

**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: 2016-0616-04

OAL Matter Type: Emergency (E)

This emergency regulatory action by the Department of Food and Agriculture will establish a quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) of approximately 106 square miles in the Merced area of Merced County. The effect of the emergency action provides authority for the state to perform quarantine activities against ACP within this established area, along with the many already existing regulated areas in the state.

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 6/22/2016 and will expire on 12/20/2016. The Certificate of Compliance for this action is due no later than 12/19/2016.

Date: June 22, 2016



Debra M. Cornez
Director

Original: Karen Ross
Copy: Sara Khalid

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-0616-04E
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For use by Office of Administrative Law (OAL) only

2016 JUN 16 P 3:25

OFFICE OF ADMINISTRATIVE LAW

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

JUN 22 2016

2:08 PM

NOTICE	REGULATIONS
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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 <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE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)
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) _____
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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
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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 6/15/16
TYPED NAME AND TITLE OF SIGNATORY Robert Wynn, Statewide Coordinator, Pierce's Disease Control Program	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 22 2016

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Interior Quarantine.

....

(b) Area Under Quarantine:

....

(12) In Merced County, in the Merced area: Beginning at the intersection of Eucalyptus Avenue and N Buhach Road; then, starting northerly along said road to its intersection with Fisher Road; then, easterly along said road to its intersection with Oakdale Road; then, southeasterly along said road to its intersection with Amsterdam Road; then, northeasterly along said road to its intersection with Kenney Avenue; then, easterly along said avenue to its intersection with an Imaginary Line at the end of said avenue; then, easterly along said line to its intersection with Snelling Road and Parkinson Creek; then, southeasterly along said creek to its intersection with Snelling Road; then, southerly along said road to its intersection with La Paloma Road; then, northeasterly along La Paloma Road to its intersection with an Imaginary Line at 37.416949 latitude and -120.399150 longitude; then, southeasterly along said line to its intersection with Applegate Lateral Canal and N Arboleda Drive; then, southerly along said drive to its intersection with E Yosemite Avenue; then, westerly along said avenue to its intersection with Kibby Road; then, southerly along said road to its intersection with E State Highway 140; then, westerly along said highway to its intersection with Carol Avenue; then, southerly along said avenue to its intersection with E Childs Avenue; then, westerly along said avenue to its intersection with Tyler Road; then, southerly along said road to its intersection with E Mission Avenue; then, westerly along said avenue to its intersection with W Dickenson Ferry Road; then, westerly along said road to its intersection with S Gurr Road; then, northerly along said road to its intersection with McSwain Road; then, westerly along said road to intersection with N Buhach Road; then, northerly along said road to its intersection with Landram Avenue; then, westerly along said avenue to its intersection with Station Avenue; then, northerly along said avenue to its intersection with Mulberry Avenue; then, westerly along said avenue to its intersection with Clydesdale Avenue; then, northeasterly along said avenue to its intersection with Fleming Road; then, northwesterly along said road to its intersection

with Giannini Road; then, northeasterly along said road to its intersection with Commerce Avenue; then, northerly along an Imaginary Line to its intersection with Atwater Boulevard and Shaffer Road; then, northerly along Shaffer Road to its intersection with Eucalyptus Avenue; then, easterly along said avenue 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.