CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATIONS
Title 3, California Code of Regulations

Section 3446 Spotted Lanternfly Interior Quarantine
Section 3591.31 Spotted Lanternfly Eradication Area

INITIAL STATEMENT OF REASONS/ POLICY STATEMENT OVERVIEW

The California Department of Food and Agriculture (Department) proposes to adopt Title 3 California Code of Regulations (CCR) Section 3446 Spotted Lanternfly (SLF) Interior Quarantine and Section 3591.31, Spotted Lanternfly Eradication Area. These regulations will allow the Department to create an interior quarantine and eradication area for SLF (*Lycorma delicatula*), which will help prevent the spread of SLF within California should it be detected within the state.

Description of Public Problem, Administration Requirement, or Other Condition or Circumstance the Regulations are Intended to Address

These regulations are intended to address the obligation of the Department of Food and Agriculture to protect the agricultural industry and environment from the introduction and spread of injurious plant pests within California. Specifically, these regulations are intended to prevent the establishment of SLF, a pest relatively new to North America, into California. Recent finds of this pest in conveyances destined for California from currently infested areas, detections in the neighboring state of Oregon, increasing numbers of states infested in eastern North America, the potential for long distance dispersal via rail systems, and current modeling demonstrate viable pathways of spread and potential for widespread infestations if established, rendering such regulations necessary.

Background

In the eastern United States, SLF has one generation per year and overwinters in the egg stage as part of an egg mass. Overwintering SLF eggs start to hatch around April or May and nymphs begin sucking sap from young stems and foliage of suitable host plants. Nymphs do not fly and

are more polyphagous than adults, feeding on a wide variety of plants. Their feeding produces large quantities of fluid (honeydew) that often coats stems and leaves. This can result in the growth of sooty mold, which, if it grows on leaves, can reduce photosynthesis by obscuring sunlight. Through loss of carbohydrates via the phloem from the host plant and decreased photosynthesis resulting from sooty mold, SLF infestations can severely weaken susceptible plants and eventually kill them. Nymphs go through four instars and adults start to appear around July. Adult SLF can fly but can also disperse by walking. They start to lay eggs around September. The strongly preferred hosts for adult feeding are tree-of-heaven (*Ailanthus altissima*), an Asian tree widely introduced throughout North America, and grapevines (*Vitis spp*.). The insect will also feed on a wide variety of other agricultural commodities, as well as ornamental, native, and invasive plant species.

The cost of the damage from SLF varies. A 2019 economic impact study in Pennsylvania, the first state the insect became established in within the United States, estimated that, without controls, the SLF could cost their state $324 million annually and more than 2,800 jobs. Given the demonstrated impacts of SLF on vineyards in Pennsylvania, and the multi-billion-dollar California grape industry (raisin, table grape, wine grape, and agri-tourism), it is essential to prevent SLF establishment in California.

Purpose and Factual Basis

The purpose of Sections 3446 and 3591.31 is to protect California from the invasive pest SLF. SLF is a planthopper known to feed on over 100 species of plants from 33 botanical families, including commercial grapevines. Spotted lanternfly is native to China. SLF was not considered a widespread invasive pest until 2004, when it spread from its native range to South Korea, then to Japan in 2008, and to the United States (Pennsylvania) in 2014 (Barringer et al., 2015; Kim et al. 2021). This increased invasiveness is likely due to or enhanced by the ecological release effect. Since its arrival in the United States, spotted lanternfly has become established in at least thirteen eastern states. These states are carrying out various treatment and control activities in coordination with the United States Department of Agriculture (USDA) (StopSLF.org). Live, viable spotted lanternfly life stages have not been found in the environment in California, but multiple dead life stages and a few live adults have been intercepted by the Department staff in airplane shipments from 2019 to 2021, and live egg masses have been intercepted at border protection stations during 2019 to 2024. As spotted lanternfly is likely to have significant

economic and environmental impacts if it were to establish in California, and thus it has been assigned an “A” pest rating by the Department. The California Pest Rating system characterizes the statewide risk of the pest to harm agricultural and environmental interests or social adversities such as interference with home/urban gardening, human health, worker safety, food safety, jobs or cultural practices in California. The A-rating designation places a target pest in the highest risk regulatory category.

The factual basis for determination by the Department that the adoption of these regulations is necessary is as follows:

Niche modeling with Maximum Entropy (Maxent) suggests that spotted lanternfly is likely to establish in large parts of California. This model uses bioclimatic variables and the current distribution of spotted lanternfly to estimate potential spread in North America. The most important factor in predicting spotted lanternfly likelihood of occurrence was found to be the mean temperature of the driest quarter of the year; the viable temperature ranges from about 0°C plus or minus 7°C (a temperature range between 19°F and 45°F). Although it was not included in the Maxent niche modeling study, a factor that would be highly significant in predicting spotted lanternflies possible range is the presence of hosts, especially tree-of-heaven. The influence of hosts on the potential distribution of spotted lanternfly in California is not completely understood at this time. While there are many known host plant species that are not present or only present in small numbers on the West Coast of North America, the potential host range of spotted lanternfly is likely quite broad. At this time, it is not known which, if any, of the plants present in California that are not present in areas currently infested with spotted lanternfly may be found to be hosts of spotted lanternfly once exposed.

As known and potentially unknown host plants are widely grown in California, spotted lanternfly could possibly establish wherever it is introduced, except possibly in desert or high mountain regions, as shown by the Maxent niche modeling. The known hosts of spotted lanternfly include multiple agriculturally important crops and common ornamentals in California, including grapes, liquidambar, peaches, maples, and walnuts. Infestations of SLF would lower crop yields and increase production costs of economically important crops such as grape, stone fruit, and woody nursery stock. Upon entering Korea and Pennsylvania, the insect caused considerable, often catastrophic, damage to vineyards, with some vines dying after multiple years of feeding.

SLF attacks many large and small forest trees such as oaks, dogwoods, and ash in its introduced range in the eastern United States. California forests are structured differently than those deciduous forests, with many forests and woodlands in the State dominated by evergreen hardwoods and conifers. Nevertheless, many of the known host trees are present in California forests as understory trees or trees in riparian zones. If SLF were to invade the wildlands of California, it may have a negative impact on forest structure by weakening or killing certain woody species. The presence of tree-of-heaven may be a strong predictor of establishment of SLF as this is host plant in its native range. This introduced tree is widespread in California, as it was commonly planted in the 19th and early 20th century, and has since become a widespread invasive weed. SLF establishment would be expected to lower biodiversity, disrupt natural communities, and change ecosystem processes. In addition, infestations would trigger new treatments in vineyards, orchards, managed natural land, forests, and by residents who find infested plants unsightly or suffering reduced fruit production.

Apart from agricultural or environmental effects, SLF has had significant impacts to residents in the infested areas of the eastern United States. Because of the rapid, unchecked reproduction of this species in its introduced range, large numbers of SLF in yards result in a “rain” of honeydew droplets falling onto people and surfaces, and can result in sooty mold on plants and other surfaces. These impacts would be expected to occur in California if this pest becomes established here. Businesses that rely on tourism, such as vineyards, may suffer loses because of the nuisances associated along with loss of productive vines. In addition, residents are likely to use chemical insecticides to control SLF infestations, which will increase costs to homeowners and increase the amount of chemicals introduced into the environment.

Project Description

Section 3446

This section will allow the creation of an interior quarantine against the pest SLF. An interior quarantine will allow the department to prohibit the movement of items that are under quarantine except under allowed conditions to prevent the spread of SLF.

Section 3446 (a)

Names SLF as the pest the interior quarantine targets which is the common name the species is most often identified as by the public. The scientific name, *Lycorma delicatula*, is also used.

Section 3446 (b)

Section 3446 (b)(1)

This section outlines when an area will be considered under quarantine, how the other California County Agricultural Commissioners and other interested or affected parties will be notified of a quarantine, and that there will be a website available to receive these notifications. Communicating clearly when these quarantines are designated allows for any affected party to quickly move into compliance, which will help halt the spread of this pest.

Section 3446 (b)(2)

This section defines an infestation of SLF and what the quarantine boundaries will be when an infestation is found. The definition was chosen as it indicates that there could be a potential breeding population, and thus is likely to spread. That the one-mile radius of the original find and extended if any other finds has been recommended in the CDFA Spotted Lanternfly Action Plan developed with the most current data for SLF available.

Section 3446 (b)(3)

This section explains the radius of the quarantine, how the boundaries of the quarantine will be determined, and how long the quarantine will persist. If there are commercial host properties partially within the initial one-mile radius, they will not be split by the quarantine boundary line and the boundary line will be expanded beyond the one mile to encompass the host material in its entirety. If the Department does not expand the boundary in this way, there is ample opportunity for any pest to move easily between host material and across the quarantine boundary. Making the boundaries of the quarantine match the landscape, in this case following roads, streets, highways, creeks, streams, rivers, canals, city, county, State, park and forest boundary lines, benefits any individual making choices regarding moving material as a map following existing features will have clearer defined boundaries.

Section 3446 (b)(4)

This section outlines the process to appeal an area being designated as an interior quarantine. The process is needed so the public can voice their concerns and bring attention to any reasons

not to have the interior quarantine to the Departments attention. The appeal must be filed within ten working days following receipt of the notice of designation, and response must be given by the Department in writing within ten working days following receipt of the appeal. By having this timeline, the appellants and the Department have a timely notice of decisions. While the appeal is pending, the designation under appeal shall remain in effect to prevent any potential harm from the SLF infestation increasing.

Section 3446 (b)(5)
This section defines when the infestation is considered eradicated, which is after three life cycles worth of time has passed with no further detections. The standard for declaring eradication of three life cycles with no further detections is generally used internationally for invasive insect pest species.

Section 3446 (b)(6)
This defines the requirements for the infestation to be considered eradicated, three years to the day after the last find... This time period has been recommended in the CDFA Spotted Lanternfly Action Plan.

Section 3446 (c)
This section covers what is declared to be hosts or potential carriers of spotted lanternfly.

Section 3446 (c)(1)
This sections states that the hosts or potential carriers of spotted lanternfly are listed in CCR 3591.30 (b)(1). By referencing CCR 3591.30 (b)(1),the Department needs to only edit one regulation if the host list changes and these two related regulations will stay in harmony.

Section 3443 (c)(2)
This section explains that any other articles which are infested or exposed to infestation by SLF are declared to be hosts or potential carriers. This is due to there being potential unknown material that can be hosts or carriers, and if there is an active infestation or exposure to the infestations these materials could potentially spread it further.

Section 3443 (d)

This section outlines that the items under quarantine are prohibited movement to stop the spread of the infestations, and outlines what conditions items can be moved.

Section 3443 (d)(1)

This section states that a State or county agricultural officer can inspect any item under quarantine and certify it free of all SLF life stages. Allowing these inspections means that items can still move out of the quarantine area if they will not spread the infestation. Items that a State or county agricultural officer cannot adequately inspect cannot be certified as they could spread an infestation, although there are exceptions in Sections 3446 (d)(3) and (4).

Section 3446 (d)(2)

This section is for individuals moving regulated non-commercial articles from an infested area. A regulated article can be moved if the individual uses a valid signed completed checklist that accompanies the articles. This checklist guides the user through self-inspection for all life stages of the SLF. Having this required form allows non-commercial articles to be inspected by someone other than the State or county agricultural officer, facilitating this non-commercial movement and allocating the limited resources of the State and county agricultural officers' time to inspect high risk articles.

Section 3446 (d)(3)

This section explains how garden pruning's from quarantine areas can be moved. While these articles may have a high risk of harboring an infestation, the current methods of disposal - buried, incinerated, composted, or otherwise treated - mitigates the risk of spreading an infestation. As long as these materials are moved in a manner that is approved by the County Agricultural Commissioner and by city or county vehicles or trucking companies under contract to haul such material, the risk pest risk is mitigated and such movement is allowed.

Section 3446 (d)(4)

This section provides for the County Agricultural Commissioner or State plant quarantine inspectors to also certify items for movement using their judgment regarding its level of exposure, and if it has been cleaned or treated. This allows items that are deemed safe by authorized agricultural officials to be moved. The County Agricultural Commissioner or State

plant quarantine inspectors having this authority allows for another avenue of safe movement for regulated articles.

Section 3591.31(a)

This section establishes that an eradication area is being created against spotted lanternfly, *Lycorma delicatula*, an insect in the Order Hemiptera, Family Fulgoridae. This eradication area consists of areas where this pest is either known to exist or there is an immediate threat of introduction, which is the entire state of California. The entire state is being declared an eradication area as there are suitable climates and widespread hosts throughout the state.

Section 3591.31(b)

Section 3591.31(b)(1) lists all the plants and plant parts which are known to be host and possible carriers of the SLF, as shown on the table below.

Genus	Species	Common Name
Acer	negundo	box elder
Acer	palmatum	Japanese maple
Acer	platanoides	Norway maple
Acer	pseudoplatanus	sycamore maple
Acer	rubrum	red maple
Acer	saccharinum	silver maple
Acer	saccharum	sugar maple
Actinidia	chinensis	kiwi fruit
Ailanthus	altissima	tree-of-heaven
Alnus	incana	hoary alder
Amelanchier	spp.	serviceberry
Angelica	dahurica	Asian angelica
Aralia	cordata	heart-leaf aralia
Aralia	elata	tree aralia
Arctium	lappa	burdock
Armoracia	rusticana	horseradish
Betula	lenta	sweet birch
Betula	pendula	European birch

Betula	platyphylla	Asian birch
Cedrela	fissilis	cedro blanco
Celastrus	orbiculatus	Asian bittersweet
Cornus	controversa	giant dogwood
Cornus	kousa	Japanese dogwood
Cornus	officinalis	Cornelian dogwood
Corylus	americana	American hazelnut
Diospyros	kaki	persimmon
Elaeagnus	umbellata	Autumn olive
Euphorbia	pulcherrima	pointsettia
Fagus	grandifolia	American beech
Firmiana	simplex	parasol tree
Forsythia	spp.	forsythia
Fraxinus	spp.	ash
Hibiscus	spp.	hibiscus
Humulus	japonicus	Japanese hops
Humulus	lupulus	hops
Juglans	cinerea	butternut
Juglans	hindsii	CA black walnut
Juglans	major	AZ walnut
Juglans	mandshurica	heartnut
Juglans	microcarpa	little walnut
Juglans	nigra	black walnut
Juglans	x sinensis	hybrid walnut
Juniperus	chinensis	Chinese juniper
Liriodendron	tulipifera	tuliptree
Lonicera	spp.	honeysuckle
Luffa	spp.	luffa
Maackia	amurensis	Amur maackia
Magnolia	kobus	kobus magnolia
Magnolia	obovata	white bark magnolia
Mallotus	japonicus	food wrapper tree

Malus	pumila	wild apple
Malus	spp.	apple
Melia	azedarach	chinaberry tree
Metaplexis	japonica	rough-potato
Monarda	spp.	beebalm
Morus	alba	white mulberry
Morus	bombycis	chinese mulberry
Nyssa	sylvatica	black gun
Ocimum	basilicum	basil
Parthenocissus	quinquefolia	Virginia creeper
Phellodendron	amurense	hardy cork tree
Philadelphus	schrenkii	mock orange
Picrasma	quassioides	nigaki
Populus	koreana	Korean poplar
Prunus	mume	Japanese cherry
Prunus	persica	peach
Prunus	salicina	Chinese plum
Prunus	serotina	black cherry
Pterocarya	stenoptera	wingnut
Pyrus	spp.	pear
Quercus	acutissima	Asian oak
Quercus	aliena	alien oak
Quercus	rubra	red oak
Rhus	chinensis	Chinese sumac
Rhus	typhina	staghorn sumac
Robinia	pseudoacacia	black locust
Rosa	cvs.	rose
Rosa	multiflora	baby rose
Rosa	rugosa	sea rose
Rosa	spp.	rose
Rubus	crataegifolius	hawthorn-leaf branble
Rubus	spp.	blackberry/raspberry/bramble

Salix	babylonica	weeping willow
Salix	koreensis	Korean willow
Salix	matsudana	spiral willow
Salix	udensis	Ude willow
Salvia	spp.	sage
Sassafras	albidum	sassafras
Sorbaria	sorbifolia	false spiraea
Sorbus	conmixta	Mountain ash
Styrax	japonicus	Japanese snowbell
Styrax	obassia	Chinese snowbell
Tetradium	daniellii	bee bee tree
Tetradium	spp.	bee bee tree
Thuja	occidentalis	arborvitae
Toona	sinensis	Chinese mahogany
Toxicodendron	radicans	poison-ivy
Toxicodendron	vernicifluum	varnish tree
Vaccinium	angustifolium	highbush blueberry
Vitis	amurensis	Amur grap
Vitis	riparia	wild grape
Vitis	spp.	grape
Vitis	vinifera	wine grape
Xanthoxylum	simulans	prickly-ash

Section 3591.31(b)(2) adds that any other articles which are infested or exposed to infestation by SLF can host and be possible carriers of the SLF.

The included plants are all the currently recognized hosts and possible carriers of the SLF. There is potential for the pest to infest other plants that are not yet known to be hosts, this is included so if new hosts are found they can be included in the eradication area.

Section 3591.31(c)

This section lists the means and methods that can be used for eradication, control or suppression of the SLF within California.

Section 3591.31(c)(1) allows for the repeated application of contact insecticide treatments, herbicide and systemic insecticide tree treatments for hosts, egg mass treatments, egg scraping, and border treatments with insecticides, of hosts and any other articles or things which are infested or exposed to infestation and capable of harboring or spreading SLF. These actions can destroy the pest and stop an infestation from spreading.

Section 3591.31(c)(2) allows for 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 SLF. By removing host material, the pest's movement can be limited and the life cycle interrupted, preventing further spread and infestation.

Section 3591.31(c)(3) allows for searching for all stages of SLF by visual inspection, the use of traps, or any other means anywhere within the said area. Early detection of the pest will lead to faster eradication.

Section 3591.31(c)(4) allows for the removal and destruction of abandoned or unwanted hosts or possible carriers bearing or capable of bearing SLF in any life stage. By removing hosts and carriers, the potential areas for this pest to infest will be reduced.

Current Laws & Regulations

Existing law, FAC Section 401.5, states that the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.

Existing law, Food and Agricultural Code (FAC) Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5301, provides that the Secretary may establish, maintain, and enforce such quarantine regulations as they deem necessary to protect the agricultural industry of this state from pests. The regulations may establish a quarantine at the boundaries of this state or elsewhere within the state.

Existing law, FAC Section 5302, provides that the Secretary may make and enforce such regulations as they deem necessary to prevent any plant or thing which is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest, from passing over any quarantine line which is established and proclaimed pursuant to this division.

Existing law, FAC section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC section 5321.

Existing law, FAC section 5761, provides that the Secretary may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC section 5762, provides that any pest with respect to which an eradication area has been proclaimed, and any stages of the pest, its hosts and carriers, and any premises, plants, and things infested or infected or exposed to infestation or infection with such pest or its hosts or carriers, within such area, are public nuisances, which are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

Existing law, FAC section 5763, provides that the Secretary or the commissioner acting under the supervision and direction of the Secretary, in a summary manner, may disinfect or take such other action, including removal or destruction, with reference to any such public nuisance, which they think is necessary.

The Department is the only agency which can implement pest quarantines. 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

The adoption of these regulations provides the necessary regulatory authority to quarantine and eradicate a serious insect pest which is a mandated statutory goal.

These regulations are necessary to prevent the spread of SLF to uninfested areas of the State. The regulation benefits industries (nursery, fruit for domestic use and exports, packing facilities), the environment, and the overall California economy by preventing the spread of SLF.

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 of Food and Agriculture has determined that these regulations do not impose a mandate on local agencies or school districts.

Economic Impact Analysis (Government Code 11346.3(b))

The eradication and prevention of the spread of SLF in California through the implementation of these regulations economically benefits:

- the general public
- homeowners and community gardens
- the agricultural industry
- the State’s general fund

If SLF was to become established within California it could greatly affect the general public. Host plants are widely grown in California and include both native plants and agriculturally important

crops. By adopting these regulations to prevent infestation, the general public benefits by having a native environment and agriculture safe from this pest.

The adoption of these regulations benefits home gardeners who grow host material for consumption and/or ornamentals in various rural and urban landscapes. By preventing infestation with SLF and thereby preventing damage to hosts, the regulations eliminate the need for hosts to be treated to mitigate infestations of SLF.

California is a large-scale commercial producer of many host plants of SLF. The Californian, national, and international consumers of California agriculture benefit by having high quality produce and produce products available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer. By preventing an infestation with SLF, these increased production costs will be avoided.

There are economic benefits to the State's general fund from these regulations. The cost of a SLF infestation is unknown, but a study in Pennsylvania found the costs to that state would be $324 million annually and more than 2,800 jobs if SLF were not contained and controlled. Preventing a wide scale infestation in California prevents an outcome that could cost the State millions or billions of dollars.

The Creation or Elimination of Jobs within the State

Sections 3446 and 3591.31 will allow the Department to create an interior quarantine and eradication area for SLF, which will help prevent the spread of SLF within California should it be detected within the state. Detection and eradication activities are currently being performed by existing state staff throughout the state by trapping and identifying invasive agricultural pests. No additional staff positions will be created or eliminated by this regulation. Therefore, the Department has determined that this proposal will not have a significant impact on the creation of new businesses in California.

The Creation or Elimination of Businesses in California

Sections 3446 and 3591.31 will allow the Department to create an interior quarantine and eradication area for SLF, which will help prevent the spread of SLF within California should it be

detected within the state. Detection and eradication activities are currently being performed by existing state staff throughout the state by trapping and identifying invasive agricultural pests. Therefore, the Department has determined that this proposal will not have a significant impact on the creation of new businesses in California.

The Expansion of Businesses in California

Sections 3446 and 3591.31 will allow the Department to create an interior quarantine and eradication area for SLF, which will help prevent the spread of SLF within California should it be detected within the state. Detection and eradication activities are currently being performed by existing state staff throughout the state by trapping and identifying invasive agricultural pests. Therefore, the Department has determined that this proposal will not have a significant impact on the expansion of businesses currently doing business in California.

Worker Safety

These regulations are not expected to have an effect on worker safety.

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

The Department has determined that Sections 3446 and 3591.31 do not impose a mandate on local agencies or school districts. All eradication activities shall be conducted by the Department. 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 adoption of subsection 3446 and 3591.31.

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 adoption of this regulation.

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

The implementation of these regulations will prevent increased costs to the consumers of California produce and increased pesticide usage by homeowners and others. The host plants attacked by the SLF are enjoyed by the home gardener and community gardens. If an infestation of SLF is not eradicated due to a delay in eradication efforts, then homeowners and community gardeners would be negatively impacted.

Potential Impacts to General Fund and Welfare

The proposed regulations do not have immediate or definitive impact to the general fund or general welfare, as it is meant to maintain the economic baseline. It would facilitate a fast and effective response if SLF is detected in the designated eradication area. Speed of response is key to eradicating an incipient pest infestation. Programmatic delays potentially can lead to expansion of infestations and quarantines, as well as increased production costs and potential job loss. The agricultural industry is one of the economic engines in the State. Negative impacts to agriculture impact the State's economic recovery and the general welfare of the State. Additionally, any job losses in this area would likely be felt by low-skilled workers whose employment options are already limited. The loss of any additional agricultural jobs would likely result in an increase in the State's public assistance obligations which would also negatively impact the State's economic recovery.

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

Assessment

The Department has made an assessment that the adoption of these regulations will help maintain the economic baseline and (1) will have no significant 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) will have no impact on the health and welfare of California residents, (5) will have no impact on the state's environment, and (6) is not expected to benefit workers' safety.

Health and welfare: The proposed action will benefit the health and welfare of California residents by making it more likely that the Department can react quickly and effectively if a SLF infestation is detected. Speed of response is key to eradicating an incipient pest infestation. Programmatic delays potentially can lead to larger and more costly pest quarantines, as well as increased production costs and potential job loss.

The state's environment: The proposed action will benefit the state's environment by making it more likely that the Department can react quickly and effectively if a SLF infestation is detected. If the Department fails to act quickly and effective to prevent the spread and eradicate an infestation, this pest could easily spread into the local environment and non-agricultural ecosystems. This could adversely impact private and commercial landscape plantings, local, regional, state and national parks, other recreational sites, open habitats, and wild lands. Affected plants could become less vigorous and may produce fewer seeds. Plants/trees with low propagule output can result in major changes to plant community structure.

Alternatives Considered

The Department of Food and Agriculture must determine that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

The Department considered taking no action. If no action is taken, the Department would not have eradication authority for SLF. If SLF were allowed to spread and become further established in host production areas, California's agricultural industry would suffer losses due to increased pesticide use, decreased production of marketable produce, and loss of markets if the United States Department of Agriculture (USDA) or other countries enact quarantines against California products which are hosts for SLF. Therefore, this alternative was rejected.

Information Relied Upon

The Department relied upon the following studies, reports, and documents in the proposed adoption of Title 3 CCR Section 3591.30:

“ACTION PLAN for Spotted Lanternfly (*Lycorma delicatula*)” California Department of Food and Agriculture, December 12, 2022

“Potential Economic Impact of the Spotted Lanternfly on Agriculture and Forestry in Pennsylvania” Jayson K. Harper, Ph.D., William Stone, DBA, Timothy W. Kelsey, Ph.D., and Lynn F. Kime, Pennsylvania State University. December 2019

“Spotted Lanternfly Reveals a Potential Weakness” USDA, U.S. Department of Agriculture, January 19, 2024