

RESOLUTION #08-3

A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING AN INTEGRATED PEST MANAGEMENT (IPM) POLICY AND REGULATIONS

WHEREAS, in 2004 the City Council adopted the Albany Parks and Recreation Master Plan which contains the following goal: *“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”*; and

WHEREAS, the City wishes to formalize its current informal practice to refrain from the use of pesticides, herbicides, fungicides, or similar products for purposes of pest control with regard to City property through adoption of an Integrated Pest Management (IPM) policy applicable to all City property and all City departments and contractors; and

WHEREAS, the purpose of an Integrated Pest Management (IPM) policy is to protect human health and the environment, and to establish a set of standard practices for design, maintenance, and operation of buildings and landscaping to minimize pest problems, address any pest problems by non-chemical methods, and to employ only the least-toxic chemical methods as a last resort and in the context of carefully integrated pest management planning to prevent the need for repeated use of chemical controls; and

WHEREAS, the City wishes to ensure that its purchases and use of public resources are consistent with integrated pest management (IPM) policies and practices, that the City plays a leadership role in developing both ecologically sensitive and aesthetically pleasing landscapes and structures, and that the City models environmental stewardship in its buildings and grounds maintenance practices; and

WHEREAS, the City, in carrying out its operations, wishes to follow the Precautionary Principle that assumes that pesticides pose risks to human health and the environment, with special risks to children; and

WHEREAS, in 2006 the City Park and Recreation Commission established an Integrated Pest Management (IPM) Task Force charged with the task of developing a pest management policy for consideration by the Commission and the City Council; and

WHEREAS, the IPM Task Force conducted publicly noticed meetings during 2006 and 2007, where the members reviewed policy documents and regulations of other jurisdictions, consulted with an IPM advisor and City Public Works staff, and considered research material on the subject; and

WHEREAS, on October 15, 2007 the IPM Task Force held a publicly noticed meeting where it approved a draft IPM Policy for review and approval by the Park and Recreation Commission, and ultimate review and approval by the City Council, that

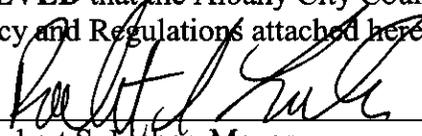
focuses on long-term pest prevention to eliminate the use of pesticides to the maximum extent feasible with regard to City property; and

WHEREAS, the Park and Recreation Commission held a publicly noticed meeting and heard public testimony on the draft IPM Policy on November 15, 2007 and December 13, 2007; and

WHEREAS, the proposed IPM Policy is categorically exempt from the requirements of California Environmental Quality Act ("CEQA") per Section 15308, "Actions by Regulatory Agencies for Protection of the Environment" of the CEQA Guidelines, which exempts actions taken by regulatory agencies for protection of the environment; and

WHEREAS, the Albany City Council, on January 22, 2008, after due public notice, held a public meeting on the proposed amendment to Chapter XVII Public Health of the Albany Municipal Code regarding integrated pest management, and following said public meeting introduced the Ordinance for First Reading, and approved Resolution # 08-3 regarding an Integrated Pest Management Policy and Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby approves the Integrated Pest Management Policy and Regulations attached herein.



Robert S. Lieber, Mayor



City of Albany

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Childcare Program
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- Senior Center
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- Teen Center
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RESOLUTION NO. 08-3

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 22nd day of January, 2008, by the following votes:

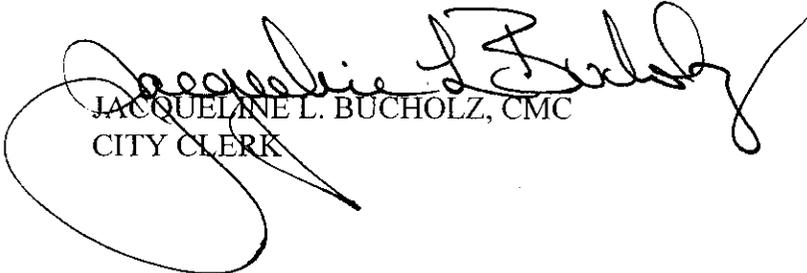
AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 23rd

day of January, 2008.


JACQUELINE L. BUCHOLZ, CMC
CITY CLERK

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community, and providing a safe, healthy environment now and in the future.



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**INTEGRATED PEST MANAGEMENT
POLICY AND REGULATIONS**

**Draft
12/13/07**

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Section 1. Purpose and Goals

1 With the knowledge and understanding that we are all stewards of the earth, it shall be
2 the policy of the City of Albany with regard to City property:
3

- 4 1) To focus on long-term pest prevention, to eliminate the use of pesticides to the
5 maximum extent feasible, and to employ non-chemical methods first when it is
6 determined that intervention is necessary to control a pest; and
- 7 2) To use natural fertilization methods and products to promote soil and plant health
8 to the maximum extent feasible and to eliminate use of non-organic fertilizers.
9

10 This policy is developed to fulfill the following 2004 *Albany Parks and Recreation*
11 *Master Plan* goal:
12

13 *“Develop a pest management policy that favors the use of organic or natural methods.*
14 *Through a thorough and public process, consider the careful and limited use of*
15 *chemicals of the least toxic nature.”*
16

17 The intent of this policy is to protect human health and the environment and to establish a
18 set of standard practices for design, maintenance, and operation of buildings and
19 landscaping to minimize pest problems, address any pest problems by non-chemical
20 methods, and to employ only the least-toxic chemical methods as a last resort and in the
21 context of carefully integrated pest management planning to prevent the need for repeated
22 use of chemical controls.
23

24 Integrated pest management, or IPM, is an approach to pest control that utilizes regular
25 monitoring to determine if and when treatments are needed and employs physical,
26 mechanical, cultural, biological, and educational tactics to keep pest numbers low enough
27 to prevent intolerable damage or annoyance. Least-toxic chemical controls are used as a
28 last resort.
29

30 In IPM programs, treatments are not made according to a predetermined schedule; they
31 are made only when and where monitoring has indicated that the pest will cause
32 unacceptable economic, medical, or aesthetic damage. Treatments are chosen and timed
33 to be most effective and least disruptive to natural pest controls.
34

35 This policy formalizes the City’s current informal practice to refrain from the use of
36 pesticides, herbicides, fungicides, or similar products for purposes of pest control.
37

38 The City wishes to ensure that its purchases and its use of public resources are consistent
39 with IPM policies and practices, that the City plays a leadership role in developing both
40 ecologically sensitive and aesthetically pleasing landscapes and structures, and that the
41 City models environmental stewardship in its buildings and grounds maintenance
42 practices.
43

44 The City, in carrying out its operations, shall follow the Precautionary Principle and
45 assume that pesticides pose risks to human health and the environment, with special risks
46 to children.
47

1 **Section 2. Applicability**

2

3 This Policy shall apply to all City owned, operated or maintained property, buildings or
4 facilities, including sidewalk areas in the City's right-of-way, and shall apply to all City
5 departments and contractors.

6

7 All contractors affected by this policy:

- 8 a) Shall submit to the City department an IPM implementation plan consistent with
9 the terms of this policy and associated policies.
- 10 b) Shall comply with the recordkeeping provisions of this policy.
- 11 c) Shall be thoroughly informed regarding the requirements of the City's IPM
12 Program.
- 13 d) May be invited to attend any relevant staff IPM education and training activities.

14

15 The IPM Coordinator is responsible for ensuring that all City contractors are educated
16 about, and comply with, the requirements of the City IPM Program and the requirements
17 of this policy and associated policies.

18

19 Residents renting community garden space from the City shall be considered contractors
20 for the purposes of this policy and shall comply with the City's IPM program
21 requirements.

22

23 **Section 3. Fundamental Elements of IPM Program**

24

25 City departments shall give preference to reasonably available non-pesticide alternatives
26 and shall follow the IPM approach outlined below:

27

- 28 1. Design and Construction. Design, build, and remodel/repair indoor and
29 outdoor areas to eliminate pest habitats and to be maintainable with organic
30 fertilizers.
- 31
- 32 2. Pest Monitoring. When pests are detected, monitor each pest ecosystem to
33 determine pest population, size, occurrence, and whether or not natural
34 enemies are present. Identify decisions and practices that could affect pest
35 populations and keep records of all of this monitoring.
- 36
- 37 3. Pest Thresholds. When pests are detected, set for each pest at each site a
38 threshold injury level, based on how much biological, aesthetic, or economic
39 damage the site can tolerate, and identify an IPM implementation plan for
40 each pest at each site.
- 41
- 42 4. Treatment Alternatives and Criteria. Consider the full range of treatment
43 alternatives for a pest, including no action. Develop precise criteria for
44 determining when action is necessary and when an action has proven
45 inadequate to manage a pest.
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5. **Employ Non-Pesticide Management First:** If action is determined to be necessary, employ non-pesticide management tactics first, as follows:
 - a. Modify maintenance and management practices, including but not limited to: fertilization, watering, mulching, waste management, and food storage;
 - b. Modify pest ecosystems to reduce food and living space;
 - c. Use physical controls such as hand-weeding, mechanical removal, traps, and barriers;
 - d. Use biological controls (introducing or enhancing pests' natural enemies);
 - e. Redesign the landscape or building environment to eliminate pests; and
 - f. Monitor treatment to evaluate effectiveness, and keep monitoring records and include them in the IPM implementation plan.

 6. **Use Chemicals as a Last Resort:** Consider the use of chemicals only as a last resort and a temporary measure within a long-term IPM treatment plan designed to eliminate the need for chemical controls, following the principles below. If chemicals are determined to be necessary:
 - a. Select only the least-toxic chemicals that are least disruptive to the environment, as specified on the Reduced Risk Pesticide List (see item 8 below in this section);
 - b. Apply pesticides in a manner that protects public health and demonstrates environmental stewardship;
 - c. Determine the most effective treatment time, based on pest biology and other variables, such as weather, seasonal changes in wildlife use, and local conditions;
 - d. If pesticides are to be used on a landscape, obtain a Pest Control Advisor Recommendation, as required by law;
 - e. Have pesticides applied only by a licensed Pest Control Operator;
 - f. Follow specific public notification and posting requirements as detailed in the Posting/Notice of Pesticide Use section of these regulations below; and
 - g. Fertilize plants based on confirmed need (e.g., based on soil testing).

 7. **Criteria for Pesticide Use and Priorities During Transition to IPM:** Pesticides will not be used to control pests for aesthetic or economic reasons alone. Budget and staffing considerations alone will not be justification for use of chemical controls, and the City will strive to eliminate the use of chemical controls. As the City transitions to IPM, priority will be given to reduce or eliminate pesticides near watercourses and riparian areas and in areas heavily used by children.

 8. **Reduced Risk Pesticide List (RRPL):** Establish, in accord with the provisions of this policy and associated policies, a *Reduced Risk Pesticide List (RRPL)* of chemical controls that can be employed if all other non-chemical methods have been attempted and it is documented that they have failed to control a pest that threatens significant health or economic damage.

 9. **Chemicals Banned from Use:** U.S. Environmental Protection Agency (EPA)

1 Category I and II pesticides shall be banned from use in the City as well as
2 any pesticide containing a chemical identified by the State of California as a
3 chemical known to the State to cause cancer or reproductive toxicity pursuant
4 to the California Safe Drinking Water and Toxic Enforcement Act of 1986,
5 any pesticide known to be an endocrine disrupter or neurotoxin, and any
6 pesticide classified as a human carcinogen, probable human carcinogen or
7 possible human carcinogen by the United States Environmental Protection
8 Agency, Office of Prevention, Pesticides and Toxic Substances, the State of
9 California, the National Toxicology Program, or the International Agency for
10 Research on Cancer.

- 11
- 12 10. Exemption Process: Establish, in accord with the provisions of this policy and
13 associated policies, an exemption process for use in a particular, limited
14 situation of a particular pesticide not on the RRPL when all non-chemical
15 methods and appropriate products from the RRPL fail to control a pest that
16 threatens significant health or economic damage. Establish appropriate time
17 frames for requesting emergency exemptions in situations when there is an
18 immediate threat of health or economic damage. The exemption procedure
19 will also be required for use of any chemical control in designated Special
20 Protection Zones (which are defined in the Special Protection Zones section of
21 this policy).
- 22
- 23 11. Environmentally Preferable Fertilizer List (EPFL): Establish, in accord with
24 the provision of this policy and associated policies, an Environmentally
25 Preferable Fertilizer List (EPFL).
- 26
- 27 12. Conduct Ongoing Educational Programs:
- 28 a. To acquaint staff with pest biologies, the IPM approach, new IPM
29 strategies as they become known, and toxicology of pesticides proposed
30 for use; and
- 31 b. To inform the public of the City's attempt to reduce pesticide use, to
32 respond to questions from the public about the City's pest management
33 practices, and to inform the public about the dangers of pesticides and
34 synthetic fertilizers, and to encourage residents to use non-toxic
35 strategies for pest and landscape management.
- 36
- 37 13. Staffing and Oversight Committee: Employ a professional IPM Advisor,
38 designate an IPM Coordinator for the City, form an IPM Team made up of
39 City staff involved with execution of the City's IPM policy, and form an IPM
40 Oversight Committee made up of City Park and Recreation Commission
41 members and members of the public.
- 42
- 43 14. IPM Implementation Manual: Prepare and update at least annually an *IPM*
44 *Implementation Manual* with IPM plans for each City site and identified pest.
- 45
- 46 15. Annual Report: Prepare, at a minimum, an annual report to the City Council

1 detailing pest management practices and all pesticide use, including: the
2 product used, method of application and notice given, reason for pesticide use,
3 long-term plan to control the identified pest without additional chemical
4 control, and outcome of pesticide use.
5

- 6 16. Federal, State, and Local Laws: Nothing in this policy is intended to apply to
7 pesticide applications that are required to comply with federal, state, or local
8 laws or regulations.
9

10 **Section 4. Definitions**

11
12 As used in this document, the terms below are understood to mean:
13

14 *Best Management Practices (BMPs)* – best management practices (BMPs) are a set of
15 guidelines or procedures that have been determined, as part of an overall program, to be
16 an effective and practical (technically, socially, and economically) method for reducing,
17 preventing, or controlling undesirable effects of management; promoting or maintaining
18 beneficial effects of management; and/or protecting the environment or
19 natural habitat.
20

21 *Chemical methods* – pest control methods involving use of chemical agents that fall
22 under the definition of “pesticide” below.
23

24 *Contract* – a binding written agreement, including but not limited to a contract, lease,
25 permit, license, or easement between a person, firm, corporation, or other entity,
26 including a governmental entity, and the City, which grants a right to use or occupy
27 property of the City for a specified purpose or purposes.
28

29 *Contractor* – a person, firm, corporation or other entity, including governmental entity,
30 that enters into a contract with the City.
31

32 *Emergency* – pest outbreak that poses an immediate threat to public health or risk of
33 significant economic or environmental damage.
34

35 *Exemption* – process by which materials not on the Reduced Risk Pesticide List or
36 Environmentally Preferable Fertilizer List can temporarily be used, but only after all
37 alternatives have been reviewed, evaluated, and/or implemented.
38

39 *Fertilizer* – a single or blended substance containing one or more recognized plant
40 nutrient(s) that is used primarily for its plant nutrient content and that is designed for use
41 or claimed to have value in promoting plant growth.
42

43 *Integrated pest management (IPM)* – an approach to pest control that designs and
44 maintains landscapes to prevent pest infestation (including promotion of soil health),
45 gives priority to natural and organic methods of pest management and soil maintenance,
46 utilizes regular monitoring to determine if and when treatments are needed and employs

1 physical, mechanical, cultural, biological, and educational tactics to keep pest numbers
2 low enough to prevent intolerable damage or annoyance. Least-toxic chemical controls
3 are used as a last resort. In IPM programs, treatments are not made according to a
4 predetermined schedule; they are made only when and where monitoring has indicated
5 that the pest will cause unacceptable economic, medical, or aesthetic damage.
6 Treatments are chosen and timed to be most effective and least disruptive to natural pest
7 controls.

8
9 *IPM Implementation Manual* – a regularly updated reference and guidance document that
10 contains all the information, methods, strategies, and responsibilities for day-to-day use
11 by city staff in carrying out the City’s IPM program. Information will include, but not be
12 limited to, pests identified on City property, pest ecosystems and natural enemies,
13 behaviors and cultural practices that could affect pest populations, pest thresholds,
14 treatment alternatives, and preparation and use of an IPM Plan, with non-chemical
15 methods to be attempted first and least-toxic chemical methods that may be advisable if
16 non-chemical control methods fail, long-term plans to avoid need for use (or re-use) of
17 chemical controls.

18
19 *IPM Plan* – a living and adaptable reference and planning document that incorporates all
20 available information from any source on the pest, the site, and all available tactics and
21 methods that can be used to manage the pest. From this information a strategy is
22 formulated, implemented, and monitored for efficacy. Adjustments to the plan, based on
23 monitoring, are made as needed to increase the effectiveness of the strategy to manage
24 the pest problem within acceptable limits.

25
26 *Least-toxic pesticide* – pesticide that has the desired effect on the target pest while having
27 the lowest adverse effects on non-target species and the environment. Substance known
28 to cause extremely limited or no adverse physiological effects in animals, plants, humans,
29 or the environment.

30
31 *Non-chemical methods* – physical, mechanical, biological, cultural, and educational
32 strategies for pest control.

33
34 *Natural fertilizer* – substance designed to promote plant and soil health and derived from
35 mineral, plant, or animal matter that does not undergo a synthetic process [as defined in
36 section 6502(21) of the Act (7 U.S.C. 6502(21))] (see also *Synthetic fertilizer*).

37
38 *Organic fertilizer* – substance designed to support plant growth and soil health and made
39 up of unrefined minerals from natural deposits and other nutrients derived solely from the
40 remains of (or that are a by-product of) once-living organisms. In general, organic
41 fertilizers release their nutrients slowly over a fairly long time. Organic nutrients depend
42 on microbial organisms in the soil to break down the material and make it available to
43 plant roots.

44
45 *Non-organic fertilizer* – see *Synthetic fertilizer*.

46

1 *Pesticide* – as defined in Section 12753 of the California Food and Agricultural Code.
2 Pesticides include any spray adjuvant, substance, or mixture of substances that is
3 intended to be used for defoliating plants; regulating plant growth; or for preventing,
4 destroying, repelling, or mitigating any pest which may infest or be detrimental to
5 vegetation, man, animals or households, or be present in any agricultural or non-
6 agricultural environment, including fungicides, herbicides, insecticides, nematocides,
7 rodenticides, dessicants, defoliants, and plant growth regulators.
8

9 *Precautionary Principle* – when a proposed treatment action raises threats of harm to
10 human health and the environment, precautionary measures should be taken, even if some
11 cause-and-effect relationships are not fully established scientifically. In the context of an
12 IPM program, the burden of proof for the safety of a proposed treatment action shall be
13 with the person/department proposing use of the material, its manufacturer, and/or its
14 supplier.
15

16 *Synthetic fertilizer* – any fertilizer formulated or manufactured by a chemical process or
17 by a process that chemically changes a substance extracted from naturally occurring
18 plant, animal, or mineral sources, except that such term shall not apply to substances
19 created by naturally occurring biological processes.
20

21 *Toxicity Category I Pesticide Product* – any pesticide product that meets United States
22 Environmental Protection Agency criteria for Toxicity Category I under Section 156.10
23 of Part 156 of Title 40 of the Code of Federal Regulations.
24

25 *Toxicity Category II Pesticide Product* – any pesticide product that meets United States
26 Environmental Protection Agency criteria for Toxicity Category II under Section 156.10
27 of Part 156 of Title 40 of the Code of Federal Regulations.
28

29 **Section 5. Implementation of IPM Program**

30

31 A. *Timeframe and Contents:* Within three (3) months of the passage of this policy, the
32 City will commence an IPM program and development of an IPM Implementation
33 Manual. Until such time as the manual is adopted, the City shall endeavor to implement
34 the policy of the City to avoid the use of pesticides as reasonably practicable.
35

36 Within six (6) months of the passage of this policy, the following portions of the first
37 draft of the IPM Implementation Manual will be completed:
38

- 39 • inventory of City properties and pests; and
- 40 • list of priorities for phasing in the IPM program.
41

42 Within one (1) year of the passage of this policy, the Implementation Manual will include
43 a:
44

- 45 • clear process for setting pest thresholds
- 46 • description of all materials (Reduced Risk Pesticide List, Environmentally

1 Preferable Fertilizer List) and methods of permissible pest control and fertilization
2 for use on or in City-owned, operated or maintained property, buildings or
3 facilities, including sidewalk areas in the City's right-of-way, and a detailed
4 exemption procedure

- 5 • plan for regular training and updating training of the City IPM Team
- 6 • plan for ensuring that all City contractors are informed about the requirements of
7 the City IPM Program and this policy and associated policies and a plan for
8 ensuring contractor compliance (i.e., by using an IPM Qualification RFQ) with
9 the City IPM Program and this policy and associated policies
- 10 • plan for a public education effort focusing on non-toxic pest control, including
11 educational signage at City sites; this plan should identify the appropriate entity to
12 carry out the education program
- 13 • guidance on preventative pest control measures, including but not limited to pest
14 exclusion techniques for new and remodeled building construction, and for
15 household and commercial sanitation

16
17 B. *Revision and Update Process:* The IPM Implementation Manual shall be revised
18 and updated on a regular basis (at a minimum annually) as needed by new and/or
19 changing conditions.

20
21 The IPM Implementation Manual, and all revisions thereto, shall be reviewed by the IPM
22 Oversight Committee, which will make recommendations to the Park and Recreation
23 Commission regarding the Manual and revisions.

24 25 **Section 6. Designation of IPM Coordinator**

26
27 The City will designate and maintain at all times a staff member to serve as the IPM
28 Program Coordinator (IPM Coordinator). The IPM Coordinator will be responsible for
29 duties including but not limited to the following:

- 30
31 • working with the City IPM Advisor to oversee the development and execution of
32 the IPM Program
- 33 • working with the City IPM Advisor and IPM Oversight Committee to develop
34 and revise the IPM Implementation Manual
- 35 • working with the City IPM Advisor to arrange for staff education and training in
36 accordance with this policy and applicable policies
- 37 • managing the City IPM Team
- 38 • maintaining IPM records
- 39 • working with City contractors affected by this policy to ensure that contractors are
40 thoroughly informed of, and comply with, the requirements of the City IPM
41 policy and associated policies
- 42 • working with the IPM Oversight Committee, and
- 43 • preparing, with the Oversight Committee, the Annual IPM Report to the City
44 Council.

45 46 **Section 7. Services of IPM Advisor**

1
2 The City shall engage a professional, experienced IPM Advisor who has demonstrated
3 success in advising municipalities on how to manage buildings and landscapes in a
4 manner that reduces or eliminates the need for chemical pest control.
5

6 **Section 8. City IPM Team**

7

8 *A. Responsibilities and Procedures:* The City IPM Team will consist of staff responsible
9 for carrying out the City IPM Program. This includes the City IPM Coordinator and all
10 staff with oversight responsibility for IPM-related recordkeeping and practices for
11 specific building and landscape sites. The City IPM Team will meet a minimum of six
12 (6) times per year for the first two (2) years of the IPM program, for education/training
13 directly related to successfully carrying out the IPM Program and to review the
14 program's records and activities for the prior period of two (2) months. After the first
15 two (2) years of the program, frequency of meetings may be reduced to quarterly.
16

17 *B. Education and Training:* In consultation with the City IPM Advisor, the City will
18 maintain a regular program of education and training in IPM methods and practices for
19 staff responsible for carrying out the IPM Program. The purpose of the IPM education
20 and training program is to ensure that staff are well-acquainted with all elements of a
21 successful IPM program, including but not limited those listed in the Fundamentals
22 Elements of IPM Program section above, and are kept abreast of advances in IPM
23 practices and methods. The City will hold no fewer than six (6) IPM training events per
24 year for the first two (2) years of the IPM program, and a minimum of four (4) IPM
25 training events per year thereafter
26

27 **Section 9. IPM Oversight Committee**

28

29 *A. Membership:* The City IPM Oversight Committee will consist of two (2) Park and
30 Recreation Commissioners and no less than three (3) and no more than five (5) members
31 of the public, with assistance from the IPM Coordinator. The Commission members will
32 be appointed by the Park and Recreation Commission to serve a term concurrent with
33 each member's term on the Commission. The members of the public will be appointed
34 by the Park and Recreation Commission on the basis of applications demonstrating
35 interest and qualifications in the area of pest management, organic/natural buildings
36 and/or landscape maintenance. Members of the public will serve for two-year terms and
37 may be reappointed.
38

39 *B. Meetings and Responsibilities:* The Oversight Committee will meet a minimum of
40 four (4) times per year and will be convened by the IPM Coordinator in case of an
41 Emergency Exemption request. The Oversight Committee's responsibilities include but
42 are not limited to:
43

- 44 • review and recommendation of the RRPL and the EPFL in accordance with the
45 terms of this policy and any associated RRPL or EPFL policy or policies.

- 1 • review and recommendation or approval/disapproval of all requests for
- 2 exemptions under the terms of this policy and any associated Exemption Policy
- 3 • annual review and approval of the IPM Implementation Manual
- 4 • quarterly review of IPM Program activities to ensure the program is operated
- 5 under the terms of this policy and associated policies
- 6 • review and approval/disapproval of additions or deletions to the list of Special
- 7 Protection Zones in the City
- 8 • recommendations to the IPM Coordinator and Park and Recreation Commission
- 9 regarding changes in the IPM Program

10
11 All meetings of the IPM Oversight Committee shall be in accordance with the Open
12 Meetings Act (Brown Act) and shall be open to the public. Emergency meetings to
13 address applications for Emergency Exemptions shall be noticed as Emergency meetings
14 under the Brown Act.

15
16 **Section 10. Ban on Use of Toxicity Category I, II, and Certain Other Pesticides**

17
18 Except for pesticides granted an exemption under the terms of the Exemptions section of
19 this policy and any associated Exemption Procedures Policy, no City department shall
20 use any Toxicity Category I or Toxicity Category II Pesticide Product, any pesticide
21 containing a chemical identified by the State of California as a chemical known to the
22 State to cause cancer or reproductive toxicity pursuant to the California Safe Drinking
23 Water and Toxic Enforcement Act of 1986, any pesticide that is a known endocrine
24 disrupter or neurotoxin, and any pesticide classified as a human carcinogen, probable
25 human carcinogen or possible human carcinogen by the United States Environmental
26 Protection Agency, Office of Prevention, Pesticides and Toxic Substances, the State of
27 California, the National Toxicology Program, or the International Agency for Research
28 on Cancer.

29
30 **Section 11. Standards for Banning Certain Types of Fertilizers**

31 Except for fertilizers granted an exemption under the terms of the Exemptions section of
32 this policy and any associated Exemption Procedures Policy, no City department shall
33 use any fertilizer product containing a chemical identified by the State of California as a
34 chemical known to the State to cause cancer or reproductive toxicity pursuant to the
35 California Safe Drinking Water and Toxic Enforcement Act of 1986, any fertilizer that
36 contains a known endocrine disrupter or neurotoxin, and any fertilizer containing one or
37 more ingredients classified as a human carcinogen, probable human carcinogen, or
38 possible human carcinogen by the United States Environmental Protection Agency,
39 Office of Prevention, Pesticides and Toxic Substances, the State of California, the
40 National Toxicology Program, or the International Agency for Research on Cancer.

41
42 No sewage/sludge-based fertilizers shall be used because of their high heavy metal
43 content.

44
45 **Section 12. Special Protection Zones**

1 Special Protection Zones are designated sites or areas within a site designated as “Special
2 Protection Zones” to further reduce and eliminate pesticide use in areas of high public
3 exposure, particularly to children, or areas with high environmental sensitivity. Any
4 pesticide use deemed necessary, because of significant health or economic risk in these
5 zones, will only be authorized through the exemption process.
6

7 The following are established as Special Protection Zones:
8

- 9 • playgrounds – No pesticides will be applied on children’s playgrounds, except as
10 provided above.
- 11 • creeks and riparian areas – No pesticides will be applied to the water of any creek
12 or wetland or within the high point of the bank of any creek or wetland, except as
13 provided above.
14

15 **Section 13. Recordkeeping and Reporting** 16

17 A. *General.* Each City department/building/landscape site shall keep records of all IPM
18 activities including:

- 19 1) pest prevention methods used
- 20 2) observation and monitoring for pests and pest thresholds
21

22 If pest problems are identified, records shall include:

- 23 1) identification of the pest
- 24 2) establishment of a threshold and an IPM Plan for the pest that is designed to
25 prevent the need for chemical control
- 26 3) if applicable: determination that the pest exceeds the established threshold
- 27 4) control efforts attempted, in accordance with the hierarchy established in this
28 policy as well as: the City IPM Implementation Manual; consultation with the
29 City IPM Advisor if Implementation Manual Guidelines are not sufficient;
30 time frames allotted for each control method; and justification for these time
31 frames.
32

33 B. *Records of Use of Chemical Control.* If all non-chemical control methods fail, and it
34 is determined that the pest poses a threat to health or of economic damage, the IPM
35 Coordinator may determine that chemical control is necessary using an appropriate
36 product from the RRPL. Records shall include the:
37

- 38 1) type and quantity of chemical control used
- 39 2) site of the chemical control application
- 40 3) record of public posting of site, if applicable
- 41 4) date of the chemical control application
- 42 5) name of the person or entity applying the pesticide, if applicable
- 43 6) application equipment used
- 44 7) follow-up observations and monitoring to assess the success of the treatment
- 45 8) IPM Plan that describes the preventative methods that will be used to eliminate
46 the need for further chemical control

1
2 C. *Exemptions.* Records must be kept of any exemptions granted, with the same
3 information as in Section B above.
4

5 D. *Monthly Submission of Records.* Each City staff member responsible for IPM
6 recordkeeping and practices for City buildings and/or grounds (i.e., IPM Team
7 Members) shall submit the IPM records required by Sections A and B above to the
8 IPM Coordinator on a monthly basis. The IPM Coordinator shall submit a quarterly
9 report of these records to the IPM Oversight Committee for review. Pest
10 management records shall be made available to the public upon request.
11

12 **Section 14. Pesticide Applications**

13
14 Any pesticide product used will be applied in accordance with state and local regulations
15 governing pesticide applications. Certified/licensed applicators will be used as required.
16 If a certified/licensed applicator must be used, s/he must be a qualified IPM practitioner.
17

18 **Section 15. Posting/Notice of Pesticide Use**

19
20 A. *General.* For application of any chemical pest control or soil management product,
21 except as described in Section B below, the following notice provisions will apply:
22

- 23 1) Signs shall be posted at least three (3) days before application of the pesticide
24 product and remain posted at least four (4) days after application of the
25 pesticide.
- 26 2) Signs shall be posted:
27 (i) at every entry point where the pesticide is applied if the pesticide is applied
28 in an enclosed area; and
29 (ii) in highly visible locations around the perimeter of the area where the
30 pesticide is applied if the pesticide is applied in an open area.
- 31 3) Signs shall be of a standardized design that are easily recognizable to the public
32 and workers.
- 33 4) Signs shall contain the name and active ingredient of the pesticide product, an
34 indication of where the full contents of the pesticide label can be viewed (e.g.,
35 on line) the target pest, the date of pesticide use, the signal word indicating the
36 toxicity category of the pesticide product, the date for re-entry to the area
37 treated, the name and contact number for the City department responsible for
38 the application.
- 39 5) Notice shall be posted on the City's website.
40

41 B. *Change or Exception to Notice Provisions.* Any request for an exception to or change
42 of notification procedures shall be submitted to the IPM Oversight Committee for
43 review and approval/disapproval.
44

45 C. *Non-Recreational (Right-of-Way) Locations:* City departments shall not be required
46 to post signs in accordance with Section A above in right-of-way locations that the

1 general public does not use for recreational purposes. In this context, sidewalks,
2 parking strips, and street areas are considered recreational areas. However, each City
3 department that uses pesticides in such right-of-way locations shall:

- 4 1) Post a public access telephone number, in the public posting locations for
5 official City notices, about pesticide applications in the right-of-way areas.
- 6 2) Make information readily available to the public who call the public access
7 number, for any pesticide that will be applied within the next three (3) days, or
8 has been applied within the last four (4) days. This information shall include:
 - 9 • description of the area of the pesticide application
 - 10 • name and active ingredient of the pesticide product
 - 11 • target pest
 - 12 • date of pesticide use
 - 13 • signal word indicating the toxicity category of the pesticide product
 - 14 • re-entry period of the area treated
 - 15 • name and contact number for City department responsible for the
16 application

17
18 D. *Notice Requirements for Exemptions Granted.* City departments granted exemptions
19 under the Exemptions section of this policy shall post notice as follows:
20

- 21 1) For non-emergency exemptions for one-time use of a chemical control, posting
22 shall be according to Section A above.
23
- 24 2) For non-emergency exemptions covering more than one application over a
25 period of time longer than 21 days, a durable sign shall be posted:
 - 26 a. in each building or vehicle where such pesticides are used;
 - 27 b. at City Hall and any similar location where the public would obtain
28 information regarding the particular site of pesticide application; and
 - 29 c. when such pesticides are used outdoors to control rats and other pests, in a
30 conspicuous location outside of the area where the pesticides are used.
31

32 The sign shall indicate the name and active ingredient of the pesticides used in
33 and around the building or vehicle, the target pests, the signal word indicating
34 the toxicity category of the pesticide product, the area or areas where the
35 pesticides are commonly placed, and the contact number for the City
36 department responsible for the application.
37

- 38 3) For emergency exemptions when public health emergency or worker safety
39 requirements do not permit the required advance notification, signs meeting the
40 requirements of Section A above shall be posted no later than at the time of
41 application and remain posted four (4) days following the application.
42

43 E. *Special Protection Zones.* Any use of pesticides in Special Protection Zones will
44 require a fourteen (14)-day advance posting in accordance with the requirements of
45 Section A above, if an exemption is approved by the IPM Oversight Committee.
46 Posting shall remain in place for three (3) days after the application. If a situation is

1 deemed an emergency, the IPM Oversight Committee can approve emergency
2 posting requirements per Sections B or D above.
3

4 **Section 16. Methods of Product Selection and Placement on Reduced Risk Pesticide**
5 **List (RRPL)**
6

7 The IPM Oversight Committee:

- 8 1) Will establish a Reduced Risk Pesticide List Policy and Procedure document for
9 placing products on and removing products from the RRPL. The intent of this
10 policy is to base the procedure for developing and reviewing the RRPL on a:
11 thorough toxicological review and hazard assessment by a recognized expert;
12 consideration of the potential human and environmental exposure that may
13 result from product use; and a combination of the prior two steps into a decision
14 by the IPM Oversight Committee.
- 15 2) Shall consult with the City IPM Advisor and IPM Coordinator, regarding
16 whether a product should be added to or deleted from the list.
- 17 3) May elect to base toxicological and hazard assessments on those performed by
18 the IPM programs of other municipalities.
- 19 4) May elect to attach designators, to products on the list, which place gradations
20 of limitation on their use (e.g., "limited use" or "limited use-special concern").
21

22 *B. Annual Review of List and Procedure*
23

24 The IPM Oversight Committee:

- 25 1) Will review the Reduced Risk Pesticide List and Procedure annually in
26 consultation with the City IPM Coordinator and City IPM Advisor.
- 27 2) Will recommend the RRPL to the Park and Recreation Commission annually for
28 approval.
- 29 3) May add or delete specific products to or from the RRPL during the year if new
30 research indicates a compelling reason to add or delete.
- 31 4) Will research a least-toxic alternative if an item is deleted and no other product
32 on the RRPL can address the problem that the deleted product is intended to
33 treat
- 34 5) Will report to the Park and Recreation Commission any decision to add a
35 product to or delete a product from the EPFL during the year.
36

37 **Section 17. Methods of Product Selection and Placement on Environmentally**
38 **Preferable Fertilizer List (EPFL)**
39

40 *A. Establishment of List*
41

- 42 1) The IPM Oversight Committee will establish an Environmentally Preferable
43 Fertilizer List Policy and Procedure document for placement and removal of
44 products from the EPFL. The intent of this policy is that the Procedure for
45 developing and reviewing the EPFL shall be based on the following criteria:
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- a thorough toxicological review and hazard assessment by a recognized expert selected by the IPM Oversight Committee in collaboration with the City IPM Advisor and/or performed by the IPM Oversight Committee in collaboration with the City IPM Advisor.
- consideration of the potential human and environmental health impacts, including but not limited to the potential for runoff and air emissions, that may result from product use.

2) The IPM Oversight Committee will decide whether a product should be added to or removed from the EPFL, based on a combination of the prior two steps, in consultation with the City IPM Advisor and City IPM Coordinator.

The criteria for placement or removal of products on this list shall be their contribution to:

- the long-term health of the soil, including aeration (prevention of compaction);
- the health of soil microbial life;
- the long-term health of the plants to be maintained in that soil.

Consideration shall be given to the environmental effects of fertilizer production, with preference given to sustainably produced fertilizers (i.e., those that do not deplete non-renewable resources or produce significant waste or environmental pollution).

Preference shall be given to natural and organic fertilizers, with particular preference given to products that use naturally produced rather than industrially fixed nitrogen.

- 3) The IPM Oversight Committee may elect to:
- a) base toxicological and hazard assessments on those performed by the IPM programs of other states or municipalities, or that have been developed by recognized experts, as determined by the IPM Oversight Committee in collaboration with the City IPM Advisor and City IPM Coordinator.
 - b) assign designators to products on the list that place gradations of limitation on their use (e.g., “limited use” or “limited use-special concern”).
- 4) Best management practices will be established that meet generally accepted cultural guidelines for soil health and plant health and vigor.

Sources of information for best management practices and toxicological/hazard information regarding products may include, but not be limited to: University of California staff, publications, and web resources; Appropriate Technology Transfer for Rural Areas (ATTRA), National Sustainable Agriculture Information Service managed by the National Center for Appropriate Technology (NCAT); Pesticide Action Network (PAN); Organic Materials Review Institute (OMRI); Biocontrol Network; National Pesticide Information Center (NPIC); Center for Integrated Pest Management (CIPC), and Washington State Department of Agriculture (WSDA)

1 B. *Annual Review of List and Procedure*

2
3 The IPM Oversight Committee:

- 4 1) Will review the Environmentally Preferable Fertilizer List and Procedure annually
5 in consultation with the City IPM Coordinator and City IPM Advisor.
6 2) Will recommend the updated list to the Park and Recreation Commission annually
7 for approval.
8 3) May add specific products to the EPFL or remove specific products from the
9 EPFL during the year if new research indicates a compelling reason to do so.
10 4) Will research the least-toxic alternative if an item is deleted, and no other product
11 on the Environmentally Preferable Fertilizer List can address the fertilizer
12 requirement addressed by the deleted product.
13 5) Will report to the Park and Recreation Commission any decision to add a product
14 to or delete a product from the EPFL during the year.
15

16 **Section 18. Exemptions**

17
18 A. *Improving and maintaining water quality.* Notwithstanding any other provision of this
19 policy, this policy shall not apply to the use of any pesticide for the purpose of improving
20 or maintaining water quality.
21

22 B. *Exemption Process.* For all exemptions below, the decision steps will be as follows:
23

24 1) An exemption request is presented to the IPM Oversight Committee by the Public
25 Works Manager.
26

27 2) The IPM Oversight Committee, in consultation with the City's IPM Advisor, will
28 review the exemption request following the procedures outlined in these regulations
29 and any associated exemption policy. The purpose of this review and those
30 procedures is to ascertain, at a minimum, the following:

- 31 a) whether all non-chemical methods have been tried,
32 b) whether there is any reasonable alternative to using the requested product,
33 c) what the long-term IPM plan is for avoiding future use of chemical controls
34 for this problem,
35 d) on what basis the use of the requested product can be justified (including
36 consideration of liability, public relations impacts, whether a non-chemical
37 method may be less costly, etc.),
38 e) whether there is reliable scientific information from an authoritative source
39 based on which to evaluate the product's safety, and
40 f) whether the hazards of the proposed product can be adequately mitigated.
41

42 3) The IPM Oversight Committee will make a recommendation to the Park and
43 Recreation Commission regarding the granting or denying of the exemption.
44

45 C. *Exemption Decision-Making Options.* The relevant minimum findings required for
46 recommending the granting of an exemption request are indicated in each subsection

1 below.
2

3 1) *One-year exemption.* A City department may apply to the IPM Oversight
4 Committee for up to a one-year exemption from the pesticide ban imposed by these
5 regulations (see the Ban on Use of Toxicity Category I and II and Certain Other
6 Pesticides section) for a particular pesticide for a particular use. The application for
7 an exemption shall be filed on a form specified by the IPM Oversight Committee and
8 shall be signed by the member of the City IPM Team responsible for the proposed
9 application site and the Public Works Manager. The Oversight Committee may grant
10 the one-year exemption upon a finding that the requesting entity has:

- 11 a) Made a good-faith effort to find alternatives to the banned pesticide;
- 12 b) Demonstrated that effective, economic alternatives to the banned pesticide do
13 not exist for the particular use; and
- 14 c) Developed a reasonable plan for investigating alternatives to the banned
15 pesticide during the exemption period.
16

17 2) *Limited-use exemption.* A City department may apply to the IPM Oversight
18 Committee for a limited-use exemption for a particular pesticide banned pursuant to
19 these regulations (see the Ban on Use of Toxicity Category I and II and Certain Other
20 Pesticides section) and not covered by a one-year exemption. The application for an
21 exemption shall be filed on a form specified by the IPM Oversight Committee and
22 shall be signed by the member of the City IPM Team responsible for the proposed
23 application site and the Public Works Manager. The Oversight Committee may grant
24 the limited-use exemption upon a finding that the requesting entity will use the
25 pesticide for a specific and limited purpose and for a short and defined period and the
26 City department has identified a compelling need to use the pesticide.
27

28 3) *Reduced-risk pesticide exemption.* The IPM Oversight Committee may exempt a
29 pesticide from the ban imposed by these regulations (see the Ban on Use of Toxicity
30 Category I and II and Certain Other Pesticides section) upon a finding that it is a
31 reduced-risk pesticide that is commonly used as part of an IPM strategy. The IPM
32 Coordinator and IPM Oversight Committee shall maintain a list of reduced-risk
33 pesticides granted an exemption pursuant to this subsection.
34

35 ~~3)4~~ *Emergency exemption.* A City department may apply to the IPM Oversight
36 Committee for an emergency exemption in the event that an emergency pest outbreak
37 poses an immediate threat to public health or significant economic damage will result
38 from failure to use a pesticide banned by these regulations (see the Ban on Use of
39 Toxicity Category I and II and Certain Other Pesticides section).
40

41 The Emergency exemption process shall be as follows:

- 42 a) City department files the application for an exemption on a form specified by
43 the IPM Oversight Committee.
- 44 b) IPM Coordinator calls an emergency meeting of the IPM Oversight Committee
45 to review the request for an emergency exemption within 24 hours.
- 46 c) IPM Coordinator must make a good faith effort to contact all members of the

- 1 IPM Oversight Committee. If a quorum of IPM Oversight Committee members
2 cannot meet, the decision will be made by the members who can meet.
3 d) City IPM Advisor or a designated backup advisor must be consulted.
4 e) IPM Oversight Committee shall respond to the application in a timely manner.
5 The decision of the Oversight Committee on an emergency application
6 exemption shall be final.
7 f) Signs meeting the requirements of the Posting/Notice section of these
8 regulations shall be posted no later than at the time of an emergency application
9 and remain posted for four (4) days following the application.
10 g) Any emergency applications shall be reported to the Park and Recreation
11 Commission and City Council at the next regular meeting of those bodies.
12 h) IPM Oversight Committee may impose additional conditions for emergency
13 applications.
14

15 **Section 19. Storage of Pesticides and Fertilizers**

16
17 Any pesticides or fertilizers stored on City property shall be stored in a secure location
18 that is not accessible to members of the public, particularly children, or unauthorized
19 staff. Pesticides and synthetic fertilizers shall be stored and disposed of in accordance
20 with state regulations and label directions registered with the U. S. Environmental
21 Protection Agency.
22

23 **Section 20. Reviewing Plans for Public Landscape and New Construction Projects**

24
25 City projects that include the design of new buildings or landscapes, or renovation of an
26 existing building or landscape, shall be designed and constructed consistent with IPM
27 design specifications.
28

29 The IPM Coordinator and IPM Team member for the relevant department will review all
30 project plans to ensure that, where possible, the design considers IPM measures and the
31 following strategies.
32

33 In planning, designing, and installing a landscape, facility, or road right-of-way, owned
34 and managed by the City, site objectives shall:

- 35 1. include future management and maintenance practices that protect and enhance
36 natural ecosystems.
- 37 2. take into account parameters that will enhance the intended use of the land and
38 minimize pest problems.
- 39 3. take into account such factors as types of uses, soils, grading and slope, water
40 table, drainage, proximity to sensitive areas, selection of vegetation, and vector
41 control issues.
42

43 City grounds designers, planners, managers, crews, and their contractors shall give
44 priority to IPM strategies when designing new and renovating existing landscaped areas.
45 These include:

- 46 • using proper soil preparation and amendment

- 1 • specifying weed-free soil amendments
- 2 • using mulches to control weeds, conserve water, and build healthy, biologically
- 3 diverse soils
- 4 • using biodegradable weed control fabrics or barriers such as cardboard or
- 5 newsprint under organic mulches
- 6 • using site-adapted and pest-resistant plants: “the right plant for the right place”
- 7 • grouping together plants with similar horticultural needs
- 8 • retaining and using regionally native trees, shrubs, and perennials where
- 9 appropriate, preferably from genetic stock
- 10 • pre-plant controlling of noxious weeds and invasive, non-native plant species
- 11 • planting for erosion and weed control
- 12 • pruning selectively and properly to maintain plant strength.
- 13 • keeping vegetation at least 18 inches away from buildings and appurtenances so
- 14 as not to become an access route for rodents and insects.
- 15 • assessing whether landscapes can still meet the intended site use objectives while
- 16 modifying the aesthetic standard and/or applying less maintenance
- 17 • matching maintenance standards to site objectives in the design stage
- 18 • constructing walkways to prevent weed intrusion
- 19 • planting vegetation that will encourage the presence of beneficial insects and
- 20 birds
- 21 • submitting a Maintenance Impact Statement (MIS) for any proposed landscape
- 22 design

23

24 On new public construction and renovation projects:

- 25 • design for minimum building and hardscape footprints and little or no grading
- 26 • protect soil from compaction
- 27 • where topsoil would be impacted, remove and store it during construction
- 28 • minimize/eliminate impervious surfaces to lessen runoff

29

30 **Section 21. Community Education and Outreach**

31

32 The City shall undertake an ongoing community education and outreach effort related to

33 IPM and least-toxic building and landscape maintenance practices, including but not

34 limited to:

- 35
- 36 • interpretive signage explaining the City’s IPM Program and specific activities at
- 37 highly visible public sites.
- 38 • interpretive signage explaining why certain conditions that are highly visible (e.g.,
- 39 the presence of bees in a public area) are not being controlled in keeping with
- 40 IPM principles.
- 41 • other public education efforts encouraging residents to follow the City’s lead in
- 42 non-toxic building and landscape maintenance and pest control activities, state
- 43 and county laws and regulations governing use of chemical controls, and other
- 44 related topics.
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The City department responsible for this program shall be determined by the Recreation and Community Services Department with assistance from the IPM Coordinator.

End