

FINDING OF EMERGENCY

The Secretary of the California Department of Food and Agriculture (Department) determined that an emergency exists: On February 10, 2026, a second adult Caribbean fruit fly was detected in Los Angeles County. Under the current regulation, this detection would automatically trigger the establishment of an interior quarantine. Interior quarantines are an essential tool when an established or incipient population of an actionable pest is present, and they play a critical role in protecting California agriculture and the environment. However, such quarantines can impose substantial operational and financial burden to host fruit growers, nurseries, packing facilities, and the general public. Accordingly, quarantine triggers must be based on the best available scientific evidence that a breeding population is present. The Department is proposing an emergency amendment of Title 3 California Code of Regulations (CCR) Section 3422 Caribbean Fruit Fly Interior Quarantine so that the threshold to trigger an interior quarantine is based on latest scientific evidence of a breeding Caribbean fruit fly population. .

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

Evidence of an Emergency

When originally adopted, the Caribbean fruit fly interior quarantine regulation established a detection threshold of two adult flies to indicate a potential incipient infestation. However new technical information and operational experience have demonstrated that this threshold is overly sensitive and may not reliably distinguish between transient detections and an established breeding population.

Experience with the closely related Mexican fruit fly, a different species in the same genus, provides a relevant and scientifically supported comparison. The Mexican fruit fly 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 Mexican fruit fly interior quarantine regulation was amended, every interior quarantine has been successful in stopping further pest movement. Amending the Caribbean fruit fly regulation to establish a five-fly detection threshold will align the Caribbean fruit fly quarantine trigger with the existing Mexican fruit fly 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 avoiding unnecessary operational burdens on all affected parties.

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 Caribbean fruit fly quarantine every two to ten years; however, this quarantine number may increase as detection frequency has increased over the last 2 years.

Interior quarantines remain essential when an established fruit fly population is detected. Such necessary actions prevent far greater economic losses—estimated at ten times the cost of a response—by protecting host fruit growers, nurseries, packing facilities, and the

public from the impacts of Caribbean fruit fly establishment. Accordingly, this amendment supports sound risk-based decision-making using the best available science and operational experience while helping maintain the state's economic baseline.

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.

For these reasons, adoption of this amendment as an emergency regulation is necessary to protect the public interest, prevent unnecessary operational, financial and regulatory burdens, and ensure that quarantine actions reflect current scientific and technical knowledge.

Background

Caribbean fruit flies are closely related to Mexican fruit flies; both are part of the same genus *Anastrepha*. In 2001 the Department amended CCR 3417, Mexican Fruit Fly Interior Quarantine, to change the trigger for an infestation from two to five fruit flies. Since that amendment there have been seven quarantines of Mexican fruit fly, all of which contained infestation and were removed within 12 months (USDA email, 2/12/2026). Due to this success, the Department has decided to change the trigger for Caribbean fruit flies infestation to five fruit flies.

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.

The Department has relied upon the following information:

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

Authority and Reference Citations:

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

Reference: Sections 5301, 5302, and 5322 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 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.

CCR Section 3422.

The proposed amendment of the regulation 3422 would raise the threshold quarantine trigger 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.

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

Amending the threshold quarantine trigger will prevent a quarantine from being created when the risk of infestation is low. This 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 3422 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 3422.