State of California
Office of Administrative Law

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections: 3422
Amend sections: 3591.11
Repeal sections:

NOTICE OF APPROVAL OF CERTIFICATE OF COMPLIANCE

Government Code Sections 11349.1 and 11349.6(d)

OAL Matter Number: 2025-0107-01

OAL Matter Type: Certificate of Compliance (C)

In this rulemaking action, the California Department of Food and Agriculture expands its Caribbean Fruit Fly Eradication Area to include Orange County, creates an interior quarantine against the spread of the Caribbean Fruit Fly, and amends the fly's host list.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: February 4, 2025

Sam Micon
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary
Copy: Rachel Avila

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION CERT

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2024-1015-03S	2025-0107-01C	2024-0912-03E

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OFFICE OF ADMIN. LAW
2025 JAN 7 PM 2:56

NOTICE | REGULATIONS

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

FEB 04 2025
1:43 PM

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	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
☐ Notice re Proposed Regulatory Action ☐ Other			

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn		

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S): Caribbean Fruit Fly Eradication Area and 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: 3422

AMEND: 3591.11

REPEAL:

TITLE(S): 3

3. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code §11346)
- ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- ☐ 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.
- ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
- ☐ Emergency Readopt (Gov. Code, §11346.1(h))
- ☐ File & Print
- ☐ Other (Specify)
- ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- ☐ Print Only

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	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Rachel Avila	916-698-2947		rachel.avila@cdfa.ca.gov

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
Digitally signed by Victoria Hornbaker
Date: 2025.01.06 12:45:26 -08'00'

DATE:

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

FEB 04 2025

Office of Administrative Law

§ 3422. Caribbean Fruit Fly Interior Quarantine.

A quarantine is established against the following pest, its hosts, and possible carriers.

(a) Pest. The fruit fly Caribbean fruit fly (*Anastrepha suspensa*).

(b) An area shall be designated as under quarantine when survey results indicate an infestation is present, the Department has defined the infested area, and the local California County Agricultural Commissioner(s) is notified and requests the quarantine area be established. The Department shall also provide electronic and/or written notification of the area designation(s) to other California County Agricultural Commissioners and other interested or affected parties and post the area description to its website at https://www.cdfa.ca.gov/plant/pdep/treatment/. An interested party may also go to the website https://public.govdelivery.com/accounts/CADFA/subscriber/new and elect to receive automatic notifications of any changes in quarantine areas through the list serve option.

(1) An infestation is present when:

(A) Either eggs, a larva, a pupa, a mated female or two or more adult Caribbean fruit flies of either sex are detected within three miles of each other and within one life cycle.

(B) Satellite infestations. Notwithstanding (b)(4), detection of a single life stage of Caribbean fruit fly within any established quarantine area may be considered a satellite infestation and may be used as the epicenter using an additional 4.5-mile radius surrounding the detection to expand the quarantine area.

(2) The initial area under quarantine shall be a minimum of a 4.5-mile radius surrounding the detections being used as an epicenter. Commercial host properties shall not be split by the quarantine boundary line and the boundary line shall be expanded beyond the 4.5 miles as necessary to encompass such host material in its entirety. Wherever possible, known accepted mapping features, including, but not limited to, roads, streets, highways, creeks, streams, rivers, canals, city, county, state, park, and forest boundary lines are used first, and if there are no acceptable features such as these, then imaginary lines with or without latitude and longitude points may be used.

(3) Any interested party or local entity may appeal an area designation by submission to the Department of a written request for review of the designation accompanied by clear and convincing evidence justifying a change in the designation. The appeal must be submitted to the Department's Legal Office at 1220 N Street, Suite 315, Sacramento, CA 95814 or emailed to CDFA.LegalOffice@cdfa.ca.gov no later than ten (10) working days following publication of the notice of designation. The Department must respond with a written

decision no later than ten (10) working days following receipt of the appeal. During the pending of the appeal, the designation under appeal shall remain in effect.

(4) The infested area designation shall be removed if no additional life stages are detected by trapping or visual surveys for three life cycles after the last detection that triggered the quarantine area. Subsequent detections within the quarantine area that are more than three miles from, or one lifecycle after, the detections triggering the quarantine will not affect the area or duration of the quarantine unless they meet the criteria in subsection (b)(1).

(5) The time determined for Caribbean fruit fly to complete three life cycles begins from the date of the most recent detection and is measured by a life cycle estimate. A life cycle estimate is an assessment of insect development based on a model derived from the temperatures recorded for each day at the time and in the area of an infestation. Daily minimum and maximum temperatures are used to produce an interpolated temperature curve over each 24-hour period and a calculation of how much time is above and below a base developmental (minimum) temperature needed for insect development. This information is used to estimate the time period necessary for the completion of one full lifecycle of Caribbean fruit fly under the specific local and temporal circumstances. The total amount of heat required to develop from one stage to another is calculated in units called degree-days. If the average temperature in 24 hours is one degree higher than the minimum temperature required for a particular pest, one degree-day's temperature is accumulated in the life cycle estimate. Accumulating degree-days is used to determine the generation time. For Caribbean fruit fly, the Department uses 1357 degree-days Fahrenheit as the length of one life cycle.

(c) Articles and Commodities Covered.

(1) All fruit, vegetables, pericarp of nuts, seeds, or berries listed in Title 3 California Code of Regulations Section 3591.11(b)(1) Caribbean Fruit Fly Eradication Area.

(2) Soil within the drip area of plants producing, or which have produced, fruit or berries as listed in Title 3 California Code of Regulations Section 3591.11(b)(1) above.

(3) Any other product, article, or means of conveyance when it is determined by the Secretary or County Agricultural Commissioner to present a hazard of spreading live life stages of Caribbean fruit fly and the person in possession thereof has been so notified, either by public notice, written communication, or verbally by a county, state, or federal agricultural official.

(d) Restrictions.

(1) At the wholesale level, articles and commodities covered in subsection (c) are prohibited movement within or from the area under quarantine except as provided in (A) or (B) below:

(A) If the article or commodity covered in subsection (c) has been treated in a manner to eliminate Caribbean fruit fly, is transported in a manner to preclude exposure to Caribbean fruit fly, and is accompanied by a written certificate issued by an authorized State or county agricultural official affirming compliance with this subsection; or,

(B) The article or commodity covered in subsection (c) is moving for treatment or processing to eliminate Caribbean fruit fly, is transported in a manner to preclude exposure to any Caribbean fruit fly, and is accompanied by a written certificate issued by an authorized State or county agricultural official affirming such movement has been authorized under this subsection.

(2) At the wholesale level, articles and commodities covered in subsection (c) which have been commercially produced outside the area under quarantine are prohibited movement into the area under quarantine except when accompanied by a shipping document indicating the point of origin and destination and moved in compliance with (A), (B) or (C) below:

(A) If the article or commodity covered in subsection (c) is moving directly through the area under quarantine without stopping except as dictated by traffic controls and by a direct route in an enclosed vehicle or container or completely enclosed by a covering to prevent exposure to the Caribbean fruit fly while enroute through the area; or,

(B) The article or commodity covered in subsection (c) is destined to a wholesale or retail establishment within the quarantined area and, if moving between 9 a.m. and sunset, is transported in an enclosed vehicle or container or completely enclosed by a covering to prevent exposure to Caribbean fruit fly; or

(C) The article or commodity covered in subsection (c) is destined to a commercial processing facility.

(3) At the retail level, articles and commodities covered by subsection (c) which have been commercially produced are prohibited movement from or within the area under quarantine except when the person in possession has a proof of sale showing the commodity was purchased from a commercial establishment.

(4) Articles and commodities covered by subsection (c) which have been noncommercially produced within the area under quarantine, including "backyard" production, are

prohibited movement from the premises where grown except under written authorization of the Department or County Agricultural Commissioner.

(5) Articles and commodities covered in subsection (c) which have been noncommercially produced outside the area under quarantine are prohibited movement into the area under quarantine except when the person in possession has signed a statement showing the commodity, amount, origin, destination, and date of transportation.

(6) Within the area under quarantine, no wholesale or retail establishment shall handle, sell, or offer for sale any article or commodity covered in subsection (c) unless such commodities at all times are maintained securely indoors or covered to minimize exposure to the environment in a manner to effectively preclude Caribbean fruit fly access. No commodity covered shall be held for sale or sold from a truck, trailer, or other mobile vehicle within the area under quarantine.

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

§ 3591.11. Caribbean Fruit Fly Eradication Area.

(a) Proclamation of Eradication Area. All of the Counties of Los Angeles, Orange, Santa Clara, and Ventura in the State of California within which the Caribbean fruit fly, (*Anastrepha suspensa*), has been detected, are hereby proclaimed eradication areas with respect to said pest. As such, it is amenable to the provisions of Article 4 (sections 5761, 5762, 5763 and 5764) of Chapter 8, Part 1, Division 4 of the Food and Agricultural Code of California.

(b) Hosts. Fruit and soil under the drip line, whether in the ground or in a container, of the canopy of the plants:

Scientific Name	***Common Name***
Ananas comosus (L.)	Pineapple
Annona glabra L.	Alligator-apple, corkwood, cow-apple, mangrove anona, monkey apple, pond-apple
Annona squamosa L.	Custard-apple, sugar-apple, sweetsop
Atalantia citroides Pierre ex Guillaumin	Cochin China, Atalantia

Averrhoa carambola L.	Carambola, five-corner, starfruit
Blighia sapida K. D. Koenig	Akee, akee-apple
Canella winterana (L.) Gaertn.	Wild cinnamon
Capsicum frutescens L.	Bird pepper, hot pepper, red chili, spur pepper, Tabasco pepper
Carica papaya L.	Papaya, pawpaw
Carissa macrocarpa (Eckl.) A. DC.	Natal-plum
Casimiroa edulis La Llave & Lex.	Mexican-apple, white sapote
Chrysobalanus icaco L.	Coco-plum
Chrysophyllum oliviforme L.	Damson-plum, stainleaf, wild star-apple
Citrus x aurantiifolia (Christm.) Swingle	Egyptian lime, Indian lime, Key lime, lime, Mexican lime, sour lime, West Indian lime
Citrus x aurantium L.	Bitter orange, clementine, Seville orange, sour orange, tangelo
Citrus x aurantium L. var. *racemosa* (Risso) ined.	Grapefruit, pomelo
Citrus x aurantium L. var. *sinensis* L.	Blood orange, navel, navel orange, orange, sweet orange, Valencia orange
Citrus x floridana (J. W. Ingram & H. E. Moore) Mabb.	Limequat
Citrus japonica Thunb.	Changshou kumquat, golden-bean kumquat, Hong Kong kumquat, marumi kumquat, meiwa kumquat, nagami kumquat, oval cumquat, oval kumquat, round cumquat, round kumquat
Citrus x limon (L.) Osbeck	Balotin bergamot, Canton lemon, chine lemon, Chinese dwarf lemon, cravo lemon, dwarf lemon, hime lemon, jaune orange, lemandarin, lemon, lumia of the Mediterranean, mandarin lime, marmalade lime, Meyer lemon, Otaheite

	orange, Rangpur lime, red lemon, sweet lemon, sweet lime
Citrus x microcarpa Bunge	Calamandarin, calamondin, China-orange, golden-lime, musk-lime, Panama-orange, Philippine-lime
Citrus x nobilis Lour.	King of Siam, king orange, tangor
Citrus nobilis x Fortunella sp.	N/A
Citrus reticulata Blanco	Cleopatra mandarin, dancy tangerine, honey mandarin, Italian tangerine, jimikan mandarin, King of Siam, king orange, Mediterranean mandarin, Satsuma mandarin, Satsuma orange, sour mandarin, spice mandarin, sunki mandarin, tachibana orange, tangerine, tangor, temple orange, Tim kat mandarin, willow-leaf mandarin
Clausena lansium (Lour.) Skeels	Chinese clausena, wampi
Coccoloba uvifera (L.) L.	Jamaican kino, platterleaf, sea-grape, shore sea-grape
Coffea arabica L.	Arabian coffee, arabica coffee, coffee, coffeetree
Diospyros blancoi A. DC.	Mabola-tree, velvet persimmon, velvet-apple
Diospyros kaki Thunb.	Chinese persimmon, Japanese persimmon, kaki persimmon, Oriental persimmon
Dovyalis caffra (Hook. f. & Harv.) Warb.	Kei-apple
Dovyalis hebecarpa (Gardner) Warb.	Ceylon-gooseberry
Drypetes lateriflora (Sw.) Krug & Urb.	Milk bark tree, Guiana plum
Eriobotrya japonica (Thunb.) Lindl.	Japanese-medlar, loquat
Eugenia brasiliensis Lam.	Brazil-cherry
Eugenia coronata Schumach.	Spanish stopper, boxleaf stopper, red stopper, Surinam cherry
Eugenia involucrata DC.	Cherry-of-the-Rio Grande

Eugenia ligustrina (Sw.) Willd.	Birchberry, privet stopper
Eugenia luschnathiana (O. Berg) Klotzsch ex B. D. Jacks.	Pitomba
Eugenia uniflora L.	Brazil-cherry, Surinam-cherry
Ficus altissima Blume	Counciltree, false banyan, lofty fig
Ficus carica L.	Common fig, fig
Flacourtia indica (Burm. f.) Merr.	Batoko-plum, governor's-plum, Indian-plum, Madagascar-plum
Garcinia aristata (Griseb.) Borhidi	Cuban mangosteen
Garcinia intermedia (Pittier) Hammel	Lemon drop mangosteen, monkey fruit
Garcinia livingstonei T. Anderson	African mangosteen
Garcinia xanthochymus Hook. f.	Gambogetree, sour mangosteen
Litchi chinensis Sonn.	Lychee
Malpighia emarginata DC.	Acerola, Barbados-cherry, West Indian-cherry
Malpighia glabra L.	Escobillo
Malus sylvestris (L.) Mill.	Crab apple, European crab apple
Mangifera indica L.	Common mango, Indian mango, mango
Manilkara jaimiqui (C. Wright) Dubard subsp. *emarginata* (L.) Cronquist	Wild dilly, wild sapodilla
Manilkara roxburghiana (Wight) Dubard	Bulletwood
Manilkara zapota (L.) P. Royen	Chicle, chico sapote, naseberry, sapodilla, sapote
Momordica charantia L.	Balsam-apple, balsam-pear, bitter gourd, bitter-cucumber, bitter-melon, carilla gourd
Muntingia calabura L.	Calabur-tree, capulin, Jamaica-cherry, Panama-berry, strawberry-tree

Murraya paniculata (L.) Jack	Barktree, Burmese-boxwood, China-box, Chinese-box, Chinese-boxwood, Chinese-myrtle, cosmetic-bark-tree, Hawaiian-mock orange, jasmine-orange, mock orange, orange-jasmine, satinwood
Myrcianthes fragrans (Sw.) McVaugh	Twinberry
Myrciaria glomerata O. Berg	Red cabeludinha, red-haired jaboticaba
Persea americana Mill.	Avocado
Phoenix dactylifera L.	Date, date palm
Pimenta dioica (L.) Merr.	Allspice, clover-pepper, Jamaica-pepper, pimento
Plinia cauliflora (Mart.) Kausel	Brazilian grapetree, jaboticaba
Pouteria campechiana (Kunth) Baehni	Canistel, eggfruit-tree, yellow sapote
Prunus persica (L.) Batsch var. *persica*	Peach, common peach
Prunus persica (L.) Batsch var. *nucipersica* (Suckow) C. K. Schneid.	Nectarine
Pseudanamomis umbellulifera (Kunth) Kausel	Monos plum
Psidium cattleyanum Sabine	Cherry guava, strawberry guava
Psidium cattleyanum Sabine var. cattleyanum	Cattley guava, purple guava, purple strawberry guava, red strawberry guava, Strawberry guava
Psidium friedrichsthalianum (O. Berg) Nied.	Costa Rican guava
Psidium guajava L.	Common guava, guava, lemon guava, yellow guava
Punica granatum L.	Pomegranate
Pyrus communis L.	Pear
Pyrus x lecontei Rehder	Le Conte pear
Pyrus pyrifolia (Burm. f.) Nakai	Asian pear

Rubus hybrid	Marionberry, Olallieberry, youngberry
Rubus idaeus L.	Raspberry, red raspberry
Severinia buxifolia (Poir.) Ten.	Chinese box-orange
Solanum lycopersicum L. var. *lycopersicum*	Tomato
Spondias dulcis Sol. ex Parkinson	Ambarella, golden-apple, June-plum, Otaheite-apple, Polynesian-plum, yellow-plum
Spondias mombin L.	Hog-plum, Jamaica-plum, mombin, yellow mombin
Spondias purpurea L.	Hog-plum, purple mombin, red mombin, Spanish-plum
Swietenia mahagoni (L.) Jacq.l	Cuban mahogany, Spanish mahogany, West Indian mahogany
Synsepalum dulcificum (Schumach.) Daniell	Miracle-fruit, miraculous-berry
Syzygium cumini (L.) Skeels	Java-plum, Malabar-plum, Portuguese-plum, rose-apple
Syzygium jambos (L.) Alston	Malabar-plum, rose-apple, yambo
Syzygium malaccense (L.) Merr. & L. M. Perry	Malay-apple, mountain-apple, Otaheite-apple, pink satin-ash, rose-apple
Syzygium samarangense (Blume) Merr. & L. M. Perry	Java-apple, Semarang rose-apple, wax jambu
Terminalia catappa L.	Country-almond, Indian-almond, Malabar-almond, sea-almond, tropical-almond
Terminalia muelleri Benth.	Australian-almond
Trevesia palmata (Roxb. ex Lindl.) Vis.	Snowflakeplant, snowflaketree
Triphasia trifolia (Burm. f.) P. Wilson	Limeberry, trifoliate limeberry, triphasia
Ximenia americana L.	False sandalwood, tallownut, tallowwood, yellow-plum

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

(1) The use of insecticides, chemicals, or other materials as spray (including soil spray treatments), dust, bait, or in any other form as often as necessary to effect control or eradication.

(2) The removal and destruction of hosts and of the fruit of such hosts if such action is the only practical way of eliminating the infestation.

(3) The search for all stages of Caribbean fruit fly by visual inspection, the use of traps, or any other means.

(4) The removal and destruction of abandoned or unwanted plants bearing or capable of bearing hosts.

(5) The importation, rearing, liberation, and fostering of parasites and predators which attack the fly.

(6) The importation, rearing, or liberation of sterile forms of the Caribbean fruit fly.

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