

MEETING AGENDA

AUGUST 6, 2020

1:00 PM – 2:00 PM PT

MEETING TITLE	Neonicotinoid Mitigation Discussion with the County Agricultural Commissioners
ZOOM INFORMATION	Join Zoom Meeting: https://zoom.us/j/91962822592?pwd=Y3AxS3dWeEVTWDcyWmJYdHpHcIMwdz09 Meeting ID: 919 6282 2592 Passcode: 788743 Dial by your location: +1 669 900 9128
Attendees	
DEPARTMENT OF PESTICIDE REGULATION	<u>Executive Office</u> Karen Morrison, Assistant Director Julissa DeGonzalez, Legislative Director <u>Registration Branch</u> Tulio Macedo, Branch Chief Shelley Lopez, Environmental Program Manager Denise Alder, Sr. Environmental Scientist Brittanie Clendenin, Environmental Scientist
COUNTY AGRICULTURAL COMMISSIONERS ATTENDEES	Sandy Elles, CACASA Executive Director Louie Mendoza, Jr., Butte County Ruben Arroyo, Riverside County Tim Pelican, San Joaquin County Juan Hidalgo, Santa Cruz County Rick Gurrola, Shasta County Josh Huntsinger, Placer county

- 1) Introductions**

- 2) Overview of Draft Proposed Regulations– Brittanie**

- 3) Draft Regulation Discussion and Questions – Brittanie**

- 4) Next Steps - Denise**

**Neonicotinoid Public Feedback
Webinars on Proposed Pollinator
Protection Mitigation**

August 11, 2020, 3:00 pm – 5:30 pm PDT (English and Spanish)

August 12, 2020, 5:30 pm – 8:00 pm PDT (English and Spanish)

Webinar Overview & Purpose

In July 2018, the Department of Pesticide Regulation (DPR) issued a pollinator risk determination for neonicotinoids. DPR concluded that additional mitigation measures were needed to protect pollinators from the use of the nitroguanidine-substituted neonicotinoids imidacloprid, thiamethoxam, clothianidin, and dinotefuran in agricultural crops. DPR intends to implement mitigation measures through regulations.

The goal of the webinars is to gather feedback from the public on DPR’s proposed pollinator protection mitigation measures for the use of neonicotinoids in agricultural crops.

Agenda

Topic
Welcome from DPR <ul style="list-style-type: none">• Logistics• Purpose of the webinar
Background on pollinator protection and neonicotinoid pesticides
California Neonicotinoid Risk Determination, published 2018 <ul style="list-style-type: none">• Addendum, published 2019
Overview of proposed mitigation <ul style="list-style-type: none">• Scope and definitions• General application restrictions
Proposed regulations for crops that are highly attractive to bees
Proposed regulations for crops that are moderately attractive to bees
Proposed regulations for crops that are not attracted to bees or are harvested before bloom
Summary and next steps
Open comment and question period

TEXT OF PROPOSED REGULATIONS
FOR PURPOSES OF PRE-REGULATORY WEBINARS

TITLE 3. CALIFORNIA CODE OF REGULATIONS
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 4. ENVIRONMENTAL PROTECTION
SUBCHAPTER 6. POLLINATOR PROTECTION
ARTICLE 1. PESTICIDE EXPOSURE PREVENTION

Section YYYY. Scope and Definitions

(a) For the purposes of this article, the following definitions apply:

- (1) “Bloom” means from bud break until complete petal fall (all petals have fallen).
- (2) “Crop group” means the groupings of agricultural commodities specified in Title 40 Code of Federal Regulations section 180.41(c) (May 3, 2016).
- (3) “Growing season” means the time period from planting until harvest is completed for a particular annual crop or biennial crop, and is not more than one year (365 days) for perennial crops.
- (4) “Managed pollinators” means any bees that are used by growers to provide pollination services.

(b) The provisions of this article apply to foliar, soil, or both foliar and soil applications of pesticides containing one or more of the active ingredients clothianidin, dinotefuran, imidacloprid, and thiamethoxam, when used for the production of the following agricultural commodities:

- (1) Berries and small fruits (Crop Group 13 and 13-07)
- (2) Bulb vegetables (Crop Group 3 and 3-7)
- (3) Cereal grains (Crop Group 15 and 16)
- (4) Citrus fruit (Crop Group 10 and 10-10)
- (5) Cucurbit vegetables (Crop Group 9)
- (6) Fruiting vegetables (Crop Group 8 and 8-10)
- (7) Herbs and spices (Crop Group 19)
- (8) Leafy vegetables including brassica (cole) (Crop Group 4, 4-16, 5, 5-16 and 22)
- (9) Legume vegetables (Crop Group 6 and 7)
- (10) Oilseed (Crop Group 20)
- (11) Pome fruits (Crop Group 11 and 11-10)
- (12) Root and tuber vegetables (Crop Group 1 and 2)
- (13) Stone fruits (Crop Group 12 and 12-12)
- (14) Tree nuts (Crop Group 14 and 14-12)
- (15) Tropical and subtropical fruit, edible and inedible peel (Crop Group 23 and 24)
- (16) Coffee, peanuts, globe artichoke, mint, hops (female plants only), and tobacco

(c) An application made to address an emergency declared by the U.S. Department of Agriculture or the California Department of Food and Agriculture pursuant to Government Code section 8630 is not subject to the provisions of this article for the duration of the declared emergency.

(d) For purposes of this article, if the operator of the property uses managed pollinators at the application site, then the operator of the property is presumed to have intended to use managed pollinators at the time of application for that growing season.

Section YYYY.1. General Application Restrictions for Clothianidin, Dinotefuran, Imidacloprid, and Thiamethoxam

(a) Applications of clothianidin, dinotefuran, imidacloprid, and thiamethoxam are prohibited during bloom when used on a crop subject to the provisions of this article.

(b) The application of more than one of the following active ingredients to a crop subject to the provisions of this article within the same growing season is prohibited: clothianidin, dinotefuran imidacloprid, thiamethoxam.

(c) The use of more than one application type (soil or foliar) on a crop subject to provisions of this article within the same growing season is prohibited, except as specified in sections YYYY.12 (pome fruits crop group) and YYYY.14 (stone fruits crop group).

Section YYYY.2. Berries and Small Fruits Crop Groups (Crop Groups 13 and 13-07)

(a) If managed pollinators will not be used to pollinate crops in the berries crop groups during the growing season, then the provisions of this section do not apply. However, the general application restrictions in section YYYY.1 must be followed.

(b) Except as provided in subsections (c) and (d), if managed pollinators will be used to pollinate crops in the berries crop groups, applications are prohibited.

(c) Applications to mulberries are not subject to the provisions of this article.

(d) If managed pollinators will be used for grapes during the growing season, the application rate and timing restrictions listed in the following table are required:

Application Rate and Timing Restrictions for Grapes				
Active Ingredient	Soil Application		Foliar Application	
	Maximum Application Rate	Allowed Timing	Maximum Application Rate	Allowed Timing
Clothianidin	0.2 lbs. ai/A/season	Apply up until bud break	0.1 lbs. ai/A/season	Apply between post-bloom (all flower hoods fallen) and harvest
Dinotefuran	0.2 lbs. ai/A/season	Apply up until bud break	0.1 lbs. ai/A/season	Apply between post-bloom (all flower hoods fallen) and harvest
Imidacloprid	Prohibited		0.1 lbs. ai/A/season	Apply between post-bloom (all flower hoods fallen) and harvest
Thiamethoxam	0.2 lbs. ai/A/season	Apply up until bud break	0.1 lbs. ai/A/season	Apply between post-bloom (all flower hoods fallen) and harvest

The specified application rates are in units of pounds of active ingredient (ai) per acre (A) per growing season. The growing season for grapes is one year.

Section YYYY.3. Bulb Vegetables Crop Groups (Crop Groups 3 and 3-7)

If harvested before bloom, applications to crops in the bulb vegetables crop groups are not subject to the provisions of this article. Otherwise, applications of clothianidin, dinotefuran, imidacloprid, and thiamethoxam to these crops are prohibited.

Section YYYY.4. Cereal Grains Crop Groups (Crop Groups 15 and 16)

(a) If managed pollinators will not be used to pollinate crops in the cereal grains crop groups during the growing season, then the provisions of this section do not apply. However, the general application restrictions in section YYYY.1 must be followed.

(b) Applications to barley, oats, rice, rye, triticale, and wheat are not subject to the provisions of this article.

(c) Except as provided in subsection (b), if managed pollinators will be used to pollinate crops in the cereal grain crop groups during the growing season, the application rate and timing restrictions listed in the following table are required:

Application Rate and Timing Restrictions for Crops in the Cereal Grains Crop Group				
Active Ingredient	Soil Application		Foliar Application	
	Maximum Application Rate	Allowed Timing	Maximum Application Rate	Allowed Timing
Clothianidin	0.18 lbs. ai/A/season	Apply at seed planting	0.126 lbs. ai/A/season	Apply up until heading (inflorescence or tassel emergence)
Dinotefuran	0.18 lbs. ai/A/season	Apply at seed planting	0.126 lbs. ai/A/season	Apply up until heading (inflorescence or tassel emergence)
Imidacloprid	0.18 lbs. ai/A/season	Apply at seed planting	0.126 lbs. ai/A/season	Apply up until heading (inflorescence or tassel emergence)
Thiamethoxam	0.18 lbs. ai/A/season	Apply at seed planting	0.126 lbs. ai/A/season	Apply up until heading (inflorescence or tassel emergence)

The specified application rates are in units of pounds of active ingredient (ai) per acre (A) per growing season. The growing season for cereal grain crops is from planting until harvest.

Section YYYY.5. Citrus Fruit Crop Groups (Crop Groups 10 and 10-10)

(a) Except as provided in subsection (b), for citrus fruit crop groups, the application rate and timing restrictions listed in the following table are required:

Application Rate and Timing Restrictions for Crops in the Citrus Fruit Crop Group				
Active Ingredient	Soil Application		Foliar Application	
	Maximum Application Rate	Allowed Timing	Maximum Application Rate	Allowed Timing
Clothianidin	0.172 lbs. ai/A/season	Apply between petal fall and December 15	0.172 lbs. ai/A/season	Apply after petal fall with the second application no later than December 1
Dinotefuran	0.172 lbs. ai/A/season	Apply between petal fall and January 31	0.172 lbs. ai/A/season	Apply after petal fall with the second application no later than December 1
Imidacloprid	0.086 lbs. ai/A/season	Apply between petal fall and January 31	0.172 lbs. ai/A/season	Apply after petal fall with the second application no later than December 1
Thiamethoxam	0.172 lbs. ai/A/season	Apply between petal fall and January 31	0.172 lbs. ai/A/season	Apply after petal fall with the second application no later than December 1

The specified application rates are in units of pounds of active ingredient (ai) per acre (A) per growing season. The growing season for citrus fruit crops is one year.

(b) Exceptions: All applications are prohibited to indeterminate blooming citrus crops.

Section YYYY.6. Cucurbit Vegetables Crop Group (Crop Group 9)

(a) If managed pollinators will not be used to pollinate crops in the cucurbit vegetables crop group during the growing season, then the provisions of this section do not apply. However, the general application restrictions in section YYYY.1 must be followed.

(b) Except as provided in subsection (c), if managed pollinators will be used to pollinate crops in the cucurbit vegetables crop group during the growing season, the application rate and timing restrictions listed in the following table are required:

Application Rate and Timing Restrictions for Crops in the Cucurbit Vegetables Crop Group				
Active Ingredient	Soil Application		Foliar Application	
	Maximum Application Rate	Allowed Timing	Maximum Application Rate	Allowed Timing
Clothianidin	0.2 lbs. ai/A/season	Apply up until primary side shoot formation	0.2 lbs. ai/A/season	Apply up until bloom
Dinotefuran	0.536 lbs. ai/A/season	Apply up until first flower open on main stem	0.172 lbs. ai/A/season	Apply up until bloom
Imidacloprid	0.2 lbs. ai/A/season	Apply up until primary side shoot formation	0.172 lbs. ai/A/season	Apply up until bloom
Thiamethoxam	0.172 lbs. ai/A/season	Apply up until fifth true leaf on main stem unfolded	0.172 lbs. ai/A/season	Apply up until bloom

The specified application rates are in units of pounds of active ingredient (ai) per acre (A) per growing season. The growing season for cucurbit vegetable crops is from planting until harvest.

(c) Exceptions: If managed pollinators will be used for cucumbers during the growing season, then foliar applications of either dinotefuran, imidacloprid, or thiamethoxam are prohibited.

Section YYYY.7. Fruiting Vegetables Crop Groups (Crop Groups 8 and 8-10)

(a) If managed pollinators will not be used to pollinate crops in the fruiting vegetables crop groups during the growing season, then the provisions of this section do not apply. However, the general application restrictions in section YYYY.1 must be followed.

(b) Except as provided in subsection (c), 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 are required:

Application Rate and Timing Restrictions for Crops in the Fruiting Vegetables Crop Group				
Active Ingredient	Soil Application		Foliar Application	
	Maximum Application Rate	Allowed Timing	Maximum Application Rate	Allowed Timing
Clothianidin	0.172 lbs. ai/A/season	Apply up until third leaf on main shoot unfolded	Prohibited	
Dinotefuran	0.172 lbs. ai/A/season	Apply up until third leaf on main shoot unfolded	Prohibited	
Imidacloprid	Prohibited		Prohibited	
Thiamethoxam	0.172 lbs. ai/A/season	Apply up until third leaf on main shoot unfolded	Prohibited	

The specified application rates are in units of pounds of active ingredient (ai) per acre (A) per growing season. The growing season for fruiting vegetable crops is from planting until harvest.

(c) Exceptions: If managed pollinators will be used for peppers, goji berry, ground cherry, martynia, okra, roselle, or tomatillo during the growing season, then soil applications are prohibited.

Section YYYY.8. Herbs and Spices Crop Group (Crop Group 19)

If harvested before bloom, applications to crops in the herbs and spices crop group are not subject to the provisions of this article. Otherwise, applications of clothianidin, dinotefuran, imidacloprid, and thiamethoxam to these crops are prohibited.

Section YYYY.9. Leafy Vegetables Including Brassica (Cole) Crop Groups (Crop Groups 4, 4-16, 5, 5-16 and 22)

If harvested before bloom, applications to crops in the leafy vegetables, brassica (cole), stalk, and stem crop groups are not subject to the provisions of this article. Otherwise, applications of clothianidin, dinotefuran, imidacloprid, and thiamethoxam to these crops are prohibited.

Section YYYY.10. Legume Vegetables Crop Groups (Crop Groups 6 and 7)

(a) If managed pollinators will not be used to pollinate crops in the legume vegetables crop groups during the growing season, then the provisions of this section do not apply. However, the general application restrictions in section YYYY.1 must be followed.

(b) If managed pollinators will be used to pollinate crops in the legume vegetables crop group during the growing season, then applications of clothianidin, dinotefuran, imidacloprid, and thiamethoxam are prohibited.

Section YYYY.11. Oilseed Crop Group (Crop Group 20)

(a) If managed pollinators will not be used to pollinate crops in the oilseed crop group during the growing season, then the provisions of this section do not apply. However, the general application restrictions in section YYYY.1 must be followed.

(b) If managed pollinators will be used to pollinate crops in the oilseed crop group during the growing season, the application rate and timing restrictions listed in the following table are required:

Application Rate and Timing Restrictions for Crops in the Oilseed Crop Group				
Active Ingredient	Soil Application		Foliar Application	
	Maximum Application Rate	Allowed Timing	Maximum Application Rate	Allowed Timing
Clothianidin	Prohibited		Prohibited	
Dinotefuran	Prohibited		Prohibited	
Imidacloprid	Prohibited		0.25 lbs. ai/A/season	Apply before the beginning of main stem elongation
Thiamethoxam	Prohibited		Prohibited	

The specified application rates are in units of pounds of active ingredient (ai) per acre (A) per growing season. The growing season for oilseed crops is from planting until harvest.

Section YYYY.12. Pome Fruits Crop Groups (Crop Groups 11 and 11-10)

(a) Except as provided in subsection (b), for crops in the pome fruit crop groups, the application rate and timing restrictions listed in the following table are required:

Application Rate and Timing Restrictions for Crops in the Pome Fruit Crop Groups				
Active Ingredient	Soil Application		Foliar Application	
	Maximum Application Rate	Allowed Timing	Maximum Application Rate	Allowed Timing
Clothianidin	0.38 lbs. ai/A/season	Between post bloom and harvest	0.2 lbs. ai/A/season	Between post-bloom and harvest
Dinotefuran	0.38 lbs. ai/A/season	Between post-bloom and harvest	0.2 lbs. ai/A/season	Between post-bloom and harvest
Imidacloprid	0.38 lbs. ai/A/season	Between post-bloom and harvest	0.2 lbs. ai/A/season	Between post-bloom and harvest
Thiamethoxam	0.38 lbs. ai/A/season	Between post-bloom and harvest	0.2 lbs. ai/A/season	Between post-bloom and harvest

The specified application rates are in units of pounds of active ingredient (ai) per acre (A) per growing season. The growing season for pome fruit crops is one year.

- (b) If soil and foliar applications are used on the same crop in the same growing season:
- (1) A maximum amount of 0.5 lbs. ai/A/season can be applied;
 - (2) Foliar application rates cannot exceed 0.12 lbs. ai/A/season; and
 - (3) Foliar and soil applications may only be made between post-bloom and harvest.

Section YYYY.13. Root and Tuber Vegetables Crop Groups (Crop Groups 1 and 2)

(a) If managed pollinators will not be used to pollinate crops in the root and tuber vegetables crop groups during the growing season, then the provisions of this section do not apply. However, the general application restrictions in section YYYY.1 must be followed.

(b) Applications to cassava are not subject to the provisions of this article.

(c) If any of the following crops will be harvested before bloom, then the provisions of this article do not apply: artichokes, carrots, chicory roots, sugar beets, turnip, turnip-rooted chervil, turnip-rooted parsley, parsnip, radish, rutabaga, and skirret.

(d) Except as provided in subsections (b) and (c), if managed pollinators will be used to pollinate crops in the root and tuber vegetables crop groups during the growing season, the application rate and timing restrictions listed in the following table are required:

Application Rate and Timing Restrictions for Crops in the Root and Tuber Vegetables Groups				
Active Ingredient	Soil Application		Foliar Application	
	Maximum Application Rate	Allowed Timing	Maximum Application Rate	Allowed Timing
Clothianidin	0.2 lbs. ai/A/season	One application at seed or tuber planting	0.05 lbs. ai/A/season	One application before the beginning of main stem elongation or crop cover
Dinotefuran	0.2 lbs. ai/A/season	One application at seed or tuber planting	0.05 lbs. ai/A/season	One application before the beginning of main stem elongation or crop cover
Imidacloprid	Prohibited		0.05 lbs. ai/A/season	One application before the beginning of main stem elongation or crop cover
Thiamethoxam	0.2 lbs. ai/A/season	One application at seed or tuber planting	0.05 lbs. ai/A/season	One application before the beginning of main stem elongation or crop cover

The specified application rates are in units of pounds of active ingredient (ai) per acre (A) per growing season. The growing season for root and tuber vegetable crops is from planting until harvest.

Section YYYY.14. Stone Fruits Crop Groups (Crop Groups 12 and 12-12)

(a) Except as provided in subsections (b) and (c), for crops in the stone fruit crop groups, the application rate and timing restrictions listed in the following table are required:

Application Rate and Timing Restrictions for Crops in the Stone Fruits Crop Groups				
Active Ingredient	Soil Application		Foliar Application	
	Maximum Application Rate	Allowed Timing	Maximum Application Rate	Allowed Timing
Clothianidin	0.38 lbs. ai/A/season	Between post-bloom and harvest	0.2 lbs. ai/A/season	Between post-bloom and harvest
Dinotefuran	0.38 lbs. ai/A/season	Between post-bloom and harvest	0.54 lbs. ai/A/season	Between post-bloom and harvest
Imidacloprid	0.38 lbs. ai/A/season	Between post-bloom and harvest	0.5 lbs. ai/A/season	Between post-bloom and harvest
Thiamethoxam	0.38 lbs. ai/A/season	Between post-bloom and harvest	0.172 lbs. ai/A/season	Between post-bloom and harvest

The specified application rates are in units of pounds of active ingredient (ai) per acre (A) per growing season. The growing season for stone fruit crops is for 1 year.

(b) If soil and foliar applications are used on the same crop in the same growing season:

- (1) A maximum amount of 0.5 lbs. ai/A/season can be applied;
- (2) Foliar application rates cannot exceed 0.12 lbs. ai/A/season; and
- (3) Foliar and soil applications may only be made between post-bloom and harvest.

(c) Exceptions: Soil applications of either clothianidin or imidacloprid are prohibited on peaches.

Section YYYY.15. Tree Nuts Crop Groups (Crop Groups 14 and 14-12)

(a) Except for almonds, if managed pollinators will not be used to pollinate crops in the tree nuts crop groups during the growing season, then the provisions of this section do not apply.

However, the general application restrictions in section YYYY.1 must be followed.

(b) Applications to pistachio, beechnut, ginkgo and pecans are not subject to the provisions of this article.

(c) For almonds, and if managed pollinators will be used to pollinate other crops in the tree nuts crop groups during the growing season, the application rate and timing restrictions listed in the following table are required:

Application Rate and Timing Restrictions for Crops in the Tree Nuts Crop Groups				
Active Ingredient	Soil Application		Foliar Application	
	Maximum Application Rate	Allowed Timing	Maximum Application Rate	Allowed Timing
Clothianidin	Prohibited		0.2 lbs. ai/A/season	Apply between post-bloom and harvest
Dinotefuran	Prohibited		0.2 lbs. ai/A/season	Apply between post-bloom and harvest
Imidacloprid	Prohibited		0.2 lbs. ai/A/season	Apply between post-bloom and harvest
Thiamethoxam	Prohibited		0.2 lbs. ai/A/season	Apply between post-bloom and harvest

The specified application rates are in units of pounds of active ingredient (ai) per acre (A) per growing season. The growing season for tree nut crops is for one year.

Section YYYY.16. Tropical and Subtropical Fruit, Edible and Inedible Peel Crop Groups (Crop Groups 23 and 24)

(a) If managed pollinators will not be used to pollinate crops in the tropical and subtropical fruit (edible and inedible peel) crop groups during the growing season, then the provisions of this section do not apply. However, the general application restrictions in section YYYY.1 must be followed.

(b) If managed pollinators will be used to pollinate crops in the tropical and subtropical fruit (edible and inedible peel) crop groups during the growing season, then applications of clothianidin, dinotefuran, imidacloprid, and thiamethoxam are prohibited.

Section YYYY.17. Miscellaneous Crops

(a) *Coffee and peanuts.*

(1) If managed pollinators will not be used to pollinate coffee or peanuts during the growing season, then the provisions of this section do not apply. However, the general application restrictions in section YYYY.1 must be followed.

(2) If managed pollinators will be used during the growing season to pollinate coffee or peanuts, then applications of clothianidin, dinotefuran, imidacloprid, and thiamethoxam are prohibited.

(b) *Globe artichoke, hops, mint, and tobacco.* If the following crops will be harvested before bloom, then the provisions of this article do not apply: globe artichoke, hops (female plants only), mint, and tobacco. Otherwise, applications of clothianidin, dinotefuran, imidacloprid, and thiamethoxam are prohibited.