

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATIONS

Title 3, California Code of Regulations
Section 3422 Caribbean Fruit Fly Interior 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 3422 Caribbean Fruit Fly Interior Quarantine, which changes the trigger for an interior quarantine against the Caribbean fruit fly (CFF) from two to five fruit flies.

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

The amendment of title 3 CCR Section 3422 would raise the threshold quarantine trigger for CFF from two fruit flies find to five. Without this change, a quarantine area will be created when the risk of an infestation is low, creating an unnecessary burden for the Department, the agricultural sector, and the general public.

The factual basis for the determination by the Department that the amendment of Section 3422 is necessary is as follows:

Over the past year, interceptions of out of state parcels infested with this pest have

significantly increased from 6 in 2023 and 82 in 2024 to over 500 interceptions of pupae/larva in 2025. This dramatic increase in larval/pupal interceptions of CFF suggests that there has been a recent shift in pathway availability (e-commerce via social media platforms and rapid dispersal of goods via overnight or expedited couriers) for this species to viably transit cross-country and thereby create an increased likelihood of introduction and establishment in California. Increased interceptions will likely coincide with an increased detection of incipient populations in the environment. Given the low trigger threshold currently established for CFF, that would translate to over-regulation with regards to the enactment of new quarantines. These quarantines would be unnecessary given the new technical information that the Department possesses following recent discussions with the Florida Department of Agriculture and the United States Department of Agriculture (USDA). The spring of 2026 has been an exceptionally warm season with record highs being consistently observed statewide. Warmer ambient temperatures correspond to warmer soil temperatures that results in shorter lifecycles and a much higher likelihood for CFF to begin adult emergence sooner in the year, hence the necessity for the promulgation of the emergency regulation to ensure that the quarantine trigger is decreased before adult emergence begins and overregulation through enactment of quarantine measures occurs.

To address potential infestations, the Department reviewed the CFF's biology, detection capacity, and treatment responses. As part of this review the Department consulted with the USDA and the Florida Department of Agriculture. This review has updated the Department's current knowledge of the species host preferences, dispersal capabilities, lifecycle attributes, as well as known efficacious tools and techniques for early detection and rapid response. CFF is a close relative (in the same genus) of the Mexican fruit fly (Mexfly), an invasive species the Department has successfully eradicated for many years using a five-fly trigger for quarantines.

Experience with the Mexfly provides a relevant and scientifically supported comparison. The Mexfly interior quarantine regulation was amended in 2001 to establish a five-fly

detection threshold. Subsequent program experience has fully demonstrated that this threshold is sufficient to prevent establishment while reducing the frequency of temporary emergency quarantines. Since the Mexfly interior quarantine regulation was amended, every interior quarantine has been successful in stopping further pest movement. Amending the CFF regulation to establish a five-fly detection threshold will align the CFF quarantine trigger with the existing Mexfly standard, promote regulatory consistency, and ensure that quarantine actions reflect current scientific understanding and operational experience. This change will prevent premature implementation of interior quarantines when the risk of establishment is low and thereby avoid unnecessary operational burdens on all affected parties.

Project Description

A factor for an infestation being present is currently described in CCR Section 3422 (b)(1) as “two or more adult Caribbean fruit flies” being present. The amendment will change this to “five or more adult Caribbean fruit flies”. This change brings the regulation into harmony with our current scientific understanding of risk factors for a Caribbean fruit fly infestation, preventing a burdensome quarantine from going into effect before a risk is present.

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 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 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in their opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

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

Changing the quarantine trigger will prevent unnecessary interior quarantines, 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 will 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 change from two to five CFF as a trigger benefits:

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

This amendment prevents harm to fruit growers, sellers, transporters, and the public that will occur if quarantines are unnecessarily enacted as required by the current interior quarantine regulation. In FY23/24, there were seven invasive fruit fly (IFF) quarantines, each costing between 1.3 and 10 million dollars. Any fiscal or economic savings resulting

from this amendment depend on the number of unnecessary interior quarantines avoided. While the precise number cannot be predicted, past experience indicates that the amendment would likely prevent one unnecessary CFF quarantine every two to ten years; however, this quarantine number may increase as detection frequency has increased over the last two years.

Interior quarantines remain essential when an established fruit fly population is detected. Such necessary actions prevent far greater economic losses by protecting host fruit growers, nurseries, packing facilities, and the public from the impacts of CFF establishment.

Quarantines are the last resort in preventing fruit flies from spreading because they are expensive and directly impact on fruit growers, sellers, transporters, and the public. When quarantines are enacted, they place severe restrictions on host material movement to ensure there is no artificial spread of the pest. These restrictions impose financial burdens on growers, nurseries, packing facilities, and the public within the quarantine, especially for growers who are required to undergo expensive pre-harvest or post-harvest treatments. The restrictions may include the removal of all host material, which can mean the growers are unable to realize any profit from their crop yields. Since 2015, in Los Angeles County alone, these fruit fly quarantines persisted for durations ranging from 87 to 383 days and encompassed areas of between 74 and 159 square miles. Within these quarantines, the number of impacted establishments varied, from 88 to 1,296 entities. This impact is especially felt by small growers and family farms. Emergency action is necessary to prevent the immediate and unwarranted establishment of an interior quarantine in Los Angeles County based on an outdated detection threshold. Without this amendment, the current regulation would impose avoidable operational burdens on growers, nurseries, packing facilities, and the public, without a corresponding increase in protection against pest establishment.

The Creation or Elimination of Jobs within the State

The implementation of this regulation will prevent unnecessary interior quarantine for CFF from taking place. This will prevent unnecessary costs associated with a quarantine to both the state and the public. 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 unnecessary interior quarantine for CFF from taking place. This will prevent unnecessary costs associated with a quarantine to both the state and the public. 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 unnecessary interior quarantine for CFF from taking place. This will prevent unnecessary costs associated with a quarantine to both the state and the public. 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 3422 does not impose a mandate on local agencies or school districts. All quarantine activities are 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 3422.

The Department has determined that the proposed actions will not have a significant adverse economic impact on housing costs or California businesses, 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 host plants of CFF are grown by homeowners and community gardens, these would all be impacted by interior quarantines. Preventing these quarantines that are unneeded benefits homeowners and community gardeners as they are more likely to keep host materials that would be removed during an quarantine and use less pesticides.

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 this action prevents potential, and in this case likely, unnecessary interior quarantines. Interior quarantines impact growers who are required to undergo expensive pre-harvest or post-harvest treatments, and in some case are unable to move or sell their harvest. There is also the cost to the state, in FY23/24, there were seven invasive fruit fly (IFF) quarantines, each costing between 1.3 and 10 million dollars. Amending this regulation prevents these impacts from happening unnecessarily.

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 unnecessary interior quarantines for CFF by amending Section 3422. The Department has made an assessment that the damendment

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 not 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 preventing potential, and in this case likely, unnecessary interior quarantines. Interior quarantines impact growers who are required to undergo expensive pre-harvest or post-harvest treatments, and in some case are unable to move or sell their harvest. There is also the cost to the state, in FY23/24, there were seven invasive fruit fly (IFF) quarantines, each costing between 1.3 and 10 million dollars. Amending this regulation prevents these impacts from happening unnecessarily. Maintaining the economic baseline is important to the health and welfare of California residents.

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 will be unnecessary interior quarantines for CFF. The alternative was rejected because unnecessary quarantines would lead to loss of income to growers and costs to the state. 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 3422:

Email from Dayna Napolillo at CDFA, titled "FW: LA County Data request", sent March 26,

2026

Email from Jason Leathers at CDFA, titled "FW: Carb. FF Emergency Reg", sent March 25, 2026

Email from Joshus Kress at CDFA, titled "CFF Data", sent March 25, 2026

Email from Michelle Owino at CDFA, titled "FW: CFF Interceptions", sent March 26, 2026

Email from USDA, Norm Mullaly, titled "RE: Mexican fruit fly eradication history" sent February 12, 2026