

MODEL IPM/NATURAL LANDCARE POLICY FOR TOWN/CITY/COUNTY GOVERNMENTS

Note: While “City” is used in this document, this model policy can be used for local and county governments

CHAPTER X: INTEGRATED PEST MANAGEMENT PROGRAM

Sec. xx0. Purpose and Findings.

Sec. xx1. Definitions.

Sec. xx2. Ban on Use of Toxicity Category I and Certain Other Pesticides.

Sec. xx3. Ban on Use of Toxicity Category II Pesticide Products; Total Pesticide Ban.

Sec. xx4. Notice of Pesticide Use.

Sec. xx5. Implementation of City Integrated Pest Management Policy.

Sec. xx6. Recordkeeping and Reporting.

Sec. xx7. Exemptions.

Sec. xx8. City Contracts.

Sec. xx9. Guidelines.

SEC. xx0 PURPOSE AND FINDINGS.

(a) The reduction or elimination of pesticides used in City owned and leased property and City owned and leased land is an important step in providing all City employees and members of the public with a safe, healthy environment. Chemical pesticides have been found in many cases to have harmful effects on human health and the environment. Pesticides have been linked with both acute and long –term illness, including certain cancers, reproductive, developmental, pulmonary, neurological and behavioral disorders. Pesticides have also been linked to adverse effects on aquatic life - including intersex fish and interference with blue crab’s molting process, and water quality.

(b) The [enacting entity] hereby finds and declares that it shall be the policy of the City of XXX for City departments and City contractors to implement Integrated Pest Management and natural land care in order to eliminate or reduce pesticide applications on City owned and leased property.

Integrated Pest management in buildings consists of a combination of pest prevention strategies such as good sanitation practices and solid waste management, building maintenance, pest monitoring, alternative physical, mechanical and biological pest controls and only as a last resort-the use of least-hazardous chemicals.

Natural land care –which includes turf and plant care - is an effective approach to managing turf and landscapes that promotes soil health and protects public health and the environment through the adoption of cultural practices and selection of non-toxic and non-synthetic, inputs. This approach establishes and maintains a soil profile rich in microbiology that supports strong, healthy turf that is able to withstand the stresses that affect institutional turf and landscape, including foot traffic, insects, weeds, disease, drought, and heat stress.

Under this Chapter, the City of XXX wishes to exercise its power to make economic decisions involving its own funds as a participant in the marketplace and to conduct its own business as a municipal corporation to ensure that purchases and expenditures of public monies are made in a manner consistent with integrated pest management and natural land care policies and practices.

(c) This Chapter concerns pest and land care management practices to property owned by the City of XXX only, and does not concern the pest management practices to property that is not owned or managed by the City of XXX.

(d) City departments shall implement the following City Integrated Pest Management (IPM) and Natural Land care Policy:

STATEMENT

The City, in carrying out its operations, finds that pesticides are potentially hazardous to human and environmental health. City departments shall give preference to pest prevention and available non-pesticide alternatives for pest and weed management on and around City property. For all pest and weed problems on City property, City departments shall follow the integrated pest management (IPM) and Natural Landcare approach outlined below.

IPM and NATURAL LANDCARE APPROACH

(1) Monitor each pest ecosystem to determine pest population, size, occurrence, and natural enemy population, if present. Identify decisions and practices that could affect pest populations. Keep records of such monitoring;

(2) Set for each pest at each site and identify in an IPM AND NATURAL LANDCARE implementation plan, an injury level, based on how much biological, aesthetic or economic damage the site can tolerate;

(3) Consider and evaluate a range of treatment alternatives for the pest or weed problem. Employ non-pesticide management methods and tactics first. Consider the use of least-toxic chemicals only as a last resort and select and use least-toxic pesticides as defined in Section XXs only within an IPM and Natural Landcare program and in accordance with the provisions of this Chapter.

(A) Determine the most effective pest prevention strategy, based on pest biology and other variables, such as weather and local conditions,

(B) Design and construct indoor and outdoor areas to reduce and eliminate pest habitats,

(C) Modify management practices, including watering, mulching, waste management, and food storage,

(D) Modify pest ecosystems to reduce food and living space,

(E) Use physical controls such as hand-weeding, traps and barriers,

(F) Use biological controls (introducing or enhancing pests' natural enemies);

(G) Implement natural landcare practices: establishing proper soil ph; planting pest-resistant grass varieties; aeration, dethatching, organic topdressing; phosphorus-free natural, slow-release fertilizer; overseeding; use of compost teas, microbial food sources and microbial inoculants; proper watering methods and mowing at 3".

(4) Conduct ongoing educational programs:

(A) Acquaint staff with pest biology, the IPM and Natural Land care approach, new pest and land care management strategies as they become known, and toxicology of least-toxic pesticides proposed for use as a last resort,

(B) Inform the public of the City's attempt to reduce pesticide use and respond to questions from the public about the City's pest and land care management practices;

(5) Monitor treatment to evaluate effectiveness. Keep monitoring records and include them in the IPM and Natural Landcare implementation plan.

(e) Nothing in this Chapter is intended to apply to pesticide applications that are required to comply with federal, State or local laws or regulations.

(f) This Chapter applies the Precautionary Principle to the selection of least-toxic pesticides and other pest management techniques on City owned or leased property with the intent of minimizing negative impacts on human health and the environment.

SEC. xx1 DEFINITIONS.

Whenever used in this Chapter, the following terms shall have the meanings set forth below.

- (a) "City department" means any department of the City of Annapolis and includes any pesticide applicator hired by a City department to apply pesticides on City property.
- (b) "Contract" means a binding written agreement, including but not limited to a contract, lease, permit, license or easement between a person, firm, corporation or other entity, including a governmental entity, and a City department, which grants a right to use or occupy property of the City Annapolis for a specified purpose or purposes.
- (c) "Contractor" means a person, firm, corporation or other entity, including a governmental entity, that enters into a contract with a City department.
- (d) "Department" means the City of Annapolis Department of Neighborhood and Environmental Programs.
- (e) "Integrated pest management" means a decision-making process for preventing and managing pests that uses monitoring to determine pest injury levels and combines biological, cultural, physical, and as a last resort ,least-toxic chemical tools, to minimize health, environmental and financial risks. The method uses extensive knowledge about pests, such as infestation thresholds, life histories, environmental requirements and natural enemies to complement and facilitate biological and other natural control of pests.
- (f) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any unwanted organism.
- (g) "Toxicity Category I Pesticide Product" means any pesticide product that meets United States Environmental Protection Agency criteria for Toxicity Category I under Section 156.10 of Part 156 of Title 40 of the Code of Federal Regulations.
- (h) "Toxicity Category II Pesticide Product" means any pesticide product that meets United States Environmental Protection Agency criteria for Toxicity Category II under Section 156.10 of Part 156 of Title 40 of the Code of Federal Regulations.
- (i) Natural lawn and plant care means an approach to managing turf and landscapes that promotes soil health through the adoption of cultural practices and selection of non-toxic and non-synthetic, inputs. Natural lawn and plant care practices include: establishing proper soil ph; planting pest-resistant grass varieties; aeration, dethatching, organic topdressing; phosphorus-free natural, slow-release fertilizer; overseeding; use of compost teas, microbial food sources and microbial inoculants; proper watering methods and mowing at 3".

SEC. xx2 BAN ON USE OF TOXICITY CATEGORY I AND CERTAIN OTHER PESTICIDES.

Except for pesticides granted an exemption pursuant to Section XXX, no City department or contractor shall use any Toxicity Category I Pesticide Product or any pesticide classified as a human carcinogen, probable human carcinogen or possible human carcinogen by the United States Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances.

SEC. xx3 BAN ON USE OF TOXICITY CATEGORY II PESTICIDE PRODUCTS; TOTAL PESTICIDE PHASEOUT AND BAN.

- (a) Except for pesticides granted an exemption pursuant to Section XXX, no City department or contractor shall use any Toxicity Category II Pesticide Product.
- (b) Except for pesticides granted an exemption pursuant to Section XXX, by [date], any City department that uses one or more pesticides not banned under Section xx2 or Section xx3(a) shall reduce by 100 percent the cumulative volume of such pesticides that it used in calendar year 2011.

SEC. xx4 NOTICE OF PESTICIDE USE.

(a) Except as provided in Subdivisions (b) through (e) hereof, within 120 days of the effective date of this ordinance, any City department that uses any pesticide shall comply with the following notification procedures:

(1) Signs shall be posted at least three days before application of the pesticide product and remain posted at least four days after application of the pesticide.

(2) Signs shall be posted (i) at every entry point where the pesticide is applied if the pesticide is applied in an enclosed area, and (ii) in highly visible locations around the perimeter of the area where the pesticide is applied if the pesticide is applied in an open area.

(3) Signs shall be of a standardized design that is easily recognizable to the public and workers.

(4) Signs shall contain the name and active ingredient of the pesticide product, the target pest, the date of pesticide use, the signal word indicating the toxicity category of the pesticide product, the date for re-entry to the area treated, and the name and contact number for the City department responsible for the application.

(b) City departments shall not be required to post signs in accordance with Subsection (a) in right-of-way locations that the general public does not use for recreational purposes. However, each City department that uses pesticides in such right-of-way locations shall develop and maintain a public access telephone number about pesticide applications in the right-of-way areas. Information readily available by calling the public access number shall include for any pesticide that will be applied within the next three days or has been applied within the last four days: A description of the area of the pesticide application, the name and active ingredient of the pesticide product, the target pest, the date of pesticide use, the signal word indicating the toxicity category of the pesticide product, the re-entry period of the area treated and the name and contact number for the City department responsible for the application. Information about the public access telephone number shall be posted in a public location at the City department's main office building.

(c) City departments using baits or other pesticides granted an exemption by the Department pursuant to Subsection (e) shall not be required to post signs in accordance with Subsection (a). However, each City department that uses pesticidal baits or other pesticides granted an exemption by the Department pursuant to Subsection (e) shall post a permanent sign: (1) in each building or vehicle where such pesticides are used, (2) at the City department's main office or a similar location where the public obtains information regarding the building or vehicle, and (3) when such pesticides are used outdoors to control rats and other pests in a conspicuous location outside of the area where they are used. The sign shall indicate the name and active ingredient of the pesticides used in and around the building or vehicle, the target pests, the signal word indicating the toxicity category of the pesticide product, the area or areas where the pesticides are commonly placed, and the contact number for the City department responsible for the application.

(d) City departments may obtain authorization from the Department to apply a pesticide without providing a three-day advance notification in the event of a public health emergency or to comply with worker safety requirements. Signs meeting the requirements of Subsection (a) (2) through Subsection (a) (4) shall be posted at the time of application and remain posted four days following the application.

(e) The Department may grant exemptions to the notification requirements for one-time pesticide uses and may authorize permanent changes in the way City departments notify the public about pesticide use in specific circumstances, upon a finding that good cause exists to allow an exemption to the notification requirements. Prior to granting an exemption pursuant to this subsection, the City department requesting the exemption shall identify the specific situations in which it is not possible to comply with the notification requirements and propose alternative notification procedures. The Department shall review and approve the alternative notification procedures.

SEC. xx5 IMPLEMENTATION OF CITY INTEGRATED PEST MANAGEMENT POLICY.

- (a) Within 90 days of the effective date of this ordinance each City department shall submit to the Department a plan for implementing the City Integrated Pest Management (IPM) Policy. The Department **may** require periodic IPM plan updates. The IPM implementation plans and any periodic updates shall be consistent with the requirements of this Section and any guidelines developed by the Department pursuant to this Chapter.
- (b) A City department IPM implementation plan shall outline the ways in which the City department shall comply with the City IPM Policy in Section xx0 (d).
- (c) The Department shall assist City departments in implementing the City IPM Policy by providing public educational information about IPM plans and programs and the City's IPM Policy.
- (d) The Department shall establish an IPM Policy implementation program to assist City departments in implementing the City IPM Policy.
- (e) The Department shall establish a data bank of information concerning pesticide use by City departments and the efficacy of alternatives used by City departments. All City departments shall participate in the Department's program.
- (f) Every City department shall submit an IPM implementation report to a central City data bank twice a year or as frequently as determined by the City and shall include:
- (1) identification of pest problems the Department has dealt with
 - (2) non-chemical strategies used to prevent and/or resolve pest problems
 - (3) pesticide applications performed by pesticide applicators at the request of the City department with a list of the types and quantities of chemicals used as of [date]
 - (4) alternatives proposed for adoption within the next six months
 - (5), and the name of the IPM Coordinator for the City department.
- (g) The Department shall determine the cost of maintaining the IPM implementation program. The Department may request that the City departments that use pesticides provide work orders to the Department to cover the cost of maintaining the program.
- (f) No later than [date] and annually thereafter, the Department shall report to the [enacting entity] on the status of City department efforts to implement the City IPM Policy. Such report shall include a summary of exemptions granted by the Department during the reporting period.

IMPLEMENTATION OF NATURAL TURF AND LANDSCAPE POLICY.

- (a) Within 90 days of the effective date of this ordinance each City department with turf and landscape management responsibilities shall submit to the Department a plan for implementing the Natural Turf and Landscape Policy. The Department may require periodic landcare plan updates. The landcare implementation plans and any periodic updates shall be consistent with the requirements of this Section and any guidelines developed by the Department pursuant to this Chapter.
- (b) A City department Turf and Landscape implementation plan shall outline the ways in which the City department shall comply with the City Natural Landcare Policy in Section xx0 (d), including strategies for phase out of current pesticide use. The Turf and Landscape implementation plan shall contain a list of the types and quantities of chemicals used as of [date], the types of pest problems, the alternatives adopted to date and proposed for adoption within the next six months, and the name of the Landcare Coordinator for the City department.
- (c) The Department shall assist City departments in implementing the City Natural Landcare Policy by developing public educational information about Natural Landcare plans and programs and the City's Natural Landcare Policy.
- (d) The Department shall establish a Turf and Landscape Policy implementation program to assist City departments in implementing the City Natural Landcare Policy. The Department shall establish a data

bank of information concerning pesticide use by City departments and the efficacy of alternatives used by City departments. All City departments shall participate in the Department's program by:

- (1) Identifying the types of turf, landscape and pest problems that the City Department has;
 - (2) Identifying non-chemical strategies used to implement the Natural Landcare Policy including, establishing proper soil ph; planting pest-resistant grass varieties; aeration, dethatching, organic topdressing; phosphorus-free natural, slow-release fertilizer; overseeding; use of compost teas, microbial food sources and microbial inoculants; proper watering methods and mowing at 3".
 - (3) Identifying types and quantities of pesticides currently in use by the City department for turf and landscape;
 - (3) Identifying the use of alternatives for banned pesticides;
 - (4) Designating City department contact personnel to regularly assess the efficacy of alternatives and to act as a resource for other City departments; and
- (5) Providing regular reports as required by the Department on the City department's efforts to implement the City Natural Landcare Policy.
- (e) The Department shall determine the cost of maintaining the Natural Turf and Landscape implementation program. The Department may request that the City departments that use pesticides provide work orders to the Department to cover the cost of maintaining the program.
- (f) No later than [date] and annually thereafter, the Department shall report to the [enacting entity] on the status of City department efforts to implement the City Natural Landcare Policy. Such report shall include a summary of exemptions granted by the Department during the reporting period.

SEC. xx6. RECORDKEEPING AND REPORTING.

- (a) Each City department shall keep records or require the vendor contracted for IPM and Natural Landcare services to keep records on the premises, of all pest and landscape management activities. Each record shall include the following information and shall be used for reporting to the City's central data bank as required by the City:
- (1) The target pest or weed;
 - (2) Non-chemical interventions needed for pest management (Structural, maintenance, housekeeping) or weed management
 - (3) Prevention and other non-chemical methods of control used;
 - (4) The type and quantity of pesticide used;
 - (5) The site of the pesticide application;
 - (6) The date the pesticide was used;
 - (7) The name of the pesticide applicator;
 - (8) The application equipment used;
 - (9) Experimental efforts; and
 - (10) Exemptions granted by the Department pursuant to Section xx4 or xx7 for that application.
- (b) Each City department shall submit the pest management record required by Subsection (a) to the Department on a regular basis as determined by the City. The Department may reduce the submittal frequency.
- (c) Pest management records shall be made available to the public upon request

SEC. xx7. EXEMPTIONS.

[NB: If applicable](a) **Improving and maintaining water quality.** Notwithstanding any other provision of this Chapter, this Chapter shall not apply to the use of any pesticide for the purpose of improving or maintaining water quality at:

- (1) Drinking water treatment plants;

- (2) Wastewater treatment plants;
- (3) Reservoirs; and
- (4) Related collection, distribution and treatment facilities.

(b) **One-year exemptions.** A City department may apply to the Department for up to a one year exemption from the pesticide ban imposed by Sections xx2 or xx3 for use of a particular pesticide for a particular use. The application for an exemption shall be filed on a form specified by the Department and shall be signed by the City department's IPM and Natural Landcare Coordinator. The Department may grant the one-year exemption upon a finding that the City department has:

- (1) Made a good-faith effort to find alternatives to the banned pesticide;
- (2) Demonstrated that effective, economic alternatives to the banned pesticide do not exist for the particular use; and
- (3) Developed a reasonable plan for investigating alternatives to the banned pesticide during the exemption period.

(c) **Limited use exemption.** A City department may apply to the Department for a limited use exemption for a particular pesticide banned pursuant to Section xx2 or xx3 and not covered by a one-year exemption. The application for an exemption shall be filed on a form specified by the Department and shall be signed by the City department's IPM and Natural Landcare Coordinator. The Department may grant a limited-use exemption provided that the Department finds that the City department will use the pesticide for a specific and limited purpose and for a short and defined period and the City department has identified a compelling need to use the pesticide.

(d) **Least-toxic pesticide.** The Department may exempt a reduced risk pesticide from the ban imposed by Section xx3 upon a finding that the least-toxic pesticide is commonly used as part of an IPM strategy. The Department shall maintain a list of reduced-risk pesticides granted an exemption pursuant to this subsection. The Department shall review the list annually and make necessary changes.

(e) **Emergency exemption.** A City department may apply to the Department for an emergency exemption in the event that an emergency pest outbreak poses an immediate threat to public health or significant economic damage will result from failure to use a pesticide banned pursuant to Section xx2 or Section xx3. The application for an exemption shall be filed on a form specified by the Department. The Department shall respond to the application in a timely manner. If the requesting department is unable to reach the Department, the departmental IPM Coordinator may authorize the one-time emergency use of the required pesticide. The department IPM Coordinator must notify the Department of the determination to use the pesticide by facsimile prior to its application in the event that the department IPM Coordinator is unable to reach the Department. Signs meeting the requirements of Subsection (a) (2) through Subsection (a) (4) shall be posted at the time of application and remain posted four days following the application. The Department may impose additional conditions for emergency applications.

SEC. xx8. CITY CONTRACTS.

(a) As of the effective date of this Section, when a City department enters into a new contract or extends the term of an existing contract, the contract shall obligate the contractor to comply with provisions of this Section xx8 (a):

- (1) Effective [date], the contractor shall comply with Sections xx2, xx4 and xx6. In addition, effective [date], the contractor shall submit to the City department an IPM implementation plan that lists the types and estimated quantities, to the extent possible, of pesticides that the contractor may need to apply in City property during its contract, outlines actions the contractor will take to meet the City IPM Policy to the extent feasible, and identifies the primary IPM contact for the contractor.
- (2) Effective [date], the contractor shall comply with Section xx3 (a).
- (3) Effective [date], the contractor shall comply with Section xx3 (b).

(b) As of the effective date of this Section, when a City department enters into a new contract or extends the term of an existing contract that authorizes a contractor to apply pesticides to City property, the City department shall update the IPM implementation plan to incorporate the pesticide usage of the contractor into the City department's IPM implementation plan.

(c) A contractor, or City department on behalf of a contractor, may apply for any exemption authorized under Section xx7.

SEC. xx9. GUIDELINES.

The Department may issue guidelines to assist City departments in the implementation of this Chapter.