

**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: 3591.12

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2023-1121-02

OAL Matter Type: Regular (S)

This action by the Department of Food and Agriculture expands the eradication area for the peach fruit fly in California to include Sacramento County.

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

Date: January 8, 2024



Nicole C. Carrillo
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary

Copy: Rachel Avila

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

REGULAR

For use by Secretary of State only

FD-400 (REV. 10/2019)

request

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2023-0828-B	2023-1121-02	5

For use by Office of Administrative Law (OAL) only

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

JAN 08 2024
1:40 PM

OFFICE OF ADMIN. LAW
2023 NOV 21 AM 11:51

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture	AGENCY FILE NUMBER (If any)
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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 <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER 2023, 26-2	PUBLICATION DATE 9/8/2023

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Peach Fruit Fly Eradication Area	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) PER AGENCY REQUEST NCC
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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 3591.12
REPEAL
TITLE(S) 3

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"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal 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)
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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: 2023.11.20 14:49:19 -0800</small>	DATE
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TYPED NAME AND TITLE OF SIGNATORY Andrew R. Cline, Assistant Director Plant Health & Pest Prevention Services Division

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 08 2024

Office of Administrative Law

Amend the following section:

§ 3591.12. Peach Fruit Fly Eradication Area.

(a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which peach fruit fly, *Bactrocera zonata*, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest, and as such, it is amenable to the provisions of Article 4 (Sections 5761, 5762, 5763 and 5764) of Chapter 8, Part 1, Division 4, of the Food and Agricultural Code of California.

- (1) The entire county of Alameda.
- (2) The entire county of Contra Costa.
- (3) The entire county of Fresno.
- (4) The entire county of Los Angeles.
- (5) The entire county of Madera.
- (6) The entire county of Napa.
- (7) The entire county of Orange.
- (8) The entire county of Riverside.
- (9) The entire county of Sacramento.
- ~~(10)~~ The entire county of San Bernardino.
- ~~(11)~~ The entire county of San Joaquin.
- ~~(12)~~ The entire county of San Mateo.
- ~~(13)~~ The entire county of Santa Clara.
- ~~(14)~~ The entire county of Solano.
- ~~(15)~~ The entire county of Ventura.

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NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code.
Reference: Sections 5761, 5762, 5763 and 5764, Food and Agricultural Code.