

**State of California  
Office of Administrative Law**

**In re:**  
Department of Food and Agriculture

**Regulatory Action:**

**Title 03, California Code of Regulations**

**Adopt sections: 3591.27**

**Amend sections:**

**Repeal sections:**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL Matter Number: 2016-0504-03**

**OAL Matter Type: Emergency (E)**

---

This emergency rulemaking action by the Department of Food and Agriculture (DFA) establishes the counties of Los Angeles, Riverside, and San Bernardino as an eradication area for the exotic fruit fly, *Bactrocera tau*, and adds a host list due to recent findings of the pest. The effect of the emergency action provides authority for the State to perform specific detection, control, and eradication activities against the *Bactrocera tau* in Los Angeles, Riverside, and San Bernardino counties to prevent spread of the fly to non-infested areas to protect California's agricultural industry and urban environment.

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 5/9/2016 and will expire on 11/8/2016. The Certificate of Compliance for this action is due no later than 11/7/2016.

Date: May 9, 2016



---

Nicole C. Carrillo  
Attorney

For: Debra M. Cornez  
Director

Original: Karen Ross  
Copy: Sara Khalid

# EMERGENCY

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2016-0504-03E</b>
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture			AGENCY FILE NUMBER (if any)

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

**MAY 09 2016**  
 1:54 PM

2016 MAY -4 P 3:19  
 OFFICE OF  
 ADMINISTRATIVE LAW

**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)
<b>OAL USE ONLY</b>	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) Bactrocera tau Eradication Area		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT 3591.27		
	AMEND		
	REPEAL 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 §§11349.3, 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 §§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) 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 5/2/16
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**  
 MAY 09 2016  
 Office of Administrative Law

3 CCR § 3591.27

**§ 3591.27 *Bactrocera tau* Eradication Area**

(a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which a certain pest, *Bactrocera tau* is known to exist, is hereby proclaimed to be an eradication area with respect to said pest:

The entire counties of Los Angeles, Riverside, and San Bernardino.

(b) Hosts.

(1) All fruit, vegetables, pericarp of nuts, seeds, or berries of the following:

<u>Scientific Name</u>	<u>Host Name</u>
<u><i>Artocarpus heterophyllus</i> Lam.</u>	<u>Jackfruit</u>
<u><i>Artocarpus integer</i> (Thunb.) Merr.</u>	<u>Chempedak</u>
<u><i>Averrhoa carambola</i> L.</u>	<u>Carambola</u>
<u><i>Baccaurea angulata</i> Merr.</u>	<u>Red angle tampoi</u>
<u><i>Benincasa hispida</i> (Thunb.) Cogn.</u>	<u>Ash gourd</u>
<u><i>Borassus flabellifer</i> L.</u>	<u>Doub palm</u>
<u><i>Carica papaya</i> L.</u>	<u>Papaya</u>
<u><i>Citrullus colocynthis</i> (L.) Schrad.</u>	<u>Bitter apple</u>
<u><i>Citrullus lanatus</i> (Thunb.) Matsum. &amp; Nakai</u>	<u>Watermelon</u>
<u><i>Citrus</i> spp.</u>	<u>Citrus</u>
<u><i>Coccinia grandis</i> (L.) Voigt</u>	<u>Ivy gourd</u>
<u><i>Cucumis anguria</i> L.</u>	<u>Pepin cimarron</u>
<u><i>Cucumis melo</i> L.</u>	<u>Melon</u>
<u><i>Cucumis sativus</i> L.</u>	<u>Cucumber</u>
<u><i>Cucurbita maxima</i> Duchesne</u>	<u>Wintersquash</u>
<u><i>Cucurbita moschata</i> Duchesne</u>	<u>Butternut squash</u>
<u><i>Cucurbita pepo</i> L.</u>	<u>Pumpkin</u>
<u><i>Dracontomelon dao</i> (Blanco) Merr. &amp; Rolfe</u>	<u>Argus pheasant tree</u>
<u><i>Fagraea ceilanica</i> Thunb.</u>	<u>Hui li</u>
<u><i>Ficus racemosa</i> L.</u>	<u>Cluster fig</u>
<u><i>Ficus tinctoria</i> G. Forst.</u>	<u>Liang liao rong</u>
<u><i>Gomphogyne cissiformis</i> Griff.</u>	<u>N/A</u>
<u><i>Gymnopetalum scabrum</i> (Lour.) W. J. de Wilde &amp; Duyfjes</u>	<u>N/A</u>

<u><i>Hodgsonia macrocarpa</i> var. <i>capniocarpa</i> (Ridl.) Tsai</u>	N/A
<u><i>Hydnocarpus anthelminthicus</i> Pierre ex Laness.</u>	Chaulmoogra tree
<u><i>Lagenaria siceraria</i> (Molina) Standl.</u>	Bottle gourd
<u><i>Luffa acutangula</i> (L.) Roxb.</u>	Angled loofah
<u><i>Luffa aegyptiaca</i> Mill.</u>	Smooth loofah
<u><i>Luffa</i> sp.</u>	Loofah
<u><i>Mangifera foetida</i> Lour.</u>	Bachang mango
<u><i>Mangifera indica</i> L.</u>	Mango
<u><i>Manilkara zapota</i> (L.) P. Royen</u>	Sapodilla
<u><i>Melastoma malabathricum</i> L.</u>	Indian rhododendron
<u><i>Momordica charantia</i> L.</u>	Balsam-apple
<u><i>Momordica cochinchinensis</i> (Lour.) Spreng.</u>	Balsam-pear
<u><i>Morinda citrifolia</i> L.</u>	Noni
<u><i>Muntingia calabura</i> L.</u>	Calabur tree
<u><i>Myxopyrum smilacifolium</i> (Wall.) Blume</u>	N/A
<u><i>Passiflora edulis</i> Sims</u>	Passion fruit
<u><i>Phaseolus vulgaris</i> L.</u>	Bean
<u><i>Prunus salicina</i> Lindl.</u>	Asian plum
<u><i>Psidium guajava</i> L.</u>	Guava
<u><i>Siphonodon celastrineus</i> Griff.</u>	N/A
<u><i>Solanum muricatum</i> Aiton</u>	Melon pear
<u><i>Strychnos nux-vomica</i> L.</u>	Nux-vomica tree
<u><i>Strychnos rupicola</i> Pierre ex Dop</u>	N/A
<u><i>Strychnos thorelii</i> Pierre ex Dop</u>	N/A
<u><i>Syzygium jambos</i> (L.) Alston</u>	Rose apple
<u><i>Syzygium malaccense</i> (L.) Merr. &amp; L. M. Perry</u>	Malay apple
<u><i>Syzygium samarangense</i> (Blume) Merr. &amp; L. M. Perry</u>	Java apple
<u><i>Tetrastigma leucostaphylum</i> (Dennst.) Alston ex Mabb.</u>	Indian Chestnut Vine
<u><i>Trichosanthes celebica</i> Cogn.</u>	N/A
<u><i>Trichosanthes cordata</i> Roxb.</u>	N/A
<u><i>Trichosanthes cucumerina</i> L.</u>	Snake gourd
<u><i>Trichosanthes pilosa</i> Lour.</u>	Snake gourd
<u><i>Trichosanthes rubriflos</i> Thorel ex Cayla</u>	N/A
<u><i>Trichosanthes</i> sp.</u>	Gourds
<u><i>Trichosanthes tricuspidata</i> Lour.</u>	N/A
<u><i>Trichosanthes wallichiana</i> (Ser.) Wight</u>	N/A
<u><i>Zehneria wallichii</i> (C. B. Clarke) C. Jeffrey</u>	N/A

(2) Soil or planting media within the drip area of plants producing, or which have produced, host fruit.

(c) Means and Methods. The following means and methods may be used in the eradication and control of said pest in said area:

(1) The use of insecticides, chemicals, or other materials as spray, dust, bait, or in any other manner as often as necessary to effect eradication.

(2) The removal and destruction of all plant parts known or suspected to harbor any stage of said pest.

(3) The search of all stages of *Bactrocera tau* by visual inspection, the use of traps, or any other means.

(4) The removal and destruction of abandoned or unwanted plants bearing or capable of bearing hosts.

(5) The importation, rearing, liberation, and fostering of parasites and predators which attack *Bactrocera tau*.

(6) The importation, rearing, or liberation of sterile forms of *Bactrocera tau*.

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