

FINAL STATEMENT OF REASONS
DEPARTMENT OF FOOD AND AGRICULTURE
SUBMISSION OF REGULATIONS PERTAINING TO
Title 3, California Code of Regulations
Section 3434, Subsection (b)
Light Brown Apple Moth Interior Quarantine

Update of Initial Statement of Reasons/Policy Statement Overview

The initial statement of reasons/policy statement overview is still valid.

On page four of the Initial Statement of Reasons (ISR), the Department indicated it had prepared a Programmatic Environmental Impact Report for the light brown apple moth. The Department wants to also point out that California has had a comprehensive pesticide regulatory program for decades, managed, since 1991, by the Department of Pesticide Regulation (DPR). County agricultural commissioners (CAC) handle local pesticide enforcement in each of California's 58 counties. Regulatory programs which have protection of the environment among their principal purposes and which require a plan or other written documentation, as does DPR, are exempted from EIR requirements. The Public Resources Code provides for functional equivalency for regulatory programs that involve the issuance of a permit, license, certificate, or other entitlement for use or for the adoption or approval of standards, regulations, or plans for use in the regulatory programs. The DPR and CACs do not have to prepare an EIR [or negative declaration] on each product or permit approved. Instead of an EIR, documentation of local environmental impacts, mitigation measures, and alternatives are required. All of the chemical treatments allowed pursuant to the quarantine regulations have been approved under the DPR functional equivalency.

On page 12 of the ISR, the Department stated:

"Assessment

The Department has made an assessment that the repeal of the regulation would not..."

This action does not “repeal” the regulation it is an “amendment” of the regulation.

Summary of and Response to Objections or Comments Regarding the Regulations

No public hearing was held or requested. The summary of and response to each objection or comment received during the written comment period are as follows:

No written comments were received during the public comment period.

Mandate on Local Agencies and School Districts

The Department of Food and Agriculture has determined that Section 3434 does not impose a new mandate on local agencies or school districts. The local agencies that have a duty to enforce this regulation, the affected county agricultural commissioners requested the adoption and subsequent amendments of this regulation. Therefore, no reimbursement is required for Section 3434 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 proposed action.

The cost impact of the changes in the regulations on a representative private person or business is not expected to be significantly adverse. The Department has also determined that this action will not have a significant adverse economic impact on housing costs or California businesses, including the ability of California businesses to compete with businesses in other states.

Assessment

The Department has made an assessment that this amendment to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently

doing business within California.

Alternatives Considered

The Department of Food and Agriculture has determined that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.