

**DEPARTMENT OF FOOD AND AGRICULTURE**

**Title 3 of the California Code of Regulations Section 3288**

**NOTICE OF A PROPOSED EMERGENCY ACTION**

**5 – Day Notice**

The Department of Food and Agriculture (Department) proposes to adopt Section 3288 (Emerald Ash Borer Exterior Quarantine) in Title 3 of the Code of California Regulations (CCR). The effect of this regulation will be to provide authority for the State to perform inspections on regulated articles to protect California's agricultural industry and environment.

**Authority and Reference:** The Department proposes to adopt CCR Section 3288 pursuant to the authority provided by Sections 401.5, 407, and 5322 of the Food and Agricultural Code. Reference: Sections 24.5, 5321, and 5322, Food and Agricultural Code.

**Sections Affected:** Section 3822 of Title 3 of the California Code of Regulations.

**Five Working Day Notice of OAL Comment Period:** Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulation action with the agency. After submission of the proposed emergency to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. For further information on the emergency rulemaking process, please access the OAL website at: [https://oal.ca.gov/emergency\\_regulations](https://oal.ca.gov/emergency_regulations), or contact the OAL reference attorney at (916) 323-6815 or [staff@oal.ca.gov](mailto:staff@oal.ca.gov).

Upon the Department submitting the proposed regulation to OAL, OAL will have ten (10) calendar days within which to review and make a decision on the proposed emergency rule. If approved, OAL will file the regulations with the Secretary of State, and the emergency regulations will become effective for one hundred and eighty (180) days. Within the 180-day effective period, the Department will proceed with a regular rulemaking action, including a public comment period. The emergency regulations will remain in effect during this rulemaking action.

Attached to this notice is the specific regulatory language of the proposed emergency action and Finding of Emergency.

Website Access: Materials regarding this proposal can be found by accessing the following Internet address:

<https://www.cdfa.ca.gov/plant/Regulations.html>