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PROCLAMATION OF CONTINUED EXISTENCE OF A LOCAL EMERGENCY
BY THE BOARD OF SUPERVISORS
COUNTY OF FRESNO, STATE OF CALIFORNIA

IN THE MATTER OF
Authorizing for commercial growers to continue to
use Neonicotinoid pesticides on an emergency
basis to combat the Beet Leafhopper in Fresno
County

RESOLUTION PROCLAIMING THE
CONTINUED EXISTENCE OF A LOCAL
EMERGENCY

WHEREAS, the California Emergency Services Act (Government Code section 8630, *et seq.*) establishes procedures for proclaiming emergencies and for responding promptly to the needs that arise during emergencies; and

WHEREAS, under section 2.44.050 of the Fresno County Ordinance Code, the County Administrative Officer is authorized as the Director of Emergency Services of the County; and, in such capacity, the County Administrative Officer may appoint an assistant director of emergency services; and

WHEREAS, section 2.44.060.A. of the Fresno County Ordinance Code and Section 8630 of the Government Code empower the County Administrative Officer acting as the Director of Emergency Services of the County, or their designee, or the Board of Supervisors of the County of Fresno (the "Board") if in session, to proclaim the existence of a local emergency when the County is affected by or likely to be affected by a public calamity; and

WHEREAS, the Emergency Services Director of the County does hereby find and declare that a crippling disaster, which severely impairs public security of an important food product, continues to be created by conditions of extreme peril to the processing and fresh tomato crop which has arisen within Fresno County, due to the Beet Leafhopper (BLH), the vector of Beet Curly Top Virus, a disease known to cause serious tomato crop damage; California is the largest producer of processing tomato and the second largest producer of fresh tomato in the U.S. Processing tomato production is also concentrated in Fresno County; Fresno County is also a significant producer of fresh tomatoes; and

1 WHEREAS, BLH is a serious insect pest of both fresh market and processing tomato on
2 the west side of the San Joaquin Valley region, and BLH must be controlled to prevent tomato
3 crop failure in Fresno County; and

4 WHEREAS, beet curly top virus stunts young plants and can result in complete loss in
5 heavily infected fields. About 50% of the total fresh market and processing tomato acreage in
6 the San Joaquin Valley is at risk of infection in years when insect and virus pressure are high;
7 and

8 WHEREAS, processing tomatoes are annually grown in California on approximately
9 235,000 acres, including 53,000 acres in 2022 and 62,300 in 2023 in Fresno County, at an
10 annual production cost in the \$5,300 per acre range representing \$429,263,000 of annual
11 revenue; and

12 WHEREAS, the tomato crop is highly reliant on neonicotinoids to combat Beet
13 Leafhoppers which are carriers of a virus deadly to tomato plants; without neonicotinoids,
14 growers would likely apply multiple applications of alternative active ingredients, greatly
15 increasing the treatment cost on affected acres by 121.1% to 130% (\$4.8 to \$7.8 million); and

16 WHEREAS, the full scope of damage of the BLH in Fresno County cannot reasonably be
17 determined at this time but can be mitigated in part if immediate action continues to be taken on
18 an emergency basis, as stated below; and

19 WHEREAS, the migration of the BLH into western Fresno County crop production areas
20 is an extreme threat to tomato crops in Fresno County and the continued emergency use of
21 neonicotinoid pesticides is necessary to mitigate the threat, and no other efficacious means of
22 control are known to the Emergency Services Director of the County or the Agricultural
23 Commissioner at this time; and

24 WHEREAS, Title 3 of the California Code of Regulations (CCR) sections 6990 through
25 6990.16 that went into effect January 1, 2024, which generally restrict and limit certain uses of
26 neonicotinoid pesticides on various crop groups beyond the label requirements would have
27 restricted such use; however, CCR section 6990(c)(2) provides an exception that an application
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1 of neonicotinoid pesticides to address a local emergency pursuant to Government Code section
2 8630 will not be subject to these regulations; and

3 WHEREAS, applications of neonicotinoid pesticides may be made in accordance with 3
4 CCR Section 6990(c)(2) to address this proclamation of the continued existence of the local
5 emergency stated herein (this "Proclamation of Continued Local Emergency") by allowing for
6 applications of such pesticides on an emergency basis, as provided herein, so that commercial
7 tomato growers can specifically treat for BLH in Fresno County in accordance with pest
8 conditions and timeframes established by the Fresno County Agricultural Commissioner working
9 in coordination with and under the authority of the Fresno County Emergency Services Director,
10 provided that the operator of the property shall obtain the written recommendation from a
11 licensed agricultural pest control adviser and retain the written recommendation for at least two
12 years after the application occurs;

13 WHEREAS, the Fresno County Emergency Services Director, after consulting with the
14 Fresno County Agricultural Commissioner, who as part of such consultation has reviewed
15 available economic information, and pest trap reports from tomato growers as well as California
16 Department of Agriculture Beet Curly Top Virus Control Program reports, and determined that
17 the potential for damage to the tomato crop in Fresno County is too severe without the
18 continued application of neonicotinoid pesticides under this Proclamation of Continued Local
19 Emergency; the Fresno County Agricultural Commissioner estimated that the severity of such
20 damage could be as high as 70% to 90% of the affected tomato crops if such crops are not
21 effectively treated under this Proclamation of Continued Local Emergency; and

22 WHEREAS, upon this Proclamation of Continued Local Emergency, the Fresno County
23 Agricultural Commissioner is hereby authorized, to take such actions provided below, as he or
24 she deems appropriate, to the extent necessary (e.g., authorizing such actions in limited
25 districts or areas designated by the Fresno County Agricultural Commissioner), by allowing
26 commercial growers to continue to make applications of neonicotinoid pesticides, on an
27 emergency basis, to tomato crops in Fresno County from the above-described infestation; and
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1 WHEREAS, on April 12, 2024, the Fresno County Office of Emergency Services was
2 informed of the emergency; and

3 WHEREAS, the County of Fresno Emergency Services Director proclaimed a local
4 emergency on April 17, 2024; and

5 WHEREAS, on April 23, 2024, the Board of Supervisors of the County of Fresno ratified
6 the proclamation by the Emergency Services Director and adopted a resolution proclaiming the
7 local emergency status; and

8 NOW THEREFORE, IT IS HEREBY PROCLAIMED by the Board of Supervisors that a
9 Local Emergency continues to exist throughout Fresno County and that said Local Emergency
10 shall be deemed to continue to exist until its termination is proclaimed by the Board of
11 Supervisors; and

12 IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local
13 emergency, the powers, functions, and duties for the emergency organization of this County
14 shall be those prescribed by state law, ordinances and resolutions of this County, and by the
15 Fresno County Operational Area Master Emergency Services Plan, as approved by the Board
16 of Supervisors on April 23, 2024 and under this resolution; and

17 IT IS FURTHER ORDERED that the Fresno County Agricultural Commissioner (and
18 their respective designees), working in coordination with and under the authority of the Fresno
19 County Emergency Services Director (and their designees), is hereby authorized to continue to
20 take appropriate actions, to the extent they deem it necessary in response to this continuing
21 local emergency (e.g., authorizing such actions in limited districts or areas as designated by the
22 Fresno County Agricultural Commissioner), consistent with this Proclamation of Continued Local
23 Emergency; to that end, applications of neonicotinoid pesticides may continue to be made in
24 accordance with 3 CCR Section 6990(c)(2) to address this Proclamation of Continued Local
25 Emergency by the Agricultural Commissioner allowing for applications of neonicotinoid
26 pesticides on an emergency basis, so that commercial tomato growers can specifically treat for
27 BLH in Fresno County in accordance with pest conditions and timeframes established by the
28 Fresno County Agricultural Commissioner, provided that the operator of the property shall

1 obtain the written recommendation from a licensed agricultural pest control adviser and retain
2 the written recommendation for at least two years after the application occurs; and

3 IT IS FURTHER ORDERED, that the Fresno County Agricultural Commissioner (and
4 their respective designees), working in coordination with and under the authority of the Fresno
5 County Emergency Services Director (and their designees), is hereby authorized to continue to
6 provide information to the public, including commercial growers, regarding those districts or
7 areas designated by the Fresno County Agricultural Commissioner where pest conditions are
8 identified, and where pesticide applications may occur, including timeframes for such
9 applications, as established by the Fresno County Agricultural Commissioner, all of which will
10 be on the Fresno County Agricultural Commissioner website at
11 www.fresnocountyca.gov/Departments/Agricultural-Commissioner; and

12 IT IS FURTHER ORDERED that the Emergency Services Coordinator, working in
13 coordination with and under the authority of the Fresno County Emergency Services Director
14 (and their designees), is hereby authorized to continue to take appropriate actions, to the extent
15 they deem it necessary in response to this local emergency to assist and coordinate their efforts
16 with the Fresno County Agricultural Commissioner under this Proclamation of Continued Local
17 Emergency; and

18 IT IS FURTHER ORDERED the Emergency Services Coordinator shall take appropriate
19 steps to continue notify the State Office of Emergency Services of this Proclamation of
20 Continued Local Emergency and of the steps taken hereunder to address this local emergency;
21 and

22 IT IS FURTHER PROCLAIMED AND ORDERED that applications of neonicotinoid
23 pesticides can be made under this Proclamation of Continued Local Emergency to address the
24 local emergency stated in this Proclamation of Continued Local Emergency by allowing for
25 applications of such pesticides, as provided herein, which applications would normally be
26 subjected to the restrictions or rate limits imposed by the regulations indicated above, so that
27 commercial growers can specifically treat their tomato crops for BLH in Fresno County; and
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1 IT IS FURTHER PROCLAIMED AND ORDERED this Proclamation of Continued Local
2 Emergency does not supplant pesticide product labeling requirements for use; therefore, the
3 use of any pesticide shall not conflict with its product labeling; and

4 IT IS FURTHER ORDERED that the Product Use Recommendations shall continue to
5 contain the following statement:

6 "This recommendation is made in accordance to 3CCR Section 6990(c) as an
7 application made to address a local emergency issued by Fresno County on April 17,
8 2024."

9 IT IS FURTHER ORDERED that all actions taken under this Proclamation of Continued
10 Local Emergency shall comply with all the applicable State statutes and regulations (including
11 the exception provided under 3 CCR Section 6990(c)(2)); and

12 CEQA EXEMPTION: This Proclamation of Continued Local Emergency and the
13 application of neonicotinoid pesticides hereunder are hereby declared to be exempt from the
14 provisions of the California Environmental Quality Act ("CEQA") under the provisions of the
15 CEQA Guidelines, section 15269, which provides an exemption for emergency projects;

16 IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local
17 emergency the powers, functions, and duties for the emergency organization of this County
18 shall be those prescribed by State law, ordinances and resolutions of this County, and by the
19 County of Fresno Operational Area Master Emergency Services Plan; and

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THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 18th day of June, 2024, to-wit:

AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

NOES: None

ABSENT: None

ABSTAINED: None



Nathan Magsig, Chairman of the Board of Supervisors of the County of Fresno

ATTEST:
Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

By: 