

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 3436, 3591.23

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

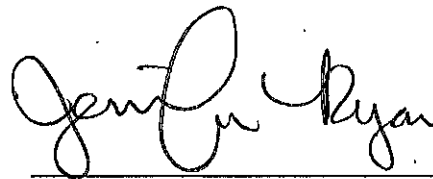
OAL Matter Number: 2024-0325-02

OAL Matter Type: Regular (S)

This regular rulemaking action by the Department of Food and Agriculture amends sections 3436 and 3591.23 of Title 3 of the California Code of Regulations regarding the White Stripped Fruit Fly host list.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2024.

Date: April 25, 2024



Jenifer Ryan
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary
Copy: Rachel Avila

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

request AM

REGULAR

OAL FILE NUMBERS	NOTICE FILE NUMBER 0123-05 Z-2024-0122-04	REGULATORY ACTION NUMBER 2024-0325-025	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

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

APR 25 2024

2:13 PM

OFFICE OF ADMIN. LAW
2024 MAR 25 PM 1:48

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
Department of Food and Agriculture

AGENCY FILE NUMBER (if any)

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 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 Disapproved/Withdrawn			NOTICE REGISTER NUMBER 2024 5-2	PUBLICATION DATE 2/2/24

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) White <u>Striped</u> Fruit Fly	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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
	AMEND 3436, 3591.23
TITLE(S) 3	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"/> Resubmission of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmission of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<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)

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
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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 Andrew R. Cline <small>Digitally signed by Andrew R. Cline Date: 2024.03.22 11:22:32 -0700</small>	DATE
TYPED NAME AND TITLE OF SIGNATORY Andrew R. Cline, Assistant Director Plant Health & Pest Prevention Services Division	

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ENDORSED APPROVED

APR 25 2024

Office of Administrative Law

Amend the following:

§ 3436. *Bactrocera albistrigata* Interior Quarantine.

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

(a) Pest. White striped fruit fly, *Bactrocera albistrigata*.

(b) Area Under Quarantine. [Reserved]

(c) Articles and Commodities Covered. The following are declared to be hosts and possible carriers of white striped fruit fly.

(1) All fruit, vegetables or berries of the plants listed in CCR 3591.23 (b) White Striped Fruit Fly Eradication Area, the following:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aglaia argentea</i>	
<i>Averrhoa carambola</i>	Carambola
<i>Calophyllum inophyllum</i>	Alexandrian laurel
<i>Gmelina elliptica</i>	Badhara bush
<i>Mimusops elengi</i>	Bakula
<i>Guettarda speciosa</i>	Beach gardenia
<i>Syzygium aromaticum</i>	Clove
<i>Psidium guajava</i>	Guava
<i>Artocarpus heterophyllus</i>	Jackfruit
<i>Neisosperma oppositifolium</i>	Kojbar
<i>Syzygium malaccense</i>	Malay apple
<i>Mangifera indica</i>	Mango
<i>Polyalthia longifolia</i>	Mast tree
<i>Sceloporia spinosa</i>	
<i>Syzygium spp.</i>	
<i>Syzygium aqueum</i>	Watery rose apple
<i>Syzygium jambos</i>	Rose apple
+ <i>Syzygium samarangense</i>	Water apple
<i>Terminalia catappa</i>	Tropical almond
<i>Terminalia procera</i>	Singaporel almond

(2) Soil within the drip area of plants producing, or which have produced fruit or berries as listed in (c)(1) above.

(3) Any other product, article, or means of conveyance when it is determined by the Secretary or county agricultural commissioner to present a hazard of spreading live life stages of white striped fruit fly and the person in possession thereof has been so notified.

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

Amend the following:

§ 3591.23. White Striped Fruit Fly Eradication Area.

(a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which the white striped fruit fly, *Bactrocera albistrigata*, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest.

(1) The County of Los Angeles.

(b) Hosts.

(1) Fruit of the following plants:

<u>Scientific Name</u>	<u>Common Name</u>
<u><i>Aglaiia argentea</i> Blume</u>	<u>N/A</u>
<u><i>Artocarpus heterophyllus</i> Lam.</u>	<u>Jackfruit</u>
<u><i>Averrhoa carambola</i> L.</u>	<u>Carambola, starfruit</u>
<u><i>Calophyllum inophyllum</i> L.</u>	<u>Alexandrian-laurel, Indian-laurel</u>
<u><i>Gmelina elliptica</i> Sm.</u>	<u>Badhara-bush</u>
<u><i>Guettarda speciosa</i> L.</u>	<u>Sea randa, zebrawood</u>
<u><i>Mangifera indica</i> L.</u>	<u>Mango</u>
<u><i>Mimusops elengi</i> L.</u>	<u>Medlar, Spanish-cherry</u>
<u><i>Ochrosia oppositifolia</i> (Lam.) K. Schum.</u>	<u>Mangga laut</u>
<u><i>Polyalthia longifolia</i> (Sonn.) Thwaites</u>	<u>Cemetery-tree, mast-tree</u>
<u><i>Psidium guajava</i> L.</u>	<u>Guava</u>
<u><i>Scolopia spinosa</i> Warb.</u>	<u>N/A</u>
<u><i>Syzygium aqueum</i> (Burm. F.) Alston</u>	<u>Watery rose-apple, water-apple</u>
<u><i>Syzygium aromaticum</i> (L.) Merr. & L. M. Perry</u>	<u>Clove</u>
<u><i>Syzygium malaccense</i> (L.) Merr. & L. M. Perry</u>	<u>Malay-apple, mountain-apple</u>
<u><i>Syzygium samarangense</i> (Blume) Merr. & L. M. Perry</u>	<u>Java-apple, Semarang rose-apple, wax apple</u>
<u><i>Terminalia catappa</i> L.</u>	<u>Tropical almond</u>
<u><i>Terminalia procera</i> Roxb.</u>	<u>White bombway</u>

Aglaiia argentea
Alexandrian-laurel (Calophyllum inophyllum)
Badhara-bush (Gmelina elliptica)
Bakula (Mimusops elengi)
Beach-gardenia (Guettarda speciosa)
Clove (Syzygium aromaticum)

~~Guava (*Psidium guajava*)~~
~~Jackfruit (*Artocarpus heterophyllus*)~~
~~Kojbar (*Neisosperma oppositifolium*)~~
~~Malay apple (*Syzygium malaccense*)~~
~~Mango (*Mangifera indica*)~~
~~Mast tree (*Polyalthia longifolia*)~~
~~*Scolopia spinosa*~~
~~Tropical almond (*Terminalia catappa*)~~
~~Water apple (*Syzygium samarangense*)~~
~~Watery rose-apple (*Syzygium aqueum*)~~

and any other plants determined by the department to produce fruit which is attacked by the white striped fruit fly.

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Authority cited: Sections 407 and 5322, Food and Agricultural Code.

Reference: Sections 5761, 5762, 5763 and 5764, Food and Agricultural Code.