

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections: 3591.33

Amend sections:

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2025-0828-02

OAL Matter Type: Regular (S)

In this regular rulemaking action, the California Department of Food and Agriculture seeks to establish a statewide eradication area for the emerald ash borer.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2026.

Date: October 7, 2025



Jenifer Ryan
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary
Copy: Rachel Avila

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

ORIGINAL

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2025-0530-01	REGULATORY ACTION NUMBER 2025-0828-025	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

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

OCT 07 2025

AGENCY FILE NUMBER (If any)

AGENCY WITH RULEMAKING AUTHORITY
Department of Food and AgricultureOFFICE OF ADMIN. LAW
2025 AUG 28 PM 1:33**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	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2025, 24-2	PUBLICATION DATE 6/13/25

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Emerald Ash Borer Eradication Area		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 3591.33	
TITLE(S) 3		AMEND	
3. TYPE OF FILING		REPEAL	
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> 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) <input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Rachel Avila		TELEPHONE NUMBER (916) 698-2947	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional)

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: 2025.08.28 10:24:22 -0700

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

OCT 07 2025

Office of Administrative Law

The Department proposes to adopt:

§ 3591.33. Emerald Ash Borer Eradication Area.

(a) Proclamation of Eradication Area. The area where the insect emerald ash borer (*Agrilus planipennis*, Family Buprestidae, Order Coleoptera) is known to exist or there is an immediate threat of introduction is hereby proclaimed to be an eradication area with respect to said pest:

The entire State of California.

(b) Articles, Commodities, Hosts, and Carriers Covered.

1. The emerald ash borer, any living life stage.
2. Firewood of ash trees (*Fraxinus* species) and mixed firewood containing hardwood (non-coniferous) species from an infested area. Infested area means a nation, state, or part of state where the Department has determined more than six trees contain emerald ash borer adults or larvae. Part of a state shall only be designated an infested area if survey data provided by a state plant regulatory agency or the United States Department of Agriculture is detailed enough to indicate six or more trees containing emerald ash borer adults or larvae are confined to a particular part of the state.
3. Nursery stock of ash, and other ash tree material, including green lumber and other woody material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips.

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

- (1) The repeated application of contact insecticide spray treatments, deployment of bait stations, insecticide soil drenches, release of sterile insects, insecticide treatments of host trees and any other articles or things which are infested or exposed to infestation and capable of harboring or spreading emerald ash borer.
- (2) The removal and destruction of any and all possible carriers, including host plant nursery stock or trees and shrubs 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 emerald ash borer.
- (3) The searching for all stages of emerald ash borer by visual inspection, the use of traps to detect or delimit, or any other means anywhere within said area.
- (4) The removal and destruction of abandoned or unwanted hosts and possible carriers.

(5) The importation, rearing, liberation, and fostering of parasites, predators, or pathogens that attack emerald ash borer in any life stage.

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