In Title 3, Division 4, amend Section 4603, Schedule of Charges, to read:

(i) Phytosanitary Certification. This is a non-regulatory requested service in order to meet a regulatory requirement imposed by another country, state, district or territory. The Secretary of Food and Agriculture, pursuant to Section 5852 of the Food and Agricultural Code, establishes the following schedule of charges and these charges shall be based upon the State or federal certificates issued in California by authorized State or county agricultural commissioners' staff.

(1) Federal Certificates − Charges shall conform to the requirements of federal regulation (7 CFR § 354.3(5)) and are based upon a "cost-per-certificate."

(A) If the United States Department of Agriculture's Phytosanitary Certificate Tracking System (PCIT) is used to assess the fee the cost per certificate is $5.30.

(B) If PCIT is not used, the cost per certificate is $5.30.

(2) State Certificates − Charges shall be based upon a "cost-per-certificate."

(A) The charge for an original State phytosanitary certificate or certificate of quarantine compliance issued for interstate movement shall be $5.30 if PCIT is used to assess the fee.

(B) If PCIT is not used, the cost per certificate is $5.30.

(3) Collection and Remittance of Fees

(A) Each county agricultural commissioner's office shall assess the required fees for State and federal phytosanitary certificates and certificates of quarantine compliance upon the issuance of the certificate; except there shall be no additional charge for reissued certificates as a result of an error by the certifying official.

(B) Each county agricultural commissioner's office shall annually remit any fees collected, except if PCIT is used to assess the fee, to the Department by January 31st, the fees remitted shall be those which were collected within the 12 month period annually beginning on December 1st and ending on November 30th. Fees sent to "collection" and portions of fees reimbursed through the "collection" process need not be remitted.

(C) Except for fees assessed through PCIT, each county agricultural commissioner's office may include a surcharge for each State or federal certificate issued to recover the approximate costs incurred for collecting and remitting these fees to the Department. This surcharge shall be recovered from the person/business requesting the certificate.

(D) Any county agricultural commissioner's office issuing less than 100 certificates during the applicable 12 month period is exempt from having to remit the collected fees and they may be retained by the collecting office.

(E) The person/business which is authorized to use a "master certificate" shall remit $125 directly to the Department at the time the "master certificate" is issued and thereafter annually remit $125 directly to the Department by January 31st. This service charge shall be applicable regardless if the "master certificate" is utilized for any portion of the preceding year starting December 1st and ending on November 30th or if the "master certificate" is suspended or revoked for cause by the destination state or the Department during that annual period.

(F) All fees shall be remitted by check made payable to "Department of Food and Agriculture," mailed to:

Cashier
Department of Food and Agriculture
PO Box 942872
Sacramento, CA 94271-2872

and if a "master certificate" is used, shall be accompanied by letter stating the name of the shipper listed on the compliance agreement and the compliance agreement number.

~~(G) If not otherwise amended prior to July 1, 2015, this regulation shall sunset.~~

Authority: Sections 407, 5851, 5852 and 52331, Food and Agricultural Code

Reference: Sections 407, 5851, 5852 and 52331, Food and Agricultural Code