

**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: 3700

Repeal sections:

**NOTICE OF APPROVAL OF CERTIFICATE OF
COMPLIANCE**

**Government Code Sections 11349.1 and
11349.6(d)**

OAL Matter Number: 2021-1011-01

**OAL Matter Type: Certificate of Compliance
(C)**

This certificate of compliance action makes permanent the emergency regulations to add Del Norte County to the regulated area for Oak Mortality Disease (see OAL File Nos. 2020-1026-01 and 2021-0820-02).

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

Date: November 17, 2021



Amy R. Gowan
Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary

Copy: Karen Olmstead

CERT

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2021-0330-01	REGULATORY ACTION NUMBER 2021-1011-01C	EMERGENCY NUMBER 2020-1026-01E
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For use by Office of Administrative Law (OAL) only

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

NOV 17 2021

1:15 pm

NOTICE	REGULATIONS
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OFFICE OF ADMIN. LAW
2021 OCT 11 PM2:11

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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Oak Mortality Disease	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2020-1026-01E, 2021-0820-02EE
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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 3700
TITLE(S) 3
REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

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)
August 25, 2021 through September 9, 2021 for documents added to the rulemaking file

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 checked="" 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 Karen Olmstead	TELEPHONE NUMBER 916-403-6879	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) karen.olmstead@cdfa.ca.gov
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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 Mark A. McLoughlin <small>Digitally signed by Mark A. McLoughlin Date: 2021.10.08 14:28:21 -0700</small>	DATE 10/08/2021
TYPED NAME AND TITLE OF SIGNATORY Mark A. McLoughlin, Director of Plant Health and Pest Prevention Services	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 17 2021

Office of Administrative Law

Amend Section 3700 Oak Mortality Disease Control to read:

§ 3700. Oak Mortality Disease Control.

Restrictions are hereby established against the following pest, its hosts, and possible carriers.

(a) Pest. A fungus, *Phytophthora ramorum*, which causes oak mortality disease (sudden oak death).

(b) Regulated Area. The regulated area for the pest is: The entire counties of Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Mateo, Santa Clara, Santa Cruz, San Francisco, Solano, Sonoma and Trinity.

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Note: Authority cited: Sections 407, 5321 and 5322, Food and Agricultural Code. Reference: Sections 24.5, 5321 and 5322, Food and Agricultural Code.