

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections: 3289

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2025-0414-01

OAL Matter Type: Regular (S)

This action establishes an exterior quarantine to prevent the spread of guava root-knot nematode (*Meloidogyne enterolobii*).

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2025.

Date: May 27, 2025



Anna Thomas
Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary
Copy: Rachel Avila

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2024-0927-01	REGULATORY ACTION NUMBER 2025-0414-01S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture			

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

MAY 27 2025
1:38 PM AB

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 <input type="checkbox"/> 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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2024, 41-2	PUBLICATION DATE 10/11/24

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Guava Root-Knot Nematode Exterior Quarantine		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
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.)		ADOPT 3289	
TITLE(S) 3		AMEND	
		REPEAL	
3. TYPE OF FILING			
<input checked="" 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 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"/> File & Print <input type="checkbox"/> Print Only			
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <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) March 14, 2025, to April 2nd, 2025			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" 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 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	

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

Victoria Hornbaker

Digitally signed by Victoria Hornbaker
Date: 2025.04.11 13:26:03 -0700

DATE

TYPED NAME AND TITLE OF SIGNATORY

Victoria Hornbaker, Director Plant Health & Pest Prevention Services Division

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED**MAY 27 2025****Office of Administrative Law**

Adopt the following:

§ 3289 Guava Root-Knot Nematode State Exterior Quarantine

A quarantine is established against the following pest, its hosts, and possible carriers:

(a) Pest. Guava root-knot nematode (*Meloidogyne enterolobii*, syn. *M. mayaguensis*).

(b) Area Under Quarantine. The states of Florida, Georgia, Louisiana, and North Carolina.

(c) Articles and Commodities Covered. The following articles and commodities are restricted entry into California when shipped from the area under quarantine.

(1) All earth (including sand and soil) and potting media.

(2) All plants with roots and other below-ground plant parts.

(3) All rooted plant cuttings for propagation.

(4) All soil and below-ground plant debris, including farming equipment that may host soil and/or roots.

(5) Exemptions. The following articles and commodities are exempt from the quarantine:

(A) Industrial sand and clay.

(B) Air plants (including certain orchids and other plants produced epiphytically) if growing exclusively in or on soil-free material such as sphagnum moss, sponge rock, tree fern trunk, or bark.

(C) Aquatic plants (those species growing in, on or under permanent water, either rooted in soil or free-floating) if free from soil.

(D) Plants secured by air-layering if roots are established and enclosed in the original soil-free moss wrappings.

(E) Cuttings taken at least 12 inches above ground level.

(F) All fleshy roots, corms, tubers, and rhizomes if intended for edible or medicinal purposes and not for propagation, and washed or otherwise freed of soil.

(d) Restrictions.

(1) Certification Requirements for Commodities from Area Under Quarantine. All commodities covered moving from the "Area Under Quarantine" listed in (b) above, whether moved directly from the said area or by diversion or reconsignment from any other point (without regard to period of time held or grown at any intermediate point), are prohibited entry unless each shipment or lot is accompanied by a certificate issued by the authorized agricultural official of the state, district, or commonwealth where the commodity is produced, and the certificate establishes that all material contained in the shipment or lot meets either (A), (B), or (C) below:

(A) It has been determined through surveys, conducted at annual intervals (or during the one-year period prior to shipment), that guava root-knot nematode, *Meloidogyne enterolobii*, does not exist on the property or premise or facility used to grow the commodity, and that the seed or plant parts used for production of the plants were determined by the certifying officer to be free from guava root-knot nematode (the survey methods shall have been approved by the California Department of Food and Agriculture), or

(B) The plants or plant parts being shipped to California were protected from guava root-knot nematode infestation by all the following sanitation methods:

1. Propagated from clean seed or produced from meristem tips (also known as "microstem tips") as this process excludes nematodes.

2. Planted in sterilized soil or other suitable material prepared or treated to assure freedom from guava root-knot nematode;

3. Retained in sterilized pots, containers, or beds;

4. Placed on sterilized benches or sterilized supports at least 18 inches from the ground or floor level;

5. Area beneath benches or supports holding plants treated at six-month intervals with a registered nematicide or other material having nematocidal value and approved by the origin state agricultural officials, except when smooth clean flooring of concrete is present;

6. Plants and growing media sampled using methods approved by the California Department of Food and Agriculture and found free of guava root-knot nematode;

7. Protected from contamination by guava root-knot nematode until shipped; or

(C) The shipment consists of only unrooted plant cuttings, provided that the cuttings were taken from that portion of the plant which is growing at least 12 inches above ground level and were protected from contamination until shipped.

Authority cited: Section 407, 5301, and 5302 Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.