

**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: 3591.6

Repeal sections:

NOTICE OF APPROVAL OF CERTIFICATE OF
COMPLIANCE

Government Code Sections 11349.1 and
11349.6(d)



OAL Matter Number: 2025-0108-01

OAL Matter Type: Certificate of Compliance
(C)

In this certificate of compliance, the Department makes permanent an amendment to its regulation, which adds Alameda to the list of counties included in the proclamation of eradication areas with respect to spongy moth, *Lymantria dispar*.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: February 20, 2025

Thanh Huynh
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary
Copy: Sara Khalid

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

CERT

For use by Secretary of State only

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

FEB 20 2025

1:53pm

[Signature]

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|--|---|---|------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z-2024-1105-06 | REGULATORY ACTION NUMBER 2025-0108-01 | EMERGENCY NUMBER |
| For use by Office of Administrative Law (OAL) only | | | |
| NOTICE | | REGULATIONS | |

OFFICE OF ADMIN. LAW
2025 JAN 8 AM 11:55per agency
requestAGENCY 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 Disapproved/Withdrawn | | NOTICE REGISTER NUMBER 2024, 46-2 | PUBLICATION DATE 11/15/24 |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | | | | | | | | | | | | | | | |
|---|--|--|---|--|--|---|---|---|--|---------------------------------------|-------------------------------------|---|---|--|--|
| 1a. SUBJECT OF REGULATION(S) Spongy Moth Eradication Area | | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2024-0925-01E | | | | | | | | | | | | | |
| 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 | per agency request | | | | | | | | | | | | | |
| | AMEND 3591.6 | | | | | | | | | | | | | | |
| TITLE(S) 3 | REPEAL | | | | | | | | | | | | | | |
| 3. TYPE OF FILING | | | | | | | | | | | | | | | |
| <table border="0"><tr><td><input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)</td><td><input checked="" 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.</td><td><input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))</td><td><input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)</td></tr><tr><td><input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)</td><td></td><td><input type="checkbox"/> File & Print</td><td><input type="checkbox"/> Print Only</td></tr><tr><td><input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))</td><td><input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)</td><td colspan="2"><input type="checkbox"/> Other (Specify) _____</td></tr></table> | | | | <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) | <input checked="" 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"/> File & Print | <input type="checkbox"/> Print Only | <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | <input type="checkbox"/> Other (Specify) _____ | |
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) | <input checked="" 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"/> File & Print | <input type="checkbox"/> Print Only | | | | | | | | | | | | |
| <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | <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 type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" 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 Sara Khalid | | TELEPHONE NUMBER 916-708-5609 | FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) sara.khalid@cdfa.ca.gov | | | | | | | | | | | | |

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.

| | |
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| SIGNATURE OF AGENCY HEAD OR DESIGNEE Victoria Hornbaker <small>Digitally signed by Victoria Hornbaker Date: 2025.01.06 12:49:54 -08'00'</small> | DATE |
| TYPED NAME AND TITLE OF SIGNATORY Victoria Hornbaker, Director Plant Health & Pest Prevention Services Division | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 20 2025

Office of Administrative Law

- Amend the following:

§ 3591.6. Spongy Moth Eradication Area.

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

(1) The entire counties of Alameda, Butte, Los Angeles, Marin, Nevada, Orange, Riverside, San Diego, San Mateo, Santa Barbara, Santa Clara, Santa Cruz and Ventura.

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

Reference: Sections 5322, 5761, 5762 and 5763, Food and Agricultural Code.