

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt section: 3591.28

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2016-1026-01

OAL Matter Type: Emergency (E)

This emergency action by the Department of Food and Agriculture adopts section 3591.28 of title 3 of the California Code of Regulations to proclaim Los Angeles County as an eradication area for the West Indian fruit fly, *Anastrepha obliqua*, and establish a host list due to recent findings of the pest. The effect of the adoption provides authority for the state to perform control and eradication activities against the West Indian fruit fly in Los Angeles 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 11/2/2016 and will expire on 5/2/2017. The Certificate of Compliance for this action is due no later than 5/1/2017.

Date: November 2, 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 2016-1026-01E
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

NOV 02 2016
1:44pm

For use by Office of Administrative Law (OAL) only

2016 OCT 26 P 3:03

OFFICE OF ADMINISTRATIVE LAW

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 <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 Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER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) West Indian Fruit Fly Eradication Area	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 3591.28
	AMEND
	REPEAL

TITLE(S)
3

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)

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) _____

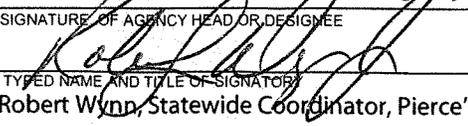
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

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
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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 10/25/16
TYPED NAME AND TITLE OF SIGNATORY Robert Wynn, Statewide Coordinator, Pierce's Disease Control Program	

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ENDORSED APPROVED

NOV 02 2016

Office of Administrative Law

3 CCR § 3591.28

§ 3591.28 West Indian fruit fly Eradication Area

(a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which a certain pest, West Indian fruit fly (*Anastrepha obliqua*), is known to exist, is hereby proclaimed to be an eradication area with respect to said pest: The entire county of Los Angeles.

(b) Hosts.

(1) All berries, fruit, nuts and vegetables of the following:

Scientific Name	Common Name
<u><i>Alchornea latifolia</i> Sw.</u>	<u>Gargantilla</u>
<u><i>Ampelocera hottlei</i> (Standl.) Standl.</u>	<u>N/A</u>
<u><i>Anacardium occidentale</i> L.</u>	<u>Cashew¹</u>
<u><i>Annona hayesii</i> Saff. ex Standl.</u>	<u>N/A</u>
<u><i>Averrhoa carambola</i> L.</u>	<u>Carambola, Starfruit</u>
<u><i>Bellucia grossularioides</i> (L.) Triana</u>	<u>N/A</u>
<u><i>Brosimum alicastrum</i> Sw.</u>	<u>Breadnut</u>
<u><i>Campomanesia guazumifolia</i> (Cambess.) O. Berg.</u>	<u>Sete-capas</u>
<u><i>Campomanesia sessiflora</i> (O Berg.) Mattos</u>	<u>Guavira</u>
<u><i>Campomanesia</i> spp.</u>	<u>N/A</u>
<u><i>Chrysobalanus icaco</i> L.</u>	<u>Coco-plum</u>
<u><i>Coffea arabica</i> L.</u>	<u>Arabian coffee</u>
<u><i>Couma guianensis</i> Aubl.</u>	<u>N/A</u>
<u><i>Crataegus</i> spp.</u>	<u>N/A</u>
<u><i>Diospyros digyna</i> Jacq.</u>	<u>Black persimmon</u>
<u><i>Diopsyros</i> spp.</u>	<u>Persimmon</u>
<u><i>Dovyalis hebecarpa</i> (Gardner) Warb.</u>	<u>Ceylon gooseberry</u>
<u><i>Eriobotrya japonica</i> (Thunb.) Lindl.</u>	<u>Loquat</u>
<u><i>Eugenia brasiliensis</i> Lam.</u>	<u>Brazil cherry</u>
<u><i>Eugenia dysinterica</i> DC.</u>	<u>Cagaita</u>
<u><i>Eugenia lambertiana</i> DC.</u>	<u>N/A</u>
<u><i>Eugenia nesiotica</i> Standl.</u>	<u>N/A</u>
<u><i>Eugenia pyriformis</i> Cambess.</u>	<u>Uvalha</u>
<u><i>Eugenia stipitata</i> McVaugh</u>	<u>Araca-boi</u>

<u><i>Eugenia uniflora</i> L.</u>	<u>Brazil cherry</u>
<u><i>Flacourtia indica</i> (Burm.f.) Merr.</u>	<u>Governor's plum</u>
<u><i>Geissospermum argenteum</i> Woodson</u>	<u>N/A</u>
<u><i>Inga jinicuil</i> G. Don</u>	<u>N/A</u>
<u><i>Inga micheliana</i> Harms</u>	<u>N/A</u>
<u><i>Inga</i> spp.</u>	<u>N/A</u>
<u><i>Malpighia emarginata</i> DC.</u>	<u>Barbados cherry</u>
<u><i>Malpighia glabra</i> L.</u>	<u>Acerola</u>
<u><i>Malpighia</i> spp.</u>	<u>N/A</u>
<u><i>Mangifera indica</i> L.</u>	<u>Mango</u>
<u><i>Manilkara zapota</i> (L.) P. Royen</u>	<u>Sapote</u>
<u><i>Mouriri</i> spp.</u>	<u>N/A</u>
<u><i>Myrcia eximia</i> DC.</u>	<u>N/A</u>
<u><i>Myrciaria dubia</i> (Kunth) McVaugh</u>	<u>Camu-camu</u>
<u><i>Myrciaria floribunda</i> (H. West ex Willd.) O. Berg</u>	<u>N/A</u>
<u><i>Plinia cauliflora</i> (Mart.) Kausel</u>	<u>Jabuticaba</u>
<u><i>Passiflora edulis</i> Sims</u>	<u>Passionflower</u>
<u><i>Passiflora quadrangularis</i> L.</u>	<u>Giant granadilla</u>
<u><i>Passiflora</i> spp.</u>	<u>Passionflower</u>
<u><i>Pouteria caimito</i> (Ruiz & Pav.) Radlk.</u>	<u>Caimito</u>
<u><i>Pouteria lucuma</i> (Ruiz & Pav.) Kuntze</u>	<u>Lucuma</u>
<u><i>Pouteria viridis</i> (Pittier) Cronquist</u>	<u>N/A</u>
<u><i>Prunus dulcis</i> (Mill.) D.A. Webb</u>	<u>Almond¹</u>
<u><i>Prunus persica</i> (L.) Batsch</u>	<u>Peach</u>
<u><i>Prunus salicina</i> Lindl.</u>	<u>Japanese plum</u>
<u><i>Prunus serotina</i> Ehrh</u>	<u>Capuli, Black Cherry</u>
<u><i>Psidium acutangulum</i> DC.</u>	<u>N/A</u>
<u><i>Psidium cattleyanum</i> DC.</u>	<u>Strawberry guava</u>
<u><i>Psidium friedrichsthalianum</i> (O. Berg) Nied.</u>	<u>Costa Rican guava</u>
<u><i>Psidium guajava</i> L.</u>	<u>Guava</u>
<u><i>Psidium guineense</i> Sw.</u>	<u>Brazil guava</u>
<u><i>Psidium</i> spp.</u>	<u>N/A</u>
<u><i>Pyrus communis</i> L.</u>	<u>Pear</u>
<u><i>Spondias dulcis</i> Sol. ex Parkinson</u>	<u>Ambarella</u>
<u><i>Spondias mombin</i> L.</u>	<u>Hog-plum</u>
<u><i>Spondias purpurea</i> L.</u>	<u>Purple mombin</u>
<u><i>Spondias radlkoferi</i> Donn. Sm.</u>	<u>N/A</u>
<u><i>Spondias</i> spp.</u>	<u>N/A</u>

<u><i>Spondias tuberosa</i> Arruda ex Kost.</u>	Umbu
<u><i>Spondias venulosa</i> (Engl.) Mart. ex Engl.</u>	N/A
<u><i>Syzygium jambos</i> (L.) Alston</u>	Rose-apple
<u><i>Syzygium malaccense</i> (L.) Merr. & L.M. Perry</u>	Malay apple
<u><i>Tapirira mexicana</i> Marchand</u>	N/A
<u><i>Terminalia catappa</i> L.</u>	Tropical almond

¹ Nuts are not regulated, the fleshy fruit is the host material

(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, 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 West Indian fruit fly 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 West Indian fruit fly.

(6) The importation, rearing, or liberation of sterile forms of West Indian fruit fly.

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