

TITLE 3. FOOD AND AGRICULTURE

NOTICE OF A PROPOSED EMERGENCY ACTION READOPTION

January 10, 2022

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest as included in the Finding of Emergency. The emergency filing re adoption of a new regulation creating an exterior quarantine against emerald ash borer.

Authority and Reference Authority: Food and Agricultural Code sections 403, 407, 5301, 5302 and 5322. Reference: Food and Agricultural Code sections 5301, 5302, 5321, and 5322.

Sections Affected: Section 3288 of Title 3, Division 4, Chapter 3, Subchapter 5, Article 2 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, 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 Office of Administrative Law, the Office of Administrative Law 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 Internet website at: www.oal.ca.gov, under "Emergency Regulations", or contact the OAL reference attorney at (916) 323-6815, or e-mail: staff@oal.ca.gov.

Upon filing, 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 ninety (90) days. Within the 90-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>.