



Board Agenda Item 30

DATE: June 18, 2024

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, County Administrative Officer/Emergency Services Director

SUBJECT: Continuation of the existence of a Local Emergency - Beet Leafhopper insect in Fresno County

RECOMMENDED ACTION(S):

Adopt Resolution proclaiming and further ratifying the continuation of the local emergency proclaimed by the Emergency Services Director on April 17, 2024, and ratified by the Board of Supervisors on April 23, 2024, due to the continued need for the Agricultural Commissioner to continue to allow commercial growers to use neonicotinoid pesticides on an emergency basis on tomato crops to combat the Beet Leafhopper insect in Fresno County.

Approval of the recommended action will ensure that the local emergency status proclaimed by the Emergency Services Director on April 17, 2024, and ratified by your Board on April 23, 2024, remains in effect and allows for the Agricultural Commissioner to allow commercial growers to use neonicotinoid pesticides on an emergency basis on tomato crops to combat the Beet Leafhopper (BLH) insect in Fresno County. The BLH insect is the vector of Beet Curly Top Virus (BCTV), a disease known to cause serious tomato crop damage. The affected areas are mainly in the west side of the County but this item is countywide.

ALTERNATIVE ACTION(S):

No viable options can be identified.

FISCAL IMPACT:

The recommended action is necessary to continue to ensure specific liability protection, emergency powers of the Emergency Services Director, and to allow commercial growers to use neonicotinoid pesticides on tomato crops on an emergency basis to combat the BLH insect in Fresno County.

DISCUSSION:

California Government Code (GC), section (§) 8630 authorizes proclamation of a local emergency by your Board or by an official so designated by ordinance when your Board is not in session and cannot immediately be called into session. Fresno County Ordinance Code, Chapter 2.44, designates the County Administrative Officer as the Emergency Services Director.

Pursuant to GC, §8630 and County Ordinance, Chapter 2.44, the Emergency Services Director proclaimed the existence of a local emergency on April 17, 2024, due to the imminent infestation of the BLH insect and due to the need for the Agricultural Commissioner to authorize commercial growers to use neonicotinoid pesticides on tomato crops on an emergency basis in Fresno County to combat the BLH insect to prevent

tomato crop failure in Fresno County.

On April 23, 2024, your Board confirmed the proclamation of a local emergency by ratifying the proclamation and adopting resolution No. 24-157.

GC § 8630(c) further provides that your Board shall review the need for continuing the local emergency at least once every 60 days until your Board terminates the local emergency. In this instance the 60-day review period will expire on June 22, 2024, unless your Board takes the recommended actions before then.

There is a yearly migration of BLH from the foothills of the west side of Fresno County. This occurs as the grasses in the foothills dry down, and the BLH migrate into greener areas to survive. The BLH insect is a serious insect pest of both fresh market and processing tomato on the west side of the San Joaquin Valley region. The BLH insect is the vector of BCTV, a disease known to cause serious tomato crop damage. The amount of damage BLH causes to tomato fields due to BCTV in any given year is difficult to predict. BCTV stunts young plants and can result in complete loss in heavily infected fields. About 50% of the total fresh market and processing tomato acreage in the San Joaquin Valley is at risk of infection in years when insect and virus pressure are high. The use of neonicotinoid pesticides is to prevent or limit the BLH from feeding in the tomato fields, which will limit the amount of BCTV transmitted. The tomato crop is highly reliant on neonicotinoids to combat the BLH insect which is a carrier of a virus deadly to tomato plants. Without neonicotinoids, growers would likely apply multiple applications of alternative active ingredients, greatly increasing the treatment cost on affected acres by 121.1% to 130% (\$4.8 to \$7.8 million). University of California Cooperative Extension research has shown this pesticide use to be the only reliable method to prevent widespread transmission of BCTV in tomato fields.

The Agricultural Commissioner estimated that the severity of such damage, without the authorized use of neonicotinoids to combat the BLH insect could be as high as 70% to 90% of the affected tomato crops in Fresno County.

The use of neonicotinoid pesticides on various crop groups beyond labeling requirements is generally restricted by 3 CCR 6990 that went into effect on January 1, 2024. However, 3 CCR section 6990(c)(2) provides an exemption for the application of neonicotinoid pesticides to address a local emergency pursuant to Government Code section 8630.

As stated above, the Emergency Services Director proclaimed the existence of this local emergency on April 17, 2024. The Fresno County Agricultural Commissioner, working in coordination with and under the authority of the Fresno County Emergency Director, may authorize the emergency use of neonicotinoid pesticides on tomato crops in Fresno County in accordance with pest conditions, and timeframes in those districts or areas that may be designated by the Agricultural Commissioner. Under the exception allowed in 3 CCR section 6990(c)(2), property owners who apply neonicotinoid pesticides must obtain the written recommendation from a licensed pest control advisor and retain the written documentation for at least two years after the application occurs.

The migration of the BLH insect into western Fresno County crop production areas is an extreme threat to tomato crops in Fresno County and the emergency use of neonicotinoid pesticides, as authorized by the Agricultural Commissioner, is necessary to mitigate the threat, and no other efficacious means of control are known to the Emergency Services Director of the County or the Agricultural Commissioner at this time.

California is the largest producer of processing tomatoes and the second largest producer of fresh tomatoes in the U.S. Fresno County is a significant producer of processing tomatoes and fresh tomatoes. Processing tomatoes are annually grown in California on approximately 235,000 acres, including 53,000 acres in 2022 and 62,300 in 2023 in Fresno County, at an annual production cost in the \$5,300 per acre range representing \$429,263,000 of annual revenue.

The Agricultural Commissioner will continue to provide information to the public, including commercial

growers, regarding those districts or areas designated by the Agricultural Commissioner where pest conditions are identified, and where pesticide applications may occur, including timeframes for such applications on the Commissioner website at

www.fresnocountyca.gov/Departments/Agricultural-Commissioner
<<http://www.fresnocountyca.gov/Departments/Agricultural-Commissioner>>.

On April 17, 2024, the County's Emergency Services Coordinator notified the State Office of Emergency Services of the Emergency Services Director's proclamation of this local emergency.

This item is exempt from the provisions of the California Environmental Quality Act (CEQA) under the provisions of the CEQA Guidelines, section 15269, which provides an exemption for emergency projects.

County Ordinance, Chapter 2.44 requires your Board to review the need to continue the local emergency at least once every 60 days until terminated. The local emergency must be terminated at the earliest possible date when conditions warranting the proclamation of this local emergency have ended.

REFERENCE MATERIAL:

BAI #10.1, April 23, 2024

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

CAO ANALYST:

Ahla Yang