

The Department proposes to adopt:

§ 3446. Spotted lanternfly Interior Quarantine.

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

(a) Pest. Spotted lanternfly (*Lycorma delicatula*).

(b) Area Under Quarantine.

(1) 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 the Department's website. An interested party may also go to the website at <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.

(2) An infestation is present upon detection of two or more living spotted lanternfly adults found within one mile of each other and during the timeframe of one lifecycle, or detection of one or more living spotted lanternfly nymphs, a mated female, or egg mass. Additional detections of spotted lanternflies in the quarantine area will further expand the quarantine area from those find sites by adding to the quarantine area the non-overlapping one mile radius from each new find. One lifecycle is equivalent to one year.

(3) The initial area under quarantine shall be a minimum of a one-mile radius from each detection site. The quarantine shall exist until eradication is confirmed by the lack of a detection of an adult, nymph, or egg mass for one year from the last find. Properties containing host material shall not be split by the quarantine boundary line and the boundary line shall be expanded beyond the one-mile radius 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 to complete the boundary, then imaginary lines with or without latitude and longitude points may be used.

(4) 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 filed no later than ten (10) working days following receipt 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.

(5) An infestation of spotted lanternfly shall be considered eradicated after a time equivalent to three spotted lanternfly lifecycles have passed with no further detections.

(6) The infestation is considered eradicated three years to the day after the last find. If the last find occurs during a leap year on February 29th, the three years will be considered to end on March 1st.

(c) Articles and Commodities Covered. The following are declared to be hosts and possible carriers of spotted lanternfly:

(1) All plants and articles listed in CCR 3591.30 (b)(1) Spotted Lanternfly Eradication Area.

(2) Any other articles which are infested or exposed to infestation by spotted lanternfly.

(d) Restrictions. Articles under quarantine are prohibited movement from the area under quarantine except under the following conditions:

(1) A commercial article is inspected and certified by a State or county agricultural officer and such officer determines that the article is free of all life stages of spotted lanternfly. Any article that in the opinion and judgment of a State or county agricultural officer cannot be adequately inspected for all stages of spotted lanternfly will not be certified except as indicated in paragraphs (3) and (4) below.

(2) A non-commercial article from infested areas is accompanied by an approved checklist. The checklist must be issued by the Department and completed by the person moving the article(s) prior to movement from the infested area. The completed checklist must be signed by the shipper or transporter. The approved checklist is a form titled "Checklist Guide For Individuals Moving Items From A Spotted Lanternfly Quarantine Area (May 2021);" it is available on the Department's website and is hereby incorporated by reference.

(3) Garden prunings from trees and shrubs may be moved to city or county landfills where such material is to be buried, incinerated, composted, or otherwise treated or handled in a manner that is approved by the County Agricultural Commissioner. Pest prevention certification is not necessary for such material picked up by city or county vehicles or trucking companies under contract to haul such material, as they are deemed certified.

(4) The County Agricultural Commissioner or State plant quarantine inspectors may also certify articles for movement when in their judgment the article has not been exposed to infestation or has not been exposed to infestation after properly being inspected, cleaned, or treated.

Authority cited: Sections 401.5, 407, 5301, 5302, and 5322, of the Food and Agricultural Code. Reference: Sections 401.5, 407, 5301, 5302, and 5322 of the Food and Agricultural Code.