



**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Sheriff - Office of Emergency Services/Fire Warden      BOARD AGENDA:8.1  
AGENDA DATE: May 14, 2024

CONSENT

CEO CONCURRENCE: YES

4/5 Vote Required: No

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**SUBJECT:**

Approval to Ratify the Proclamation of a Local Emergency Due to the Migration of Beet Leafhopper in Stanislaus County

**STAFF RECOMMENDATION:**

1. Pursuant to California Government Code Section 8630, ratify the proclamation of a local emergency in Stanislaus County due to the migration of the beet leafhopper in Stanislaus County.
2. Authorize the Sheriff-Coroner/Director of Emergency Services to take the necessary actions in accordance with Stanislaus County Code Section 2.52.110 to respond to the emergency.

**DISCUSSION:**

Beet curly top virus (BCTV) threatens newly transplanted tomato plants in Stanislaus County. Beet leafhoppers (BLH) are a vector, an organism that carries and transmits pathogens from one plant to another, of curly top virus. Historically, beet leafhoppers have migrated to the valley floor from the foothills into tomatoes and caused infection of BCTV in newly planted tomato plants in Stanislaus County. BCTV stunts young plants and can result in complete loss in heavily infected fields. BCTV seriously threatens the approximately 235,000 acres of processing tomatoes grown in California, including 9,998 acres in Stanislaus County in 2022 at a harvest value of \$53,478,000.

On January 1, 2024, Title 3 of the California Code of Regulations (3 CCR) sections 6990 through 6990.16 went into effect, limiting certain uses of neonicotinoid pesticides on specific crops to enhance protections for pollinators, such as honeybees. The tomato crop relies on neonicotinoids to combat the BLH insect and BCTV, which is deadly to tomato plants. Without neonicotinoids, growers would likely apply multiple applications of alternative, less effective active ingredients, which will more than double the treatment cost on affected acres. 3 CCR section 6990(c)(2) provides an exception that a neonicotinoid application to address a local emergency pursuant to Government Code section 8630 will not be subject to these regulations.

The Sheriff, in his capacity as the Stanislaus County Director of Emergency Services, proclaimed the existence of this local emergency on May 9, 2024. The Stanislaus County Agricultural Commissioner, working in coordination with and under the authority of the Stanislaus County Director of Emergency Services, may authorize the emergency use of neonicotinoid pesticides on tomato crops in Stanislaus County in accordance with pest conditions. Under the exception allowed in 3 CCR section 6990(c)(2), property

owners who apply neonicotinoid pesticides must obtain a written recommendation from a licensed pest control advisor and retain the written documentation for at least two years after the application occurs.

The imminent migration of the BLH insect into Stanislaus County is an extreme threat to tomato crops, and the emergency use of neonicotinoid pesticides, as authorized by the Agricultural Commissioner, is necessary to mitigate the threat. No other efficacious means of control are known to the Stanislaus County Director of Emergency Services or the Agricultural Commissioner.

Pest Control Advisors and local growers have informed Stanislaus County staff that they have detected BLH in tomato crops. Data from the California Department of Agriculture's Beet Curly Top Virus Control Program has confirmed BLH presence within the County. This creates conditions of immediate peril to tomato crops within Stanislaus County. This represents an immediate threat to tomato crops in Stanislaus County. Although the full scope of BLH and BCTV damage cannot be determined at this time, it can be mitigated with immediate action. Due to this information and the Stanislaus County Agricultural Commissioner's recommendation, the Sheriff proclaimed a local emergency on May 9, 2024, to mitigate potential losses caused by BLH and BCTV by taking immediate action on an emergency basis.

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

Kern, Kings, Fresno, Madera, and Merced are other area counties with emergency declarations for BLH and BCTV.

**POLICY ISSUE:**

The Stanislaus County Director of Emergency Services is empowered to proclaim the existence or threatened existence of a local emergency per Stanislaus County Code 2.52.110, with ratification required by the Board of Supervisors. According to Government Code 8558, a "local emergency" is defined as the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the county, caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, etc. Per County Code 2.52.110(A): "The emergency shall be ratified by the board of supervisors in accordance with California law."

**FISCAL IMPACT:**

The fiscal impact associated with the beet leafhopper to the agricultural community is not yet known.

Existing County appropriations will be used initially for expenses required for the County to respond to this emergency. It is anticipated that there will be minimal, if any, fiscal impacts to the County budget associated with this event.

**BOARD OF SUPERVISORS' PRIORITY:**

Approving the ratification of the proclamation of a local emergency will support the Board of Supervisors' priorities of *Supporting a Strong and Safe Community, Supporting*

*a Healthy Community, and Developing a High-Performing Economy* by ensuring all available resources are used as needed to address the local emergency.

**STAFFING IMPACT:**

County staff from the Sheriff's Office and Agricultural Commissioner and various other partners are dedicated to the safe emergency response to the beet leafhopper in Stanislaus County.

**CONTACT PERSON:**

Jeff Dirkse, Sheriff-Coroner/Director of Emergency Services	(209) 525-7216
Linda Pinfold, Agricultural Commissioner	(209) 525-4730

**ATTACHMENT(S):**

1. Proclamation

**STANISLAUS COUNTY**

**DIRECTOR OF EMERGENCY SERVICES  
PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY**

WHEREAS, California Government Code section 8630 through Stanislaus County code chapter 2.52 authorizes the Director of Emergency Services, when the County Board of Supervisors is not in session, to proclaim a Local Emergency when Stanislaus County is threatened or likely to be threatened by conditions of extreme peril to the safety of persons and property that are or are likely to be beyond the control of the services, personnel, equipment, facilities of this County; and

WHEREAS, California Government Code section 8558(c) states that a “local emergency” means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the territorial limits of the county caused by conditions such as plant or animal infestation or disease; and

WHEREAS, California Code of Regulations Title 3, Division 6, Section 6990.6 regulates the use of Neonicotinoid pesticide use on fruiting vegetables; and

WHEREAS, California Code of Regulations Title 3, Division 6, Section 6990(c)(2) allows for applications of Neonicotinoid pesticide uses outside the scope of Section 6990.6 if there is a Local Emergency; and

WHEREAS, Beet leafhopper populations, historically live on vegetation in the foothills and migrate to the valley floor and tomato crops within Stanislaus County when vegetation plant material begins to desiccate; and

WHEREAS, Beet Leafhopper is a known vector of beet curly top virus in both processing and fresh market tomatoes in Stanislaus County which could cause severe loss of in an infected field; and

WHEREAS, Processing tomatoes are annually grown in California on approximately 235,000 acres, including 9,998 acres in 2022 in Stanislaus County at a production cost of \$5,348 per acre representing \$53,478,000 in harvesting value; and

WHEREAS, Pest Control Advisors have informed Stanislaus County staff that they have now begun to detect beet leafhoppers in tomato crops, and this event creates conditions of immediate peril to tomato crops within Stanislaus County; and

WHEREAS, Neonicotinoids have been proven to be highly effective against beet leafhoppers and tomato crops are highly reliant on the use of neonicotinoids to combat curly top virus; and

WHEREAS, The Stanislaus County Agricultural Commissioner is qualified to opine on the use of pesticides and has determined that significant damage to the tomato crop will be mitigated if immediate action is taken on an emergency basis to allow temporary expanded use of Neonicotinoids; and

WHEREAS, the Director of Emergency Services finds:

1. That at the time of this proclamation the County Board of Supervisors is not in session;
2. Beet leafhopper populations, known vectors of beet curly top virus, are present within the County of Stanislaus present a significant threat to the local tomato crop; and
3. Based on the qualified opinion of the Stanislaus Agricultural Commissioner, it is necessary to temporarily expand the use of Neonicotinoid pesticide use to control the spread of the beet curly top virus; and
4. That the aforesaid conditions of extreme peril have arisen, warrant and necessitate the proclamation of a Local Emergency and immediate action is necessary to mitigate potential public calamity.

**NOW, THEREFORE**, the Stanislaus County Director of the Office of Emergency Services hereby proclaims a local emergency.

**IT IS FURTHER PROCLAIMED AND ORDERED** as follows:

1. That during the existence of said Local Emergency, the powers, functions and duties of the Director of Emergency Services shall be those prescribed by state law and the ordinances, resolutions, and approved plan of the County to mitigate the effects of said Local Emergency.
2. That the Stanislaus County Agricultural Commissioner (and their respective designees), working in coordination with and under the authority of the Stanislaus County Emergency Services Director (and their designees), is hereby authorized to take appropriate actions, to the extent they deem it necessary in response to this local emergency consistent with this Proclamation of Local Emergency; to the end, applications of neonicotinoid pesticides may be made in accordance with 3 CCR Section 6990(c)(2) to address this Proclamation of Local Emergency allowing for applications of neonicotinoid pesticides on an emergency basis, so that commercial tomato growers can specifically treat for beet leaf hopper in Stanislaus County, provided that the operator of the property shall obtain the written

recommendation from a licensed agricultural pest control advisor and retain the written recommendation for at least two years after the application occur.


3. That all actions taken under this Proclamation of Local Emergency shall comply with all the applicable State statutes and regulations (including the exception provided under 3 CCR Section 6990(c)(2)).
4. This Proclamation of Local Emergency and the application of neonicotinoid pesticides hereunder are hereby declared to be 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.
5. That a copy of this proclamation be forwarded to the Governor of California with the request that he proclaim the existence of a State of Emergency throughout the impacted areas of Stanislaus County.
6. Pursuant to Public Contract Code Sections 20134, 22050, and 20395, the Purchasing Agent, or designee, is hereby authorized to engage independent contractors to complete all necessary work to mitigate the effects of said local emergency. Contracts for this work may be executed without prior Board approval of the plans, specifications, and working details, without giving notice for bids to let contracts.
7. That said Local Emergency shall be deemed to continue to exist for the next seven (7) days, and hereafter by ratification of the County Board of Supervisors, until its termination is proclaimed by the County Board of Supervisors of the County of Stanislaus.

IT IS SO ORDERED:

  
\_\_\_\_\_  
Jeff Dirkse, Sheriff  
Stanislaus County  
Director of Emergency Services

Dated: 5/9/24

Approved as to Form

  
\_\_\_\_\_  
Thomas E. Boze,  
County Counsel  
County of Stanislaus

# Ratification Request for the Proclamation of a Local Emergency Due to the Migration of Beet Leafhopper in Stanislaus County



Linda Pinfold,  
Agricultural Commissioner





# What is Beet Curly Top Virus (BCTV)?

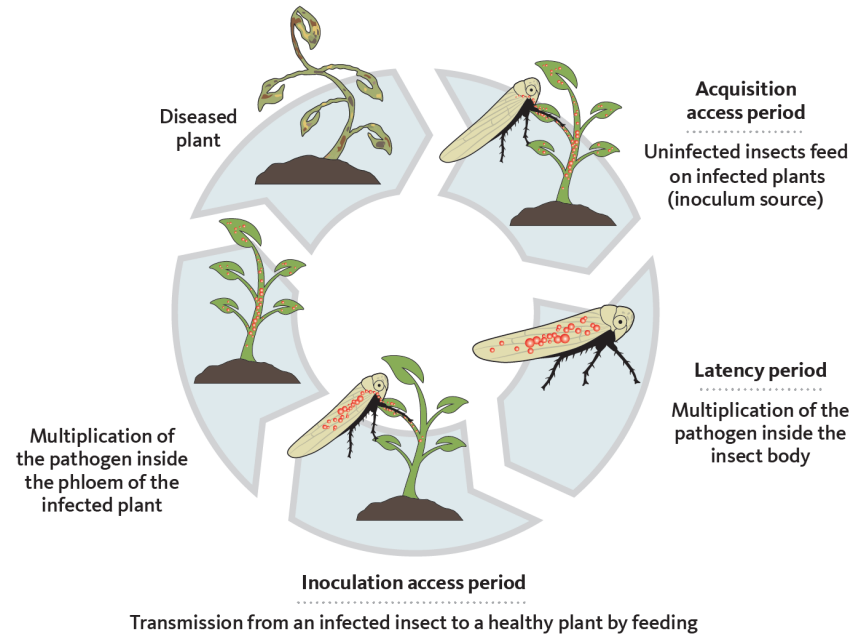
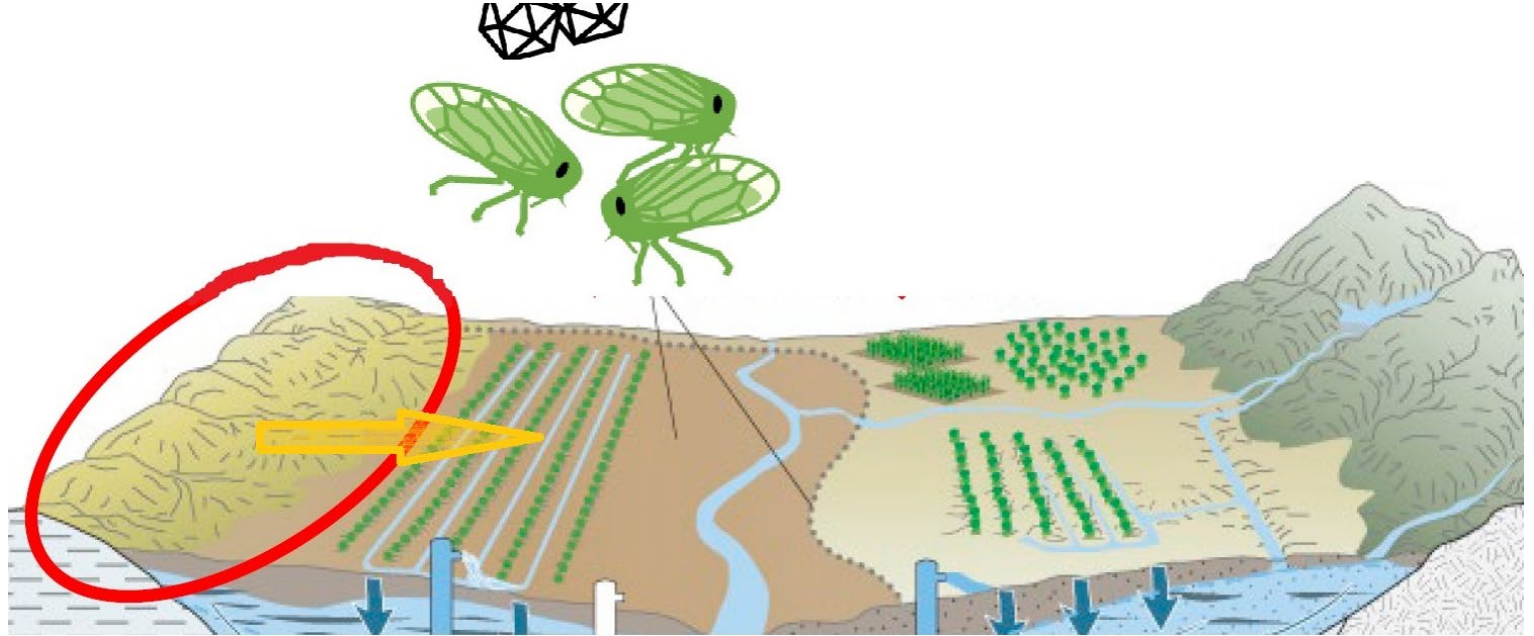
- Economically important to the Western US
  - ❖ Earliest records is the San Joaquin Valley impacting the beets during the mid-1920s.
  - ❖ California Department of Food and Agriculture (CDFA) established the Beet Curly Top Virus Control Program (BCTVCP) in 1943.
- Infects Approximately 300 species of crop and weed plant species:
  - ❖ Locally common weed species include filaree, peppergrass, various mustard species, buckhorn plantain, lambsquarter, Russian thistle, hoary cress, flixweed, and pigweed.
  - ❖ Susceptible Crops: **Tomatoes**, Sugar Beets, Melons, Peppers, Beans, Hemp, Cucumbers, Squash, Pumpkins, Spinach
- Symptoms include: small twisted leaves with purple veins, thickened crisp leaves, yellowing and death of mature leaves, small fruits that ripen prematurely, reduced fruit quality and yield, and stunted growth.
- A geminivirus that is only vectored by Beet Leafhoppers (*Circulifer tenellus*)

# Beet Leafhopper (BLH)

## *Circulifer tenellus*

- Adults are small (~3.5 mm) long, usually green but can be more colorful, and torpedo shaped.
- Both adults and nymphs are highly mobile and will readily jump away from physical disturbances
- Have multiple generations per growing season (3 to 5 per year)
- Feed on a wide variety of native and non-native plants.
- Have piercing-sucking mouthparts





# Beet Leafhopper Migration and Beet Curly Top Virus Spread

## County BLH Survey

April 2024 County BLH Survey	
4/22 to 4/26	
<u>County</u>	<u>Average # of BLH per 10 sweeps</u>
Fresno	0.8
Kings	3.3
Kern	0.5
Merced	X <sup>1</sup>
Madera	X <sup>1</sup>
Glenn	0.7
Yolo	X <sup>1</sup>
Colusa	X <sup>1</sup>
Sutter	1.4
Butte	0
Solano	0.1
Sacramento	X <sup>1</sup>
Stanislaus	1.0
San Joaquin	X <sup>1</sup>

X<sup>1</sup> - No survey was conducted in these counties for the week of 4/22 to 4/26

Tomatoes are mostly grown on the west side of the County

Currently being planted.

2022: Ranked #10: Valued at \$53,478,000, and 9,998 acres.

No Beet Curly Top Varieties of Tomatoes Known



# YOUNG TOMATO PLANT SYMPTOMS





# Tomato Field - Symptoms

# Limited Pesticides Available to Control Beet Leafhopper in Tomatoes (per UC IPM)

Imidacloprid  
(Admire Pro)

*neonicotinoid,  
systemic*

Dinotefuran  
(Venom)

*neonicotinoid,  
systemic*

Thiamethoxam  
(Actara)

*neonicotinoid,  
systemic*

Carbaryl  
(Sevin XLR)

*carbamate,  
nonsystemic*

## 3CCR 6990 – 6990.16 Effective 1/1/2024

### 3CCR 6990.9

The provisions of this section apply to any neonicotinoid application made to a crop in the fruiting vegetables crop groups.

**(a) Application of a neonicotinoid is prohibited during bloom.**

(b) If both soil and foliar application methods are used on the same crop, or if multiple neonicotinoid active ingredients are applied to the same crop, a total maximum combined application rate must not exceed 0.172 lbs. ai/A/season.

(c) Except as provided in subsection (d), if managed pollinators will be used to pollinate crops in the fruiting vegetables crop groups during the growing season, the application rate and timing restrictions listed in the following table apply in addition to the limitations in subsections .....

# Pollinator Protection Regulations

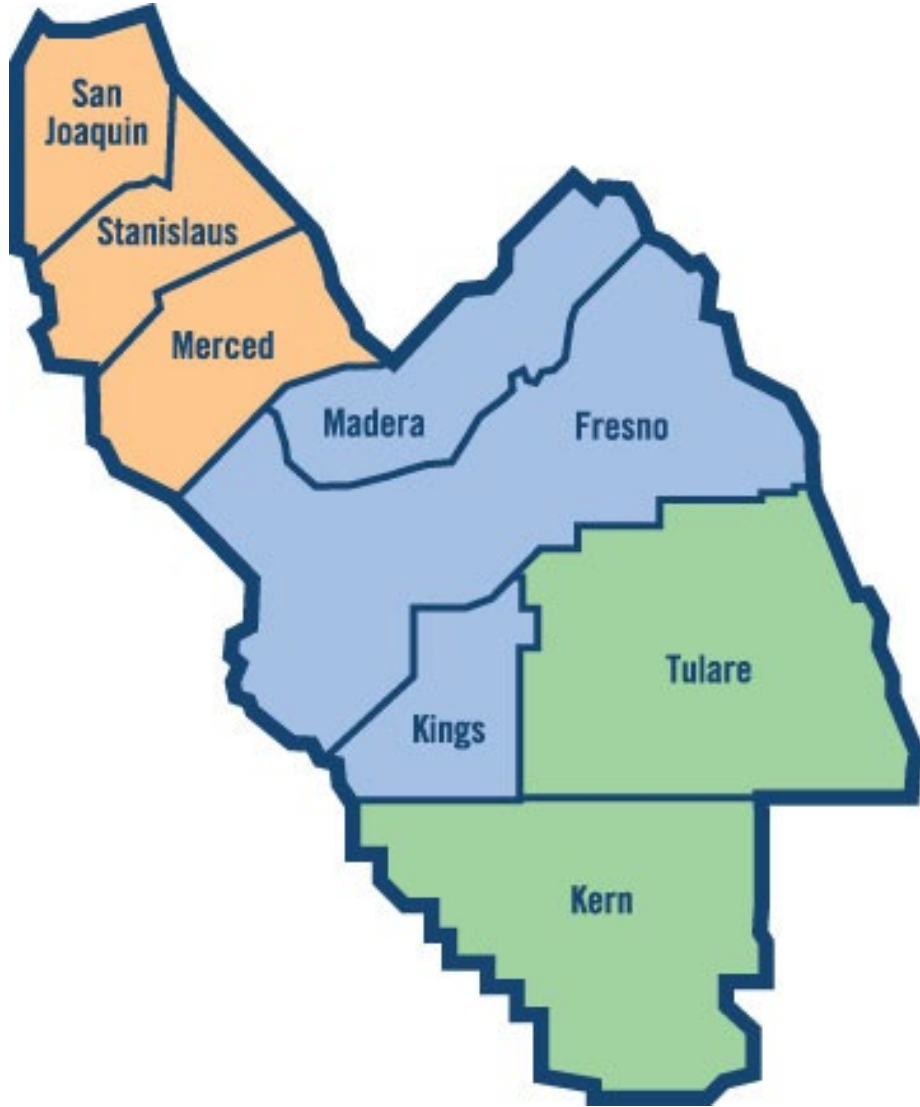


Pollinator  
Protection  
Regulations  
*(continued)*

3 CCR 6990 (c)(2):

The following applications are not subject to this article:

An application made to address a local emergency pursuant to Government Code section 8630 or a local emergency declared by the U.S. Department of Agriculture or the California Department of Food and Agriculture. The operator of the property shall obtain the written recommendation from a licensed agricultural pest control adviser and retain the written recommendation for at least two years after the application occurs.



## Counties with Emergency Declarations:

Kern

Kings

Fresno

Madera (5/1)

Merced (5/1)



# Proclamation of Local Emergency

- Declared by Director of Emergency Services 5/9/2024 due to the migration of BLH into Stanislaus
- Pursuant to Government Code section 8630 and 3 CCR section 6990
- Allows for neonicotinoid pesticides to be applied to tomato crops to control BLH, the vector of BCTV.
- Owners who apply neonicotinoid pesticides must obtain a written recommendation from a licensed pest control advisor and retain the written documentation for at least two years after the application occurs.

# STAFF RECOMMENDATION:

1. Pursuant to California Government Code Section 8630, ratify the proclamation of a local emergency in Stanislaus County due to the migration of the beet leafhopper in Stanislaus County.

2. Authorize the Sheriff-Coroner/Director of Emergency Services to take the necessary actions in accordance with Stanislaus County Code Section 2.52.110 to respond to the emergency.



**WE BUILD  
COMMUNITY**

Thank you.

Questions?