or any other means anywhere within the said area.

(45) The removal and destruction of abandoned or unwanted hosts or possible carriers bearing or capable of bearing false codling moth in any life stage.

(56) Covering with tarps or enclosed construction of all trucks, trailers and other appliances hauling host plants, host plant crops or green_waste residues to or from packing or processing facilities, green_waste transfer stations, landfills, or elsewhere, to prevent spillage or blowout along roads.

(67) The importation, rearing, or liberation of sterile forms of the false codling moth.

Authority cited: Sections 407 and 5322, Food and Agricultural Code.

Reference: Sections 407, 5322, 5761, 5762 and 5763, Food and Agricultural Code.