

DEPARTMENT OF FOOD AND AGRICULTURE
Title 3 of the California Code of Regulations Section 3287
Notice of Proposed Rulemaking
45 – Day Notice

The Department of Food and Agriculture (Department) proposes to adopt Title 3 of the California Code of Regulations (CCR) Section 3287 Spotted Lanternfly Exterior Quarantine.

PUBLIC HEARING

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on March 30, 2026. The Department will consider only comments received at the Department offices by that date or postmarked no later than March 30, 2026. Submit comments to:

Erin Lovig, Senior Environmental Scientist Supervisor
California Department of Food and Agriculture Plant Health and
Pest Prevention Services
1220 N St,
Sacramento, CA 95814
916.403.6650
Permits@cdfa.ca.gov

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Rachel Avila at (916) 698-2947 or rachel.avila@cdfa.ca.gov.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY

The Department proposes to amend Section 3287 pursuant to the authority vested by Section 5301 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301 and 5302 of the FAC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of Section 3287 is to protect California from the invasive pest spotted lanternfly. The amendments that are the subject of this rulemaking are intended 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. As known and potentially unknown host plants are widely grown in California, spotted lanternfly could establish wherever it is introduced, except possibly in desert or high mountain regions, as shown by the Maxent 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.

EXISTING 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.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

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 spread of spotted lanternfly to uninfested areas of the state. 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.

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 amending 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.

There is no existing, comparable federal regulations or statute.

There are no known specific benefits to worker safety or the health of California residents.

EVALUATION OF INCONSISTENCY / INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3287 and has determined that they are not inconsistent or incompatible with existing state regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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.).

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost to any local agency or school district requiring reimbursement pursuant to 17500 et seq: None

Cost or savings to any state agency: None

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: The agency is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be none and minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None

Small business determination: The proposed action will not affect small business because compliance activities are currently being performed by existing staff throughout quarantine areas within the State without any impact on small business.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS / 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.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present alternatives during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department has prepared an initial statement of reasons for the proposed action, and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/plant/Regulations.html). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the comment period and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the agency officer named herein.