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: 3060.3
Repeal sections:

NOTICE OF APPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2026-0925-02

OAL Matter Type: Regular (S)

In this rulemaking action, the Department of Food and Agriculture amends a regulation to include all plants rated A or B pursuant to 3 California Code of Regulations § 3162 as plant pests.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2027.

Date: November 3, 2026

Jason W. Falina
Attorney

For: Kenneth J. Pogue
Director

Original: Victoria Hornbaker, Director
Plant Health & Pest Prevention
Services Division
Copy: Rachel Avila

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

STD. 400 (REV. 10/2019)

For use by Secretary of State only

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

NOV 03 2026

2:11 PM

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2026-0203-03	2026-0925-02 S	

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW
2026 SEP 25 AM 10:15

NOTICE | REGULATIONS

AGENCY 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	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
☐ Notice re Proposed Regulatory Action ☐ Other			

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn	2026, 07-Z	2/13/26

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
Plants That Are Pests	

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	AMEND	REPEAL
TITLE(S): 3		3060.3	

3. TYPE OF FILING

- ☒ 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)

PER AGENCY REQUEST JF 11/3/2026

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)

9/1/2026 - 9/17/2026

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	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Rachel Avila	916-698-2947		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.

PER AGENCY REQUEST JF 11/3/2026

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
Victoria Hornbaker — Digitally signed by Victoria Hornbaker Date: 2026.05.11 11:48:51 -07'00'	5/11/2026

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

NOV 03 2026

Office of Administrative Law

Amend the following:

§ 3060.3. Plants That Are Pests.

A plant that is a pest does not meet the standards of cleanliness contained in Section 3060.2 and may not be produced, held or offered for sale as nursery stock. Plant pests include:

(a) All plants defined as a noxious weed under Title 3, California Code of Regulations, Section 4500~~, are a pest plant.~~, and

(b) All plants rated A or B under Title 3, California Code of Regulations, Section 3162.

Authority cited: Sections 407, 5322 and 6901, Food and Agricultural Code.

Reference: Sections 403, 407, 5401, 5402, 5322 and 6901, Food and Agricultural Code.