

**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(b)

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2015-0807-02

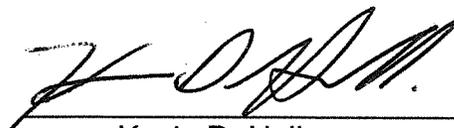
OAL Matter Type: Emergency (E)

This emergency rulemaking by the Department of Food and Agriculture (DFA) amends title 3, California Code of Regulations, section 3435(b) to establish a new quarantine area for Asian citrus psyllid (ACP) in Kern County of approximately 149 square miles. The quarantine is in response to the finding of one adult ACP on July 17, 2015 in the Buttonwillow area of Kern County.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 8/10/2015 and will expire on 2/9/2016. The Certificate of Compliance for this action is due no later than 2/8/2016.

Date: August 10, 2015



Kevin D. Hull
Senior Attorney

For: DEBRA M. CORNEZ
Director

Original: Karen Ross
Copy: Sara Khalid

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

EMERGENCY

| | | | |
|------------------|---------------------------------|--------------------------|--|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- | REGULATORY ACTION NUMBER | EMERGENCY NUMBER 2015-0807-02E |
|------------------|---------------------------------|--------------------------|--|

For use by Office of Administrative Law (OAL) only

2015 AUG -7 A 11:49
OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
In the office of the Secretary of State
of the State of California
AUG 10 2015
3:27 pm

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|--------|-------------|
| 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 | PUBLICATION DATE |

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) |
|--|--|

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|---|
| 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) |
| REPEAL |
| TITLE(S) 3 |

| |
|---|
| 3. TYPE OF FILING |
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4) <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input 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"/> 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)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
 Effective on filing with Secretary of State
 \$100 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 §6660)
 Fair Political Practices Commission
 State Fire Marshal

Other (Specify) _____

| | | | |
|----------------------------------|----------------------------------|-----------------------|--|
| 7. CONTACT PERSON Sara Khalid | TELEPHONE NUMBER 916-403-6625 | FAX NUMBER (Optional) | E-MAIL ADDRESS (Optional) Sara.Khalid@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>Kevin Masuhara</i> | DATE 8-6-15 |
| TYPED NAME AND TITLE OF SIGNATORY Kevin Masuhara, Deputy Secretary of Administration and Finance | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 10 2015

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Interior Quarantine.

....

(b) Area Under Quarantine:

....

(2) In Kern County:

(A) In the Bakersfield area...

(B) In the Wasco area...

(C) Along the Northern boundary...

(D) In the Buttonwillow area: Beginning at the intersection of Elk Hills Road and an Imaginary Line at 35.309537 latitude and -119.468392 longitude; then, starting northwesterly along said line to its intersection with State Highway 58 and an Imaginary Line at 35.370045 latitude and -119.570496 longitude; then, northwesterly along said line to its intersection with 7th Standard Road at 35.441539 latitude and -119.586967 longitude; then, easterly along said road to its intersection with Main Drain Road; then, northwesterly along said road to its intersection with Milan Road; then, northerly along said road to its intersection with Vlasnik Road; then, westerly along said road to its intersection with Main Drain Road; then, northwesterly along Main Drain Road to its intersection with Lerdo Highway; then, easterly along said highway to its intersection with Rowlee Road; then, southerly along said road to its intersection with Riverside Street; then, easterly along said street to its intersection with an Unnamed Road at 35.485737 latitude and -119.408187 longitude; then, southerly along said road to its intersection with Burbank Street; then, easterly along said street to its intersection with Magnolia Avenue; then, southerly along said avenue to its intersection with 7th Standard Road; then, easterly along said road to its intersection with Cannon Street; then, southerly along said street to its intersection with Old Town Road; then, easterly along said road to its intersection with Bussell Road; then, southerly along said road to its intersection with Stockdale Highway; then, westerly along said highway to its intersection with Morris Road; then, southerly along said road to its intersection with

Station Road; then, westerly along said road to its intersection with Tupman Road; then, southerly along Tupman Road to its intersection with an Imaginary Line at 35.312168 latitude and -119.376729 longitude; then, westerly along said line to the point of beginning.

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

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