

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda date: January 22, 2008

Reviewed by: *BP*

SUBJECT: Adoption of the proposed Integrated Pest Management (IPM) Policy and IPM ordinance

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PARKS AND RECREATION COMMISSION RECOMMENDATION

Adopt the proposed IPM Policy and IPM ordinance.

STAFF RECOMMENDATION

To implement the recommendation of the Parks & Recreation Commission, introduce Ordinance #08-01, regarding Integrated Pest Management Policy and Regulations – First Reading, and adopt the Integrated Pest Management Policy and Regulations.

BACKGROUND

Albany’s Parks and Recreation Open Space Master Plan establishes that the Park and Recreation Commission “develop a pest management policy that favors the use of organic or natural methods. Through a thorough and public process, consider the careful and limited use of chemicals of the least toxic nature.” The Commission delegated the initial draft of the policy to a Task Force established specifically for this purpose.

The primary purpose of the Task Force was to research and develop a draft Integrated Pest Management (IPM) policy and to participate in the review of the draft by the Commission and City Council. Members to serve on the Task Force were solicited throughout the community and the Commission selected five community members and two Parks and Recreation Commissioners.

Integrated Pest Management is an approach to pest control that utilizes regular monitoring to determine if and when treatments are needed and employs physical, mechanical, cultural, biological and educational tactics to keep pest numbers low enough to prevent intolerable damage to natural pest controls.

On October 15, 2007 the Task Force completed the IPM draft for the Parks and Recreation review. On December 13, 2007, the Parks and Recreation Commission approved the IPM policy and ordinance for Council's consideration.

DISCUSSION

There are three key issues for the Council's consideration: (1) the IPM ordinance in attachment A, which commits the City to IPM and delineates the components of the program; (2) the IPM policy and regulations in attachment B, which describes how the IPM policy would work; and (3) included within this staff report are the recommendations for staffing and budget that will be necessary for implementing the IPM program.

The IPM Ordinance

The Task Force felt it important to include an ordinance as the adoption of an ordinance commits the City, through the municipal code, to the program. The ordinance was drafted by the Community Development Director and after vetting the draft through the Task Force and the Commission with few modifications, the attached ordinance is being recommended to Council.

The Policy: Key Issues Addressed During the Draft Process

The Task Force has worked for the past 18 months to draft the IPM policy. During the process there were issues that the Task Force discussed more than others. Highlighted in the following paragraphs is a summary of the issues that took the most time in terms of discussion and/or research for the Task Force as well as the Commission. As for developing a philosophy for the policy as a whole, the Task Force discussed whether or not the policy should address pests only after they have been discovered, or should the policy also address preventative measures. The Task Force chose to draft a policy whereby the design of buildings and landscapes, including how they are maintained, would be as impervious as possible to infestation.

The Precautionary Principle

The essence of the "precautionary principle" is to move away from evaluating how much harm should be risked from a proposed action, to a new approach that considers, in advance, how much harm can be avoided. The "precautionary principle" described on page 7 in Section 4 of the IPM Policy is an item the Task Force and the Commission spent much time discussing. The majority of the Task Force voted to include the precautionary principle definition which reads,

"Precautionary Principle – when a proposed treatment action raises threats of harm to human health and the environment, precautionary measures should be taken, even if some cause-and-effect relationships are not fully established scientifically. In the context of an IPM program, the burden of proof for the safety of a proposed treatment action shall be with the person/department proposing use of the material, its manufacturer, and/or its supplier."

Much of the discussion centered on the “burden of proof” portion of the precautionary principle. Given the City’s limited resources and staff size, some Task Force members and staff felt the burden of proof would be nearly impossible to implement.

The Task Force and staff researched the precautionary principle and discussed the topic with staff from the City of San Francisco. The City of San Francisco has a large staff and several staff members dedicated solely to environmental issues. Because they have completed much research in this area, including the precautionary principle, they are considered one of the leaders in IPM policies and practices.

In discussing this issue with staff from San Francisco, they recommended not using the word “safe” in the precautionary principle because there is no way to prove any material used to eradicate unwanted pests is safe. The City of San Francisco used wording that requires staff to supply detailed data including inert substances for any materials in question. Unfortunately, obtaining a list of inert ingredients from manufacturers is problematic. Manufacturers list the active ingredients, but usually do not list the inert ingredients. Based on comments from the San Francisco staff, some experts argue that inert ingredients have been proven to cause harm to human health and the environment. Given this information, the Task Force felt the wording for the precautionary principle needed to recognize that these unknown ingredients could be the very factor that would sway the City to not use a particular product. Therefore, this is an argument for focusing on the safety of a product in decision-making even as the City acknowledges that absolute proof of safety is not possible. For this reason, both a majority of the Task Force and Parks and Recreation members chose to retain the language as proposed in the IPM Policy.

Fertilizers:

Fertilizers, and how to establish which fertilizers to use, was also an item the Task Force discussed at length. Part of the discussion focused on the possible increase in cost and labor when using organic fertilizers. However, according to the IPM consultant working with the Task Force, the cost may increase marginally in the beginning while getting the soil to a more healthy state, but in the long term would be no more expensive or labor intensive than using synthetic fertilizers. .

Deciding what criteria to use when choosing a fertilizer was also part of the fertilizer discussion. Ultimately, the Task Force decided to adopt criteria that place emphasis on the best maintenance for plant and soil health. Moreover, in keeping with the philosophy of the policy, prevention of pests is an added benefit of using organic fertilizers according to the consultant.

Exemption Process:

The proposed IPM Policy would establish a City IPM Oversight Committee. In Section 18, the policy describes different types of exemptions (e.g., request to use a pesticide not on the Reduced Pesticide List). Should the need for an exemption arise, the policy currently states that the Oversight Committee hold a public meeting to discuss the exemption, make a recommendation to the Parks and Recreation Commission, which would make a recommendation to the City Council. The Council would make the final decision and the Community Development Director would sign off on the request. One concern expressed with this process is the potentially lengthy amount of time it would take

to go through the process. On the other hand, it was also expressed that a lengthy process may be beneficial to ensure the exemption has been thoroughly vetted. The Task Force agreed that the most important part of the exemption process is the incorporation of public input.

The same process would be applied to any change to the Reduced Pesticide List (section 16) and the Environmentally Preferable Fertilizer List (section 17). Thus, the requested change to either list would go to the Oversight Committee, then the Parks and Recreation Commission, and onto the Council for the final decision.

The Task Force discussed an alternative whereby the Council would give the Parks and Recreation Commission authority to make the final decision regarding exemptions, similar to the Tree Removal process. Another alternative was to have the Oversight Committee make a recommendation directly to the Community Development Director who would make the final decision. However, the Task Force chose not to pursue either alternative because it is expected that exemption requests would be rare.

Lastly, it should be noted that in the case of an emergency exemption, due to the need to make a decision quickly, the Oversight Committee would make the final decision (Section 18, item 4e).

Reduced Risk Pesticide List

Establishing a reduced risk pesticide list is also an issue addressed by the Task Force. Ideally, the Task Force wanted the list to be established without having to embark on a significant research effort. Consequently, the Task Force chose to use San Francisco's Reduced Pesticide list, which is vetted through a well-respected toxicologist in Washington State.

Recommendations from the IPM Task Force

IPM Coordinator

The IPM Coordinator is a position the Task Force is recommending as part of the IPM program. The Task Force feels strongly that a coordinator is needed to carry out many of the tasks necessary to start the program, as well as address the ongoing day-to-day issues associated with an IPM policy. The IPM Coordinator would be a City employee who works with City staff, is the liaison to the Oversight Committee, and works with a contracted consultant that the City retains on an as needed basis for technical assistance. The recommendation is that the employee be hired at one-quarter time.

The Task Force also recommends keeping a contracted consultant similar to the one hired to assist in drafting the policy. This consultant is referred to in the Policy as the IPM Advisor. Given the technical knowledge required with an IPM program, and the ever changing methods and techniques in a field that is relatively new, this specialist is recommended by the Task Force to serve on an as needed basis.

FINANCIAL IMPACT

There are one-time start-up costs for implementing the IPM program of \$4,356. The annual cost of the IPM program is estimated to be \$33,356. However, it should be noted that included in the \$33,356 annual cost is a \$10,000 fee for an IPM Advisor. For the first two years of the program, it is estimated that the services of the IPM Advisor will cost the full \$10,000 per year. After the first two years, less consultant time will be needed which will decrease the annual cost.

With regard to funding, no source has been identified to date that would fund the entirety of this program.

Please see Attachment C for the details of the financial impact of implementing the IPM program.

Attachments

Attachment A	IPM Ordinance
Attachment B	IPM Policy
Attachment C	Financial Impact Spreadsheet