

Amend the reference and authority citations and 3701.1(a) in Title 3, California Code of Regulations of the following sections:

**§ 3701. Citrus Nursery Stock Pest Cleanliness Program.**

The following definitions apply to this section.

(a) "Applicant" means any person whose application has been submitted to but not yet accepted by the Department.

(b) "Authorized agent" means any person who has been granted authority by the Department to test plant and/or insect samples for the purposes of these regulations.

(c) "Breach" means any detectable opening of a size approximately 0.3 square millimeters inadvertently made in an insect-resistant structure.

(d) "Citrus" means "citrous" and any plants of the genera Citrus, Fortunella, Poncirus, and all hybrids having one or more of such as parents that could host any disease for which testing is required in Section 3701.6.

(e) "Citrus Clonal Protection Program" (CCPP) means the University of California at Riverside, Department of Plant Pathology & Microbiology.

(f) "Citrus Clonal Protection Program Tag Number" or "CCPP Tag Number" means the unique identifying number assigned by CCPP to a tree.

(g) "Citrus tree" means a rooted citrus plant.

(h) "Department" means the California Department of Food and Agriculture.

(i) "Department registration number" means the unique identifying number assigned by the Department to each registered mother tree, mother line or seed tree.

(j) "Foundation stock" means propagative materials collected or taken from trees maintained by the CCPP.

(k) "Infected" means that the presence of a pathogen listed in these regulations was detected using the testing methods specified in Section 3701.6.

(l) "Micro-propagation" means vegetatively propagating plant material in vitro by means of nodal cuttings.

(m) "Official sample" means a sample collected by the Department.

(n) "Participant" means any person who agrees to fulfill the responsibilities of the participant described in Section 3701.2, who has submitted an application to the Department and whose application has been accepted by the Department.

(o) "Propagative materials" means seeds, cuttings, buds, budsticks, graft sticks or micro-propagated materials taken from a citrus tree.

(p) "Registered" means the Department has approved a citrus tree or propagative material that has been propagated, planted, inspected, tested, and documented in accordance with the provisions of these regulations.

(q) "Registered increase tree" means a citrus tree, propagated using propagative materials from CCPP, or a registered mother tree or mother line, for the purpose of rapidly producing budwood, and that the Department has determined to be in compliance with the inspection, testing and other requirements specified in these regulations.

(r) "Registered mother line" means in vitro material introduced into culture from nodal cuttings at a particular time and from a single tree, to be used as a source of vegetative propagating material; and that the Department has determined to be in compliance with the inspection, testing and other requirements specified in these regulations and to which the Department has assigned a tag bearing that line's departmentally assigned registration number.

(s) "Registered mother tree" means a citrus tree, used as a source of vegetative propagating material, that the Department has determined to be in compliance with the inspection, testing and other requirements specified in these regulations and to which the Department has attached a tag bearing that tree's departmentally assigned registration number.

(t) "Registered seed tree" means a citrus tree, used as a source of seed only, that the Department has determined to be in compliance with the inspection, testing and other requirements specified in these regulations and to which the Department has attached a tag bearing that tree's departmentally assigned registration number.

(u) "Resting" means that the Department has determined that additional samples will be collected and tested.

(v) "Target vector" means an insect vector of Tristeza or Huanglongbing.

(w) "Tested" means any test procedure using plant material or its extracts to determine the presence or absence of a disease or disease agent in or on the tested plant material. For the purposes of these regulations, testing will be in accordance with the procedures adopted by the Department for diseases and disease agents listed in Section 3701.6.

(x) "Topworking" means budding or grafting of another variety on top of existing stock.

Note: Authority cited: Sections 407, 5801, 5802 and 6946, Food and Agricultural Code. Reference: Sections 407, 5801, 5802, 5803 6940 and 6941, Food and Agricultural Code.

#### **§ 3701.1. General Provisions.**

(a) Participation in and compliance with the requirements of these regulations is mandatory for any person, with the exception of the Citrus Clonal Protection Program, who by any method of propagation, produces any citrus nursery stock propagative material. Under California Food and Agricultural Code Section 5803, it is unlawful for any person to bud, graft, or otherwise propagate or grow any citrus in violation of these regulations or to sell as nursery stock any bud, budsticks or plant, which is so produced.

(b) The participant shall annually sign and file a California Nursery Stock Registration and/or Certification Program Agreement, provided by the Department, acknowledging the responsibilities of participation in this program according to Title 3, Division 4, Section 3069, California Code of Regulations.

(c) Approvals, supervision, inspections, determinations and registration shall be conducted by the Department. Tests may be conducted by the Department or its authorized agents.

Note: Authority cited: Sections 407, 5801, 5802 and 6946, Food and Agricultural Code. Reference: Sections 407, 5801, 5802, 5803, 5310, 5311, 6940, 6941 and 6945, Food and Agricultural Code.

## **§ 3701.2. Program Responsibilities.**

### **(a) Responsibilities of the Participant**

- (1) Paying all fees as described in Section 3701.8.
- (2) Providing the labor to collect samples for testing under the supervision of the Department.
- (3) Submission of a completed, signed compliance agreement as required in Section 3701.4.

(4) Applying for the registration or re-registration of plants grown under the provisions of these regulations.

(5) Selecting tree(s) or mother lines for testing, and the proper maintenance of any plants being grown under the provisions of these regulations.

(6) Procuring qualified propagative materials for planting.

(7) Using propagation, farming, and sanitation practices as required in Section 3701.4.

(8) Removal of citrus trees or mother lines from insect-resistant structures when no longer eligible to be maintained within the structure.

(9) Maintain, and upon request, provide within five business days to the Department a record of all mother trees, mother lines, seed and/or increase trees registered by the participant, or other trees maintained in the same structure with registered material.

(A) For all mother trees, mother lines, seed trees, increase trees and nursery stock, the records shall include the sources(s) of the vegetative propagative materials used to produce the trees or mother lines and the date propagated, and shall be maintained for a minimum of five years from date of propagation.

(B) For all citrus vegetative propagative material that is produced from registered mother trees, mother lines, or increase trees and used for propagation or sold as propagative material, the records shall include disposition of such material including name and address of customer if applicable, Department registration number or CCPP tag number as applicable, quantity and kind of units of propagative material, and cultivar,

and shall be maintained for a minimum of five years from the date the material is produced.

(10) Taking precautions to guard against the introduction and spread of pests and diseases to plants entered in this program.

(11) Proper use of registration tags provided by the Department, including removal within five working days, of registration tags from citrus trees that have died, for which the Department issues a cancellation of registration notice, or that otherwise are no longer eligible for registration, maintaining control of registration tags issued to the participant, and ensuring that tags are not applied to plants or propagative materials that are not eligible.

(12) Proper use, maintenance and submission of Department-supplied insect monitoring traps.

(13) Notifying the Department at least 24 hours in advance of any pest control treatments in plantings using a pesticide that has reentry or worker safety requirements that would create a health hazard for the Department's employees, or in any manner interfere with the Department's ability to conduct scheduled inspections or other field activities. This subsection only applies when the Department has notified the participant of the date of a planned inspection or other program-related action that would bring the Department's representative(s) into a treated area or into contact with treated plants.

(14) Notifying the Department of any trees for which registration is requested that are known to be infected with the citrus variant of the HSVd, citrus viroid IIa (CVd-IIa, Non-cachexia variant).

(15) Meeting the requirements of Title 3, Division 4, California Code of Regulations, Section 3060.4(a)(1)(D) when selling any propagative material infected with the citrus variant of the HSVd, citrus viroid IIa (CVd-IIa, Non-cachexia variant).

(b) Responsibilities of the Department.

(1) Maintain records of all registered mother trees, mother lines, seed and increase trees.

(2) Specify, in the registration record, those trees that are infected with the citrus variant of the HSVd, citrus viroid IIa (CVd-IIa, Non-cachexia variant).

(3) Process applications from applicant and/or requests for records from applicant within 10 business days of receipt.

(4) Release results of disease tests to participants within 5 business days of receiving final test results from the facility performing the diagnostics.

(5) Require that the facility performing the diagnostics include in its protocol a method of conducting additional diagnostic procedure(s) for any sample for which the results were inconclusive or positive.

(6) Require that the facility performing the diagnostics notify the Department within three business days of any inconclusive or positive test results.

(7) Upon receiving notification from the diagnostic facility, notify the affected participant within three business days of any inconclusive or positive test results.

(8) Approve insect-resistant structures.

(9) Inspect and test participants' citrus trees and mother lines in accordance with the provisions of these regulations and as required by the Department.

(10) Cancel registration of citrus trees and mother lines that are found to be infected with diseases listed in Section 3701.6, using tests prescribed in Section 3701.6, and/or the trees or mother lines have been produced out of compliance with the provisions of these regulations.

(11) The Department may issue special permits exempting researchers or others from compliance with any or all of the provisions of these regulations. The permit shall state any and all provisions under which citrus propagation will be allowed.

Note: Authority cited: Sections 407, 5705, 5801, 5802 and 6946, Food and Agricultural Code. Reference: Sections 407, 5310, 5311, 5705, 5801, 5802, 5803, 6940, 6941 and 6945, Food and Agricultural Code.

### **§ 3701.3. Eligibility Requirements.**

(a) Registered mother trees, registered mother lines and registered seed trees.

(1) Citrus trees registered under Title 3, Division 4, Chapter 3, subchapter 2, Article 1 before the effective date of these regulations may maintain their registration as long as they meet the maintenance requirements of Section 3701.4 and the testing requirements of Section 3701.6.

(2) Until July 1, 2011, mother trees and mother lines not previously registered, may be eligible for registration provided they have tested negative for Tristeza and Huanglongbing in the previous twelve months; and seed trees not previously registered may be eligible for registration.

(3) Other than as described in 3701.3(a)(1) and (a)(2), mother trees, mother lines and seed trees for which registration is requested shall have been propagated using scion materials obtained from or tested by CCP in accordance with Table 1, or from registered mother trees; and rootstock shall be from registered seed sources or propagated vegetatively from registered sources.

(4) Registered mother trees may be topworked and thereafter re-registered, provided that the topworking was performed using only registered materials.

(5) Registered mother trees infected with the citrus variant of the HSVd, citrus viroid IIa (CVd-IIa, Non-cachexia variant), that otherwise meet the testing requirements of Section 3701.6 may be registered.

(b) Registered increase trees

(1) Propagative materials used in the production of increase trees shall be foundation stock, registered mother stock, registered mother line stock or registered seed tree stock.

(2) Registered mother trees may be topworked using registered materials to establish a registered increase tree.

(3) Until January 1, 2013, registered field-grown increase trees may be used as a source of propagative materials for a period of 18 months, beginning with the date the tree was propagated, with no additional testing.

(4) Registered increase trees, maintained in departmentally approved insect-resistant structures that meet the requirements of Section 3701.5, may be used as a source of propagative materials for a period of 48 months from date of propagated with no additional testing.

(5) Notwithstanding Section 3701.3(b)(4), no plant shall be maintained for a period longer than 72 months within an insect-resistant structure that also contains registered trees, unless that plant has been tested for Tristeza and Huanglongbing within the previous 72 months.

Note: Authority cited: Sections 407, 5801, 5802 and 6946, Food and Agricultural Code. Reference: Sections 407, 5310, 5311, 5801, 5802, 5803, 6940, 6941 and 6945, Food and Agricultural Code.

#### **§ 3701.4. Planting Location and Maintenance Requirements.**

(a) Registered trees shall be located as follows:

(1) Mother trees and the rootstock used in their production may be field grown until January 1, 2012. To be eligible for registration after January 1, 2012, mother trees and the rootstock used in their production shall be maintained in departmentally approved insect-resistant structures that meet the requirements of Section 3701.5.

(2) Increase trees and the rootstock used in their production may be field grown until January 1, 2013. To be eligible for registration after January 1, 2013, increase trees and the rootstock used in their production shall be maintained in departmentally approved insect resistant structures that meet the requirements of Section 3701.5.

(b) Notwithstanding Section 3701.4(a), any plant meeting the eligibility requirements of this program may be removed from one approved structure into another approved structure provided the plants are in the process of being actively relocated.

Any plant moved during daylight hours shall be covered in a manner to protect against target vectors. If a screen covering is used, no openings shall be larger than approximately 0.3 square millimeters.

(c) Maintenance Requirements

(1) All plants entered in this program shall be kept in good growing condition and pests shall be kept under effective control.

(2) Only those plants meeting the eligibility requirements of these regulations, or nursery stock derived therefrom, may be planted or maintained inside a departmentally approved insect-resistant structure. After January 1, 2013, only nursery stock that has been propagated and maintained within a departmentally approved insect-resistant structure at all times is eligible to be maintained in a structure that also contains registered mother, seed or increase trees.

(3) Each participant maintaining an insect-resistant structure shall sign a compliance agreement with the Department that includes a plan developed by the participant and approved by the Department for meeting the following performance standard:

(A) Ensure proper utilization of entryways.

(B) Establish procedures that are sufficient to prevent entry or spread of diseases and/or target vectors.

(C) Maintain structural inspection schedule that is sufficient to ensure the integrity of the structure is maintained.

(D) Participant's response to structural breach.

(E) Ensure appropriate nursery personnel are trained in pest identification and plant inspection techniques.

(F) Ensure proper use of Department supplied traps.

(G) Participant's plan for major structure maintenance or replacement.

Note: Authority cited: Sections 407, 5705, 5801, 5802 and 6946, Food and Agricultural Code. Reference: Sections 407, 5310, 5311, 5705, 5801, 5802, 5803, 6940, 6941 and 6945, Food and Agricultural Code.

**§ 3701.5. Insect-Resistant Structures Performance Standard.**

(a) Each insect-resistant structure shall be approved by the Department prior to planting or moving stock into it. Structures under construction or completed prior to the adoption of these regulations may be grandfathered in provided they meet the performance standard outlined below.

(b) All insect-resistant structures shall be enclosed with a covering to exclude target vectors and shall have entryways that prevent the entrance of target vectors.

Note: Authority cited: Sections 407, 5801, 5802 and 6946, Food and Agricultural Code. Reference: Sections 407, 5310, 5311, 5801, 5802, 5803 6940, 6941 and 6945, Food and Agricultural Code.

**§ 3701.6. Inspection and Testing Procedures.**

(a) Except as otherwise provided, inspection and testing activities described in this section shall be made by the Department, or its authorized agents which, for the purposes of testing, include the Citrus Clonal Protection Program, the Central California Tristeza Eradication Agency and the Jerry Dimittman Laboratory. Official samples submitted to a facility that is certified by the United States Department of Agriculture to perform specific test(s) shall be eligible to fulfill those specific testing requirements of this program. All inspection and testing procedures shall be conducted at times determined suitable by the Department.

(b) Upon submittal of laboratory protocols, and Department review and acceptance thereof, agents may be granted authorization for performing any of the specific laboratory tests required by these regulations. Any change(s) in protocol(s) must be submitted to the Department for review and acceptance prior to their use in this program.

(c) The diseases and associated disease agents of concern to this program and approved test methods are listed below in Table I. Additional inspections and tests other than provided in this section may be required by the Department.

Table I: Diseases, Disease Agents of Concern and Approved Test Methods/Indicators

Diseases of Concern	Disease Agent(s)	Test/Indicator Plant
<b>Viruses</b>		
Infectious Variegation, Leaf rugose, Crinkly leaf	<i>Citrus variegation ilarvirus</i> <i>Citrus leaf rugose ilarvirus</i> <i>Citrus crinkly leaf ilarvirus</i>	Sour orange Etrog Citron
Leaf blotch Dweet mottle	<i>Citrus leaf blotch virus</i> (CLBV) aka <i>Dweet mottle virus</i> (DMV)	Dweet tangor
Leprosis	<i>Citrus leprosis rhabdovirus</i>	Sweet orange
Psorosis A & B (Ring spot)	<i>Citrus psorosis ophiovirus</i> (CPsV)	Sweet orange Dweet tangor
Satsuma Dwarf	<i>Satsuma dwarf virus</i> (SDV) group	Satsuma mandarin, Dweet tangor, White sesame ( <i>Sesamum indicum</i> ), ELISA
Tatter leaf-Citrange stunt	<i>Apple stem grooving capillovirus</i> (ASGV) aka Citrus tatter leaf virus (CTLV)	Rusk citrange/RL Citrus excelsa
Tristeza (Quick decline, Stem pitting, Seedling yellows)	<i>Citrus tristeza closterovirus</i> (CTV)	Mexican lime, ELISA, Immunoimpression Direct tissue-blot immunoassay

Yellow mosaic	<i>Citrus yellow mosaic badnavirus</i>	Sweet orange, pummelo, ELISA
<b>Viroids</b>		
Various citrus growth abnormalities and symptomatologies related to citrus viroids including exocortis and cachexia	<i>Citrus exocortis viroid</i> (CEVd), <i>Hop stunt viroid</i> (HSVd), Citrus variants of HSVd, <i>Citrus viroid-IIa</i> (CVd-IIa): Non-cachexia, CVd-IIIb & -IIc: Cachexia, <i>Citrus bent leaf viroid</i> (CBLVD) aka <i>CVd-I</i> , <i>Citrus dwarfing viroid</i> (CDVd) aka CVd-III, <i>Citrus bark cracking viroid</i> (CBCVd) aka CVd-IV, <i>Citrus viroid V</i> (CVd-V), <i>Citrus viroid VI</i> (CVd-VI) aka CVD-OS	Etrog citron Arizona 861-S1/RL and sPAGE, Imprint Hybridization
<b>Procaryotes</b>		
Citrus variegated chlorosis	<i>Xylella fastidiosa</i>	PCR and sequencing
Huanglongbing (Citrus greening)	<i>Candidatus Liberobacter</i> sp.	Sweet orange PCR Source plant observation
Stubborn	<i>Spiroplasma citri</i>	Culture Sweet orange
Witches' broom	<i>Candidatus Phytoplasma aurantifolia</i>	Mexican lime, PCR
<b>Unknown</b>		
Australian Dieback	Uncharacterized, probable	Sweet orange,

	phytoplasma	grapefruit
Concave gum	Unknown	Dweet tangor Sweet orange
Chlorotic dwarf	Unknown	Sour orange, rough lemon
Cristacortis Impietratura	Unknown	Dweet tangor Sweet orange
Vein enation	Unknown, probably Luteovirus	Mexican lime Sour orange
Impietratura	Unknown	Dweet tangor. Sweet orange

(d) Testing. Tests shall be conducted as described in Table 1 unless the Department approves or requires changes.

(1) Mother trees and mother lines shall be tested as follows:

(A) Field-grown registered mother trees shall be tested by the Department annually for Tristeza and Huanglongbing, at least once every 36 months for viroids and at least once every 72 months for psorosis.

(B) Registered mother trees and mother lines, maintained in a departmentally approved insect-resistant structure meeting the requirements of Section 3701.5, shall be tested as follows:

1. For Tristeza and Huanglongbing:

A. Prior to their first use as a propagative source but no later than 72 months from the date of propagation, the trees and mother lines shall be tested for Tristeza and Huanglongbing, and for the next two consecutive years following this initial testing.

B. Thereafter, to be used as propagative sources, the trees and mother lines shall have been tested within the previous three years for Tristeza and within the previous six years for Huanglongbing unless the disease is detected in the State. If

Huanglongbing is detected in the State, the trees shall have been tested within the previous 36 months for Huanglongbing.

C. Registered trees not in current use as propagative sources must be tested at least once every six years to be eligible to remain in the program.

2. For Viroids:

A. Beginning January 1, 2013, to be used as propagative sources, the trees and mother lines shall have been tested within the previous three years, with the following exception,

B. Beginning January 1, 2016, mother trees and mother lines maintained in insect-resistant structures within which no trees have been tested positive for viroids shall be tested prior to their first use as a propagative source and at least once every six years thereafter.

3. For psorosis: At least once every six years.

(C) In addition to the above, mother trees or mother lines found to be infected with the citrus variant of the HSVd, citrus viroid IIa (CVd-IIa, Non-cachexia variant) shall be tested to ensure the sequence similarity of the detected CVd-IIa with the Department approved growth modifying Tsn-RNA IIa.

(2) Seed trees shall be tested at least every six years for Huanglongbing, psorosis A & B and citrus leaf blotch virus.

(e) Should any tree within an insect-resistant structure test positive for any disease covered in these regulations, the Department may require additional testing of any tree within that structure. The Department's decision to require additional testing shall be based upon a risk evaluation conducted by the Department which shall be made available to the participant and include the following elements:

- (1) Length of time deficiencies existed prior to correction.
- (2) Size of breach, if applicable.
- (3) Number and type of past actions taken by the Department.
- (4) Type of pathogen or vector of concern.

(5) Identification of pathogen or vector.

(6) Test results.

(7) Presence or absence of pathogens, target vectors and hosts in the geographic area of nursery site at such distances or levels that spread of these pathogens or vectors into the nursery is either likely or not.

(8) Degree of infestation or population numbers of target vectors.

(9) Chemical application records supporting appropriate use of pesticides.

(10) Destruction or treatment of infested material.

(11) Interviews with employees or others familiar with operational procedures.

(f) The Department may require re-testing of any tree for which the test results are deemed inconclusive by the facility performing the diagnostics, or at the request of the affected participant.

(g) The Department may approve or require the substitution or addition of other tests, under generally accepted standards of scientific analysis, which are of equal or better reliability in detecting the diseases and disease agents of concern in this section.

(h) The Department shall publish a notice of approval of any test method which is substituted for or in addition to those listed in this section to program participants and on the Department's web site.

(i) Inspection. The Department may perform unannounced inspections of structures and/or plants entered in the program at any time during normal business hours. In addition, each participant nursery shall be subject to an annual inspection of the following:

(1) All required records pertaining to trees entered in the program.

(2) All insect-resistant structures maintained as part of the program.

(3) The participant's compliance agreement for insect-resistant structures.

Note: Authority cited: Sections 407, 5801, 5802 and 6946, Food and Agricultural Code. Reference: Sections 407, 5310, 5311, 5801, 5802, 5803, 6940, 6941, 6943 and 6945, Food and Agricultural Code.

**§ 3701.7. Refusal, Suspension or Cancellation of Registration.**

(a) Registration may be suspended for any registered tree(s) or registered mother lines if any of the conditions listed below apply.

(1) Tests or visual inspections indicate that the citrus tree(s) or mother line(s), or any citrus tree(s) or mother line(s) within the same structure, are infected with the applicable disease or disease agent of concern listed in Section 3701.6; or

(2) The requirements of these regulations have not been met; or

(3) The pest cleanliness requirements for nursery stock in Title 3, Division 4, Section 3060.2 of California Code of Regulations have not been met; or

(4) The source that the citrus trees or mother lines were propagated from is diseased and the citrus trees or mother lines and their progeny are also suspected of being diseased.

(5) Participant's failure to meet the requirements in the compliance agreement.

(6) Breach of an insect-resistant structure.

(b) Registration may be canceled or refused for any registered tree(s) or mother lines if any of the conditions listed below apply.

(1) The citrus tree(s) or mother line(s) is/are infected with an applicable disease or disease agent of concern listed in Section 3701.6 and detected using a test listed in that section.

(2) The requirements of these regulations have not been met; or

(3) The pest cleanliness requirements for nursery stock in Title 3, Division 4, Section 3060.2 of California Code of Regulations have not been met; or

(4) The source that the citrus trees or mother lines were propagated from is diseased and their progeny are also determined to be diseased.

(5) Participant's failure to meet the requirements in the compliance agreement.

(6) Breach of an insect-resistant structure.

(c) The Department's decision to suspend, refuse or cancel registration of a citrus tree or trees shall be based upon a risk evaluation conducted by the Department which

shall be made available to the participant and include the elements as described in Section 3701.6(e).

(d) Disposition of suspended and canceled trees or mother lines.

(1) Suspended trees or mother lines may be retained in the planting.

(2) Suspended trees or mother lines shall be clearly identified and written records maintained.

(3) Propagative materials from suspended trees or mother lines may, at the discretion of the Department, retain their registered status while testing to determine their disease status is in progress.

(4) Propagative materials from canceled trees or mother lines shall not be used.

(5) Trees or mother lines maintained in insect-resistant structures which have tested positive for any of the diseases listed in Section 3701.6(d) shall be removed by the participant within three business days of being notified by the Department that the tree or mother line is to be removed.

(e) Reinstatement of suspended trees or mother lines.

(1) Registration of suspended trees or mother lines and/or propagative materials may be reinstated if the Department determines that the suspension is no longer necessary. The Department may use testing and/or inspections to make this determination.

(2) Registered trees or mother lines may have their registration reinstated if they test negative for disease(s) shown to be infecting the source(s) from which they were propagated.

Note: Authority cited: Sections 407, 5801, 5802 and 6946, Food and Agricultural Code. Reference: Sections 407, 5310, 5311, 5801, 5802, 5803, 6940, 6941 and 6945, Food and Agricultural Code.

### **§ 3701.8. Application and Fees.**

(a) Application to register citrus trees may be made after the trees have been planted. Upon submitting an application the applicant shall consent to the taking of

samples or plants from any planting by the Department for inspection or testing purposes. Application(s) shall be submitted as follows:

(1) For mother trees, mother lines, increase trees or seed tree(s), the participant shall submit an application for the initial registration and each year thereafter to request continued registration.

(2) The applicant shall submit an application on a form provided by the Department and provide the following information:

(A) Applicant's name and mailing address;

(B) Applicant's telephone and fax numbers, email address;

(C) Applicant's California Nursery Stock License Number;

(D) County where applicant is located;

(E) Type of planting:

1. Field, including number of trees

2. Insect-resistant structure, including Department-assigned insect-resistant structure number, location, square footage, and number of mother trees, mother lines, seed, increase and/or nursery trees per structure.

(F) Number of mother tree, mother line, seed, increase and/or nursery trees for which testing is requested.

(G) Location of planting, including county

(H) Signature and title of applicant; and

(I) Date application signed.

(b) Fees. Fees are to be used to reimburse the Department for the costs of administering the program, including defraying expenses incurred in the approval, inspection, testing, and registration procedures herein provided and are not to obtain any right or privilege. Fees, in whole or in part, may be waived if the cost of the services rendered is covered by assessment.

(1) Application fees shall be paid by the participant in advance of any work conducted.

(2) The Department may charge additional fees because of conditions or total acreage entered or number of tests performed when established minimum fees will not cover the cost of services.

(3) Fees paid for services that are not rendered shall be refunded to the participant. The amounts refunded may be prorated based on the direct costs incurred by the Department in the administration of the requirements of these regulations.

(4) Provided that the participant provides the labor to collect the samples, the fee schedule shall be:

(A) For mother tree, mother line, increase tree and seed tree registration, the annual application fee shall be \$200 plus,

(B) For each tree or mother line to be tested:

1. \$35 per tree or mother line for first 100 trees or mother lines, or

2. \$3,500 plus \$30 per tree or mother line beginning with the 101st tree or line for 101-300 trees or lines, or

3. \$9,500 plus \$25 per tree or mother line beginning with the 301st tree or line for more than 300 trees or lines,

(C) For insect-resistant structures, an annual program fee of \$300 for all structures at one location, plus \$.01/square foot.

(D) In addition to the above fees, an additional fee will be assessed equal to the amount charged by the laboratory selected by the Department to do the analyses.

Note: Authority cited: Sections 407, 5801, 5802 and 6946, Food and Agricultural Code. Reference: Sections 407, 5801, 5802, 5803, 6940, 6944 and 6945, Food and Agricultural Code.