

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 3854

Repeal sections:

NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION

Government Code Sections 11346.1 and
11349.6

OAL Matter Number: 2025-1007-01

OAL Matter Type: Emergency (E)

In this emergency action, the Department amends its regulation to add *Orobanche* (Phelipanche) *aegyptiaca* (Egyptian broomrape) to the list of prohibited noxious weed seed, which is a term defined in Section 52257 of the Food and Agricultural Code.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 10/10/2025 and will expire on 4/9/2026. The Certificate of Compliance for this action is due no later than 4/8/2026.

Date: October 10, 2025

A handwritten signature in black ink, appearing to read 'TH' followed by a stylized flourish and the letters 'for'.

Thanh Huynh
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary
Copy: Rachel Avila

EMERGENCY

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2025-1007-01E
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 10 2025**1:39 PM
*[Signature]*OFFICE OF ADMIN. LAW
2025 OCT 7 PM 3:45AGENCY 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 ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Prohibited Noxious Weed Seed.		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	
TITLE(S)		AMEND	
3		3854	
3. TYPE OF FILING		REPEAL	
☐ Regular Rulemaking (Gov. Code §11346) ☐ 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. ☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) ☐ File & Print ☐ Print Only			
☒ Emergency (Gov. Code, §11346.1(b)) ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) ☐ 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

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 Arima Kozina Digitally signed by Arima Kozina Date: 2025.10.06 16:37:35 -0700	DATE
TYPED NAME AND TITLE OF SIGNATORY Arima Kozina, Deputy Secretary for Administration and Finance	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED**OCT 10 2025****Office of Administrative Law**

Amend the following:

§ 3854. Prohibited Noxious Weed Seed.

In accordance with Section 52332 of the Food and Agricultural Code, the Director hereby designates the seed or propagule of the following species of plants to be prohibited noxious weed seed within the meaning of Section 52257 of the Food and Agricultural Code:

Acaena anserinifolia (bronze piri-iri-bur)
Acaena novae-zelandiae (biddy biddy)
Acaena pallida (pale biddy biddy)
Achnatherum brachychaetum (punagrass)
Aegilops cylindrica (jointed goatgrass)
Aegilops geniculata (ovate goatgrass)
Aeschynomene spp. (jointvetch)
Alhagi maurorum (camelthorn)
Alternanthera sessilis (sessile joyweed)
Arctotheca calendula (capeweed)
Atriplex amnicola (river saltbush)
Carduus acanthoides (plumeless thistle)
Carduus crispus (welted thistle)
Carduus nutans (musk thistle)
Carthamus leucocaulos (whitestem distaff thistle)
Cenchrus echinatus (southern sandbur)
Cenchrus incertus (coast sandbur)
Cenchrus longispinus (mat sandbur)
Centaurea diffusa (diffuse knapweed)
Centaurea iberica (Iberian starthistle)
Centaurea jacea incl *C. pratensis* (meadow knapweed)

Centaurea stoebe (spotted knapweed)
Centaurea sulphurea (Sicilian thistle)
Centaurea virgata (squarrose knapweed)
Cirsium arvense (Canada thistle)
Cirsium undulatum (wavyleaf thistle)
Crupina vulgaris (bearded creeper)
Cucumis melo var. *dudaim* (dudaim melon)
Euphorbia terracina (carnation spurge)
Euphorbia virgata (leafy spurge)
Galega officinalis (goat's rue)
Halimodendron halodendron (Russian salt tree)
Halogeton glomeratus (halogeton)
Helianthus ciliaris (blueweed)
Isatis tinctoria (dyer's woad)
Lepidium appelianum (globe-podded hoary cress)
Lepidium chalepense (lens-podded hoary cress)
Lepidium draba (heart-podded hoary cress)
Lepidium latifolium (perennial pepperweed)
Ludwigia decurrens (winged water-primrose)
Ludwigia grandiflora ssp. *hexapetala* (Uruguayan water-primrose)
Ononis alopecuroides (fox tail restharrow)
Onopordum spp. (onopordum thistles)
Orobanche (Phelipanche) aegyptiaca (Egyptian broomrape)
Orobanche (Phelipanche) ramosa (branched broomrape)
Parthenium hysterophorus (Santa Maria feverfew)
Rhagadiolus stellatus (star endive)

Rhaponticum (Acroptilon) repens (Russian knapweed)

Rorippa austriaca (Austrian fieldcress)

Salsola damascena (Damascus saltwort)

Sesbania punicea (red rattlebox)

Solanum carolinense (Carolina horsenettle)

Solanum elaeagnifolium (white horsenettle)

Sonchus arvensis (perennial sowthistle)

Tribolium oblitterum (Cape grass)

Authority cited: Sections 407 and 52332, Food and Agricultural Code.

Reference: Sections 5004, 52256-52258, 52287 and 52332, Food and Agricultural Code.