

FINAL STATEMENT OF REASONS
DEPARTMENT OF FOOD AND AGRICULTURE
SUBMISSION OF REGULATIONS PERTAINING TO
Title 3, California Code of Regulations
Section 3591.20, Subsection (a)
Light Brown Apple Moth Eradication Area

Update of Initial Statement of Reasons/Policy Statement Overview

The initial statement of reasons/policy statement overview is still valid.

The Department elects to mail the Notice, Initial Statement of Reasons/Policy Statement Overview and the proposed text of the regulation to all interested parties.

On February 15, 2008, a suspect adult male LBAM was trapped in the Sonoma area of Sonoma County. It was officially identified as LBAM on February 22, 2008. The regulatory authority under Section 3591.20 includes, "The searching for all stages of light brown apple moth by visual inspection, the use of traps, or any other means anywhere within the said area." Therefore, this emergency amendment to Section 3591.20 was necessary to ensure the Department has the best chance to conduct a successful eradication project in the smallest possible area of Sonoma County. As a result of the Department conducting an ongoing regional delimitation surveys for LBAM in Sonoma County, on April 20, 2008 (California Department of Food and Agriculture Pest and Damage Record #1550340), another LBAM was trapped and a portion of the Sonoma area was placed under quarantine.

What eradication options the Department intends to implement is dependent upon the size of the infestation, its location(s) and which materials may be registered for use and has adequate efficacy data. Minimally, the searching for all life stages as authorized by the regulation needs to continue in the entire county as an unknown introduction pathway

exists. Prior to the implementation of any eradication activities, the Department must also comply with any requirements contained in the California Environmental Quality Act.

Summary of and Response to Objections or Comments Regarding the Regulations

No public hearing was held or requested as a result of the distribution of the Notice for a 45 day public comment period. The 45 day public comment ended on May 12, 2008. No written comments were received during this public comment period.

The Department added documents to the rulemaking file as information relied upon after the Notice was published and provided over 15 days for the public to review and comment on the additional documents.

The summary of and response to each objection or comment received during the minimum 15 day written comment period are as follows:

No public comments were received.

Mandate on Local Agencies and School Districts

The Department of Food and Agriculture has determined that Section 3591.20 does not impose a new mandate on local agencies or school districts. The amendment of this regulation, establishing State eradication authority in Sonoma County, does not impose a new mandate on the local agencies. Therefore, no reimbursement is required for Section 3591.20 under Section 17561 of the Government Code.

The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

The cost impact of the changes in the regulations on a representative private person or business is not expected to be significantly adverse. The Department has also determined that this action will not have a significant adverse economic impact on housing costs or California businesses, including the ability of California businesses to compete with businesses in other states.

Assessment

The Department has made an assessment that this amendment to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Alternatives Considered

The Department of Food and Agriculture has determined that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.