

DEPARTMENT OF FOOD AND AGRICULTURE
Title 3 of the California Code of Regulations Section 3447

**Notice of Proposed Rulemaking
45 – Day Notice**

The Department of Food and Agriculture (Department) proposes to establish Title 3 of the California Code of Regulations (CCR) Section 3447 pertaining to the Citrus Yellow Vein Clearing Virus Interior Quarantine.

PUBLIC HEARING

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS or email. The written comment period closes on May 5, 2025. The Department will consider only comments received at the Department offices by that date or postmarked no later than May 5, 2025. Submit comments to:

Keith Okasaki, Environmental Program Manager
California Department of Food and Agriculture
Citrus Pest and Disease Prevention Division
2710 Gateway Oaks Drive, Suite 210-S
Sacramento, CA 95833
Keith.Okasaki@cdfa.ca.gov
(916) 274-6300

Questions regarding the substance of the proposed regulation should be directed to Keith Okasaki. In his absence, you may contact Raymond Niem at (916) 274-6300 or Raymond.Niem@cdfa.ca.gov.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY

The Department proposes to establish Section 3447 pursuant to the authority vested by Sections 407, 5301, 5302, and 5322 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5024, 5321, and 5322 of the FAC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The specific purpose of Section 3447 is to establish quarantine areas for regulating the possession and movement of hosts and possible carriers of citrus yellow vein clearing virus (CYVCV). clarify the dispute resolution procedures and make it more consistent with other state laws and regulations by amending the mediation notice.

EXISTING LAWS & REGULATIONS

FAC sections 407, 5301, and 5302 authorize the Department to establish, maintain, and enforce quarantine regulations to protect California's agricultural industries from harmful pests and diseases. Regulations may establish a quarantine at the boundaries of the state or elsewhere within the state.

FAC section 5024 requires the Department to inspect any plant or thing that is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest.

FAC section 5321 requires the Secretary to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication.

FAC section 5322 authorizes the Secretary to establish, maintain, and enforce quarantine, eradication, and other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC section 5321.

The Secretary may make and enforce such regulations as she deems 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.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

The Californian, national, and international consumers of California CYVCV host materials benefit by having high quality citrus fruit and healthy host nursery stock at lower cost. Implementing this regulation allows both domestic and international trade pathways to remain open.

CYVCV is a federally actionable and serious pest of concern. Without this regulatory action, USDA would implement a statewide quarantine for CYVCV, adversely impacting California's agricultural industry and significantly increasing cost to consumers.

There are no known specific benefits to worker safety or the health of California residents.

EVALUATION OF INCONSISTENCY / INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department considered any other possible regulations addressing an interior quarantine for CYVCV and found that this proposed regulation is the only regulation dealing with this subject. The Department is the only State agency which can clarify the dispute resolution procedures and make it more consistent with other states' laws and regulations. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3447 and has determined that it is not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost to any local agency or school district requiring reimbursement per 1700 et seq: None.

Cost or savings to any state agency: The Department has determined that this regulatory proposal will not have a significant impact on any state agency in the State of California.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: The agency is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be none and minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None

Small business determination: The proposed action will not affect small business because compliance activities are currently being performed by existing staff throughout quarantine areas within the State without any impact on small business.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS / ASSESSMENT

The Department has concluded that the proposed Section 3447 (1) will have no significant impact on the creation or elimination of jobs in the State of California, (2) will have no

impact on the creation of new businesses or elimination of businesses within the State of California, (3) will have no impact on the expansion of businesses within the State of California.

The Department is not aware of any specific benefits this regulation will have on worker safety or the health of California residents. The Department believes this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. Citrus growers contribute positively to California's economy and this amendment will allow the Department to continue to provide the necessary protection to the industry. The citrus industry is a needed source of revenue for the State's economic health.

The proposed action has no environmental impact or benefit, as it focuses on controlling the spread and movement of CYVVCV within the agricultural industry, which is unrelated to environmental concerns.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present alternatives during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department has prepared an initial statement of reasons for the proposed action and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/plant/Regulations.html). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the comment period and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised.

Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the agency officer named herein.