

**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: 3439

Repeal sections:

**NOTICE OF APPROVAL OF CERTIFICATE OF
COMPLIANCE**

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

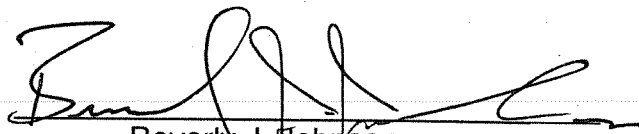
OAL Matter Number: 2018-1120-01

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

The Department of Food and Agriculture submitted this timely certificate of compliance to make permanent the amendments made in OAL File No. 2018-0518-02E regarding Huanglongbing disease interior quarantine.

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

Date: January 7, 2019



Beverly J. Johnson
Deputy Director

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 Z-2018-0924-02	REGULATORY ACTION NUMBER 2018-1120-01C	EMERGENCY NUMBER
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ENDORSED - FILED
In the office of the Secretary of State
of the State of California

JAN 07 2019
1:41PM

For use by Office of Administrative Law (OAL) only	
NOTICE	REGULATIONS

2018 NOV 20 A 9:24
OFFICE OF ADMINISTRATIVE LAW

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 <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER 2018, 40-2	PUBLICATION DATE 10/5/2018

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Huanglongbing (HLB) Disease Interior Quarantine	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2018-0518-02E
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND 3439 per agency request 1/2/19
TITLE(S) 3	REPEAL 3439

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 §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(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, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

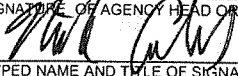
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input 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 Rachel Avila	TELEPHONE NUMBER 916-403-6813	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Rachel.Avila@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 	DATE 11-20-19
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

JAN 07 2019

Office of Administrative Law

Amend Huanglongbing Disease Interior Quarantine, Section 3439(b) to read:

A quarantine is established against the following pest, its hosts and possible carriers.

(a) Pest. Huanglongbing (HLB) disease (HLB associated bacteria *Candidatus Liberibacter asiaticus*)

(b) Area Under Quarantine.

An area shall be designated as under quarantine when all of the following criteria exist:

- (A) Survey results indicate an HLB infestation is present. An infestation of HLB disease is present when a single host plant tests positive for the disease organism.
- (B) The Department has defined the infested area. The initial area under quarantine shall be a minimum of a 5 mile radius surrounding the site of the plant that contains an HLB infestation. Commercial host properties shall not be split by the quarantine boundary line and the boundary line shall be expanded beyond the 5 miles as necessary to encompass such host material in its entirety. Wherever possible, known accepted mapping features, including but not limited to roads, streets, highways, creeks, streams, rivers, canals, and city, county, state, park and forest boundary lines are used first, and if there are no acceptable features such as these then imaginary lines will be used with a beginning point and end point given as end or beginning or intersection of features or latitude and longitude.
- (C) The local California County Agricultural Commissioner(s) is notified and requests the quarantine area be established.

(2) The Department shall provide electronic and/or written notification of the area designation(s) to other California County Agricultural Commissioners and other interested or affected parties and post the area description to its website at: https://www.cdfa.ca.gov/plant/regs_hlb.html. An interested party may go to the above website and elect to receive automatic notifications of any changes in quarantine areas through the list serve option.

(3) Satellite infestations. A detection of HLB disease within any established quarantine area may be considered a satellite infestation and may be used as the epicenter for an additional 5 mile radius surrounding the detection that modifies the border of the quarantine area.

(4) Any interested party or local entity may appeal an area quarantine designation by submission to the Department of a written request for review of the designation accompanied by clear and convincing evidence that the quarantine expansion does not meet the criteria specified to change the quarantine boundaries. The appeal must be submitted no later than ten (10) working days following publication of the notice of designation. The Department must respond with a written decision no later than ten (10) working days following receipt of the appeal. During the pending of the appeal, the designation under appeal shall remain in effect.

(c) [no changes]

(d) [no changes]

(e) [no changes]

(f) [no changes]

Authority cited: Sections 407, 5301, 5302, 5322 and 5705, Food and Agricultural Code.

Reference: Sections 407, 5301, 5302, 5322 and 5705, Food and Agricultural Code.