

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 3251

Repeal sections:

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,
Section 100**

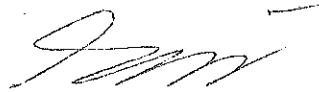
OAL Matter Number: 2024-0411-01

OAL Matter Type: Nonsubstantive (N)

In this regulatory action, the Department of Food and Agriculture is updating outdated scientific names for several species mentioned in its Chestnut Blight (originally called Chestnut Bark Disease) regulations.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: May 23, 2024



Sam Micon
Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary

Copy: Rachel Avila

NONSUBSTANTIVE

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2024-0411-01N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		For use by Office of Administrative Law (OAL) only	
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAY 23 2024

1:50 PM

OFFICE OF ADMIN. LAW
2024 APR 11 AM 11:02

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 <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Chestnut Bark Disease	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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.) TITLE(S) 3	ADOPT AMEND Title 3, Division 4, Chapter 3, Subchapter 4, Section 3.251 REPEAL

PER AGENCY REQUEST SAM

PER AGENCY REQUEST SAM

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> 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.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

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)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Rachel Avila	TELEPHONE NUMBER 916-698-2947	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) rachel.avila@cdfa.ca.gov
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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 Arima Kozina <small>Digitally signed by Arima Kozina Date: 2024.04.10 12:43:46 -0700</small>	DATE
TYPED NAME AND TITLE OF SIGNATORY Arima Kozina, Deputy Secretary for Administration and Finance	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 23 2024

Office of Administrative Law

§ 3251. Chestnut ~~blight bark disease~~ and Oak Wilt Disease Exterior
Quarantine (Quarantine Proclamation 2).

A quarantine is established against the following pests, their hosts, and possible carriers.

(a) Pests. Chestnut ~~blight bark disease~~, *Cryphonectria (Endothia) parasitica*, a fungus carried by birds, insects, water, wind, and shipment of nursery stock and unpeeled wood; and oak wilt disease, *Bretziella (Ceratocystis) fagacearum*, a fungus carried under the bark of live or dead trees or parts of trees and also by oak bark beetles and sap beetles.

(b) Area Under Quarantine. All states and districts of the United States except the State of Arizona.

(c) Commodities Covered. All species and varieties of chestnut (*Castanea* spp.), chinquapin (*Castanopsis* and *Chrysolepis* spp.), oak (*Quercus* spp.), and tanbark oak (*NothoLithocarpus densiflora*) trees, plants, and parts thereof including grafts, cuttings, scions, nuts (except acorns), leaf mold, firewood and unpeeled logs are hereby declared to be hosts and possible carriers of the pests herein quarantined against.

(d) Restrictions.

(1) Commodities Covered Prohibited From Area Under Quarantine. Except as provided in paragraph (4) hereof, all commodities covered shall be refused admittance into the State of California from the area under quarantine unless each lot or shipment is accompanied by an official certificate evidencing compliance with paragraph (2) or (3) below.

(2) Commodities Covered Produced in Western States Admitted Under Certificate of Origin. All commodities covered produced in and shipped from that portion of the area under quarantine west of the states of Montana, Wyoming, Colorado, and New Mexico are admissible into California, provided that each lot or shipment is accompanied by an official certificate issued by, and bearing an original or facsimile signature of, the authorized agricultural inspection official of the state in which the commodities were grown or shipped, affirming that chestnut ~~blight bark disease~~ and oak wilt disease are

not known to occur in the state where grown, and also setting forth the name of the state where produced and the kind and amount of commodities covered by the certificate.

(3) Commodities Covered Admissible Under Certificate of Treatment. Commodities covered may be shipped to California from the area under quarantine subject to prior approval by the Director of the method of treatment to be used. Except as provided in subsection (d)(2), each shipment of a commodity covered must be accompanied by an official certificate issued by, and bearing an original or facsimile signature of, the authorized agricultural official of the state of origin indicating the method of treatment, quantity of commodity covered, identification or license number of carrier, and the names and addresses of the shipper and consignee.

(4) No Restrictions on Foreign Nuts. No restrictions are placed by this quarantine upon the nuts of all species and varieties of chestnut and chinquapin (*Castanea* spp. and *Castanopsis* spp.) grown in and imported from foreign countries when reshipped into or arriving in this State in an unopened original container.

NOTE: Authority cited: Subarticle 2 Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Subarticle 2 Sections 5301 and 5302, Food and Agricultural Code.