

## Ordinance Number 2003-15

AN ORDINANCE of the City of Bainbridge Island, Washington, establishing policy, procedures and practices for employees of the City relating to pest prevention and management, pesticide use and the use of CCA Treated Wood Products; adding a new Chapter 16.30 to the Bainbridge Island Municipal Code.

**WHEREAS**, the City has traditionally approached pest management problems using Integrated Pest Management concepts; and

**WHEREAS**, the City has determined that the use of dangerous pesticides is hazardous to the health of the citizens and the environment; and

**WHEREAS**, the City wishes to maintain a healthy environment for its current citizens, wildlife, and future generations; and

**WHEREAS**, the City has determined that the provisions contained in this ordinance will ensure that no high hazard pesticides will be used by City employees in or on City property, **now, therefore**

**THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND,  
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1: A new Chapter 16.30 is added to the Bainbridge Island Municipal Code as follows:

### Chapter 16.30

#### PEST MANAGEMENT AND PESTICIDE USE

16.30.010	Purpose
16.30.020	Definitions
16.30.030	Pest Prevention and Removal
16.30.040	Emergency Procedures
16.30.050	Training, Education, and Implementation
16.30.060	Public Notification
16.30.070	Record Keeping
16.30.080	Yearly Report

#### **16.30.010 Purpose.**

A. The City promotes environmentally sensitive building and landscape pest and vegetation management that preserves the City's building and landscape assets and protects the health and safety of the public and City employees. The City policy is to eliminate the use of pesticides on its property.

B. The City shall use the prevention of pest problems as its primary tool for landscaping, building maintenance and other pest management issues on City

property. When pest problems occur, mechanical or biological methods shall be the preferred control methods. Least toxic pesticides shall be used only as a last resort when other options have been proven ineffective.

C. Since inception of the City to its current status as an island-wide entity, the City staff has reduced the amount and toxicity of the pesticides used in building maintenance and landscape management to a very minimal amount. It is the City's practice to continue to look for ways to reduce the toxicity and amount of hazardous materials used in all City operations, including pesticide usage in building management and landscape maintenance.

D. The listing of Puget Sound Chinook salmon under the Endangered Species Act has heightened awareness of the impact that common practices have on the environment. Recent studies documenting the presence of pesticides in area streams and effects of pesticides on salmon point to the need for public agencies to serve as models of environmental stewardship in landscape management.

**16.30.020** Definitions. As used in this chapter, the following terms have the following meanings:

A. Pesticide means any substance registered as a pesticide by the Washington State Department of Agriculture, including herbicides, insecticides, rodenticides and fungicides.

B. High hazard pesticide means any pesticide that does not meet the least toxic pesticide criteria in this chapter.

**16.30.030** **Pest prevention and removal.**

A. Prevention Techniques. Generally, all pest management techniques must avoid disrupting natural pest controls present and aim to suppress the pest population, not eliminate it. In many cases, a portion of the pest population must remain to sustain natural enemies. The City's first preference and most actively pursued method of pest and vegetation management on City property shall be the use of prevention techniques. Pest prevention techniques encourage the desired plants, animals, and other organisms and discourage unwanted ones. Prevention techniques and least-toxic pest controls include:

1. Design and construction of indoor and outdoor areas to reduce the potential for pest habitats.

2. Good planting techniques, mulching, composting, irrigating, fertilizing, and use of native and pest-resistant plant species to avoid conditions where insects, undesirable plant species, disease and pests can develop into problem conditions.

3. Mechanical pest control techniques like hand pulling weeds, string trimming, flaming weeding (where practical and allowed), mowing, aeration and thatching, vacuum removal and hot water.
4. Increasing pest tolerance thresholds.

City staff shall continue to conduct and review research into alternative pest control methods to evaluate their effectiveness and potential for use on a City-wide scale.

B. Mechanical, Physical, and Other Alternative Pest Control Methods. To evaluate and address existing pest problems or problems that may develop on City property in spite of prevention techniques, all City departments shall follow the approach outlined below:

1. Monitor sites for optimal health and sanitation conditions.
2. Monitor populations of potential pests and their natural enemies to determine if and when control is needed.
3. Establish threshold levels of pests below which the population does not require control.
4. Use physical, mechanical, biological, and other alternative methods to keep pest numbers low enough to prevent intolerable damage or annoyance.

C. Use of Pesticide Products.

1. The City Council shall adopt by resolution a Least Toxic Products list for use by City staff.
2. Within six months after the effective date of this chapter, the City shall end all use of pesticides on City property or in City operations, with the exception of those on the Least-Toxic Products list adopted by resolution. The City Council may periodically review the Least Toxic Products list and, after receiving public comment, add products to that list that meet the criteria for Least-Toxic Pesticides in this chapter or delete products if new information becomes available indicating that the products do not meet those criteria. After the effective date of this chapter:
  - a. No routinely scheduled (i.e. monthly or weekly) pesticide applications shall be made by the City.
  - b. No pesticides shall be applied by the City within at least 100 feet (ground applications) and 200 feet (aerial applications) of

a lake, stream, wetland, or groundwater recharge area; provided, that applications within 100 feet of a storm drain may be made in dry weather.

c. Insecticides containing least toxic products shall be used by the City only in containerized baits, or for spot treatments targeted to insect nests or problem areas where a minimal amount of material will be used.

D. Least Toxic Pesticide Criteria. Least toxic pesticides must meet all of the following criteria (all ingredients should be identified so that they can be screened using these tests):

1. Product contains no possible, probable, or known carcinogens:
  - a. Not classified as a known, likely, probable or possible carcinogen by the U.S. EPA;
  - b. Not classified as a known, likely, probable, or possible carcinogen by the International Agency for Research on Cancer (IARC); and
  - c. Not listed by the State of California (Prop 65 list) or the National Toxicology Program as known or reasonably anticipated to be human carcinogen.
2. Product contains no reproductive toxicants (CA Prop 65 list).
3. Product contains no ingredients listed by Illinois EPA as known, probable, or suspect endocrine disruptors.
4. Active ingredient has soil half-life of 30 days or less (exception for minerals).
5. Active ingredient has extremely low or very low mobility in soils.
6. Product is not hazardous to fish or wildlife:
  - a. Not labeled as toxic to fish, birds, bees, wildlife, or domestic animals;
  - b. Not found in U.S. EPA Office of Pesticide Programs Reregistration Eligibility Decisions (REDs, IREDs, and TREDs) to exceed a level of concern for fish, aquatic insects, aquatic and semi-aquatic plants, or wildlife; and
  - c. Product has not been detected in salmon waters at a level harmful to aquatic life.
7. Product is not acutely toxic to humans: product is not labeled as DANGER or POISON (Toxicity Class I or II).
8. Product contains no nervous system toxicants (ingredients that are cholinesterase inhibitors and/or are listed as neurotoxic by the Toxics Release Inventory).
9. Pesticide is not a restricted use pesticide.

E. Use of Chromated Copper Arsenate Treated Wood Products. The City and its contractors shall not purchase wood products treated with Chromated

Copper Arsenate (CCA) preservatives for use by the City or for performance of work on City-owned property.

**16.30.040 Emergency procedures.**

The City Council may authorize the use of high hazard pesticide on City property or in City operations when the Director of Public Works has determined that an emergency situation exists where there is a serious threat to public safety, health, or the environment, and that the proposed use is a last resort after less toxic remedies have been tried without satisfactory result. Prior to the authorization the Director of Public Works shall review in writing the following with the City Council:

- A. The nature of the problem, the reason for the declared emergency, and the need to use a high hazard pesticide.
- B. Information received after consulting with toxicologists in agencies such as the Washington State Department of Health, the Washington State Department of Ecology and the university extension services to determine the least toxic and least persistent pesticide currently available to address the problem, and to ascertain the currently designated level of toxicity and level of persistence of the proposed pesticide.
- C. Description of the specific high hazard pesticide, persistence in the environment (length of soil half-life), currently designated toxicity levels, and all known potential risks with regard to public health and safety, and/or to the environment.
- D. Proposed date and method of application, notification and posting provisions, and specific steps that will be taken to minimize risks to human health and the environment.
- E. An evaluation of all feasible alternatives including non-chemical and no action alternatives.
- F. Any legal requirements that are applicable.

The City Council shall approve or deny the use either on a one-time basis, or for a limited time to be specified by the Council.

**16.30.050 Training, education, and implementation.**

A. City staff involved in grounds and maintenance shall attend at least once a year available trainings in prevention and other pest management techniques outlined in this chapter if appropriate to their area of work. All other City staff shall receive educational materials about prevention of pest problems in the workplace.

B. The City shall designate a staff member to be responsible for the implementation of this chapter.

**16.30.060 Public notification.**

Within 120 days of the effective date of this chapter, any City department that uses any pesticide shall comply with the following notification procedures:

A. Notification signs shall be posted at least 48 hours prior to any pesticide application. Signs shall remain in place for at least 24 hours after pesticide application. Signs shall be posted at the treatment site, at a central area in the building, and at every entry point if the pesticide is applied in an enclosed area, and in highly visible locations around the perimeter of the application area if the pesticide is applied in an open area. If the application is to a linear landscape, such as along a path or roadside, signs shall be posted at 100-foot intervals.

B. Notices shall begin with a header containing the signal word from the pesticide label alongside the words "Pesticide Application." For example, "WARNING: PESTICIDE APPLICATION." Notices shall be at least 8-1/2 by 11 inches, and shall include the following information: the pesticide's active ingredient; the date and time of pesticide application; the area treated; the rate of application; the name and phone number of the contact person for the application; the name and phone number of the responsible party where the pesticide label and material safety data sheets may be obtained; and a boxed-off warning stating: "CAUTION: Individuals taking medication, pregnant women, infants, children, and individuals with respiratory or heart disease, chemical sensitivities, or weakened immune systems may be particularly susceptible to adverse health effects due to pesticide exposure."

C. The City shall notify the public prior to any aerial pesticide application via notices in the City's newspaper of record and with postings, the content of which meets the above requirements. Notices shall be posted throughout the area affected by the aerial application. If an immediate pesticide application of any kind is necessary for the protection of public health, signs meeting the requirements of this section shall be posted.

D. The pre-notification and pre-posting requirements of this section do not apply to any application of allowable products for control of any pest that poses and immediate human health or safety threat. When such an application is made notification and posting consistent with the City's notification system shall occur as soon as possible after the application.

**16.30.070 Record keeping.**

The City shall maintain publicly accessible information with records of pesticides used by all departments. The information recorded shall include the date and location of the application; the product name, active ingredient and EPA registration number; the target pest; the quantity applied and the applicator.

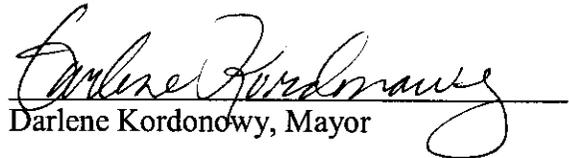
**16.30.080 Yearly report.**

On a yearly basis in the fall at a public meeting of the City Council, a report shall be presented which: includes quantities of each pesticide product (measured as ready-to-use) applied during the previous year, evaluates how well its pest prevention and control objectives are being met, assesses how well the City is complying with this chapter, and identifies areas where improvement may be needed. The report shall be made available to the public upon request and shall be posted on the City web site.

Section 2. This ordinance shall take effect and be in force five days from and after its passage, approval and publication as required by law.

**PASSED** by the City Council this 14<sup>th</sup> day of May, 2003.

**APPROVED** by the Mayor this 15th day of May, 2003.

  
Darlene Kordonowy, Mayor

ATTEST/AUTHENTICATE:

  
Susan Kasper, City Clerk

APPROVED AS TO FORM:

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Rod Kaseguma, City Attorney

FILED WITH THE CITY CLERK:	May 9, 2003
PASSED BY THE CITY COUNCIL:	May 14, 2003
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