

**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: 3435(d)
Repeal sections:

NOTICE OF APPROVAL OF CERTIFICATE OF
COMPLIANCE

Government Code Sections 11349.1 and
11349.6(d)


OAL Matter Number: 2017-1027-02

OAL Matter Type: Certificate of Compliance
(C)

This timely certificate of compliance action by the Department of Food and Agriculture makes permanent the changes adopted in OAL File Nos. 2016-1212-02E, 2017-0523-04EE, and 2017-0725-01EE that prohibit the movement of bulk citrus within quarantine areas, except for shipments moved under the terms of a special permit as authorized under section 3154 of title 3 of the CCR.

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

Date: December 13, 2017



Lindsey S. McNeill
Attorney

For: Debra M. Cornez
Director

Original: Karen Ross, Secretary
Copy: Rachel Avila

NOTICE PUBLICATION/REGULATIONS SUBMISSION

CERT

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2017-0823-01	2017-1027-02C	

For use by Office of Administrative Law (OAL) only

2017 OCT 27 A 9:20
OFFICE OF ADMINISTRATIVE LAW

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

DEC 13 2017
1:40PM

NOTICE	REGULATIONS
--------	-------------

AGENCY 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 Disapproved/Withdrawn			NOTICE REGISTER NUMBER 2017, 36-2	PUBLICATION DATE 9/8/2017

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Asian Citrus Psyllid Interior Quarantine	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2016-1212-02E, 2017-0523-04EE, 2017-0725-01EE
--	---

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 3435(b) 3435(d) REPEAL
TITLE(S) 3	

LM per agency request 12/11/17

3. TYPE OF FILING			
<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 § 511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, 511346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, 5100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code § 511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, 511346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, 511346.1(b))		<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, 544 and Gov. Code 511347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, 5100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code § 11343.4(a)) Effective on filing with Secretary of State 5100 Changes Without Regulatory Effect Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM 56660) Fair Political Practices Commission State Fire Marshal

Other (Specify)

7. CONTACT PERSON Rachel Avila	TELEPHONE NUMBER 916-403-6813	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Rachel.Avila@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.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Nick Condos</i>	DATE 10-24-17
TYPED NAME AND TITLE OF SIGNATORY Nick Condos, Director, Plant Health and Pest Prevention Services	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 13 2017

Office of Administrative Law

3 CCR § 3435

§ 3435. Asian Citrus Psyllid Interior Quarantine.

....

(d) Restrictions.

(1) Articles and commodities covered in subsection (c)(1); and (2) and (4) are prohibited movement from the area under quarantine and articles and commodities covered in subsection (c)(4) are prohibited movement from or within the area under quarantine except if the article or commodity covered is moved under the terms of a special permit as authorized under Title 3, Section 3154 of the California Code of Regulations.

(2) Articles and commodities covered in subsection (c)(3) are prohibited movement from the area under quarantine except if cleaned and/or treated in a manner to eliminate all live life stages of *Diaphorina citri* to the satisfaction of the Department or county agricultural commissioner.

(3) Articles or commodities originating outside the quarantine area may be moved directly through the area under quarantine without delay and by a direct route in an enclosed vehicle or container or completely enclosed by a covering to prevent exposure to the *Diaphorina citri* while enroute through the area.

(4) All nursery stock sold or distributed within the quarantine area shall be treated in a manner approved by the Department and bear a label stating that it may not be moved outside the quarantine area.

Note: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.
Reference: Sections 401.5, 407, 5301, 5302, 5321 and 5322, Food and Agricultural Code.