

**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: 2016-0506-02

OAL Matter Type: Emergency (E)

In this emergency rulemaking action, the Department of Food and Agriculture ("DFA") proposes to amend section 3435(b) in title 3 of the California Code of Regulations to establish a quarantine area for the Asian Citrus Psyllid ("ACP"), *Diaphorina citri*, in the Kettleman City area of Kings County. This quarantine area of approximately 134 square miles is in response to the identification of one adult ACP in the Kettleman City area on April 13, 2016. The effect of this emergency action provides authority for the State to perform quarantine activities against ACP within this area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, San Bernardino, San Diego, Santa Barbara, Riverside, Tulare, and Ventura, and portions of Fresno, Kern, Madera, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Alameda, and Stanislaus counties that were already under quarantine for ACP, totaling approximately 53,769 square miles.

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

Date: May 11, 2016



Nicole C. Carrillo
Attorney

For: Debra M. Cornez
Director

Original: Karen Ross
Copy: Sara Khalid

EMERGENCY

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

| | | | |
|------------------|---------------------------------|--------------------------|--|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- | REGULATORY ACTION NUMBER | EMERGENCY NUMBER 2016-0506-02E |
|------------------|---------------------------------|--------------------------|--|

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

MAY 11 2016

1:35 PM

2016 MAY -6 P 1:59

**OFFICE OF
ADMINISTRATIVE LAW**

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)

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) |
|--|--|

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

3. TYPE OF FILING

| | | | |
|--|---|---|---|
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) | <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"/> 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 checked="" 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) _____ |
|---|---|---|--|

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 5/5/16 |
| 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 11 2016

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Interior Quarantine.

....

(b) Area Under Quarantine:

(12) In Kings County, in the Kettleman City area: Beginning at the intersection of Quebec Avenue and an Imaginary Line; then, northeasterly along said line to its intersection with Arroyo Murado; then, northerly along said intersection to its intersection with Arroyo Toreido; then, northerly along said intersection to its intersection with Interstate 5 North; then, continuing northwesterly along I-5 North to its intersection with Avenal Cutoff Road; then, easterly along said road to its intersection with Plymouth Avenue; then, easterly along said avenue to its intersection with an Unnamed Road at 36.072454 latitude and -120.012592 longitude; then, northerly along said road to its intersection with Omaha Avenue; then, easterly along said avenue to its intersection with California Highway 41; then, northeasterly along said highway to its intersection with an Imaginary Line at 36.109124 latitude and -119.901044 longitude; then, continuing along an Imaginary Line to its intersection with 23rd Avenue and Orange Avenue ; then, easterly along said avenue to its intersection with 22nd Avenue; then, southerly along said avenue to its intersection with Blakely Canal; then, westerly along said canal to its intersection with an Unnamed Road at 35.951334 latitude and -119.878973 longitude; then, continuing southerly along said road to its intersection with Utica Avenue; then, westerly along said avenue to its intersection with an Unnamed Road and 25th Avenue; then continuing along said road to its intersection with an Unnamed Road at 35.931224 latitude and -119.950356 longitude; then, continuing southwestly along said road to its intersection with an Unnamed Road at 35.921169 latitude and -119.968227 longitude; then, southerly along said road to its intersection with an Unnamed Road at 35.920033 latitude and -119.968164 longitude; then, westerly along said road to its intersection with an Unnamed Road at 35.920058 latitude and -119.985984 longitude; then, southerly along said road to its intersection with an Unnamed Road at 35.909142 latitude and -119.985917 longitude; then, westerly along said road to its intersection with an Imaginary Line; then, continuing westerly along said

road to its intersection with an Unnamed Road at 35.909089 latitude and -119.989822 longitude; then, northerly along said road to its intersection with an Unnamed Road at 35.905619 latitude and -120.021361 longitude; then, northerly along said road to its intersection with California Highway 41; then, northeasterly along said highway to its intersection with Utica Avenue; then, westerly along said avenue to its intersection with an Unnamed Road at 35.935086 latitude and -120.075303 longitude; then, northwesterly along said road to its intersection with an Unnamed Road at 35.982898 latitude and -120.080631 longitude; then, northeasterly along said road to its intersection with Skyline Road; then, easterly along said road to its intersection with Quebec Avenue; then, northerly along said avenue to the point of the beginning.

....

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