

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections: 3591.34

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2026-0803-02

OAL Matter Type: Regular (S)

This regular rulemaking action by the California Department of Food and Agriculture establishes a statewide eradication area for the guava root-knot nematode.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2027.

Date: September 9, 2026



Stephen P. Mehert
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary
Copy: Rachel Avila

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2026-0601-02	REGULATORY ACTION NUMBER 2026-0803-02	EMERGENCY NUMBER S
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED

in the office of the Secretary of State
of the State of California

SEP 09 2026

OFFICE OF ADMIN. LAW
2026 AUG 3 PM 1:00

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Department of Food and Agriculture

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2026, 24-2	PUBLICATION DATE 6/12/26

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Guava Root-Knot Nematode Eradication Area		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 3591.34	
TITLE(S) 3		AMEND	
		REPEAL	
3. TYPE OF FILING			
☒ Regular Rulemaking (Gov. Code §11346)		☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		☐ Emergency Readopt (Gov. Code, §11346.1(h))	
☐ Emergency (Gov. Code, §11346.1(b))		☐ File & Print	
☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)		☐ Other (Specify) _____	
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)		☐ Print Only	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
☒ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))		☐ Effective on filing with Secretary of State	
☐ Effective other (Specify) _____		☐ \$100 Changes Without Regulatory Effect	
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
☐ Department of Finance (Form STD. 399) (SAM §6660)		☐ Fair Political Practices Commission	
☐ Other (Specify) _____		☐ State Fire Marshal	
7. CONTACT PERSON Rachel Avila		TELEPHONE NUMBER 916-698-2947	FAX NUMBER (Optional)
		E-MAIL ADDRESS (Optional) rachel.avila@cdfa.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE
Victoria Hornbaker
Digitally signed by Victoria Hornbaker
Date: 2026.07.31 13:59:31 -0700

TYPED NAME AND TITLE OF SIGNATORY
Victoria Hornbaker, Director Plant Health & Pest Prevention Services Division

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 09 2026

Office of Administrative Law

The Department proposes to adopt:

§ 3591.34. Guava Root-Knot Nematode Eradication Area.

(a) Proclamation of Eradication Area. The area where the insect Guava root-knot nematode (*Meloidogyne enterolobii*, syn. *M. mayaguensis*) is known to exist or there is an immediate threat of introduction, comprising the entire State of California, is hereby proclaimed to be an eradication area with respect to said pest.

(b) Articles and Commodities Covered. The following are hereby declared to be the pest subject to eradication, and its hosts and possible carriers:

(1) All earth (including sand and soil) and potting media.

(2) All plants with roots and other below-ground plant parts.

(3) All rooted plant cuttings for propagation.

(4) All soil and below-ground plant debris attached to equipment, including farming equipment.

(5) Exemptions. The following articles and commodities are exempt from the quarantine:

A. Industrial sand and clay (high-purity products with uniform particle sizes).

B. Air plants (including certain orchids and other plants produced epiphytically) if growing exclusively in or on soil-free material such as sphagnum moss, sponge rock, tree fern trunk, or bark.

C. Aquatic plants (those species normally growing in, on or under permanent water, if free from soil).

D. Plants secured by air-layering if roots are established and enclosed in the original soil-free moss wrappings.

E. Cuttings taken at least 12 inches above ground level.

F. All fleshy roots, corms, tubers, and rhizomes only for edible or medicinal purposes if washed or otherwise freed of soil and not for propagation.

(c) Means and Methods. The following means and methods may be used in the eradication, control or suppression of said pest, its hosts, and possible carriers, within said area.

(1) The repeated timely application of fumigations of soil and any other articles or things which are infested or exposed to infestation and capable of harboring or spreading guava root-knot nematode.

(2) The removal and destruction of any and all possible carriers.

(3) The removal and destruction of abandoned or unwanted hosts or possible carriers bearing or capable of bearing guava root-knot nematode.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code.

Reference: Sections 5761, 5762, and 5763, Food and Agricultural Code.