

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

NOTICE OF A PROPOSED EMERGENCY ACTION

5 – Day Notice

The California Department of Food and Agriculture (Department) proposes to adopt Section 3591.2 Black Fig Fly Eradication Area, of Title 3 of the California Code of Regulations. This regulation will give the Department eradication authority to address black fig fly (*Silba adipata* McAlpine) incursions into California.

AUTHORITY

The Department proposes to adopt Section 3591.2 pursuant to the authority vested by sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code of California. Reference: Sections 5301, 5302, 5322, 5761, 5762, 5763 and 5764, Food and Agricultural Code.

Sections Affected: Section 3592.1 of Title 3 of the California Code of Regulations.

Five Working Day Notice of OAL Comment Period: Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency regulation to OAL, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. For further information on the emergency rulemaking process, please access the OAL website at: https://oal.ca.gov/emergency_regulations/, or contact the OAL reference attorney by phone at (916) 323-6815 or e-mail at staff@oal.ca.gov.

Upon the Department submitting the proposed regulation to OAL, OAL will have ten (10) calendar days within which to review and make a decision on the proposed emergency rule. If approved, OAL will file the regulations with the Secretary of State, and the emergency regulations will become effective for one hundred and eighty (180) days. Within the 180-day effective period, the Department will proceed with a regular rulemaking, including a public comment period. The emergency regulations will remain in effect during the regular rulemaking action.

Attached to this notice is the specific regulatory language of the proposed emergency action and Finding of Emergency.

Website Access: Materials regarding this proposal can be found by accessing the following Internet address:

<https://www.cdfa.ca.gov/plant/Regulations.html>