

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATIONS

Title 3, California Code of Regulations

Section 3282

Lethal Yellowing and Lethal Decline of Palm Exterior Quarantine.

INITIAL STATEMENT OF REASONS/

POLICY STATEMENT OVERVIEW

The California Department of Food and Agriculture (Department) proposes to amend Title 3, California Code of Regulations (CCR) Section 3282 Lethal Yellowing and Lethal Decline of Palm Exterior Quarantine to update the host list and add the pest's current name.

Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulation is Intended to Address

These regulations address the statutory obligation of the Secretary of Food and Agriculture to protect California's agricultural industry from the introduction, movement and spread of injurious plant pests within the state, pursuant to Food and Agricultural Code (FAC) sections 401 and 403.

Purpose and Factual Basis

The purpose of this amendment is to update the known host list for the pathogen that causes lethal yellowing of palm. This pathogen is a non-cultivable mollicute (formerly referred to as a mycoplasma-like organism). Since the most recent amendment to this regulation in 1995, additional host species of palm have been identified. This action adds these species to the existing host list to reflect current scientific knowledge.

The factual basis for the determination by the Department that the amendment of Section 3282 is necessary is as follows:

Lethal yellowing is caused by a phytoplasma (related to *Candidatus Phytoplasma palmae*), an unculturable bacterium with no cell wall that colonizes phloem tissue. The pathogen is transmitted by the piercing, sap-sucking planthopper *Haplaxius crudus*. Infection in mature palms results in rapid declines and eventual death.

California maintains an exterior quarantine on host species to prevent introduction of this pathogen. A review of recent scientific study has identified three additional palm species as hosts of lethal yellowing. As these species are now known to be susceptible, the Department proposes to add them to the regulated host list.

This amendment will enable the Department to reduce the risk of introducing and spreading lethal yellowing by ensuring that the host list reflects current scientific understanding of palm susceptibility. Specifically, the regulation is amended to include the following species:

Project Description

- *Bismarckia nobilis*, Bismarck Palm
- *Roystonea regia*, Royal palm
- *Wodyetia bifurcata*, Foxtail Palm

Bismarckia is a monotypic genus containing only the species *B. nobilis*. Only one species is in cultivation.

The Department much prefers to list regulated species on host lists over general (although we have listed both when the species is ambiguous). In this case, we should list the single species in the regulated host list to prevent confusion and be as consistent as feasible. These three species were documented as infected with lethal yellowing in Myrie (2014) and are not currently included in the regulation. Their addition to regulated species will reduce the risk of pathogen entry into California and subsequent infection of established palms and nursery stock.

In addition, *Neodypsyis decaryi*, has been moved within the list to maintain alphabetical order.

Finally, the regulation is updated to include the current scientific name of the vector, *Haplaxius crudus*, to ensure consistency with contemporary scientific nomenclature.

Current 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 which the Secretary is directed or authorized to administer or enforce.

Existing law, FAC section 5301, provides that the Secretary may establish, maintain, and enforce such quarantine regulations as they s necessary to protect the agricultural industry of this state from pests. The regulations may establish a quarantine at the boundaries of this state or elsewhere within the state.

Existing law, FAC section 5302, provides that the Secretary may make and enforce such regulations as they deem necessary to prevent any plant or thing which is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest, from passing over any quarantine line which is established and proclaimed pursuant to this division.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious plant pest, which is a mandated statutory goal.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” If the pest was allowed to spread and become

established in host areas, California's palm industry would suffer losses due to decreased production, increased pesticide use, and loss of markets if other states or countries enacted quarantines against California products. In addition, potentially affected palm species are widely cultivated in California. The introduction of lethal yellowing of palms would result in significant death of palm species and changes to the urban forest and cultural landscape of California. Therefore, it is necessary to amend Section 3282 for lethal yellowing to reflect the changes and additions of known hosts.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The Department is the only agency that can implement host-list changes. As required by Gov. Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of these regulations and has determined that it is not inconsistent or incompatible with existing State regulations.

Anticipated Benefits from This Regulatory Action

Preventing the artificial spread of lethal yellowing economically benefits all Californians and businesses involved in the production or sale of host material located outside the infested regulated area. Tourism in the unregulated area is not negatively impacted by restrictions on access to parks that would be necessary either to prevent disease spread or to ensure protection from hazardous trees, or due to loss of the host trees that would affect parks' visual aesthetic. Local governments do not face unexpected costs when they must remove infected dead or hazardous trees in parks, parkways, along roadsides or adjacent to public buildings. Homeowners do not have to use protective sprays to protect their palms or face costs for the removal of hazardous trees and loss of their property values.

California Environmental Quality Act

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.*).

Mandate on Local Agencies or School Districts

The Department has determined that these regulations do not impose a mandate on local agencies or school districts.

Economic Impact Analysis (Government Code 11346.3(b))

The prevention of the spread of lethal yellowing in California through regulation of host material via the amendment and implementation of this regulation prevents economic harm to:

- the general public
- homeowners and community gardens
- agricultural industry
- the State's general fund.

By the Department neglecting to regulate the types of hosts, this pathogen pest could spread into the local environment via the surrounding non-agricultural ecosystems. This could adversely impact private and commercial landscape plantings, local, regional, state and national parks, other recreational sites, open habitats, and wild lands. Affected plants could yellow and die.

The Creation or Elimination of Jobs within the State

The amendment is designed to minimize the spread of lethal yellowing in California through regulation of host material. Detection activities are currently being performed by existing state staff throughout the State. Therefore, the Department has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California.

The Creation or Elimination of Businesses in California

The amendment is designed to minimize the spread of lethal yellowing in California through regulation of host material. Detection activities are currently being performed by existing state staff throughout the State. Therefore, the Department has determined that this regulatory proposal will not have a significant impact on the creation of new businesses in the state of California.

The Expansion of Businesses in California

The amendment is designed to minimize the spread of lethal yellowing in California through regulation of host material. Compliance activities are currently being performed by existing state staff throughout quarantine areas within the State. Therefore, the Department has determined that this regulatory proposal will not have a significant impact on the expansion of businesses currently doing business in the State of California.

Worker Safety

The amendment of this regulation is not expected to have an effect on worker safety.

Estimated Cost or Savings to Public Agencies or Affected Private Individuals or Entities

The Department has determined that Section 3282 does not impose a mandate on local agencies or school districts. All compliance activities shall be conducted by the Department. Therefore, no reimbursement is required under Section 17561 of the Government Code.

The Department also has determined that no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts and no nondiscretionary costs or savings to local agencies or school districts, will result from the amendment of Section 3282.

There are no reimbursable costs or savings under Part 7 (commencing with section 17500) of Division 4 of the Government Code to local agencies or school districts and no nondiscretionary costs or savings to local agencies or school districts anticipated from the adoption of this amendment.

The Department has determined that the proposed actions will not have a significant adverse economic impact on housing costs or California business, including the ability of California businesses to compete with businesses in other states.

Potential Impact to Homeowners and Community Gardens

Modifying the host list would result in no impacts to the general public because there are already many common host species on the list. By having a host list that is maintained with the most current information the Department has a higher likelihood of keeping the pest from spreading in California.

Potential Impacts to General Fund and Welfare

The proposed regulations do not have immediate or definitive impact to the general fund or general welfare. They will make it more likely that lethal yellowing would be detected before an infestation can happen, and if there is an infestation *the Department can react* quickly and effectively. Speed of response is key to eradicating incipient pest infestation. Programmatic delays potentially can lead to pest quarantines, as well as increased production costs and potential job loss. The agricultural industry is one of the economic engines in the state. Negative impacts to agriculture impact the state's economic recovery and the general welfare of the state. Additionally, any further job losses in this area would likely be felt by low-skilled workers whose employment options are already limited. The loss of any additional agricultural jobs would likely result in an increase in the State's public assistance obligations which would also negatively impact the state's economic recovery.

Assessment

These conclusions are based upon the same analysis related to the adverse economic impact on business above. Further the Department does not expect these actions to create jobs or businesses.

The Department has made an assessment that the amendment to these regulations 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, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and (6) not expected to benefit worker safety.

Health and welfare: The proposed action will benefit the health and welfare of California residents by making it more likely that lethal yellowing would be detected before an infestation can happen, and, if there is an infestation, the Department can react quickly and effectively. Speed of response is key to eradicating incipient pest infestation. Programmatic delays potentially can lead to pest quarantines, as well as increased production costs and potential job loss.

The state's environment: The proposed action will benefit the state's environment by increasing the chance that lethal yellowing would be detected before an infestation can happen. If the Department neglects to regulate the types of hosts, this plant pest could spread into the local environment via the surrounding non-agricultural ecosystems. This could adversely impact private and commercial landscape plantings, local, regional, state and national parks, other recreational sites, open habitats, and wild lands. Affected plants could become less vigorous and may produce fewer seeds. Plants/trees with low propagule output can result in major changes to plant community structure.

Alternatives Considered

The Department must determine that no alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as well as less burdensome to affected private persons than the proposed actions.

The Department considered taking no action. If no action is taken the host lists in Section 3282 will no longer be consistent with the current knowledge of known hosts. This could lead to the Department not correctly applying any quarantines for lethal yellowing to all potential

host material. This would potentially result in further quarantines throughout the State with the concomitant economic and operational impacts on host commodity producers, vendors, and home growers.

Information Relied Upon

The Department is relying upon the following studies, reports, and documents in the amendment of Section 3282:

EPPO (2026) *Haplaxius crudus*. EPPO datasheets on pests recommended for regulation. <https://gd.eppo.int> (accessed 2026-05-18)

Myrie WA, Harrison NA, Douglas L. Helmick E, Gore-Francis J, Oropeza C., McLaughlin WA, 2014. First report of lethal yellowing disease associated with subgroup 16SrIV-A phytoplasmas in Antigua, West Indies. New Disease Reports 29. 12.
<https://www.ndrs.org.uk/article.php?id=029012>

Palmweb 1881. Palmweb: Palms of the World Online. Published on the internet https://www.palmweb.org/cdm_dataportal/taxon/a55aeb7d-c998-4e14-9895-2882b42a4451. Accessed on 4/22/2026.

Singh, Raj; Ferguson, Mary; "Lethal Yellowing of Palms" Louisiana Plant Pathology, Disease Identification and Management Series; 12/2017