

DEPARTMENT OF FOOD AND AGRICULTURE
Title 3 of the California Code of Regulations

§ 3055.6. Application and Fees.

**Notice of Proposed Rulemaking
45 – Day Notice**

The Department of Food and Agriculture (Department) proposes to amend Title 3 of the California Code of Regulations (CCR) Section 3055.6 to update the Nursery Stock Nematode Certification Testing Fee. This amends the nursery stock nematode certification program testing fee in subsection (c)(1)(C) from \$40 to \$55.

PUBLIC HEARING

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on November 9, 2026. The Department will consider only comments received at the Department offices, by that date or postmarked no later than November 9, 2026. Submit comments to:

Erin Lovig, Senior Environmental Scientist Supervisor
California Department of Food and Agriculture Plant Health and
Pest Prevention Services
1220 N St,
Sacramento, CA 95814
916.403.6650
Permits@cdfa.ca.gov

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Rachel Avila at (916) 698-2947 or rachel.avila@cdfa.ca.gov.

AUTHORITY

The Department proposes to amend Section 3055.6 pursuant to the authority vested by Sections 407 and 5823 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Section 5822 of the FAC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This regulation amendment is intended to address the following obligations. The specific purpose of amending Sections 3055.6 is to update the fees so they cover the cost of the nursery stock nematode certification program. The nursery stock nematode certification program is industry funded and provides that California grown nursery stock may be certified to nematode cleanliness. Currently the fee for testing is \$40, which does not cover the cost of testing as is required by FAC 5822. Participation in the nursery stock nematode certification program is voluntary, and nurseries that participate in the program will be impacted by increased fees.

EXISTING LAWS & REGULATIONS

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

Existing law, FAC Section 5822, provides that the Secretary may (a) certify as to the pest freedom of plants which may have been inspected or registered or may certify as to the true pest condition of the plants. (b) Issue tags, labels, or certificates in evidence of inspection or registry. (c) Supervise or conduct any special treatments which may be necessary to insure the pest freedom of plants for propagation or planting purposes. (d) Fix uniform fees to be charged for inspections, registrations, certifications, and special treatments. The fees shall be based upon the approximate cost of the service which is rendered.

Existing law, FAC Section 5823, provides that the Secretary may also establish and enforce regulations which are necessary to carry out the purposes of this article.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

This amendment allows the Department to meet the nursery stock nematode certification program regulatory requirement of fees being based upon the approximate cost of the service which is rendered. Nursery stock nematode certification program also provides for the certification of California grown nursery stock certified to nematode cleanliness, thus protecting the state's agriculture and environment by preventing the introduction and spread of injurious pests. The nursery stock nematode certification program benefits California businesses by allowing nurseries to fulfill contract obligations and regulatory mandates for export of nursery stock.

There are no existing, comparable federal regulations or statutes.

There are no known specific benefits to worker safety or the health of California residents.

EVALUATION OF INCONSISTENCY / INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3055.6 and has determined that it is not inconsistent or incompatible with existing state regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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.).

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The current fee structure has been resulting in an expenditure vs. revenue deficit of \$3030. The fee changes will remove this deficit.

Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code sec. 17500 et seq. (Gov. Code sec. 11346.5(a)(6).): None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the State: None.

Cost impacts on a representative private person or business: This regulation may increase operational expenses for nursery stock producers by \$15 for voluntary participants in the Nursery Stock Nematode Certification Testing Program but will have no direct impact on job creation or elimination for agricultural staff.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The Department concludes that the proposed action will not have a significant statewide adverse economic impact. Voluntary participants in the Nursery Stock Nematode Certification Testing Program will face a \$15 increase.

Significant effect on housing costs: None

Small business determination: The proposed action will affect small businesses that voluntarily participate in the Nursery Stock Nematode Certification Testing Program by raising fees.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS / ASSESSMENT

The proposed amendment of Section 3055.6 would amend the nursery stock nematode certification program testing fee in subsection (c)(1)(C) to \$55. The Department has made an assessment that the amendment to this regulation would: (1) not create or eliminate jobs within California, (2) not create new business or eliminate existing businesses within California, (3) not affect the expansion of businesses currently doing business within California, and (4) is not expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and (6) is not expected to benefit workers' safety.

The state's environment: The proposed action will benefit the state's environment as nursery stock nematode certification program provides for the certification of nursery stock as free of pests of interest, thus protecting the state's environment by preventing the introduction and spread of injurious pests.

The proposed amendment of Section 3055.6 would amend the nursery stock nematode certification program testing fee in subsection (c)(1)(C) to \$55. There are no existing comparable federal regulations or statutes.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present alternatives during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department has prepared an initial statement of reasons for the proposed action, and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdffa.ca.gov/plant/Regulations.html). A copy of the initial statement of reasons and

the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the comment period and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the agency officer named herein.