

## FINDING OF EMERGENCY

The Secretary of the California Department of Food and Agriculture (Department) determined that an emergency exists: the host list for Oriental fruit fly in the Interior Quarantine regulation Title 3 California Code of Regulations (CCR) Section 3423 is not identical to the Oriental fruit fly Eradication Area regulation host list Section 3591.2. This discrepancy provides a source of potential confusion to the public and could lead to host material being moved improperly. Therefore, the Department proposes to adopt this emergency amendment to address this issue immediately and restore clarity to the regulations.

### Emergency Defined

“Emergency’ means a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare,” Government Code Section 11342.545. If a state agency makes a finding that the adoption of a regulation is necessary to address an emergency, the regulation may be adopted as an emergency regulation. Government Code Section 11346.1(b)(1).

In this document, the Department is providing the necessary specific facts demonstrating the existence of an emergency and the need for immediate action to prevent serious harm to the general welfare of the citizens of California, pursuant to Government Code Section 11346.1(b)(2).

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 regulatory action with the agency.

The purpose of the amendment of Section 3423 is to correct a discrepancy that provides a source of potential confusion to the public. This correction will remove the host list from Section 3423 and direct the public to a list with the correct species in Section 3591.2.

The information contained within this finding of emergency meets the requirements of Government Code Sections 11346.1 and 11346.5.

The Secretary is proposing to amend CCR Section 3423 pursuant to the authority in Food and Agricultural Code (FAC) Section 407: “the director may adopt such regulations as are reasonably necessary to carry out the provisions of this code which he is directed or

authorized to administer or enforce.”

Additionally, FAC Section 401.5 states: “The department shall also seek to enhance, protect, and perpetuate the ability of the private sector to produce food and fiber in a way that benefits the general welfare and economy of the state.”

### Evidence of an Emergency

The Department is aware that the host lists for many of its pest species are repeated multiple times in regulations. The Department continues to address this through updating host lists, as demonstrated most recently on January 1<sup>st</sup>, 2023, when the Mexican Fruit Fly regulations Sections 3417 and 3588 were updated. However, it was recently brought to the Department’s attention that the host lists in Section 3423 Oriental Fruit Fly Interior Quarantine and Section 3591.2 Oriental Fruit Fly Eradication Area do not match, with Section 3591.2 Oriental Fruit Fly Eradication Area having a list that is in keeping with the current United States Department of Agriculture (USDA) host list for Oriental Fruit Fly, while Section 3423 does not contain all hosts present on the USDA host list.. The Department has determined that, in order to continue protecting California agriculture from Oriental fruit fly, the older, less complete version of the host list in Section 3423 Oriental Fruit Fly Interior Quarantine must be removed. In order to avoid confusion on the part of the public that could result in host material unknowingly being moved, which could lead to furthering an infestation, the regulation needs to be amended as an emergency.

The following species are missing from the current Section 3423 list:

<b>Scientific Name</b>	<b>Common Name</b>
<i>Adenanthera pavonina</i> L.	Red sandalwood
<i>Adenia cissampeloides</i> (Planch. ex Hook.) Harms	N/A
<i>Adonidia merrillii</i> (Becc.)	Becc. Manila palm
<i>Aegle marmelos</i> (L.)	Corrêa Baeltree
<i>Azelia xylocarpa</i> (Kurz)	Craib Doussie
<i>Alangium chinense</i> (Lour.) Harms	Begonia-leaf alangium
<i>Alangium salviifolium</i> (L. f.) Wangerin	Sage-leaf alangium
<i>Alpinia mutica</i> Roxb.	Small shell ginger
<i>Ananas comosus</i> (L.) Merr.	Pineapple <sup>1</sup>
<i>Annona ×atemoya</i> Mabb.	Atemoya
<i>Annona glabra</i> L.	Pond-apple
<i>Annona macrophyllata</i> Donn. Sm.	Llama
<i>Annona montana</i> Macfad.	Mountain soursop
<i>Annona mucosa</i> Jacq.	Wild sweetsop

<i>Annona senegalensis</i> Pers.	Wild custard-apple
<i>Antidesma ghaesembilla</i> Gaertn.	Black currant tree
<i>Aporosa villosa</i> (Lindl.) Baill.	Ye-mein
<i>Ardisia crenata</i> Sims	Hen's eye, coralberry
<i>Areca catechu</i> L.	Areca palm, betel nut
<i>Arenga engleri</i> Becc.	Formosan sugar palm
<i>Arenga pinnata</i> (Wurmb) Merr.	Sugar palm
<i>Arenga westerhoutii</i> Griff.	N/A
<i>Artabotrys monteiroae</i> Oliv.	N/A
<i>Artabotrys siamensis</i> Miq.	N/A
<i>Artocarpus dadah</i> Miq.	N/A
<i>Artocarpus elasticus</i> Reinw. ex Blume	Terap
<i>Artocarpus integer</i> (Thunb.) Merr.	Chempedak
<i>Artocarpus lacucha</i> Buch.-Ham.	Monkeyfruit
<i>Artocarpus lanceifolius</i> Roxb.	Keledang
<i>Artocarpus lanceolatus</i> Trécul	N/A
<i>Artocarpus odoratissimus</i> Blanco	Marang
<i>Artocarpus rigidus</i> Blume	Monkey-jack
<i>Artocarpus sericicarpus</i> F. M. Jarrett	N/A
<i>Averrhoa bilimbi</i> L.	Bilimbi
<i>Averrhoa carambola</i> L.	Carambola, starfruit
<i>Azadirachta excelsa</i> (Jack) M. Jacobs	N/A
<i>Baccaurea angulata</i> Merr.	Red angled tampoi
<i>Baccaurea motleyana</i> Müll. Arg.	Rambai
<i>Baccaurea racemosa</i> Müll. Arg.	Menteng
<i>Baccaurea ramiflora</i> Lour.	Burmese grape
<i>Bactris gasipaes</i> Kunth	Peach palm
<i>Balakata baccata</i> (Roxb.) Esser	Jiang guo wu jiu
<i>Barringtonia edulis</i> Seem.	Cutnut
<i>Benincasa hispida</i> (Thunb.) Cogn.	Ash gourd, ash pumpkin
<i>Bischofia javanica</i> Blume	Java-cedar, needlebark
<i>Blighia sapida</i> K. D. Koenig	Akee
<i>Borassus flabellifer</i> L.	Toddy palm
<i>Bouea macrophylla</i> Griff.	Gandaria
<i>Bouea oppositifolia</i> (Roxb.) Meisn.	Plum mango
<i>Breynia reclinata</i> (Roxb.) Hook. f.	N/A
<i>Bridelia stipularis</i> (L.) Blume	Lulalub
<i>Callicarpa longifolia</i> Lam.	Chukin
<i>Canarium album</i> (Lour.) Raeusch	Chinese olive
<i>Capparis sepiaria</i> L.	Hedge caper bush
<i>Capparis tomentosa</i> Lam.	African caper
<i>Capsicum chinense</i> Jacq.	Bonnet pepper

<i>Capsicum pubescens</i> Ruiz & Pav.	Hairy pepper
<i>Careya arborea</i> Roxb.	N/A
<i>Careya sphaerica</i> Roxb.	Kra doon
<i>Carissa carandas</i> L.	Carandas-plum
<i>Carissa spinarum</i> L.	Currentbush
<i>Caryota mitis</i> Lour.	Burmese fishtail palm
<i>Celtis tetrandra</i> Roxb.	Si rui po
<i>Chionanthus parkinsonii</i> (Hutch.) Bennet & Raizada	N/A
<i>Choerospondias axillaris</i> (Roxb.) B. L. Burt & A. W. Hill	N/A
<i>Chrysobalanus icaco</i> L.	Coco plum
<i>Chrysophyllum roxburghii</i> G. Don	Athapala
<i>Chukrasia tabularis</i> A. Juss.	Burmese almondwood
<i>Cinnamomum yabunikkei</i> H. Ohba	Yabu-nikkei
<i>Cissus repens</i> Lam.	N/A
<i>Citrullus colocynthis</i> (L.) Schrad.	Bitter apple, wild gourd
<i>Citrullus lanatus</i> (Thunb.) Matsum. & Nakai	Watermelon
<i>Citrus</i> <sup>x</sup> floridana (J. W. Ingram & H. E. Moore) Mabb.	Limequat
<i>Clusia rosea</i> Jacq.	Balsam apple
<i>Coccinia grandis</i> (L.) Voigt	Ivy gourd
<i>Coffea canephora</i> Pierre ex A. Froehner	Robusta coffee
<i>Cordia dentata</i> Poir.	English clammy berry
<i>Cordyla pinnata</i> (A. Rich.) Milne-Redh.	N/A
<i>Crescentia cujete</i> L.	Calabash
<i>Crinum asiaticum</i> L.	Asiatic spider lily
<i>Cucumis ficifolius</i> A. Rich.	Cucumis
<i>Cucumis melo</i> L.	Cantaloupe, melon
<i>Cucurbita argyrosperma</i> C. Huber	Cushaw
<i>Cucurbita maxima</i> Duchesne	Squash
<i>Cucurbita moschata</i> Duchesne	Butternut squash
<i>Cucurbita pepo</i> L.	Pumpkin, zucchini squash
<i>Desmos chinensis</i> Lour.	Jia ying zhua
<i>Dillenia obovata</i> (Blume) Hoogland	Simpoh padang
<i>Diospyros abyssinica</i> (Hiern) F. White	Abyssinin persimmon
<i>Diospyros areolata</i> King & Gamble	N/A
<i>Diospyros castanea</i> (Craib). H. R. Fletcher	N/A
<i>Diospyros dasyphylla</i> Kurz	N/A
<i>Diospyros diepenhorstii</i> Miq.	Kaya malam

<i>Diospyros digyna</i> Jacq.	Black persimmon, black sapote
<i>Diospyros glandulosa</i> Lace	Mai kua thoun
<i>Diospyros japonica</i> Siebold & Zucc.	Ryukyu-mamegaki
<i>Diospyros kaki</i> Thunb.	persimmon, kaki
<i>Diospyros malabarica</i> (Desr.) Kostel.	Indian persimmon
<i>Diospyros maritima</i> Blume	Sea ebony
<i>Diospyros mespiliformis</i> Hochst. Ex A. DC.	Jackalberry, African ebony
<i>Diospyros mollis</i> Griff.	Ma kluea
<i>Diospyros montana</i> Roxb.	Mountain persimmon
<i>Diospyros sandwicensis</i> (A. DC.) Fosberg	Elama, Hawaiian persimmon
<i>Diospyros virginiana</i> L.	American persimmon
<i>Diplocyclos palmatus</i> (L.) C. Jeffrey	Striped-cucumber
<i>Dracaena steudneri</i> Schweinf. ex Engl.	Northern large leaf dragon tree
<i>Drypetes floribunda</i> (Mull. Arg.) Hutch.	N/A
<i>Ehretia microphylla</i> Lam.	Philippine tea
<i>Elaeocarpus hygrophilus</i> Kurz	Ma-kok-nam
<i>Elaeocarpus serratus</i> L.	Ceylon olive
<i>Erycibe subspicata</i> Wall. ex G. Don	Zhui xu ding gong teng
<i>Eugenia megacarpa</i> Craib	Giant lau lau
<i>Eugenia palumbis</i> Merr.	Chamorro
<i>Excoecaria agallocha</i> L.	Blind-your-eye mangrove
<i>Fagraea berteriana</i> A. Gray ex Benth.	Pua kenikeni
<i>Fagraea ceilanica</i> Thunb.	Hui li
<i>Fibraurea tinctoria</i> Lour.	Sekunyit
<i>Ficus auriculata</i> Lour.	Roxburgh fig
<i>Ficus benjamina</i> L.	Weeping fig
<i>Ficus chartacea</i> (Wall. ex Kurz) Wall. ex King	Zhi ye rong
<i>Ficus erecta</i> Thunb.	Ai xiao tian xian guo
<i>Ficus fistulosa</i> Reinw. ex Blume	Yellow stem fig
<i>Ficus hirta</i> Vahl	Cu ye rong
<i>Ficus hispida</i> L. f.	Hairy fig
<i>Ficus lepicarpa</i> Blume	Leprous fig
<i>Ficus microcarpa</i> L. f.	Chinese banyan
<i>Ficus obpyramidata</i> King	N/A
<i>Ficus ottoniifolia</i> Miq.	N/A
<i>Ficus pumila</i> L.	Bi li, creeping fig
<i>Ficus racemosa</i> L.	Cluster fig
<i>Ficus religiosa</i> L.	Sacred fig
<i>Ficus septica</i> Burm. f.	Septic fig

<i>Ficus sycomorus</i> L.	Sycamore fig, mulberry fig,
<i>Ficus virgata</i> Reinw. ex Blume	Dao rong
<i>Flacourtia indica</i> (Burman f.) Merrill	Ramontehi, rukam
<i>Flacourtia rukam</i> Zoll. & Moritzi	Prunier café
<i>Flueggea virosa</i> (Roxb. ex Willd) Royle	Common bushweed
<i>Garcinia atroviridis</i> Griff. ex T. Anderson	Gelugor
<i>Garcinia speciosa</i> Wall.	Ma pong
<i>Garcinia costata</i> Hemsl. ex King	N/A
<i>Garcinia cowa</i> Roxb. ex DC.	Cowa
<i>Garcinia dulcis</i> (Roxb.) Kurz	Eggtree
<i>Garcinia griffithii</i> T. Anderson	N/A
<i>Garcinia hombroniana</i> Pierre	N/A
<i>Garcinia intermedia</i> (Pittier) Hammel	N/A
<i>Garcinia mannii</i> Oliv.	Kar
<i>Garcinia parvifolia</i> Miq.	Kandis
<i>Garcinia prainiana</i> King	Button mangosteen
<i>Garcinia subelliptica</i> Merr.	N/A
<i>Garcinia venulosa</i> (Blanco) Choisy	N/A
<i>Garuga floribunda</i> Decne.	Garuga, nemismis
<i>Glochidion littorale</i> Blume	Saka saka
<i>Glycosmis pentaphylla</i> (Retz.) DC.	Shan xiao ju
<i>Gmelina elliptica</i> Sm.	Badhara bush
<i>Gmelina philippensis</i> Cham.	N/A
<i>Gymnopetalum scabrum</i> (Lour.) W. J. de Wilde & Duyfjes	Feng gua
<i>Gynochthodes umbellata</i> (L.) Razafim. & B. Bremer	Indian mulberry
<i>Haematostaphis barteri</i> Hook. f.	N/A
<i>Hanguana malayana</i> (Jack) Merr.	N/A
<i>Hexalobus monopetalus</i> (A. Rich.) Engl. & Diels	N/A
<i>Flueggea virosa</i> (Roxb. ex Willd) Royle	Bushweed
<i>Garcinia atroviridis</i> Griff. ex T. Anderson	Gelugor
<i>Garcinia speciosa</i> Wall.	Ma pong
<i>Garcinia costata</i> Hemsl. ex King	N/A
<i>Garcinia cowa</i> Roxb. ex DC.	Cowa
<i>Garcinia dulcis</i> (Roxb.) Kurz	Eggtree
<i>Garcinia griffithii</i> T. Anderson	N/A
<i>Garcinia hombroniana</i> Pierre	N/A
<i>Garcinia intermedia</i> (Pittier) Hammel	N/A
<i>Garcinia mangostana</i> L.	Mangosteen
<i>Garcinia mannii</i> Oliv.	Kar

<i>Garcinia parvifolia</i> Miq.	Kandis
<i>Garcinia prainiana</i> King	Button mangosteen
<i>Garcinia subelliptica</i> Merr.	N/A
<i>Garcinia venulosa</i> (Blanco) Choisy	N/A
<i>Garuga floribunda</i> Decne.	Garuga, nemismis
<i>Glochidion littorale</i> Blume	Saka saka
<i>Glycosmis pentaphylla</i> (Retz.) DC.	Shan xiao ju
<i>Gmelina elliptica</i> Sm.	Badhara bush
<i>Gmelina philippensis</i> Cham.	N/A
<i>Gymnopetalum scabrum</i> (Lour.) W. J. de Wilde & Duyfjes	Feng gua
<i>Gynochthodes umbellata</i> (L.) Razafim. & B. Bremer	Common Indian mulberry
<i>Haematostaphis barteri</i> Hook. f.	N/A
<i>Hanguana malayana</i> (Jack) Merr.	N/A
<i>Hexalobus monopetalus</i> (A. Rich.) Engl. & Diels	N/A
<i>Heynea trijuga</i> Roxb. ex Sims	N/A
<i>Holigarna kurzii</i> King	N/A
<i>Horsfieldia subglobosa</i> Warb.	Penarahan
<i>Hylocereus undatus</i> (Haw.) Britton & Rose	Dragon fruit
<i>Icacina oliviformis</i> (Poir.) J. Raynal	False yam
<i>Inocarpus fagiferus</i> (Parkinson) Fosberg	Marrup, Tahitian chestnut
<i>Irvingia gabonensis</i> (Aubry-Lecomte ex O'Rorke) Baill.	Dikanut
<i>Irvingia malayana</i> Oliv. ex A. W. Benn.	Kabok
<i>Ixora javanica</i> (Blume) DC.	N/A
<i>Ixora macrothyrsa</i> (Teijsm. & Binn.) R. Br.	Santan-pula
<i>Juglans hindsii</i> (Jeps.) R. E. Sm.	California walnut, Hinds's walnut
<i>Kedrostis leloja</i> (Forssk.) C. Jeffrey	N/A
<i>Knema globularia</i> (Lam.) Warb.	Xiao ye hong guang shu
<i>Lagenaria siceraria</i> (Molina) Standl.	Bottle gourd
<i>Lansium domesticum</i> Corrêa	Langsat, lanzones
<i>Lansium parasiticum</i> (Osbeck) K. C. Sahni & Bennet	N/A
<i>Lepisanthes alata</i> (Blume) Leenh.	Sinpaju
<i>Lepisanthes fruticosa</i> (Roxb.) Leenh.	N/A
<i>Lepisanthes rubiginosa</i> (Roxb.) Leenh.	Kelatiayu
<i>Lepisanthes tetraphylla</i> (Vahl) Radlk.	N/A
<i>Litsea glutinosa</i> (Lour.) C. B. Rob.	Bolly-beech
<i>Litsea salicifolia</i> (J. Roxb. ex Nees) Hook.	Hei mu jiang zi

f.	
<i>Luffa acutangula</i> (L.) Roxb.	Ribbed loofah
<i>Luffa aegyptiaca</i> Mill.	Loofah
<i>Lycianthes biflora</i> (Lour.) Bitter	Hong si xian
<i>Machilus thunbergii</i> Siebold & Zucc.	Tabu
<i>Maclura cochinchinensis</i> (Lour.) Corner	Cockspurthorn
<i>Maerua duchesnei</i> (De Wild.) F. White	N/A
<i>Malpighia glabra</i> L.	Acerola, Barbados cherry
<i>Malus pumila</i> Mill.	Apple, domestic apple
<i>Mammea siamensis</i> T. Anderson	N/A
<i>Mangifera caesia</i> Jack	Wani
<i>Mangifera caloneura</i> Kurz	Mamuangpa
<i>Mangifera foetida</i> Lour.	Bachang mango
<i>Mangifera griffithii</i> Hook. f.	Rawa
<i>Mangifera indica</i> L.	Mango
<i>Mangifera laurina</i> Blume	Boa pow, mangga
<i>Mangifera longipetiolata</i> King	Asam damaran, asam kumbang
<i>Mangifera odorata</i> Griff.	Kuine, Saipan mango
<i>Mangifera pajang</i> Kosterm.	Bambangan
<i>Manilkara jaimiqui</i> (C. Wright) Dubard	Wild sapodilla
<i>Merremia vitifolia</i> (Burm. f.) Hallier f.	Zhang ye yu huang cao
<i>Microcos tomentosa</i> Sm.	N/A
<i>Mitrephora maingayi</i> Hook. f. & Thomson	Thabut-net
<i>Momordica balsamina</i> L.	Balsam apple, bitter melon
<i>Momordica charantia</i> L.	Balsam pear, bitter melon
<i>Momordica cochinchinensis</i> (Lour.) Spreng.'	Balsam apple
<i>Morella rubra</i> Lour.	Chinese bayberry, Yumberry
<i>Morinda citrifolia</i> L.	Noni, Indian mulberry
<i>Morinda coreia</i> Buch.-Ham.	N/A
<i>Morus alba</i> L.	White mulberry
<i>Muntingia calabura</i> L.	Jamaica cherry
<i>Murraya exotica</i> L.	Chinese-boxwood
<i>Musa balbisiana</i> Colla	Plantain
<i>Musa basjoo</i> Siebold & Zucc. ex Linuma	Japanese banana
<i>Musa troglodytarum</i> L.	Fe'i banana
<i>Myxopyrum smilacifolium</i> Blume	N/A
<i>Nauclea orientalis</i> L.	Canary wood
<i>Neolamarckia cadamba</i> (Roxb.) Bosser	Burflower tree
<i>Neolitsea sericea</i> (Blume) Koidz.	Shirodamo
<i>Nephelium cuspidatum</i> Blume	Panungaian
<i>Nephelium lappaceum</i> L.	Rambutan



<i>Nestegis sandwicensis</i> (A. Gray) O. Deg., I. Deg. & L. A. S. Johnson	Olopua, Hawallan-olive
<i>Ochreinauclea maingayi</i> (Hook. f.) Ridsdale	N/A
<i>Ochrosia mariannensis</i> A. DC.	N/A
<i>Olax scandens</i> Roxb.	Dheniani
<i>Opilia amentacea</i> Roxb.	N/A
<i>Palaquium maingayi</i> (C. B. Clarke) King & Gamble	Nyatoh
<i>Pandanus fragrans</i> Gaudich	Screw pine
<i>Pandanus odorifer</i> (Forssk.) Kuntze	Hala, pandanus, screw pine
<i>Parinari anamensis</i> Hance	N/A
<i>Parkia biglobosa</i> (Jacq.) R. Br. ex G. Don	African locust-bean
<i>Parkia speciosa</i> Hassk.	Petai
<i>Passiflora caerulea</i> L.	N/A
<i>Passiflora foetida</i> L.	Love-in-a-mist, pohapoha, stinking passion fruit
<i>Passiflora incarnata</i> L.	Maypop, wild passion fruit
<i>Passiflora quadrangularis</i> L.	Giant granadilla
<i>Passiflora suberosa</i> L.	Corky passion vine
<i>Physalis minima</i> L.	Green gooseberry
<i>Physalis peruviana</i> L.	Ground cherry, poha
<i>Pimenta dioica</i> (L.) Merrill	Allspice
<i>Planchonella duclitan</i> (Blanco) Bakh. f.	N/A
<i>Polyalthia simiarum</i> (Buch.-Ham. ex Hook. f. & Thomson) Benth. ex Hook. f. & Thomson	N/A
<i>Pometia pinnata</i> J. R. Forst. & G. Forst.	Fijian longan
<i>Poncirus trifoliata</i> (L.) Raf.	Flying dragon
<i>Pouteria alnifolia</i> (Baker) Roberty	N/A
<i>Pouteria caimito</i> (Ruiz & Pav.) Radlk.	Abiu
<i>Pouteria sapota</i> (Jacq.) H. E. Moore & Stearn	Mamey sapote, marmalade fruit
<i>Pouteria viridis</i> (Pittier) Cronquist	Green sapote
<i>Premna serratifolia</i> L.	Coastal premna
<i>Prunus campanulata</i> Maxim.	Taiwan cherry
<i>Prunus cerasifera</i> Ehrh.	Cherry plum
<i>Prunus cerasoides</i> D. Don	Sour cherry, wild Himalayan cherry
<i>Prunus cerasus</i> L.	Sour cherry, maraschino cherry
<i>Prunus mume</i> Siebold & Zucc.	Japanese apricot
<i>Prunus salicina</i> Lindl.	Japanese plum
<i>Prunus salicina</i> Lindl. x <i>Prunus</i> <i>cerasifera</i> Ehrn.	Methley plum

<i>Pyrus pashia</i> Buch.-Ham. ex D. Don	Himalayan pear
<i>Pyrus pyrifolia</i> (Burm. f.) Nakai	Sand pear
<i>Saba comorensis</i> (Bojer ex A. DC.) Pichon	Bungo fruit
<i>Saba senegalensis</i> (A. DC.) Pichon	Liane saba, mad, made
<i>Salacia verrucosa</i> Wight	N/A
<i>Sambucus javanica</i> Reinw. ex Blume	Chinese elder
<i>Sarcocephalus latifolius</i> (Sm.) Bruce	Country fig
<i>Sauropus androgynus</i> (L.) Merr.	Star gooseberry, katuk
<i>Schoepfia fragrans</i> Wall.	N/A
<i>Sclerocarya birrea</i> (A. Rich.) Hochst.	Maroola plum
<i>Shirakiopsis indica</i> (Willd.) Esser	N/A
<i>Simarouba glauca</i> DC.	Paradise tree
<i>Siphonodon celastrineus</i> Griff.	N/A
<i>Solanum aculeatissimum</i> Jacq.	Dutch eggplant
<i>Solanum aethiopicum</i> L.	Kumba
<i>Solanum americanum</i> Mill.	American nightshade
<i>Solanum anguivi</i> Lam.	African eggplant
<i>Solanum betaceum</i> Cav.	Tree tomato
<i>Solanum capsicoides</i> All.	Cockroach berry
<i>Solanum donianum</i> Walp.	Mullein, nightshade
<i>Solanum erianthum</i> D. Don	Big eggplant
<i>Solanum granulosoleprosum</i> Dunal	N/A
<i>Solanum incanum</i> L.	Bitter apple
<i>Solanum lasiocarpum</i> Dunal	Indian nightshade
<i>Solanum linnaeanum</i> Hepper & P.-M. L. Jaeger	Devil's apple
<i>Solanum macrocarpon</i> L.	Gboma eggplant
<i>Solanum mammosum</i> L.	Macawbush
<i>Solanum mauritianum</i> Scop.	Bugtree
<i>Solanum melongena</i> L.	Eggplant
<i>Solanum nigrescens</i> M. Martens & Galeotti	Divine nightshade
<i>Solanum nigrum</i> L.	Black nightshade
<i>Solanum pimpinellifolium</i> L.	Currant tomato
<i>Solanum quitoense</i> Lam.	Naranjilla
<i>Solanum seforthianum</i> Andrews	Black nightshade
<i>Solanum sessiliflorum</i> Dunal	Cocona, peach tomato
<i>Solanum stramonifolium</i> Jacq.	Coconilla
<i>Solanum torvum</i> Sw.	Devil's fig, turkeyberry
<i>Solanum trilobatum</i> L.	Thoodhuvalai
<i>Sorindeia madagascariensis</i> DC.	Sondriry

<i>Spondias mombin</i> L.	Jamaica plum, yellow mombin
<i>Spondias pinnata</i> L.	Common hog plum
<i>Spondias purpurea</i> L.	Purple mombin, Spanish plum
<i>Streblus asper</i> Lour.	N/A
<i>Strychnos mellodora</i> S. Moore	N/A
<i>Strychnos nux-vomica</i> L.	Strychnine tree
<i>Syzygium aromaticum</i> (L.) Merr. & L. M. Perry	Clove
<i>Syzygium borneense</i> (Miq.) Miq.	N/A
<i>Syzygium formosanum</i> (Hayata) Mori.	Tai wan pu tao
<i>Syzygium grande</i> (Wight) Walp.	N/A
<i>Syzygium jambos</i> (L.) Alston	Rose apple
<i>Syzygium lineatum</i> (DC.) Merr. & L. M. Perry	N/A
<i>Syzygium malaccense</i> (L.) Merrill & L. M. Perry	Mountain apple, Malay apple
<i>Syzygium nervosum</i> DC.	Daly River, satin-ash
<i>Syzygium samarangense</i> (Blume) Merr. & L. M. Perry	Java apple, water guava
<i>Terminalia bellirica</i> (Gaertn.) Roxb.	Belleric, beach almond
<i>Terminalia citrina</i> (Gaertn.) Roxb. ex Fleming	Black chuglam
<i>Theobroma cacao</i> L.	Cocoa
<i>Toddalia asiatica</i> (L.) Lam.	N/A
<i>Trichosanthes costata</i> Blume	N/A
<i>Trichosanthes pilosa</i> Lour.	Snake gourd
<i>Triphasia trifolia</i> (Burm. f.) P. Wilson	Limeberry
<i>Turpinia ternata</i> Nakai	San ye shan xiang yuan
<i>Uvaria grandiflora</i> Roxb. ex Hornem.	N/A
<i>Uvaria littoralis</i> (Blume) Blume	N/A
<i>Vaccinium reticulatum</i> Sm.	Ohelo
<i>Viburnum japonicum</i> (Thunb.) Spreng.	Hakusan-boku
<i>Vitellaria paradoxa</i> C. F. Gaertn.	Shea-butter tree
<i>Wikstroemia uva-ursi</i> A. Gray	Akia, false ohelo
<i>Willughbeia cochinchinensis</i> (Pierre) K. Schum.	N/A
<i>Willughbeia coriacea</i> Wall.	Borneo rubber
<i>Xanthophyllum flavescens</i> Roxb.	N/A
<i>Ximenia americana</i> L.	Yellow plum
<i>Zehneria mucronata</i> (Blume) Miq.	N/A
<i>Zehneria wallichii</i> (C. B. Clarke) C. Jeffrey	N/A
<i>Ziziphus mucronata</i> Willd.	N/A

## Background

Oriental fruit fly is a destructive insect pest of over 230 agricultural crops. Fruits (including nuts, dates, and berries), many kinds of vegetables, and the fruiting bodies of many wild and ornamental plants are known to be hosts or possible hosts of the Oriental fruit fly. Larval feeding reduces the interior of fruit to a rotten mass. Egg punctures admit decay organisms that cause tissue breakdown. Damaged fruit is generally unfit for human consumption.

## Project Description

In Section 3423 (c)(1) Oriental Fruit Fly Interior Quarantine, the host list will be removed and a reference to Section 3591.2(b) will be added. Currently, the Section 3423 (c)(1) host list is missing multiple species, all of which are included in the host list in Section 3591.2 (b). An incomplete host list in Section 3423 provides a source of potential confusion to the public, and could result in host material unknowingly being moved, which could lead to furthering an infestation. By referencing the list in Section 3591.2 (b) the confusion is removed and the regulations can be harmonized.

The Department has relied upon the following information:

Authority and Reference Citations:

Authority: Sections 407, 5301, 5302, and 5322 Food and Agricultural Code

Reference: Sections 5301, 5302, and 5322 Food and Agricultural Code and Sections 3591.2 and 4900 of the California Code of Regulations.

## Informative Digest

Kelch, Dean, Email "Oriental fruit fly host list discrepancy", sent April 21, 2023

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that the Secretary is directed or authorized to administer or enforce.

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.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in their opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

### CCR Section 3423

The Department is proposing to amend CCR Section 3423 which will correct a discrepancy that provides a source of potential confusion to the public.

### Mandate on Local Agencies or School Districts

The Department of Food and Agriculture has determined that amending Section 3423 does not impose a mandate on local agencies or school districts.

### Economic Impact Analysis

The prevention of the spread of Oriental fruit fly in California through regulation of host material via the amendment and implementation of this regulation prevent economic harm to:

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

By the Department neglecting to regulate the types of host fruit, this insect pest could spread into the local environment via the surrounding agricultural ecosystems. This could adversely impact private and commercial landscape plantings, local, regional, state and national parks, other recreational sites, open habitats, and wild lands. Affected plants could become less vigorous and may produce fewer seeds. Plants/trees with low propagule output can result in major changes to plant community structure. An established Oriental fruit fly population would likely result in increased insecticide usage in the areas affected, with potential negative impacts on non-target insects, along with the species that rely on them. Therefore, by directing the public to the host list in Section 3591.2 with the correct species, this amendment will correct a discrepancy that could cause potential confusion to the public.

### Anticipated Benefits from This Regulatory Action

This regulatory action will correct a discrepancy and will make it simpler for the public to use the correct host list for Oriental fruit fly and for the Department to update the list if needed in the future. Having the correct host list available will help prevent the spread of Oriental fruit fly, which will benefit.

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

### Assessment

Based upon the Economic Impact Analysis, the Department has made an assessment that the proposed regulation would not eliminate jobs or existing businesses within California. The Department has made an assessment that the proposed regulation would not likely lead to the creation of new jobs or businesses, and it would not affect the expansion of businesses currently doing business within California.

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.

### Estimated Cost or Savings to Public Agencies or Affected Private Individuals or Entities

The Department has determined that the amendment of Section 3423 does not impose a mandate on local agencies or school districts and no reimbursement is required under Section 17561 of the Government Code.

The Department also has determined that no savings or increased costs to any state agency, 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, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the amendment of Section 3423.

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. 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. The Department's determination that the action will not have a significant statewide adverse economic impact on business was based on the following:

By directing the public to a list with the correct host species, the amendment of Section 3423 will correct a discrepancy that is a source of potential confusion to the public..