

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE  
**TITLE 3 of the California Code of Regulations**

**NOTICE OF A PROPOSED EMERGENCY ACTION**

May 26, 2023

The California Department of Food and Agriculture (Department) proposes to amend Title 3 California Code of Regulations (CCR) Section 3423 in order to correct a discrepancy between the Oriental Fruit Fly Eradication Area and Oriental Fruit Fly Interior Quarantine regulations.

**Authority**

Food and Agricultural Code (FAC) sections 407, 5301, 5302, and 5322  
Reference: FAC 5301, 5302, and 5322.

**Sections Affected:** Title 3 CCR Section 3423.

**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, 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 e-mail: [staff@oal.ca.gov](mailto: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>.