

**TITLE 3. FOOD AND AGRICULTURE NOTICE OF A PROPOSED  
EMERGENCY ACTION**

August 13, 2021

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture (Department) is proposing to readopt the amendment to Title 3 California Code of Regulations section 3700, the effect of which will maintain Del Norte County on the list of regulated areas in Section 3700(b) for sudden oak disease (SOD) caused by *Phytophthora ramorum*. SOD is a disease that, in the last 25 years, has killed millions of tanoak trees and several oak tree species and caused twig and foliar diseases in numerous other plant species. This amendment will impact the intrastate movement of SOD hosts and associated hosts from Del Norte County to the unregulated portions of the State because the hosts and associated hosts will have to be certified that they are free from the SOD pathogen before entering unregulated areas. The Finding of Emergency and regulatory text are enclosed.

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

Sections Affected: Section 3700 of Title 3, Division 4, Chapter 4, Subchapter 6, 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 regulations to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency regulations to every person who has filed a request for notice of rulemaking action with the agency. After submission of the proposed emergency regulations to OAL, CDFA shall allow interested persons five calendar days to submit comments on the proposed emergency regulation as set forth in Government Code section 11349.6. Submit comments to:

Erin Lovig  
California Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
2800 Gateway Oaks Dr, Suite #200  
Sacramento, CA 95833  
erin.lovig@cdfa.ca.gov  
916.403.6682  
916.651.2900 (FAX)

For further information on the emergency rulemaking process, please access the "Emergency Rulemaking" section of the "Rulemaking Process" tab at the OAL website ([www.oal.ca.gov](http://www.oal.ca.gov)), or contact the OAL reference attorney at (916) 323-6815 or [staff@oal.ca.gov](mailto:staff@oal.ca.gov).

Upon the Department filing the emergency regulations, OAL will have ten (10) calendar days within which to review and make a decision on the proposed emergency regulations. If approved, OAL will file the regulation with the Secretary of State, and the emergency regulation will become effective for ninety (90) days. Within the 90-day effective period, the Department will finish its regular rulemaking action, including a public comment period. The emergency regulations will remain in effect during this rulemaking action.

Attached to this notice is the specific regulatory language of the proposed emergency regulations and Findings of Emergency.

Website Access: Materials regarding this proposal can be found by accessing the following website: <https://www.cdfa.ca.gov/plant/Regulations.html>.