

## MEETING NOTES:

### Semi-Annual Meeting SLO Weed Management Area/ Central Coast Invasive Species Action Network

September 28, 2016 – 2:00 PM to 4:00 PM

Meeting at: SLO County Department of Agriculture, 2156 Sierra Way

Prepared by: Jon Hall, Land Conservancy of SLO

### Agenda Items and Notes

#### **1. Roundtable Introductions and Organization Updates**

Notes:

- Gail Perez, Karen Lowerison, Rusty Hall, and Kim Dawn introduced themselves as the representatives from SLO County Ag that work in the Noxious Weed Control Program and will be participating in the WMA now that Marc Lea (SLO WMA coordinator 2000-2016) has stepped away from coordinating duties.
- Amy Millan from the CA National Guard gave an update on Arundo removal efforts near Lake Nacimiento.
- Mark Skinner, representing the Resource Conservation District working in the State Parks managed Oceano Dunes, indicated that they have started spraying Russian wheatgrass (*Elymus farctus*), European beachgrass (*Ammophila arenaria*) and iceplant (*Carpobrotus spp.*) a week before this meeting. They are moving towards the South Oso Flaco area now that western snowy plover fencing is removed for the season.
- Jen Nix, from San Luis Coastal Resource Conservation District, informed the group that they received funding for cape ivy (*Delairea odorata*) control on their property at Chorro Flats in Morro Bay. They will also be doing work in Arroyo Grande Creek under the Zone 11A floodcontrol District.
- David Chipping, representing the California Native Plant Society, is concerned with the conservation of the greenbelt surrounding Los Osos. It is under severe pressure from invasive species, most notably perennial veldt grass (*Ehrharta calycina*). He has been removing outliers near the Morro Dunes Ecological Reserve, but a big effort needs to be done.
- Rusty Hall, with the SLO County Agriculture Department, gave an update on stinkwort (*Dittrichia graveolens*). The plant is now spreading from its original locations on Camp SLO and near the Cuesta grade. It is now reported near the SLO airport. The Ag Department is currently treating that population to contain the spread.

#### **2. Where is Marc Lea (future of SLO WMA)?**

Notes: Marc Lea is a Deputy Agriculture Commissioner with the San Luis Obispo Department of Agriculture. Marc supervised the Noxious Weed Control Program for over 16 years. He has coordinated the San Luis Obispo County Weed Management Area since the organization's inception in 2000. Marc

has recently taken on supervision of the Counties Department of Pesticide Regulations. After an incredible career helping stakeholders on the Central Coast battle invasive plants, he has reluctantly stepped away from coordination of the SLO WMA and supervision of the County Noxious Weed Control Program. He will be sorely missed! The Noxious Weed Control Program will now be supervised by another Deputy Agriculture Commissioner, Karen Lowerison. For the time being the Weed Management Area will be coordinated by Jon Hall, with the Land Conservancy of San Luis Obispo County. Jon has been involved with the SLO County WMA since 2001.



Marc Lea WMA Coordinator: 2000 – 2016.

### **3. Cal IPC/Wildlife Conservation Board Grant Project**

Notes: Devin Best and Audrey Weichert with the Upper Salinas-Las Tablas Resource Conservation District (US-LT RCD) updated the WMA on a grant proposal that was submitted to the Wildlife Conservation Board (WCB). The grant, titled “South Central Coast Invasive Weed Eradication San Luis Obispo and Santa Barbara Counties”, was funded for \$405,000 towards the eradication of five species of invasive plants in both San Luis Obispo and Santa Barbara Counties. This cooperative project will fully eradicate sea lavender, Russian wheatgrass, Canada thistle, Dalmatian toadflax, and Japanese dodder which have invaded coastal grasslands and riparian areas. These restoration efforts will benefit many species, including a number of Federal and State listed species.

The US-LT RCD will be the project lead with support from the California Invasive Plant Council. Audrey Weichert will be the point person for the RCD. Next step is to have a meeting with all the project implementers to define roles and responsibilities. Audrey indicated that a CEQA determination is in place. However, if existing permits are in-place to control these weeds, it would be great to have this project piggy-back onto those. For the weeds in SLO County, implementing partners will include John Sayers (CA State Parks, Morro Coast District) for the invasive sea lavender, Ronnie Glick (CA State Parks, Ocean Dunes) for Russian wheatgrass, and Karen Lowerison (SLO County Ag) for Canada thistle. Once this grant gets finalized, Audrey will send out more updates.

David Chipping recommended some of the money go towards informational leaflets with pictures of the target plants for the WMA participants to disseminate. It was also noted, that this is only the second grant of this type that WCB has approved in the State. The success of this project will really inform our future ability to get WCB to fund invasive plant projects. Further discussions during this topic involved ways to track the work being performed by all implementing partners. One possibility discussed was a CalFlora database tool called Weed Manager (<http://www.calflora.org/entry/weed-mgr.html>). Another tool mentioned was using Google Earth Pro which now has a free version.

### **4. Discussion: Clethodim, possible uses in Wildlands (How to make it Happen)**

### **5. Los Osos – Working to Protect Baywood Fine Sands Communities**

Notes: Both of these topics got covered under the same discussion. This discussion was led by David Chipping and John Sayers. John Sayers has been taking a lead role trying to coordinate a group to work on habitat issues in the Baywood fine sands communities. The Morro Estuary Greenbelt Alliance (MEGA) formed in the 1990's to protect the greenbelt in Los Osos from development. We now need to protect that preserved land from degradation due to invasive plants. David and John are talking about potentially bringing MEGA back to help focus on this problem.

The discussion then shifted to the use of the herbicide Clethodim in the Los Osos Greenbelt. Clethodim is a grass specific herbicide that is showing real promise in its control of perennial veldt grass (*E. calycina*), one of the worst invaders in Los Osos. Jon Hall, with the Land Conservancy, gave a brief description of the results they are seeing from spraying Clethodim on the Broderson Leachfield Site in Los Osos and as part of an aerial herbicide application study on the Guadalupe-Nipomo Dunes National Wildlife Refuge. Initial results are very promising. Labeling restrictions remain prohibitive with the use of this product in wildland settings. The category that could work is "Non-Crop" areas, however a ruling by the Department of Pesticide Regulations (DPR) to the SLO County Ag Department was that application in wildland settings was not a labeled use, and therefore not legal. Joel Trumbo with the CA Department of Fish and Wildlife (DFW) got a different reaction from DPR and was told he could approve its use on DFW Lands. This creates further confusion on the legal use of this product. But, for now, SLO County Ag Department is standing by the initial ruling.

This leaves us with the following avenues to be able to use this product in Los Osos:

1. Have the manufacturer change the label. This requires a tremendous effort on their part and is unlikely given the small return on investment.
2. Section 18 Emergency Exemptions: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizes the U.S. Environmental Protection Agency (U.S. EPA) to allow an unregistered use of a pesticide for a limited time if U.S. EPA determines that an emergency condition exists. The regulations governing FIFRA Section 18 (found in Title 40, Code of Federal Regulations (40CFR), part 166), define "emergency condition" as an urgent, non-routine situation that requires the use of a pesticide. It allows for the time-limited use of a pesticide product (not registered or not registered for that use) to control the emergency. Such uses are often referred to as "emergency exemptions," "Section 18s," or simply "exemptions." (Description attached at the end of these minutes)
3. Section 24(c) Special Local Need Registrations: Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) Section 24(c) and Title 40, Code of Federal Regulations (40 CFR), section 162.152, authorize state pesticide regulators to register a new end-use product or an additional use of a federally registered pesticide product to address an existing or imminent pest situation. The pest situation must be a special local need within the state that cannot be mitigated by a currently registered product. To issue a special local need (SLN) registration, the following conditions must apply: „
  - If the pesticide is to be used on a food or feed commodity, the use is covered by the necessary tolerances or exemptions from tolerances.

- Registration for the same use has not previously been denied, disapproved, suspended, or cancelled by the U.S. Environmental Protection Agency (U.S. EPA), or voluntarily cancelled by the registrant.
- The pesticide product does not contain a new active ingredient unregistered by U.S. EPA.
- There is no federally registered product available to address the special local need.

An SLN may address a new pest, method or timing of application, different use rate, new crop/use site, or integrated pest management (IPM) practice in certain crops. (Description attached at the end of these minutes)

***It was the assessment of Rusty Hall and Karen Lowerison with SLO County AG, that pursuing the Section 24(c) Special Local Needs Registration would be our best course of action.***

David Chipping would like to see a real coordinated push by the SLO WMA to make this happen. He thought drafting some letter that could be sent to political representatives to gain support may be useful as well. This should involve collecting stories from the group here to build a file to make a thin white paper. He thought the State Office of CNPS could also try to get something going.

**ACTION ITEM: The SLO WMA set a timeline of between Thanksgiving and Christmas to come up with a “Case Statement” and a “Letter for Action”.**

#### 6. Odds & Ends:

- Cape Ivy Biocontrol Update: From John Sayers – USDA’s Animal and Plant Health Inspection Service published a draft environmental assessment on March 24 for the proposed release of a gall-forming fly (*Parafreutreta regalis*) into the continental United States for use as a biological control agent to reduce the severity of Cape Ivy (*Delairea odorata*) infestations. That species is now ready for release. Releases will start in the Bay Area. For releases down here, Patrick Moran with the USDA ARS, will be working with Dr. David Headrich from Cal Poly to monitor releases. Those releases will occur near Chorro Flats on State Parks Property. Patrick Moran also asked if there were other plants we had here that could need biocontrol.
- California Invasive Plant Symposium will be held in Yosemite from Nov 2-5, 2016.
- Update on Unmanned Air Vehicles for herbicide spraying: Jon Hall gave an update on the use of this tool for spraying invasive plants. The tool is developed, but currently CA DPR treats it like an aerial application. The applicator must be a licensed pilot and be certified by DPR. This makes the application currently prohibitive for the majority of local weed work. The developer, Brian Riskas, is in Nipomo. He will showcase his product at this year’s Cal-IPC Symposium. Devon Best and David Chipping both commented on the irony that we have useful tools (UAV and Clethodim) local practitioners currently can’t use because of DPR regulatory framework. Having

case statements ready and possibly getting a Senator on-board to champion our cause could be crucial. Devon also indicated that we could get the tools identified in recovery permits to help us with our case to use them.

- Side Note: CA Department of Fish and Wildlife is trying to capture and collar 10 lions to track movement.
- The next general meeting will be held in February or March of 2016. Karen Lowerison will set up the room for our next meeting. Thank you Karen!

SIGN-IN SHEET

SLO WMA Semi-Annual Meeting: September 28, 2016 (2:00 to 4:00)

[illegible]

# Section 18

# EMERGENCY EXEMPTIONS

## A GUIDE TO UNDERSTANDING PESTICIDE REGISTRATION

### THIS FACT SHEET WILL ANSWER THESE QUESTIONS:

- What is a Section 18 emergency exemption from registration?
- Who can apply?
- How do I apply?
- How do Section 18 emergency exemptions and Section 24(c) special local need registrations differ?

### What is a Section 18 emergency exemption from registration?

Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizes the U.S. Environmental Protection Agency (U.S. EPA) to allow an unregistered use of a pesticide for a limited time if U.S. EPA determines that an emergency condition exists. The regulations governing FIFRA Section 18 (found in [Title 40, Code of Federal Regulations \(40CFR\), part 166](#)), define “emergency condition” as an urgent, non-routine situation that requires the use of a pesticide. It allows for the time-limited use of a pesticide product (not registered or not registered for that use) to control the emergency. Such uses are often referred to as “emergency exemptions,” “Section 18s,” or simply “exemptions.”

FIFRA Section 18 also authorizes U.S. EPA to allow a federal or state agency the ability to grant the use of a pesticide product without registration, if an emergency condition exists. The issuance of a Section 18 is not the same as the issuance of a product license.





**There are four types of Section 18 emergency exemptions from registration:**

### **SPECIFIC EXEMPTION**

- These form the majority of requests.
- Requested to avert a significant economic loss or a significant risk to endangered or threatened species, beneficial organisms, or the environment.
- Growers or agricultural research scientists identify a pest situation that registered pesticides cannot control.
- May be authorized for up to one year.

### **QUARANTINE EXEMPTION**

- Requested to control the introduction or spread of an invasive pest not previously found in the U.S.
- “Emergency” rests on the potential of an invasive species to cause a significant economic loss.
- May be authorized for up to three years.

### **PUBLIC HEALTH EXEMPTION**

- Requested to control a pest that will cause a significant risk to human health.
- “Emergency” based upon the risk to human health from the pest to be controlled.
- May be authorized for up to one year.

### **CRISIS EXEMPTION**

- May only be issued when there is an immediate need for a specific, quarantine, or public health exemption in situations involving an unpredictable emergency situation when the time from discovery of the emergency to the time when the pesticide use is needed is insufficient to allow for the authorization of an exemption through normal means.
- DPR must confer with, and receive verbal authorization from, U.S. EPA before issuance. U.S. EPA performs a preliminary review to ensure there are no concerns, and whether the appropriate safety findings required by the Food Quality Protection Act (FQPA) can be made. If authorized by U.S. EPA, a state or federal agency may issue a crisis exemption allowing the use for up to 15 days.
- An applicant may follow up the crisis exemption with a specific, quarantine, or public health emergency exemption request. This allows the use to continue until U.S. EPA makes a decision on the corresponding exemption requested. This follow up request is usually done simultaneously in California.

### **Important To Note**

- All uses under a Section 18 emergency exemption require a restricted materials permit from the appropriate county agricultural commissioner’s office before purchase and use.
- Product uses under a Section 18 cannot be advertised unless criteria outlined in **40 CFR §168.22** are met.
- If the emergency use involves treatment of a food crop, U.S. EPA will establish a time-limited tolerance (maximum allowable residue levels) to cover any pesticide residues that may result. These are usually granted for two to three years.



### Who can apply?

Applicants must be someone other than the product registrant. University of California (UC) Extension personnel, county agricultural commissioners, grower groups and others may apply. DPR recommends that applicants contact the designated Section 18 staff person at DPR before submitting an application to ensure all requirements are clearly understood.

### How do I apply?

*The applicant must submit the following information to DPR. If DPR approves the submission, it is then forwarded to U.S. EPA for review and approval.*

✱ DPR's application form [PR-REG-003](#), *Application for Section 18 Emergency Exemption* (or go to the A-Z index on DPR's home page at [www.cdpr.ca.gov](http://www.cdpr.ca.gov) and scroll to "Section 18"). No application fee is required. The application form must include:

- A complete description of the emergency pest problem.
- Contact information for knowledgeable experts who can confirm the emergency.
- A detailed explanation of why currently registered pesticides or cultural practices are not adequate to address the situation.
- Product label instructions describing how to apply the product in order to control the pest problem.
- Documentation that a significant economic loss has occurred, or is about to occur, due to a pest problem.
- The economic history (typically three to five years worth of information) of the crop, including information on annual production, price of commodity, and cost of production before the pest problem occurred or became significant.

✱ **Scientific data to support the Section 18**

- Efficacy, residue chemistry, and phytotoxicity data.
- If pest resistance is the basis for the exemption, field data to demonstrate resistance to currently registered products is required. It is important that data be collected in the region where the pest problem is occurring.
- If the product is not registered in California, acute toxicology and product chemistry data are also required.

✱ **A letter of authorization from the product registrant.**

✱ **A draft product label and product formulation sheet if the product is not federally registered, or a copy of the U.S. EPA-accepted label and confidential statement of formula if the product is federally registered.**

### How do Section 18 emergency exemptions and Section 24(c) special local need registrations differ?

SECTION 18	SECTION 24(c) Special Local Need
No tolerance yet established. U.S. EPA will establish a time-limited tolerance.	Tolerance or exemption already established.
For limited use to treat sudden and limited emergency pest infestations.	To meet a special local need (which may be a region of the state or the whole state).
Emergency situation must be well documented and not a historical pest problem. Economics and lack of alternatives must be verified.	Justification and lack of alternatives must be documented.
Can be used during the 30-day public comment period.	Must be posted for a 30-day public comment period before use is allowed.
Request made through DPR and issued after U.S. EPA approval, which includes the use, limitations on acreage and location, and the time-limited tolerance. DPR may issue “crisis” Section 18 after consultation with U.S. EPA.	DPR issues without U.S. EPA review, although U.S. EPA has 90 days to comment.
Expiration date not to exceed one year, except quarantine exemptions (up to three years). Renewable if the emergency recurs or persists, although renewal difficult after the third year.	Usually issued without expiration date. May be inactivated by applicant, DPR, or U.S. EPA.
Applicant must be third-party (someone other than the registrant).	Applicant may be first-party (the registrant) or third-party (someone other than the registrant).
Not subject to U.S. EPA maintenance fee. No DPR fee.	Subject to U.S. EPA maintenance fee. No DPR fee.
Use requires a restricted materials permit even if the product is not a restricted material.	Use requires a restricted materials permit only if the product is a restricted material.

**Both Section 18s and Section 24(c) SLNs require scientific evaluation (efficacy, phytotoxicity, residue chemistry, and other data, as required) and a letter of authorization from the registrant.**

For more information about Section 24(c) SLNs, see DPR’s guide [Section 24\(c\) Special Local Need Registrations](#).

For more information, please contact:

**Francie Bishop**

California Department of Pesticide Regulation  
Pesticide Registration Branch  
1001 I Street | P.O. Box 4015  
Sacramento, CA 95812-4015  
Telephone: (916) 324-4251  
E-mail: [Francie.Bishop@cdpr.ca.gov](mailto:Francie.Bishop@cdpr.ca.gov)



## Section 24(c)

# SPECIAL LOCAL NEED REGISTRATIONS

## A GUIDE TO UNDERSTANDING PESTICIDE REGISTRATION

### THIS FACT SHEET WILL ANSWER THESE QUESTIONS:

- What is a Section 24(c) special local need registration?
- Who can apply?
- How do I apply?
- How do Section 24(c) special local need registrations and Section 18 emergency exemptions differ?

### What is a Section 24(c) special local need registration?

Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) Section 24(c) and [Title 40, Code of Federal Regulations \(40 CFR\), section 162.152](#), authorize state pesticide regulators to register a new end-use product or an additional use of a federally registered pesticide product to address an existing or imminent pest situation. The pest situation must be a special local need within the state that cannot be mitigated by a currently registered product. To issue a special local need (SLN) registration, the following conditions must apply:

- If the pesticide is to be used on a food or feed commodity, the use is covered by the necessary tolerances or exemptions from tolerances.
- Registration for the same use has not previously been denied, disapproved, suspended, or cancelled by the U.S. Environmental Protection Agency (U.S. EPA), or voluntarily cancelled by the registrant.
- The pesticide product does not contain a new active ingredient unregistered by U.S. EPA.
- There is no federally registered product available to address the special local need.



An SLN may address a new pest, method or timing of application, different use rate, new crop/use site, or integrated pest management (IPM) practice in certain crops.

### Who can apply?

*There are two types of SLNs:*

- A first-party SLN - the applicant is the registrant of the product.
- A third-party SLN - the applicant is someone other than the registrant, such as a grower, grower association, or University of California (UC) Extension personnel.

### How do I apply?

*Required items:*

- The Department of Pesticide Regulation (DPR) [Form PR-REG-004](#), *Request for a Special Local Need Registration (SLN)*, Section 24(c). No DPR application fee is required.
- Residue chemistry, efficacy, phytotoxicity, and any other data that may be identified during the review process to support the SLN use pattern.
- For a first-party SLN, six copies of the proposed label that addresses the SLN use pattern. Third-party SLN labels are developed from the state application form.
- For a third-party SLN, a letter of authorization from the registrant of the pesticide supporting the use of its product as an SLN.
- A completed and signed U.S. EPA [Form 8570-25](#), *Application for/Notification of State Registration of a Pesticide to Meet a Special Local Need*.
- Detailed letters or documentation from experts such as UC farm advisors or UC Extension specialists demonstrating the SLN pesticide/use pattern has been shown to address an existing or imminent pest problem and no federally registered pesticide product is sufficiently available to mitigate the pest situation.

## How do SLNs and Section 18 emergency exemptions differ?

SECTION 24(c) Special Local Need	SECTION 18
Tolerance or exemption already established.	No tolerance yet established. U.S. EPA will establish a time-limited tolerance.
To meet a special local need (which may be a region of the state or the whole state).	For limited use to treat sudden and limited emergency pest infestations.
Justification and lack of alternatives must be documented.	Emergency situation must be well documented and not a historical pest problem. Economics and lack of alternatives must be verified.
Must be posted for a 30-day public comment period before use is allowed.	Can be used during the 30-day public comment period.
DPR issues without U.S. EPA review, although U.S. EPA has 90 days to comment.	Request made through DPR and issued after U.S. EPA approval, which includes the use, limitations on acreage and location, and the time-limited tolerance. DPR may issue “crisis” Section 18 after consultation with U.S. EPA.
Usually issued without expiration date. May be inactivated by applicant, DPR, or U.S. EPA.	Expiration date not to exceed one year, except quarantine exemptions (up to three years). Renewable if the emergency recurs or persists, although renewal difficult after the third year.
Applicant may be first-party (the registrant) or third-party (someone other than the registrant).	Applicant must be third-party (someone other than the registrant).
Subject to U.S. EPA maintenance fee. No DPR fee.	Not subject to U.S. EPA maintenance fee. No DPR fee.
Use requires a restricted materials permit only if the product is a restricted material.	Use requires a restricted materials permit even if the product is not a restricted material.

**Both Section 24(c) SLNs and Section 18s require scientific evaluation (efficacy, phytotoxicity, residue chemistry, and other data, as required) and a letter of authorization from the registrant.**

For information about Section 18s, see DPR’s guide [Section 18 Emergency Exemptions](#).

### For more information, please contact:

**John Inouye**

California Department of Pesticide Regulation

Pesticide Registration Branch

1001 I Street | P.O. Box 4015

Sacramento, CA 95812-4015

Telephone: (916) 324-3538

E-mail: [jinouye@cdpr.ca.gov](mailto:jinouye@cdpr.ca.gov)

