FINAL STATEMENT OF REASONS

DEPARTMENT OF FOOD AND AGRICULTURE

SUBMISSION OF REGULATIONS PERTAINING TO

Sections 3000, 3001, 3002, 3003 and 3004, Registration and Certification of Citrus Trees

Title 3, California Code of Regulations

Update of Initial Statement of Reasons

The initial statement of reasons is still valid.

Summary of and Response to Objections or Comments Regarding the Regulations

The Department repealed Sections 3000, 3001, 3002, 3003 and 3004, Registration and Certification of Citrus Trees, as an emergency action effective May 17, 2010, concurrent with the adoption of Sections 3701, et. seq. and the amendment of Section 3407. The Department is continuing Sections 3701, et. seq. and Section 3407 as an emergency re-adoption.

Comments received during the public comment period and/or the public hearing pertaining to the adoption of Sections 3701, et. seq. and the amendment of Section 3407 will be responded to at a later date as part of the final rulemaking for those regulations. The summary of and response to each objection or comment received during the written comment period, or received before or during the public hearing, pertaining to the repeal of Section 3000, et. seq. are as follows. Any comments not specifically addressed are beyond the scope of this rulemaking.

Comment

Legislation authorizing the Citrus Nursery Stock Pest Cleanliness Program did not provide for certification of citrus nursery stock. However, the legislation did not rescind other provisions for such certification on a voluntary basis. There are citrus owner/operators who may wish to certify nursery stock. We request that the Department retain provisions for the certification of citrus nursery stock.

Response

The Department will proceed with the repeal of Sections 3000, et. seq. and will work with industry in developing a new voluntary certification program for nursery stock as a separate rulemaking for two reasons:

1. The voluntary certification program established by Sections 3000 et. seq., has not been used by the industry for many years and does not mesh with the Citrus Nursery Stock Pest Cleanliness Program. In order to establish an effective voluntary program that meets the needs of the industry, the Department will need to hold meetings with the affected industry.
2. Currently it is prohibited to move citrus nursery stock from areas quarantined for the Asian Citrus Psyllid (ACP) (Section 3435, Asian Citrus Psyllid Interior Quarantine). This quarantine is substantially the same as the Federal Domestic Order for ACP. The Federal Order is being revised to allow the movement, under specific conditions, of citrus nursery stock from within ACP quarantine areas. Once the Federal Order is finalized, the Department will amend Section 3435 to allow movement of nursery stock under the same conditions. Citrus nursery owner/operators have expressed the desire that citrus nursery stock certified under the voluntary citrus nursery certification program would meet the requirements of the quarantine, once it's amended.

The Department will schedule the first industry meeting for January of 2011 to begin discussions on developing a voluntary certification program.

Mandate on Local Agencies and School Districts

The Department of Food and Agriculture has determined that the repeal of Section 3000, et. seq. does not impose a mandate on local agencies or school districts. No reimbursement is required for Section 3000, et. seq. under Section 17561 of the Government Code because there are no mandated costs associated with the repeal of this regulation.

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 proposed action.

The cost impact of the changes in the regulations on a representative private person or business is expected to be insignificant. The Department has determined that this action 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.

Assessment

The Department has made an assessment that the repeal of this regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Alternatives Considered

The Department of Food and Agriculture has determined that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.