

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE  
PROPOSED CHANGES IN THE REGULATIONS

Title 3, California Code of Regulations

Section 3591.29

Black Fig Fly Eradication Area

ADDENDUM TO THE INITIAL STATEMENT OF REASONS/  
PLAIN ENGLISH POLICY STATEMENT OVERVIEW

The previously submitted Initial Statement of Reasons is being revised by replacing the related sections with revised text:

The sections replaced are:

- Purpose and factual Basis
- Information Relied Upon

The replaced sections of the Initial Statement of Reasons are located from the bottom of pages 1 through 3 and pages 9 through 10 of the document.

**Revised Replacement Text:**

Purpose and Factual Basis

This adoption of Section 3591.29 will establish authority to eradicate the BFF. The effect of this adoption will be to provide authority for the Department to perform control and eradication activities against BFF to prevent spread of the fly to non-infested areas. This will protect California's agricultural industry. The adoption of this regulation also benefits of the general public who grow figs or host material for consumption and/or ornamentals in various rural and urban landscapes, including private and community gardens.

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The factual basis for the determination by the Department that the adoption of this regulation is necessary is as follows:

The Department finds that the adoption of a new regulation addressing BFF is necessary to avoid serious harm to the public peace, health and safety, or general welfare. On June 10, 2021, a resident in Pasadena (Los Angeles County) submitted a damaged fig fruit with pupae to county agricultural personnel. Using molecular techniques, the Department's Plant Pest Diagnostics laboratory confirmed the pupae were BFF. On June 21, 2021, a resident in Goleta (Santa Barbara County) submitted figs with larvae to county agricultural personnel. The Department also confirmed these as BFF by using molecular techniques. On June 24, 2021, a larva from a fig at the Goleta residence was collected by Department personnel and this was confirmed as BFF with molecular techniques. On June 29, 2021, an adult male was confirmed by the Department as BFF via morphology. Further finds of BFF were made in Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, and Ventura counties.

BFF is an insect pest which attacks figs. BFF adults feed on exudates of figs and fig tree sap. Edible fig (*Ficus carica*) is the only known larval host, and both figs and caprifigs are attacked. Larvae feed inside the fruit, and this often results in premature fruit drop. In Tunisia, BFF caused "massive" fruit drop, with infestation rates exceeding 80% in some areas of the country. All varieties of figs grown locally were reported to be susceptible.

BFF has the capability of causing significant irreparable harm to California's agricultural industry as well as community and private gardens which grow figs. In 2017, California produced 31,200 tons of fresh figs and was the largest fig producer in the U.S., accounting for nearly 98% of all figs produced. Also, in that year, United States fig exports were valued at more than \$15.5 million.

Fig production in California is primarily located in Fresno, Madera, and Kern counties in the San Joaquin Valley, and Riverside and Imperial counties in Southern California. With the finding of BFF pupae, larvae and adult flies in Los Angeles, Santa Barbara, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, and Ventura counties, each discovery moves the infestation closer to the main areas of commercial fig production in California. As California currently has no eradication areas for BFF, it is necessary to adopt the eradication area regulation in order to successfully enforce eradication actions. California does not currently have a program in place for treatment of BFF. In the event that the Department determines an appropriate treatment program, the Department needs eradication authority to implement the treatment.

If BFF were allowed to spread and become further established in host fruit production areas, California's agricultural industry would suffer losses due to increased pesticide use, decreased production of marketable fruit, and loss of markets if the United States Department of Agriculture (USDA) enact quarantines against California products which are hosts for the fly. The USDA currently maintains a quarantine on figs from Mexico to protect the United States from BFF.

#### Information Relied Upon

The Department relied upon the following studies, reports, and documents in the proposed adoption and subsequent amendment of Section 3591.29:

Abbes, K., Hafsi, A., Harbi, A., Mars, M., and Chermiti, B. 2021. The black fig fly *Silba adipata* (Diptera: Lonchaeidae) as an emerging pest in Tunisia: preliminary data on geographic distribution, bioecology and damage. *Phytoparasitica*. <https://doi.org/10.1007/s12600-020-00871-y>

Agricultural Marketing Resource Center, 2018. A national information resource for value-added agriculture: figs

#### California Department of Agriculture, BFF Tally as of 6-22-22

Email, 2021. From Martin Hauser, CDFA Plant Pest Diagnostics Center, June 23, 2021. Regarding Pasadena, Los Angeles County find of BFF.

Email, 2021. From Peter Kerr, CDFA Plant Pest Diagnostics Center, June 24, 2021. Regarding Goleta, Santa Barbara find of BFF.

Email, 2021. From Peter Kerr, CDFA Plant Pest Diagnostics Center, July 12, 2021. Regarding Santa Ana, Orange County find of BFF.

Email, 2021. From Peter Kerr, CDFA Plant Pest Diagnostics Center, July 15, 2021. Regarding Simi Valley, Ventura County find of BFF.

Email, 2021. From Shaun Winterton, CDFA Plant Pest Diagnostics Center, July 9, 2021. Regarding Sierra Madre, Los Angeles County find of BFF.

Email, 2021. From Shaun Winterton, CDFA Plant Pest Diagnostics Center, July 30, 2021. Regarding Rancho Cucamonga, San Bernardino County find of BFF.

Email, 2021. From Shaun Winterton, CDFA Plant Pest Diagnostics Center, August 9, 2021. Regarding Riverside, Riverside County find of BFF.

USDA, 2020. APHIS amends import requirements for fresh fig (*Ficus carica*) fruit from Mexico. DA-2020-19. September 15, 2020.