

**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: 3591.12

Repeal sections:

**NOTICE OF APPROVAL OF CERTIFICATE OF
COMPLIANCE**

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


OAL Matter Number: 2016-1129-04

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

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2016-0617-02E) that amended section 3591.12 by adding the county of San Joaquin to the list of counties proclaimed to be eradication areas with respect to the peach fruit fly (*Bactrocera zonata*). The effect of the amendment provides authority for the state to perform eradication activities against the peach fruit fly within this county.

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

Date: January 9, 2017


Peggy J. Gibson
Senior Attorney

**For: Debra M. Cornez
Director**

**Original: Karen Ross
Copy: Sara Khalid**

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-2016-0919-03 | REGULATORY ACTION NUMBER 2016-1129-04C | EMERGENCY NUMBER |
| For use by Office of Administrative Law (OAL) only | | | |
| NOTICE | | REGULATIONS | |

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

JAN 09 2017

1:35PM

2016 NOV 29 P 3:28

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 <input type="checkbox"/> 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 Disapproved/Withdrawn | | NOTICE REGISTER NUMBER 2016, 40-2 | PUBLICATION DATE 9/30/2016 |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | | | |
|---|---------------------------|---|--|
| 1a. SUBJECT OF REGULATION(S) Peach Fruit Fly Eradication Area | | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2016-0617-02E | |
| 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 | | |
| | 3591.12(a) and 3591.12(b) | | |
| 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) | | | |
| 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 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 Sara Khalid | | TELEPHONE NUMBER 916-403-6625 | FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) |

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

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 09 2017

Office of Administrative Law

Amend Section 3591.12 to read:

(a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which peach fruit fly, *Bactrocera zonata*, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest, and as such, it is amenable to the provisions of Article 4 (Sections 5761, 5762, 5763 and 5764) of Chapter 8, Part 1, Division 4, of the Food and Agricultural Code of California.

- (1) The entire county of Alameda.
- (2) The entire county of Fresno.
- (3) The entire county of Los Angeles.
- (4) The entire county of Napa.
- (5) The entire county of Riverside.
- (6) The entire county of San Bernardino.
- (7) The entire county of Santa Clara.
- (8) The entire county of Solano.
- (9) The entire county of San Joaquin.
- (10) The entire county of San Mateo.

(b) Hosts.

(1) Fruit of the following plants:

| <i>Scientific Name</i> | <i>Common Name</i> |
|---|-----------------------|
| <i>Abelmoschus esculentus</i> | Okra |
| <i>Aegle marmelos</i> | Indian bael |
| <i>Annona cherimola</i> | Cherimova |
| <i>Annona muricata</i> | Soursop |
| <i>Annona reticulatereticulata</i> | Custard apple, annona |
| <i>Annona squamosa</i> | Custard apple |
| <i>Careva arborea</i> | Patana oak, kumbhi |
| <i>Carica papaya</i> | Papaya, common |
| <i>X Citrofortunella japonicamicrocarpa</i> | Calamondin orange |

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|--|-------------------------|
| <i>Citrullus lanatus</i> | Watermelon |
| <i>Citrus aurantifolia</i> | Sour lime |
| <i>Citrus aurantium</i> | Sour orange |
| * <i>Citrus li</i> Lemon | *Lemon |
| *(except commercially produced clean and waxed smooth lemon) | |
| <i>Citrus medica</i> | Citron |
| <i>Citrus maxima</i> | Pummelo |
| <i>Citrus nobilis</i> | King Orange, Tangor |
| <i>Citrus paradisi</i> | Grapefruit |
| <i>Citrus reticulata</i> | Mandarin (tangerine) |
| <i>Citrus sinensis</i> | Orange, sweet |
| <i>Coccinia grandis</i> | Gourd, ivy |
| <i>Cucumis melo</i> | Cantaloupe |
| <i>Cucumis sativus</i> | Cucumber |
| <i>Cucumis utilissimus</i> | Melon, long |
| <i>Cydonia oblonga</i> | Quince |
| <i>Elaeocarpus angustifolius</i> | Blue marbletree: |
| | New Guinea-quandong |
| <i>Elaeocarpus grandiflorus</i> | Lily of the valley tree |
| <i>Elaeocarpus madopetalus</i> | Ma-kok-nam |
| <i>Eriobotrya japonica</i> | Loquat |
| <i>Eugenia brasiliensis</i> | Brazil cherry |
| <i>Eugenia uniflora</i> | Surinam cherry |
| <i>Felipia sellowiana</i> | Pineapple guava |
| <i>Ficus benghalensis</i> | Banyan fig |
| <i>Ficus carica</i> | Fig, common |
| <i>Ficus macrophylla</i> | Moreton Bay fig |
| <i>Ficus retusa</i> | Glossy leaf fig |

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|--|-------------------------------|
| <i>Ficus rubiginosa</i> | Port Jackson fig |
| <i>Ficus</i> spp. | Fig |
| <i>Fortunella japonica</i> | Kumquat |
| <i>Grewia asiatica</i> | Phalsa |
| <i>Lagenaria siceraria</i> | |
| (= <i>L. vulgaris</i>) | Bottle or calabash gourd |
| <i>Luffa acutangula</i> | Ribbed or ridged gourd, Luffa |
| <i>Luffa aegyptiaca</i> | Smooth loofah, sponge gourd |
| <i>Lycopersicum esculentum</i> | Tomato |
| <i>Madhuca indica</i> | |
| (= <i>Bassia latifolia</i>) | Mahua, mowra-buttertree |
| <i>Malus</i> spp. | Apple |
| <i>Malus</i> (= <i>domestica</i>) <i>sylvestris</i> | Apple, common |
| <i>Mangifera foetida</i> | Bachang mango |
| <i>Mangifera indica</i> | Mango |
| <i>Mangifera odorata</i> | Kuine |
| <i>Manilkara emarginata</i> | a Sapodilla |
| <i>Manilkara hexandra</i> | Balata sapodilla |
| <i>Manilkara zapota</i> | Sapodilla |
| <i>Momordica balsamina</i> | Balsam apple hawthorn |
| <i>Momordica charantia</i> | Balsam pear, bitter melon, |
| | bitter gourd |
| <i>Momordica cochinchinensis</i> | a Balsam apple |
| <i>Ochrosia elliptica</i> | Bourbon orange |
| <i>Persea americana</i> | Avocado |
| <i>Phoenix dactylifera</i> | Date Palm |
| <i>Prunus americana</i> | American plum |
| <i>Prunus armeniaca</i> | Apricot |

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|---|---------------------------------|
| <i>Prunus avium</i> | Sweet cherry |
| <i>Prunus cerasifera</i> | Plum |
| <i>Prunus domestica</i> | European prune (plum) |
| * <i>Prunus dulcis</i> | *Almond |
| *(except harvested almonds with dried husks) | |
| <i>Prunus ilicifolia</i> | Cherry, hollyleaf |
| <i>Prunus lusitanica</i> | Portuguese laurel cherry |
| <i>Prunus lyonii</i> | Catalina cherry |
| <i>Prunus persica</i> | Peach |
| <i>Prunus persica</i> var. <i>nectarine</i> | Nectarine |
| <i>Prunus salicina</i> x <i>Prunus cerasifera</i> | Methley plum |
| <i>Prunus salicina</i> | Japanese plum |
| <i>Psidium cattleianum</i> | Strawberry guava |
| <i>Psidium cattleianum littorale</i> | Red strawberry guava |
| <i>Psidium cattleianum lucidum</i> | Yellow strawberry guava |
| <i>Psidium guajava</i> | Guava |
| <i>Punica granatum</i> | Pomegranate |
| <i>Putranjiva roxburghii</i> | Wild Olive, Indian amulet plant |
| <i>Pyrus communis</i> | Pear |
| <i>Pyrus pashia</i> | Kaenth |
| <i>Pyrus pPyrifolia</i> | Pear, sand |
| <i>Solanum aculeatissimum</i> | a Nightshade |
| <i>Solanum auriculatum</i> | Wild tobacco |
| <i>Solanum melongena</i> | Eggplant |
| <i>Solanum muricatum</i> | Pepino |
| <i>Solanum pseudocapsicum</i> | Jerusalem cherry |
| <i>Solanum seaforthianum</i> | Brazilian nightshade |
| <i>Solanum verbascifolium</i> | Mullein nightshade |

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| <i>Syzygium aquea</i> | Water apple, watery roseapple |
| <i>Syzygium cumini</i> | Java plum, jambolana |
| <i>Syzygium jambos</i> | Rose-apple |
| <i>Syzygium malaccense</i> | Malay-apple |
| <i>Syzygium samarangense</i> | Java apple, water apple |
| <i>Terminalia bellirica</i> | Myrobalan |
| <i>Terminalia catappa</i> | Tropical or Indian almond |
| <i>Terminalia chebula</i> | |
| <i>Ziziphus mauritiana</i> | Chinese-date, jujube |

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Note: Authority cited: Sections 407 and 5322, Food and Agriculture Code. Reference: Sections 5761, 5762, 5763 and 5764, Food and Agricultural Code.