

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATIONS

Title 3, California Code of Regulations

Section 3290. Cotton Jassid (Two-Spotted Leafhopper) Exterior Quarantine

INITIAL STATEMENT OF REASONS/
POLICY STATEMENT OVERVIEW

The California Department of Food and Agriculture (Department) proposes to make permanent the emergency adoption of Title 3, California Code of Regulations (CCR) Section 3290. Cotton Jassid (Two-Spotted Leafhopper) Exterior Quarantine, which created an exterior quarantine against the pest cotton jassid.

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

These regulations are intended to address the obligation of the Secretary of Food and Agriculture to protect the agricultural industry of California from the movement and spread within California of injurious plant pests as required by Food and Agricultural Code (FAC) Sections 401 and 403.

Purpose and Factual Basis

This adoption will 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.

The factual basis for the determination by the Department that the adoption of Section 3290 is necessary is as follows:

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.

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. It also lists some alternative names that are commonly used in other areas of the country to reduce any confusion regarding what

species is being referred too.

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 regular 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 “infested area” designation can be removed if sufficient evidence exists to do so..

(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 otherwise relocated into California from, or through, an 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 at 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.

A correction is being made to the text, a parenthesis is missing in the cross reference to subsection (d). This parenthesis has been added to correct the error.

(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/?>, which is part of the Department’s Plant Health and Plant Protection Services website. The Department has successfully used this website with current actionable pests to communicate the quarantine areas to the public. This is more readily available to the public and clearer for communication than verbal descriptions of quarantine zones placed in regulation. The information which the Department uses to create these maps of 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 pests are more recognizable by the common name, but the scientific name allows for clarity, as some common names are used among multiple species.

Species “*Sphaeralcea* spp.” Mistakenly had a comma after “spp”. This has been removed and replaced with a period as that is the correct punctuation intended. The listings “Family Malvaceae” has also been removed from the table and placed in (d)(2).

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 terms “grown and produced” have been removed and “handled and process” have been added to section (e)(1)(B). The terms removed did not accurately describe articles that would present a risk, and the terms added do.

Current Laws & Regulations

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 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 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.

The existing laws 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 insect pest which is a mandated statutory goal.

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

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 this regulation does not impose a mandate on local agencies or school districts.

Economic Impact Analysis (Government Code 11346.3(b))

The prevention of the spread of cotton jassid by creating an exterior quarantine benefits:

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

If cotton jassid was to become established within California it could greatly affect the general public. Known and likely host plants are widely found in California, both as natively occurring plants, important horticultural species, and as agriculturally important crops. By adopting these regulations to prevent infestation the general public benefits by having a native environment, urban forest, and agriculture safe from this pest.

The adoption of these regulations benefits home gardeners who grow host material for consumption and/or ornamentals in various rural and urban landscapes. By preventing infestation with cotton jassid and thereby preventing damage to hosts, the regulations eliminate the need for hosts to be treated to mitigate infestations.

There are economic benefits to the State's general fund from these regulations. Cotton Jassid attacks a broad array of field crops. Cotton, okra, hibiscus, and tomato are among the susceptible plants. Out of these hosts the largest potential agricultural impact in California is to tomatoes. In 2023 tomatoes had a total value production of 1.5 billion in the state. Infestations of cotton jassid may lower crop yields and increase production costs of economically important crops. Some reports have documented over 60% losses in some crops.

By creating the cotton jassid exterior quarantine, the Department will reduce the chances of future incursions and help maintain the economic baseline.

The Creation or Elimination of Jobs within the State

The implementation of this regulation will prevent the introduction of cotton jassid into California from interstate travel and shipping. Inspection activities are currently being performed by existing state and county staff at entry points throughout the state. The Department does not anticipate that implementation of this regulation will require significant additional staffing or personnel resources. Therefore, the Department has determined that this regulatory proposal will have no significant impact on the creation or elimination of jobs in California.

The Creation or Elimination of Businesses in California

The implementation of this regulation will prevent the introduction of cotton jassid into California from interstate travel and shipping. Inspection activities are currently being performed by existing state and county staff at entry points throughout the state. The Department does not anticipate that implementation of this regulation will require significant additional staffing or personnel resources. Therefore, the Department has determined that this regulatory proposal will have no significant impact on the creation or elimination of businesses in California.

The Expansion of Businesses in California

The implementation of this regulation will prevent the introduction of cotton jassid into California from interstate travel and shipping. Inspection activities are currently being performed by existing state and county staff at entry points throughout the state. The Department does not anticipate that implementation of this regulation will require significant additional staffing or personnel resources. Therefore, the Department has determined that this regulatory proposal will have no significant impact on the expansion of businesses in California.

Worker Safety

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 3290 does not impose a mandate on local agencies or school districts. All quarantine activities shall be conducted by the Department and quarantines by county agricultural commissioners as part of their regular duties. 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 Sections 3290.

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. Rather, it will help maintain the economic baseline.

Potential Impact to Homeowners and Community Gardens

Many of the host plants attacked by cotton jassid are enjoyed by the home gardener and community gardens. Tomatoes plants are a preferred host of cotton jassid. Therefore, if cotton jassid is established in California, homeowners and community gardeners would be negatively impacted, some severely so.

Potential Impacts to General Fund and Welfare

The proposed amendment does not have immediate or definitive impacts to the general fund or general welfare. Rather, it would facilitate preventing the artificial spread of a destructive pest. 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's. 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.

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.

Assessment

The amendment is designed to prevent or minimize the spread of cotton jassid by amending Section 3290. 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, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and is (6) not expected to benefit workers' safety.

Health and welfare: The proposed action will benefit the health and welfare of California residents by making it more likely that cotton jassid would be prevented from spreading within California, thus protecting the agricultural sector. Maintaining the economic baseline is important to the health and welfare of California residents.

The state's environment: The proposed action will benefit the environment as preventing the establishment of a pest lowers the risk that the pests could spread into the local environment via the surrounding non-agricultural ecosystems.

Alternatives Considered

The Department must determine that no alternative considered would be more effective in

carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

The Department has considered taking no action. If no action is taken there would be no exterior quarantine and there would be a risk that cotton jassid could become established within California, causing harm to the agricultural industry. The alternative was rejected because it would have adverse effects on the industry and could lead to the loss of value for the state of California if cotton jassid becomes established. Therefore, this alternative was rejected.

Information Relied Upon

The Department is relying upon the following studies, reports, and documents in the adoption and amendment of Section 3290:

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, sent 2/18/2026 "RE: PDR search"