CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATIONS

Title 3, California Code of Regulations
3962 Hydrilla Eradication Area

INITIAL STATEMENT OF REASONS/ POLICY STATEMENT OVERVIEW

The California Department of Food and Agriculture (Department) proposes to amend Title 3, California Code of Regulations (CCR) Section 3962. Hydrilla Eradication Area to include the entire State of California.

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

This regulation is 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 regulation is intended to address the obligation of the Department of Food and Agriculture to protect the agricultural industry and environment from the introduction and spread of injurious plant pests within California. This amendment will allow targeted actions for eradication of hydrilla, *Hydrilla verticillata*, within California as necessary and reduce the chance of allowing natural and artificial dispersal and the subsequent spread of the pest in California. Any necessary eradication and quarantine actions taken by the Department will be in cooperation with the USDA and the affected county agricultural commissioners.

The factual basis for the determination by the Department that the amendment of Section 3962 is necessary is as follows:

Hydrilla (*Hydrilla verticillata*) is a non-native, aggressive, submerged water weed. Once hydrilla invades an aquatic ecosystem, it drives out all native and introduced aquatic plants, creating a pure stand. First discovered in Florida in 1960, it has since spread throughout the southeast states and into Texas and California.

Hydrilla's competitive edge comes from several different mechanisms. Hydrilla breaks apart very easily and small pieces of stem, no more than one inch long, can produce entire new plants. The plant also produces special survival structures on the stems (called "turions") and in the sediment (called "tubers"). Each tuber also produces a new plant. The tubers can survive up to seven years in the sediment before sprouting, even if no water is present for much of that time. Even a tiny fragment of the weed can easily grow into a thriving plant when it gets back into water. During warm weather, hydrilla can grow more than an inch per day

The hydrilla impact on the ecosystem is primarily felt through its ability to outcompete native aquatic plants. Hydrilla grows in dense, thick mats, blocking sunlight from reaching the native vegetation below. This causes native plants to die off, disrupting the food web and leaving animals that rely on these plants for food and shelter struggling to survive.

Another major effect is the way hydrilla reduces oxygen levels in the water. As hydrilla mats decompose, the process consumes large amounts of dissolved oxygen, which can lead to oxygen depletion or "hypoxia." This can harm or even kill fish and other aquatic organisms, further destabilizing the ecosystem.

Hydrilla significantly reduces water quality. By blocking sunlight, it encourages the growth of harmful algae, which can further reduce oxygen levels and produce toxins harmful to

fish, wildlife, and even humans. In addition, hydrilla's dense growth makes recreational activities like boating, swimming, and fishing nearly impossible in heavily infested areas, impacting both the environment and local economies.

The dense mats created by hydrilla disrupt water flow and light penetration.
These mats can lead to stagnant water conditions, promoting harmful algal blooms.
Algal blooms, particularly cyanobacteria, produce cyanotoxins. This affects wildlife and poisons people who eat fish from a lake. Therefore, the presence of hydrilla may enhance the survival of toxin-producing cyanobacteria. Management of hydrilla is crucial to mitigate potential cyanotoxin risks in water bodies.

Hydrilla also interferes with boating and fishing and increases the risk of drowning. Heavy infestations decrease fishing stocks and impact on boating, reducing recreational opportunities and the economies they support. When it is well-established, hydrilla will clog irrigation canals and municipal water systems, resulting in flooding or control and removal costs. It can drastically affect agriculture and recreational activities (boating, swimming, and fishing) and even endanger people and property through flooding. Clogged waterways also affect agriculture that depends on the movement of water for crops.

Currently hydrilla is quite limited in distribution in California due to long term efforts on the part of the Department. However, new hydrilla infestations can appear via several pathways. The increasing temperatures of water bodies in California due to climate change increase the risk of hydrilla infestation. When new infestations are found, Title 3 CCR Section 3962 has been amended as an emergency to allow for swift treatment in the affected area. However due to current availability of hydrilla habit throughout California, it has the potential to be found throughout the state. If the plant is allowed to spread and become established in host areas, California's environment would deteriorate due to loss of native plants and choked waterways, agriculture would be impacted with costs of clearing irrigation waterways, and any waterway impacts would also affect boating and fishing. Therefore, the Department is proposing the amendment to Title 3 CCR Section

3962 Hydrilla Eradication Area to include the entire state of California in order to facilitate expedited action to prevent the establishment of this pest in California.

Project Description

Section 3962

This amendment will provide authority for the State to perform speedy detection, control, and eradication activities against hydrilla in California. This will allow targeted actions for eradication of hydrilla and reduce the chance of natural and artificial dispersal and the subsequent establishment and spread of the pest in California. Any eradication actions taken by the Department will be in cooperation with the USDA and the affected county agricultural commissioners.

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 that the Secretary is directed or authorized to administer or enforce.

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.

Existing law, FAC Section 5761, provides that the Secretary may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC Section 6048, states that the plant hydrilla (*Hydrilla verticillata*) is a noxious aquatic weed not native to the State of California. The Legislature hereby declares that the further introduction and spread of this serious aquatic weed pest would be detrimental to the state, causing irreparable damage to the agricultural industry and recreational use of streams, lakes, and waterways and further that the eradication of this aquatic weed pest is essential to the preservation of the environment. It is unlawful to produce, propagate, harvest, possess, sell, or distribute hydrilla as such or incidental to the sale of fish, aquatic plants, or other hosts or possible carriers of hydrilla. The director may adopt quarantine or other regulations which prohibit the importation of hydrilla. Any violation of the regulations or of this section is an infraction punishable by a fine of not more than seventy-five dollars ($75) for the first offense and is a misdemeanor for a second or subsequent offense within three years of a prior conviction of a violation of this section or of the regulations. These penalty provisions do not preclude civil action as provided in Article 2 (commencing with Section 5021) of Chapter 1. It further states that the director shall conduct an ongoing survey and detection program for hydrilla. Whenever and wherever hydrilla is discovered, the director shall immediately investigate the feasibility of eradication. If eradication is feasible, the director shall perform the eradication in cooperation with federal, city, county, and other state agencies taking those steps and actions the director deems necessary.

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 and adoption provides the necessary regulatory authority to prevent the artificial spread of a serious pest which is a mandated statutory goal.

The Department is the only agency that can implement pest eradication areas. 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.

Anticipated Benefits from This Regulatory Action

The adoption of this regulation provides the necessary regulatory authority to eradicate a serious insect pest; this is a mandated, statutory goal. This will allow the Department to allow targeted eradication activities when hydrilla is found anywhere in California. Making this change will help prevent the spread of hydrilla, which will benefit:

- the general public
- the 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 eradication and prevention of the spread of hydrilla in California through the adoption, amendment, and implementation of this regulation economically benefits:

The Creation or Elimination of Jobs within the State

Section 3962 will allow the Department to create an eradication area for hydrilla, helping prevent their spread within California should they be detected within the state. Detection and eradication activities are currently being performed by existing state staff throughout the state by inspection for and identifying invasive pests. Therefore, the Department has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the state of California.

The Creation or Elimination of Businesses in California

Section 3962 will allow the Department to create an eradication area for hydrilla, helping prevent their spread within California should they be detected within the state. Detection and eradication activities are currently being performed by existing state staff throughout the state by inspection for and identifying invasive pests. Therefore, the Department has determined that this regulatory proposal will not have a significant impact on the creation of new businesses in the State of California.

The Expansion of Businesses in California

Section 3962 will allow the Department to create an eradication area for hydrilla, helping prevent their spread within California should they be detected within the state. Detection and eradication activities are currently being performed by existing state staff throughout the state by inspection for and identifying invasive pests. Therefore, the Department has determined that this regulatory proposal will not have a significant impact on the expansion of businesses currently doing business in the State of 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 of Food and Agriculture has determined that Section and 3962 does not impose a mandate on local agencies or school districts. All eradication activities shall be

conducted by the Department and quarantines by county agricultural commissioners. 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 Section 3962.

There are 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 anticipated from the adoption of this amendment.

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.

Potential Impact to Homeowners and Community Gardens

Section 3962 will allow the Department to create an eradication area for hydrilla, helping prevent their spread within California should they be detected within the state. This is not expected to have impacts on homeowners or community gardens.

Potential Impacts to General Fund and Welfare

The proposed amendment does have an immediate or definitive impact to the general fund or general welfare. It would facilitate a fast and effective response if hydrilla is detected in the designated eradication and quarantine area. Speed of response is key to eradicating an incipient pest infestation. The shipping and boating industries are important in the state and irrigation dependent agriculture is one of the economic engines in the State. Negative impacts to boating and agriculture impact the State's economic health and the general welfare of the State. Additionally, job losses in this area would likely be felt by low-skilled

and specialized workers whose employment options are already limited. The loss of any additional jobs would likely result in an increase in the State's public assistance obligations which would also negatively impact the State's economic recovery.

The Department is the only agency which can implement eradication areas. 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. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern hydrilla eradication areas in California.

Assessment

The amendment is designed to prevent or minimize the spread of hydrilla by amending Section 3962. 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 hydrilla would be detected before an infestation can happen, and, if there is an infestation, the Department can react quickly and effectively. Speed of response is key to eradicating an incipient pest infestation. Programmatic delays potentially can lead to pest quarantines, as well as increased production costs and potential job loss.

The state's environment: The proposed action will benefit the state's environment by increasing the chance that hydrilla would be treated before an infestation can fully establish. If the Department neglects to regulate this pest hydrilla could spread into the local

environment via the surrounding non-agricultural ecosystems. This could adversely impact shipping channels, boating facilities, water delivery systems, freshwater fisheries, local, regional, state and national parks, other recreational sites, open water habitats, and wild lands.

Alternatives Considered

The Department of Food and Agriculture 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 considered taking no action. If no action is taken, the Department would need to continue to amend eradication authority for hydrilla when found in new counties along with the concomitant delays in regulatory response. If these response delays allowed hydrilla to spread and become fully established in host areas, California's environment and water dependent industries would suffer losses. 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 3962:

CDFA website, Hydrilla Eradication Program, https://www.cdfa.ca.gov/plant/ipc/hydrilla/hydrilla_hp.html, visited on 5/14/2026

California Department of Food and Agriculture, "Hydrilla, A Serious Water Weed Problem"

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https://doi.org/10.1016/j.dwt.2024.100889.

North American Invasive Species Management Association (NAISMA), Hydrilla in North America: Managing One of the Most Persistent Aquatic Invaders, https://naisma.org/2026/01/01/hydrilla-in-north-america-managing-one-of-the-most-persistent-aquatic-invaders/ visited on 5/18/2026

Steffen Breinlinger et al. 2021. Hunting the eagle killer: A cyanobacterial neurotoxin causes vacuolar myelinopathy. Science Volume 371, Issue 6536