

## FINDING OF EMERGENCY

The Secretary of the California Department of Food and Agriculture (Department) determined that an emergency exists: the invasive pest cotton jassid (*Amrasca biguttula*), also known as Two-Spotted Leafhopper, has become established in the United States and would have significant economic and environmental impacts if it were to become established in California. The Department is proposing that an emergency adoption of Title 3 California Code of Regulations (CCR) Section 3290 is necessary for the Department to be able to quickly prevent the spread of cotton jassid within California.

### Emergency Defined

“Emergency’ means a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare,” Government Code Section 11342.545. If a state agency makes a finding that the adoption of a regulation is necessary to address an emergency, the regulation may be adopted as an emergency regulation. Government Code Section 11346.1(b)(1).

In this document, the Department is providing the necessary specific facts demonstrating the existence of an emergency and the need for immediate action to prevent serious harm to the general welfare of the citizens of California, pursuant to Government Code Section 11346.1(b)(2).

Government Code Section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency.

The purpose of CCR Section 3920 is to protect California from the invasive pest cotton jassid. Cotton jassid is a pest with reported hosts in at least six plant families including cotton, grapevine, tomato, okra, eggplant, sunflower, and hibiscus. It has recently established in the southeastern United States and it was intercepted in California on October 8, 2025, on hibiscus from Alabama. Cotton jassid is native to Asia. Since the first detection of this pest in the southeastern United States (Florida, in 2024), it has spread quickly and is now reported to be present in Alabama, Florida, Georgia, and South Carolina.. Movement of infested hibiscus plants from Florida likely facilitated some or all of this spread, as cotton jassid has been found on hibiscus plants from Florida (in Texas) and Alabama (in California). As cotton jassid is likely to have significant economic and environmental impacts if it were to establish in California, it has been assigned an “A” pest rating by the Department. The A pest rating designation places a target pest in the highest risk regulatory category.

### Evidence of an Emergency

As known and potentially unknown host plants are widely grown in California, cotton jassid is likely to establish wherever it is introduced, except possibly in desert or high mountain regions. Cotton jassid threatens California cotton (worth \$377 million in California in 2023), hibiscus (likely worth several million dollars per year), okra (grown in a limited area of California and a preferred host), and possibly grapes (\$6.5 billion in California in 2023) and tomato (\$2 billion in California in 2023). Infestations of cotton jassid may lower crop yields and increase production costs of economically important crops such as grape, cotton, and tomato stock. Some reports have documented over 60% losses in some crops.

### Background

Cotton jassid has piercing sucking mouthparts and feeds on phloem from host plants. It is thought, in common with Cicadellidae in general, to inject toxins during feeding; this is suspected to be responsible, in part, for the severe “hopper burn” damage associated with feeding. Feeding damage attributed to cotton jassid includes browning and curling in leaves (i.e., “hopper burn”), defoliation, as well as abortion and loss of flowers, fruits, and

(in cotton) bolls, and sooty mold (from honeydew production). Damage in cotton has been reported to progress from minor to severe, including defoliation, in less than two weeks.

### Project Description

#### **Section 3290(a)**

Section 3290(a) establishes that a quarantine is established against the following pest, its hosts, and possible carriers is being created against cotton jassid (*Amrasca biguttula*), a leafhopper belonging to the family Cicadellidae.

#### **Section 3290(b)**

Section 3290(b) defines terms used throughout the regulation text.

(1) “Infestation” is defined as an established, reproducing population of cotton jassid as designated or determined by the Department. A reproducing or established population is likely to expand. An infestation is also defined as an area has been reported to be infested by the United States Department of Agriculture or a state plant regulatory agency, as their designation is considered to be acceptable evidence of such infestation.

(2) “Infested area” means the entire state where an infestation is present in the absence of detailed information regarding the pest’s distribution within a state, or nation where an infestation has been detected, or the counties in which the infestation is documented. The Department may remove a county or state from quarantine if surveys in the area previously designated as infested indicate an infestation is no longer present. There is not always detailed location data available and since this pest can be eliminated it is important that the designation can be removed.

(3) “Living Life Stage” means all life stages of the cotton jassid, including, but not limited to, adults, nymphs, or eggs. This pest moves through multiple life stages during which it can spread through its own or artificial movement. The quarantine applies to all life stages.

(4) “Move; movement” means shipped, received for shipment, carried, transported, or relocated into or through any area of the state/province of the infested area. This definition is included to make clear that the quarantine applies to human created movement and not the species’ self-directed movements.

(5) “Moving through the quarantined area” means the regulated article, including the

vehicle and conveyance, is moved directly through the infested area without stopping (except for refueling or for traffic control devices or conditions) and has been stored, packed, or handled only at locations outside the infested area. This is in opposition to movement that begins within the quarantined area, which is a higher risk.

(6) “Person” is defined as any individual, partnership, association, corporation, limited liability company, or any organized group of persons whether incorporated or not. This is being made clear as otherwise the regulation could be misinterpreted as only applying to individuals.

(7) “Regulated Article or Articles” means any object covered under subsection (d) of this regulation.

(8) “Reproducing Population” means presence of any of the following, which indicates successful reproduction in the environment: a) two or more living adult cotton jassids within one year; b) a single living nymph or egg of cotton jassid. This is the minimum that could potentially cause an established breeding population.

### **Section 3290(c)**

Section 3290(c) details how the area under quarantine will be designated and how the public can find up to date maps of infested areas. These maps will be available at <https://www.cdfa.ca.gov/plant/PDEP/treatment/>?. The Department has successfully used this website with past pests to communicate the quarantine areas to the public. The information which the Department uses to create these maps, infestations as defined in subsection (b), is also described for clarity.

### **Section 3290(d)**

Section 3290(d) describes what are declared to be the pest quarantined against and hosts and possible carriers.

Section 3290(d)(1) states that the pest is the cotton jassid, in any living life stage. In any living life stage, the cotton jassid poses an infestation risk.

Section 3290(d)(2) lists the known hosts of the cotton jassid. The scientific and common names are included as some are more recognizable by this common name, but the scientific

name allows for certainty as some common names are used among multiple species.

Section 3290(d)(3) allows for other articles to be covered by the quarantine that a California State Plant Quarantine Officer determine presents a risk of spreading cotton jassid. The California State Plant Quarantine Officer is required to notify the person in possession of the article that it is subject to the quarantine regulation. There is always the potential of this pest infecting something which has not been previously identified as a potential host; this subsection allows any infested material to be refused entry.

### **Section 3290(e)**

Section 3290(e) outlines the articles and commodities which are exempted from the prohibited entry into California from the area under quarantine to prevent the spread of cotton jassid. These are items which do not risk spreading cotton jassid because they have been inspected and are determined to be free of the pest, are being moved by the United States Department of Agriculture for experimental or scientific purposes, or originate outside the quarantined area and are moved through the quarantined area under the conditions outlined in the regulation that do not risk infestation with cotton jassid.

The Department has relied upon the following information:

California Department of Food and Agriculture, California Pest Rating Profile *Amrasca biguttula* (Ishida): Cotton jassid Hemiptera: Cicadellidae Pest Rating: A, Comment Period : 10/22/2025 – 12/06/2025

California Department of Food and Agriculture, California Agricultural Statistics Review 2023-2024

Email from Kyle Beucke, send 2/18/2026 “RE: PDR search”

Authority and Reference Citations:

Authority: Sections 407, 5301, 5302 and 5311 Food and Agricultural Code

Reference: Sections 5024, 5301, 5311, 5701, 6403, 6441, 6442 and 6461 Food and Agricultural Code

### Informative Digest

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 5024, provides that the Secretary, during the maintenance of any quarantine established by the secretary pursuant to Article 1 (commencing with Section 5301) of Chapter 5, inspect any plant or thing that is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest. The person who conducts the inspection shall not permit any of those plants or things to pass over the quarantine line during the inspection, except pursuant to a certificate of inspection and release that is signed by that person.

Existing law, FAC section 5301, provides that the Secretary may establish, maintain, and enforce such quarantine regulations as he or she deems 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 he or she deems 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.

Existing law, FAC section 5311, provides the Secretary may levy a civil penalty against a person violating this regulation in an amount not to exceed two thousand five hundred dollars (\$2,500) for each violation. The remainder of the section outlines the procedures for implementing this fine and the appeals process.

Existing law, FAC section 5701, provides that if any pest exists on any premises, the Secretary may hold any plant or other host or possible carrier which is, or may be, capable of disseminating or carrying the pest. The Secretary shall notify the owner of the plant or other host or possible carrier, or his or her agent, of this action, and the issuance of any shipping permit or nursery stock certificate with respect to the plant or other host or possible carrier shall be refused and any such permit or certificate which has been previously issued shall be revoked.

Existing law, FAC section 6403, provides that the officer who makes the inspection may enter at any time into any conveyance or place within the state where the plant or thing is located to ascertain whether it is, or is liable to be, infested or infected with any pest.

Existing law, FAC section 6441, provides that if, after inspection, any plant or thing is found to be infested or infected, the owner or bailee shall, at his expense, disinfect the conveyance or place where the plant or thing may have been located, in such manner as to destroy all infection or infestation present, or that is liable to be present.

Existing law, FAC section 6442, provides that the officer who makes the inspection shall not permit any article to be removed which has come in contact with the infested or infected plant or thing, if such article might convey infection or infestation, until after the infection or infestation is destroyed, except for the purpose of destruction or disinfection under the supervision of the inspecting officer. Any article which is liable to be infested or infected shall be held until it has been thoroughly disinfected and the pest has been destroyed.

Existing law, FAC section 6461, provides that it is unlawful to ship or transport any plant or any other thing into this state which is infested with any pest which has been listed, by the Secretary, as detrimental to agriculture in this state. In addition to the civil, criminal, and administrative remedies specified in this division, the Secretary may, after notice and opportunity to respond, impose inspection, treatment, certification, holding, or other requirements for any shipper or transporter that has shipped or transported three or more pest-infested shipments into this state within any 12-month period.

Regarding any commercial shipment violating any of those requirements imposed pursuant to this section, the Secretary may also charge the shipper or transporter the cost of inspecting and controlling the pest.

The Department is the only agency which can implement pest quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

#### CCR Section 3290.

The proposed adoption of the regulation 3290 will create an exterior quarantine area for cotton jassid in California. This will allow for a quarantine area to protect California's agricultural industry and urban environment and reduce the chance of allowing natural and artificial dispersal and the subsequent spread of the pest in California. Any quarantine actions taken by the Department will be in cooperation with the USDA and the affected county agricultural commissioners and include notification of the affected states.

#### 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.).

#### Anticipated Benefits from This Regulatory Action

Creating this quarantine area will help prevent the spread of cotton jassid, which will benefit.

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

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

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

The Department has determined that the amendment of Section 3290 does not impose a mandate on local agencies or school districts and no reimbursement is required under Section 17561 of the Government Code.

The Department also has determined that no savings or increased costs to any state agency, 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, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the amendment of Section 3290.