

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

PROPOSED CHANGES IN THE REGULATION

Title 3, California Code of Regulations

Section 3287 Spotted Lanternfly Exterior Quarantine

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 3287, Spotted Lanternfly Exterior Quarantine. This will allow the Department to update the exterior quarantine which will help prevent the spread of spotted lanternfly (*Lycorma delicatula*) within California should it be detected within the state.

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

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. Specifically, this regulation is intended to prevent the establishment of spotted lanternfly, a pest relatively new to North America, into California. Recent finds of this pest in conveyances destined for California from currently infested areas and current modeling demonstrate a viable pathway of spread and potential for widespread infestations if established, rendering such regulation necessary.

Background

In the eastern United States, spotted lanternfly has one generation per year and overwinters in the egg stage as part of an egg mass. Overwintering spotted lanternfly eggs start to hatch around April or May and nymphs begin sucking sap from young stems and foliage of suitable host plants. Nymphs do not fly and are more polyphagous than adults, feeding on a wide variety of plants. Their feeding produces large quantities of fluid (honeydew) that often coats stems and leaves. This can result in the growth of sooty mold, which, if it grows on leaves, can reduce photosynthesis by obscuring sunlight. Through loss of carbohydrates via the phloem from the host plant and

decreased photosynthesis resulting from sooty mold, spotted lanternfly infestations can severely weaken susceptible plants and eventually kill them. Nymphs go through four instars and adults start to appear around July. Adult spotted lanternflies can fly but can also disperse by walking. They start to lay eggs around September. The strongly preferred hosts for adult feeding are tree-of-heaven (*Ailanthus altissima*), an Asian tree widely introduced throughout North America, and grapevines (*Vitis spp.*). The insect will also feed on a wide variety of other agricultural commodities, as well as ornamental, native, and invasive plant species.

The cost of the damage from spotted lanternfly varies. A 2019 economic impact study in Pennsylvania, the first state the insect became established in within the United States, estimated that, without controls, the spotted lanternfly could cost their state \$324 million annually and more than 2,800 jobs. Given the demonstrated impacts of spotted lanternfly on vineyards in Pennsylvania, and the multi-billion-dollar California grape industry, it is essential to prevent spotted lanternfly establishment in California.

Purpose and Factual Basis

The purpose of Section 3287 is to protect California from the invasive pest spotted lanternfly. Spotted lanternfly is a planthopper known to feed on over 100 species of plants from 33 botanical families, including commercial grapevines. Spotted lanternfly is native to China, India, and Vietnam. It was not considered a widespread invasive pest until 2004, when it spread from its native range to South Korea, then to Japan in 2008, and the United States (Pennsylvania) in 2014 (Barringer et al., 2015; Kim et al. 2021). This increased invasiveness is likely due to or enhanced by the escape-from-enemies effect. Since its arrival in the United States, spotted lanternfly has become established in at least eleven eastern states. These states are carrying out various treatment and control activities in coordination with the United States Department of Agriculture (USDA) (StopSLF.org). Live, viable spotted lanternfly life stages have not been found in the environment in California, but multiple dead life stages and a few live adults have been intercepted by the Department staff in airplane shipments from 2019 to 2021, and live egg masses have been intercepted at border protection stations during 2019 to 2024. As spotted lanternfly is likely to have significant economic and environmental impacts if it were to establish in California, it has been assigned an “A” pest rating by the Department. The A-rating designation places a target pest in the highest risk regulatory category.

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

Niche modeling with Maximum Entropy (Maxent) suggests that spotted lanternfly is likely to establish in large parts of California if introduced. This model used bioclimatic variables and the current distribution of spotted lanternfly to estimate potential spread in North America. The most important factor in predicting spotted lanternfly likelihood of occurrence was found to be the mean temperature of the driest quarter of the year; the viable temperature ranges from about 0°C plus or minus 7°C (a temperature range between 19°F and 45°F). Although it was not included in the Maxent niche modeling study, a factor that would be highly significant in predicting spotted lanternflies possible range is the presence of hosts, especially tree-of-heaven. The influence of hosts on the potential distribution of spotted lanternfly in California is not completely understood at this time, because there are many known host tree species that are not present or not present in large numbers on the West Coast of North America. The potential host range of spotted lanternfly is likely quite broad; therefore, it is not known which, if any, of the trees present in California that are not present in areas currently infested with spotted lanternfly may be found to be hosts of spotted lanternfly once exposed.

As known and potentially unknown host plants are widely grown in California, spotted lanternfly could possibly establish wherever it is introduced, except possibly in desert or high mountain regions, as shown by the environmental niche modeling. The known hosts of spotted lanternfly include multiple agriculturally important crops and common ornamentals in California, including grapes, liquidambar, peaches, maples, and walnuts. Infestations of spotted lanternfly may lower crop yields and increase production costs of economically important crops such as grape, stone fruit, and woody nursery stock. Upon entering Korea and Pennsylvania, the insect caused considerable, often catastrophic, damage to vineyards.

Spotted lanternfly attacks many large and small forest trees such as oaks, dogwoods, and ash in its introduced range in the eastern United States. California forests are differently structured than those deciduous forests, with many forests and woodlands in the state dominated by evergreen hardwoods and conifers. Nevertheless, many of the known host trees are present in California forests as understory trees or trees in riparian zones. If spotted lanternfly were to invade the wildlands of California, it may have a negative impact on forest structure by weakening or killing

certain woody species. The presence of tree-of-heaven may be a strong predictor of establishment of spotted lanternfly. This introduced tree is widespread in California, as it was commonly planted in the 19th and early 20th century, and has since become a widespread invasive weed. Spotted lanternfly establishment would be expected to lower biodiversity, disrupt natural communities, and change ecosystem processes. In addition, infestations would trigger new treatments in vineyards, orchards, managed natural land, forests, and by residents who find infested plants unsightly or suffering reduced fruit production.

Apart from agricultural or environmental effects, spotted lanternfly has had significant impacts on residents in the infested areas of the eastern United States. Because of the rapid, unchecked reproduction of this species in its introduced range, large numbers of spotted lanternfly in yards result in a “rain” of honeydew droplets falling onto people and surfaces, and can result in sooty mold on plants and other surfaces. These impacts would be expected to occur in California if this pest becomes established here. Businesses that rely on tourism, such as vineyards, may suffer losses because of the nuisances associated with spotted lanternfly. In addition, residents are likely to use chemical insecticides to control spotted lanternfly infestations, which will increase costs to homeowners and chemicals in the environment.

Project Description

Section 3287

This section establishes an exterior quarantine against the pest spotted lanternfly. It's amendments are to bring it into compliance with the “Update On Requirements For Shipments Received From Spotted Lanternfly Quarantine Areas”, a document issued by the Department's Plant Health and Pest Services outlining best practices to prevent spotted lanternfly from becoming established in California, and to update clarity issues.

Section 3287(b)(11)

The term “Phytosanitary Certificate” has been renamed “Certificate of Inspection” and more clearly defined so that this includes official certificates of inspection issued by a state department of agriculture. Multiple types of inspections are conducted that check for spotted lanternfly since not all material that can harbor the pest is plant or plant parts. Redefining the certificate allows for all types of inspections taking place.

Section 3287 (d)(7)

The Department has added “bee colony boxes and pallets” to the list of agricultural equipment that are possible carriers of the spotted lanternfly. While the term “rigid containers” already included would have covered bee boxes there is concern that this could have been misinterpreted. The large number of apiaries moved across state lines gives an opportunity for spotted lanternfly to enter the state. By having bee colony boxes and pallets specifically identified in the regulation, ambiguity regarding this important commodity and associated equipage is removed.

Section 3287 (d)(9)

This added section lists all the types of material that are exempt from the quarantine. These materials were determined to have minimal to no risk at transporting any life stages of spotted lantern fly and as such should not be regulated.

Section 3287 (e)(5)(C) and (D)

The “Requirements for Compliance Agreement or Phytosanitary Certificate” has been updated to match the “Update on Requirements For Shipments Received From Spotted Lanternfly Quarantine Areas”. This document outlines a more detailed process that includes having a permit, inspection by individuals that have received training to identify spotted lanternfly, shipping practices which will prevent infestation from spotted lantern fly, and monitoring by the origin state department of agriculture that the conditions of the permit are met. The permit can be amended by the Department so new information can be used to prevent the spread of spotted lanternfly. A certificate must be included to show these requirements have been met. Any federal or other state regulations must also be met so all laws are followed as is legally required. When these articles arrive in California they can be inspected again and if found to be infested or improperly certified the Department will resolve the issue through any action necessary to protect California agriculture and the environment. Finally violations of this permit will be reported to the Department by the origin’s state agricultural department to prevent the spotted lanternfly from spreading. Section (D) has also been amended to correctly reference the Certificate of Inspection instead of the Phytosanitary Certificate in keeping with the rest of the document. A small clarity edit was also made to make clear that the Certificate of Inspection must accompany the regulated article throughout California.

Section 3287 (f)

There has been an update to the Checklist Guide For Individuals Moving Non-Commercial Items From A Spotted Lanternfly Quarantine Area, the document incorporated by reference is now from October 2025 instead of May 2021. The document has been edited with more helpful reference photos, clearer categories of items, and instructions for what to do with the checklist itself. This document should make it simpler for the public to follow the regulation requirements.

“State plant regulatory agency” has been changed to “an origin state department of agriculture” as an issuer of valid checklist, as this term is more accurate of whom may be issuing the checklist.

Current Laws & Regulations

Existing law, FAC Section 5301, provides that the Secretary may establish, maintain, and enforce such quarantine regulations as they deem 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 they deem 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.

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 these regulations and has determined that it is not inconsistent or incompatible with existing state regulations.

Anticipated Benefits from This Regulatory Action

The amendment of this regulation provides the necessary regulatory authority to quarantine and eradicate a serious insect pest which is a mandated statutory goal.

This regulation amendment is necessary to prevent the introduction and spread of spotted lanternfly to the State that currently is uninfested. The regulation benefits industries (nursery, fruit for domestic use and exports, packing facilities), the environment, and the overall California economy by preventing the spread of spotted lanternfly. In states where spotted lanternfly is well established, it is a notable nuisance pest as well as pest of agriculture.

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 of Food and Agriculture 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 spotted lanternfly in California through the implementation of this regulation economically benefits:

- the general public
- homeowners and community gardens
- the agricultural industry
- the State's general fund

If spotted lanternfly was to become established within California it could greatly affect the general public. Host plants are widely grown in California and include both native plants and agriculturally important crops. By amendment this regulation to prevent infestation, the general public benefits by having a native environment and agriculture safe from this pest.

The amendment of this regulation benefits home gardeners who grow host material for consumption and/or ornamentals in various rural and urban landscapes. By preventing infestation

with spotted lanternfly and thereby preventing damage to hosts, the regulation eliminates the need for hosts to be treated to mitigate infestations of spotted lanternfly.

California is a large-scale commercial producer of many host plants of spotted lanternfly. The Californian, national, and international consumers of California agriculture benefit by having high quality produce and produce products available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer. By preventing an infestation with spotted lanternfly, these increased production costs will be avoided.

There are economic benefits to the State's general fund from this regulation. The cost of a spotted lanternfly infestation is unknown, but a study in Pennsylvania found the costs to that state would be \$324 million annually and more than 2,800 jobs if spotted lanternfly were not contained and controlled. Preventing a wide scale infestation in California prevents an outcome that could cost the state millions or billions of dollars.

The Creation or Elimination of Jobs within the State

The implementation of this regulation will help prevent the introduction of spotted lanternfly into California from interstate travel and shipping. Inspection activities are currently being performed by existing state and county staff at entry points throughout the state. The Department does not expect that these changes would require significantly greater staff time. Therefore, the Department has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in California.

The Creation or Elimination of Businesses in California

The implementation of this regulation will help prevent the introduction of spotted lanternfly into California from interstate travel and shipping. Inspection activities are currently being performed by existing state and county staff at entry points throughout the state. There are no new vendors that will be formed to provide this service or current vendors may hire new staff. Therefore, the Department has determined that this regulatory proposal will not have a significant impact on the creation or elimination of new businesses in the state of California.

The Expansion of Businesses in California

The implementation of this regulation will help prevent the introduction of spotted lanternfly into California from interstate travel and shipping. Inspection activities are currently being performed by existing state and county staff at entry points throughout the state. There will be no businesses expanded to provide these services. 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

These regulations are 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 3287 do not impose a mandate on local agencies or school districts. All eradication activities shall be conducted by the Department. 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 3287.

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 amendment of this regulation.

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

The implementation of this regulation will help prevent the introduction of spotted lanternfly into California from interstate travel and shipping. By implementing an exterior quarantine, the

Department has a higher likelihood of keeping these pests out of California. If this pest were to become established it would impact plants that are commonly planted by homeowners and in community gardens, increasing costs of finding new unimpacted species and pesticide usage.

Potential Impacts to General Fund and Welfare

The proposed regulation amendment does not have immediate or definitive impact to the general fund or general welfare, as it is meant to maintain the economic baseline. It would facilitate a fast and effective response if spotted lanternfly is detected in the designated eradication area. 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 agricultural industry is one of the economic engines in the State. Negative impacts to agriculture impact the State's economic recovery and the general welfare of the State. Additionally, any further job losses in this area would likely be felt by low-skilled workers whose employment options are already limited. The loss of any additional agricultural jobs would likely result in an increase in the State's public assistance obligations which would also negatively impact the State's economic recovery.

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.

Assessment

The Department has made an assessment that the amendment of this regulation will help maintain the economic baseline and (1) will have no significant impact on the creation or elimination of jobs in the State of California, (2) will have no impact on the creation or elimination of businesses within the State of California, (3) will have no impact on the expansion of businesses within the State of California.

Benefits to the health and welfare of California residents, worker safety, and the state's environment: The proposed action will benefit the health, safety, and welfare of California residents and agriculture workers by preventing the establishment of a pest that could spread into the local environment via the surrounding non-agricultural ecosystems. Infestations lead to increased costs to the consumers of host materials and increased pesticide usage.

The proposed action will benefit the environment as preventing the establishment of a pest lowers the risk that the pests could spread into the local environment via the surrounding non-agricultural ecosystems.

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 not have eradication authority for spotted lanternfly. If spotted lanternfly were allowed to spread and become further established in host production areas, California's agricultural industry would suffer losses due to increased pesticide use, decreased production of marketable produce, and loss of markets if the United States Department of Agriculture (USDA) enact quarantines against California products which are hosts for the fly. Therefore, this alternative was rejected.

Information Relied Upon

The Department relied upon the following studies, reports, and documents in the proposed amendment of Title 3 CCR Section 3287:

“ACTION PLAN for Spotted Lanternfly (*Lycorma delicatula*)” California Department of Food and Agriculture, December 12, 2022

“Checklist Guide For Individuals Moving Non-Commercial Items From A Spotted Lanternfly Quarantine Area”, California Department of Food and Agriculture, October 2025

“Potential Economic Impact of the Spotted Lanternfly on Agriculture and Forestry in Pennsylvania” Jayson K. Harper, Ph.D., William Stone, DBA, Timothy W. Kelsey, Ph.D., and Lynn F. Kime, Pennsylvania State University. December 2019

“PEST EXCLUSION ADVISORY No. 20-2022”, “Update On Requirements For Shipments Received From Spotted Lanternfly Quarantine Areas” Plant Health and Pest Prevention Services, California Department of Food and Agriculture, December 19, 2022

