

## F. Standards and Restrictions

CDFA has issued standards and restrictions for the Pierce's Disease Control Program. These are found in the CDFA, Plant Quarantine Manual, Section 3650, entitled "Pierce's Disease Control Program." [The complete text of this section may be found in Attachment D and at the CDFA web-site located at [www.cdffa.ca.gov](http://www.cdffa.ca.gov).] Highlighting denotes variations from regulations.

### F. (1) Napa County's 3CCR Section 3651(c)(2): Variations From Standards

3CCR Section 3651(c)(2): "The Department may permit the local public entity to establish variations from the standards set forth in this subchapter based on the written submission to the Department of clear and convincing evidence of stakes and risks to justify a more stringent standard."

Napa County submits the following findings in evidence of stakes and risks to Napa County from GWSS and PD in accordance with Section 3651(c)(2):

#### Finding 1.

During the past decade, damage caused by Pierce's Disease (PD) in Napa County has been much above average, with estimated annual losses of about \$25 million ; and

#### Finding 2.

"Without question, Napa and Sonoma Valleys are at high risk for losses to PD if the glassy-winged sharpshooter (GWSS) were to become established in either region"<sup>1</sup> and

#### Finding 3.

Because of the potential for vine-to-vine phase of bacterial spread of PD and the existence of PD in Napa Valley, this ... "would make exponential spread of PD reach exceptionally high levels if it were to occur because of the introduction of the glassy-winged sharpshooter."<sup>1</sup> Additionally, "small populations of GWSS could be devastating over a few years in North Coast conditions...Napa has the greatest concentrations of PD in the north coast, so your county is particularly vulnerable"<sup>1</sup>; and

#### Finding 4.

According to James A. Wolpert, Ph.D., Chair of the Department of Viticulture and Enology at U.C. Davis, "Nowhere else in the state, that I know of, is PD such historical and a current threat ... Thus, GWSS risks dramatically increasing an already very severe problem. ... One must conclude that the introduction of GWSS to this volatile mixture must be prevented at all cost." ; and

#### Finding 5

"In light of the above, it would seem prudent for your Action Team to consider using whatever methods fall within achievable limits to avoid the introduction of glassy-winged sharpshooter. Every year this can be delayed will be worth a minimum of many hundreds of millions of dollars, as well as the increased environmental concerns that would accompany control efforts if the pest were to become established."1; and

#### Finding 6

"The magnitude of this threat demands that every effort be taken to prevent GWSS from establishing in Napa." : and

#### Finding 7.

No other single county in the State of California has as much to risk economically from the PD / GWSS complex.

Therefore, it is the intention of the County of Napa and we do hereunder request the following variations from the standards as set forth in 3CCR Section 3651(c)(2):

#### Definitions.

"Commercial Entity" shall include any and all nurseries, landscapers, gardeners, landscape architects, contractors and/or any other individual or entity that buys, sells or deals in the commercial purchase, sale or movement of host materials of any kind in any way whatsoever.

"Commissioner" shall mean the Napa County Agricultural Commissioner, or designee, unless otherwise stated.

"County" shall mean the County of Napa, a political subdivision of the State of California.

"Host Material" shall mean shipments of bulk grapes and all plant/nursery stock identified as a glassy-winged sharpshooter (GWSS) oviposition or food host plant by the California Department of Food and Agriculture (CDFA), except when in the form of seeds, bulbs, stolons, tubers, corms, pips, buds, or when otherwise specified by CDFA.

"Infestation" shall mean the detection of five or more adult GWSS within any five-day period and within a 300-yard radius, or if a viable GWSS egg mass or nymph is found other than in association with a shipment of plant material, or if multiple GWSS life stages are present in a non-regulatory situation. If no

additional GWSS are detected within one complete GWSS life cycle, the infestation designated may be removed by CDFA.

"Infested Area" shall mean that area within one (1.0) mile of a GWSS infestation, unless a greater geographic area is determined appropriate by CDFA.

"Mixed Shipment" shall be defined as any shipment that is comprised of host material that originated from both infested and non-infested areas.

"Non-infested Area" shall mean one in which no infestations have been detected after survey in a manner approved by the Department to detect GWSS or where the infestation designation has been removed.

"Non-infested premise" shall mean a non-infested nursery or portion of a non-infested nursery and must be at least 300 yards from an infestation. A non-infested premise or non-infested portion of a premise must be free of GWSS (viable) egg masses, live nymphs and with no more than three adults found in the same 1/2 acre in a two-week period.

"Person" shall include any individual, firms, corporations, companies, associations or any other entity.

"Shipment" shall mean any article or thing, which is, may be, or has been transported from one place to another place.

1. Restrictions on Movement of Plant/Nursery Stock from Infested Areas. No person shall move or ship into the County any host material from an infested area, except under the following conditions:
  - a. The shipment is transiting the County with proper safeguards to prevent dispersal of GWSS life stages to a destination outside of the County without delay or diversion; or,
  - b. The shipment originates from a non-infested premise or non-infested portion of a premise; or,
  - c. The shipment has been treated under the supervision of the origin county agricultural commissioner within the efficacious period with a registered pesticide approved by CDFA to eliminate all life stages of GWSS following label requirements; or,
  - d. Until a treatment is approved by CDFA, the shipment shall be foliar treated with an insecticide, shown in preliminary laboratory tests to apparently be effective against all life stages of GWSS, such as:
    1. fenprothrin (Tame), or
    2. imidachlopid (Marathon II); andThe agricultural commissioner of the origin county has fully inspected and found the shipment free of GWSS.  
(Any reference to the trade or chemical names listed above is based upon current preliminary scientific data and should not be construed as an endorsement of these products or companies by the County of Napa.)

- e. Each shipment, except transiting shipments, shall be accompanied by a CDFA approved written certificate issued by the agricultural commissioner of the origin county which attests that the shipment is in compliance with the requirements of this plan. Shipments under compliance agreements from persons who are under compliance with the provisions of this work plan and who have not shipped any viable life stages of GWSS out of the infested area within the past six (6) months, may ship using a stamp or sticker certificate format, when approved by the Napa County Agricultural Commissioner. The origin county or person under compliance agreement shall fax the certificate to the Napa County Agricultural Commissioner before shipping and;
- f. Each incoming shipment may be inspected by the Napa County Agricultural Commissioner at destination or at a site designated by the Commissioner, as agreed upon by CDFA and the Commissioner.
- g. The Commissioner shall have the authority to destroy any infested plants with apparently viable life stages found on them and take whatever action the Commissioner feels is an appropriate disposition for the remainder of the shipment, including the destruction of all plant materials; and
- h. If appropriate, any shipments may be treated at the point of destination within the County, destroyed and/or returned to the origin county, as determined necessary by the Commissioner.

2. Napa County Activities Related to the Movement of Plant/Nursery Stock from Non-infested Areas.

The County of Napa has an interest in the inspection of mixed shipments of GWSS host plants. The County of Napa may inspect these shipments. The following shall serve as guidelines for implementation of this local program: No person shall import into the County any host material from a non-infested area, except under the following conditions:

- a. The Napa County Agricultural Commissioner may enter into a compliance agreement with each commercial entity receiving host material. The Commissioner may make exceptions to this requirement as determined appropriate.
- b. Each shipment may be inspected by the Napa County Agricultural Commissioner at the destination or at a site designated by the Commissioner; and
- c. The Commissioner may treat any shipments inspected at the point of destination within the County, as determined necessary.
- d. The Commissioner has the authority to destroy any infested plants with apparently viable life stages found on them and take whatever action the Commissioner feels is an appropriate disposition for the remainder of the shipment, including the destruction of all plant materials.

3. Abatement of the Glassy-winged Sharpshooter.

Shipments of regulated host material arriving without certification shall be rejected. Any shipment in which an apparently viable GWSS life stage (including adults, nymphs and egg masses) is detected, shall be treated or destroyed

under the supervision of the Commissioner. The owner of the shipment is responsible for all costs of the aforementioned option. The Commissioner may charge the owner of the shipment for the cost of supervising the treatment or destruction of the shipment.

If a GWSS infestation is detected in any agricultural setting within the County, including but not limited to vineyards, orchards, or production or retail nurseries, the pest shall be treated at the cost of the property owner or leaseholder, in a manner approved by and under the supervision of the Commissioner. If the aforementioned treatment is not conducted as required by the Commissioner, the pest shall be abated as provided in Section 5401 et seq. of the Food and Agricultural Code of California.

If a GWSS infestation is detected in urban or residential areas of the County, the infestation will be delimited and eradicated where feasible. If eradication is not feasible, the perimeter of the infestation will be monitored and the infestation will be contained within the smallest possible area, as determined necessary by the Napa County Agricultural Commissioner.

#### 4. Movement of Host Material from Infested Locations within the County of Napa

Movement of infested host materials, as identified by the CDFA, from a nursery, vineyard, orchard, or other area within the County, in which a GWSS infestation has been detected is prohibited from said location unless the host material is treated, handled, or processed under the supervision of the Napa County Agricultural Commissioner. The Commissioner may charge the owner of the shipment for the cost of supervising said activities.

#### 5. Criminal Law Enforcement of Workplan.

The County of Napa, by and through the Agricultural Commissioner, shall refer any violation[s] of the Regulations or this Workplan which include[s] criminal penalties to the Napa County District Attorney for prosecution.