RESOLUTION NO. 3497-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR APPROVING AN INTEGRATED PEST MANAGEMENT POLICY FOR TOWN-OWNED AND OPERATED PROPERTIES IN ACCORDANCE WITH THE MUNICIPAL STORM WATER NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

WHEREAS, on September 5, 2018, the Windsor Town Council approved by motion, that the Town immediately discontinue all synthetic pesticides and herbicides on all properties owned and operated by the Town of Windsor and Windsor Water District; and

WHEREAS, the use of chemical pesticides can be reduced by using integrated pest management principles that rely primarily on mechanical, physical, cultural and biological measures to control pests and the application of the lowest risk pesticide products when needed; and

WHEREAS, the Town of Windsor 2040 General Plan, adopted on April 4, 2018, contains Policy ER-3.4 State and Federal Water Quality Programs stating that "The Town shall actively support its stormwater National Pollutant Discharge Elimination System permit by developing and implementing programs for improving and maintaining water quality;" and

WHEREAS, on October 22, 2015, the California Regional Water Quality Control Board North Coast Region (NCRWQCB) adopted National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges form Municipal Separate Storm Sewer Systems per Order No. R1-2015-0030 and NPDES NO. CA002502; and

WHEREAS, NCRWQCB Order No. R1-2015-0030, Section VI.G.7 requires adoption and implementation of a jurisdiction-wide integrated pest management program to reduce pesticide use in landscape, parks, and recreational facilities management; and

WHEREAS, a copy of the draft Integrated Pest Management Plan was provided to the Parks and Recreation Commission and presented at a duly noticed regular public meeting on November 14, 2018, and public comment was received; and

WHEREAS, the Town of Windsor Town Council finds that the Integrated Pest Management Policy is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15307, pursuant to the Clean Water Act for protection of a natural resource.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor hereby approves the Integrated Pest Management Policy, a true copy of which attached hereto as Exhibit A, and authorizes the Town Manager, from time to time, to make minor modifications to the Integrated Pest Management Policy, in keeping with the overall goals of the Policy and consistent with requirements of NCRWQCB Order No. R1-2015-0030, or subsequent orders, to ensure that it is relevant and current; and

BE IT FURTHER RESOLVED THAT the Town Manager is authorized to negotiate lease agreements for Town-owned properties to include implementation of the Integrated Pest Management Policy.

PASSED, APPROVED AND ADOPTED this 19th day of December 2018, by the following vote:

AYES:	**COUNCILMEMBERS LEMUS, OKREPKIE, SALMON, VICE MAYOR FUDGE AND MAYOR FOPPOLI**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

DOMINIC FOPPOLI, MAYOR

ATTEST:

IRENE CAMACHO-WERBY,
DEPUTY TOWN CLERK

Attachment:

- **Exhibit A** – Integrated Pest Management Policy

EXHIBIT A
INTEGRATED PEST MANAGEMENT POLICY

EXHIBIT A

Town of Windsor
Integrated Pest Management Policy

Prepared:	2018
Reviewed:	_____ _____ Donna Legge Date Parks and Recreation Director
Approved:	_____ _____ Toni Bertolero Date Public Works Director/Town Engineer

Adopted by Resolution No. XXXX

TOWN OF WINDSOR

Integrated Pest Management Policy

A. Purpose

It is the purpose and intent of the Integrated Pest Management (IPM) Policy to comply with the Town's Phase I Municipal Storm Water Permit, *Order No. R1- 2015-0030* and any subsequent Order renewals and to comply with the Windsor Town Council's direction at its regular meeting of September 5, 2018, to discontinue the use by Town staff or contractors of synthetic pesticides which pose a threat to human health. This IPM Policy applies to any property owned and operated by the Town of Windsor and Windsor Water District.

The Phase I Storm Water Permit requires the Town adopt an Integrated Pest Management Policy which:

- prevents the use of Organophosphate and Pyrethroid pesticides in a way which threatens water quality, and
- reduces the use of pesticides that cause impairment of surface waters.

This IPM Policy follows the widely accepted principles of Integrated Pest Management. The basic principles are the use of least-toxic methods for pest control, the goal of removing only the target organism, and minimization of risks to human health, beneficial non-target organisms, and the environment.

The policy includes the option for Town staff to consider a "no action" approach to pest management to minimize the use of chemical pest control methods.

This IPM Policy also provides a process for addressing emergencies where the use of pesticides would be necessary to protect public health or safety. In these emergency cases, Town staff could request an exemption, which would allow use of a pesticide on the Discontinued Use List, as defined below. Under no circumstances would the Town use pesticides banned by the United States Environmental Protection Agency (US EPA).

B. Town Policy

It is the policy of the Town that:

1. Departments performing pest management will comply with the Town's IPM Policy. These policies will apply to all property and grounds owned, leased, or managed by the Town.

2. Departments will require contractors providing pest management services on all property owned, leased, or managed by the Town to comply with the Town's IPM Policy.

3. Pest controls will be selected and applied in a manner that minimizes risk to human health, non-target organisms, water quality, and the environment.

4. The Town IPM implementation program shall include the following

    a) Create Standard Operating Procedures (SOPs) for pest management and pesticide application for Town Staff and contractor consistency.
    b) Educate and train Town staff in Town IPM policy, practices, and SOPs.
    c) Reduce the use of pesticides to the maximum extent practicable.
    d) Consider taking a "no action" approach (no pesticide use) in addressing certain pest control issues.
    e) Use pesticides with the goal of removing only the target organism.
    f) Try available non-chemical options before using a chemical pesticide.
    g) Identify the least toxic methods to control pests.
    h) Identify, evaluate, and minimize or eliminate conditions that encourage pest problems.
    i) Conduct careful and efficient inspection, monitoring, and assessment for pest problems by using designated personnel or contractors trained in IPM methods for application.
    j) Maintain records by Town departments on IPM methods considered and used to prevent and control pests.
    k) Comply with all applicable state and federal regulations, including pesticide use, storage and reporting.
    l) Provide public access to all IPM program information and records.
    m) Conduct decision-making based on the best available science and data.

C. IPM Policy Goals

1. Eliminate the use of pesticides that are classified by government agencies as known carcinogen or possible carcinogens, reproductive toxicants (teratogens, mutagens, endocrine disruptors, organophosphates) or groundwater contaminants.

2. Protect the environment, public and worker health and safety by selecting the least toxic products; using all products in accordance with label instructions and consistent with all laws and regulations; and ensuring appropriate personal protective equipment.

3. Comply with the Phase I Municipal Storm Water Permit by implementing the following landscape maintenance and design practices:
    a) Use a standardized protocol for the routine and non-routine application of pesticides and fertilizers;
    b) Encourage planting or retaining or drought tolerant vegetation to reduce the amount of water, pesticides, and fertilizers. Ensure pesticides and fertilizers are not applied to an area immediately prior to a likely rain event, during, or immediately after a rain event, or when water is flowing off the area.
    c) Limit or replace pesticide use with alternatives such as conducting manual weed removal.
    d) Apply pesticides in accordance with Department of Pesticide Regulation requirements to prevent surface water contamination.
    e) Minimize irrigation run-off by using efficient methods of irrigation and scheduling, such as an evapotranspiration-based irrigation schedule, or soil moisture sensors, and rain sensors as possible.
    f) Store pesticides and fertilizers indoors or under cover on paved surfaces with secondary containment.
    g) Reduce the use, storage, and handling of hazardous materials to reduce the potential for spills.
    h) Regularly inspect storage areas.

D. Designation of IPM Manager

The Town Manager shall designate an IPM Manager who will operate within the Town to coordinate implementation of the IPM Policy. The IPM Manager shall:

- Ensure each Town department understands the requirements of the Town IPM Policy.
- Organize IPM training for staff as needed.

- Coordinate data collection regarding the quantity of pesticides used and reductions by Town staff and contractors at least annually.
- Oversee development of Best Management Practices (BMPs) and work with Town staff performing pest management to develop forms summarizing pesticide use and a form for emergency exemption requests.
- Ensure that public health issues are addressed as needed.
- Use a standardized sign for a pesticide application notification that includes the date of application, the name and type of product used, and a website where the public may find information about the product.
- Maintain accurate pesticide application records and reporting that includes the Town's own use of pesticides and pesticides used by contractors.
- Verify records annually to ensure compliance with the IPM Policy.
- Develop and maintain list of approved pesticides.
- Adds and removes products from Approved and Discontinued Product Lists as data becomes available.
- Coordinate pesticide use tracking and reporting by each department.
- Provide information to the Town's Storm Water Program Manager for reporting annual reductions in pesticide use to the North Coast Regional Water Quality Control Board in accordance with Phase I Municipal Storm Water Permit requirements.

E. Education and Training of IPM Manager, Certified Pesticide Applicators and Staff

The IPM Manager will ensure that all staff applying pesticides are certified in the appropriate category by the California Department of Pesticide Regulation (CDPR) or are under the direct supervision of a CDPR pesticide applicator certified in the appropriate category.

Town Staff and contractors that use pesticides will be educated on the IPM Policy and approved Best Management Practices. IPM training will be updated and reviewed biannually.

F. IPM Applications and Guidelines

Only persons specifically authorized by the IPM Manager and certified by the State as pesticide applicators will be permitted to bring or use pesticides on Town property.

Use of pesticides is limited to those products on the Approved Reduced-Risk Product List, unless an exemption has been granted due to a threat to human health or the environment. Pesticide applicators must follow regulations and label precautions. Applicators will have training in IPM and must comply with the Town's "least-toxic" IPM policy (Section G, below).

G. Guidelines for Pesticide Selection

It is the goal of the Town to minimize the use of pesticides by giving preference to products approved by the Organic Materials Research Institute (OMRI) or by the National Organic Program for use in Integrated Pest Management programs, as available and effective. Except for pesticides granted an emergency exemption, the Town will not use any products on the Discontinued Use Product List below.

Pesticides use will be evaluated to determine the need, appropriate type and amount of product, and the most effective application methods. Pesticides will only be used if evaluation indicates that they are needed.

It is the intent of the policy to promote the use of the least toxic pesticide and to consider new products and methods of pest control as they become available.

1. Approved Reduced-Risk Products List. The following non-toxic pest control products and methods may be used:

    a) Caulking agents and crack sealants
    b) Borates, silicates and diatomaceous earth
    c) Soap-based products
    d) Natural (non-synthetic) products listed on the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 25(b) list (40 Code of Federal Register (CFR) part 152.25(g) (l) that include only active ingredients allowed in minimum risk pesticide products
    e) Natural (non-synthetic) products on the Organic Materials Research Institute (OMRI) approved list
    f) US EPA Generally Recognized as Safe (GRAS) products pursuant to federal standards
    g) OMRI–approved and cruelty-free baits and traps for rodents and other mammals. Cruelty-free includes live traps that do not injure the organism trapped, and which allow for rehabitation, or traps which instantaneously kill the organism trapped, such as electrocution traps.
    h) Cryogenics, electronic products, heat and lights
    i) Biological controls, such as parasites and predators
    j) Microbial pesticides (naturally-occurring microorganisms that target specific problems)
    k) Insect growth regulators
    l) Physical barriers

2. Discontinued Use Pesticide Product List. The following categories of high health-risk pest management products are not allowed to be used on Town property and will only be available for use through the exemption process. Under no circumstances will the Town use pesticides banned by the US EPA.

a) ***Proposition 65***
Pesticides on the California Proposition 65 list (the Safe Drinking Water and Toxic Enforcement Act of 1986, materials known to the State to cause cancer or reproductive or development toxicity) including mutagens and teratogens

b) ***Carcinogen***
A known carcinogen, probable carcinogen, or possible carcinogen identified by the US EPA per "List of Chemicals Evaluated for Carcinogenic Potential"

c) ***Endocrine Disruptors***
Any known endocrine disruptor listed by the US EPA Endocrine Disruptor website

d) ***Organophosphates***
Some pesticides in the organophosphate category have been banned entirely by the US EPA, while others have been discontinued for residential use.

e) ***Organochlorines***
Organochlorines include the pesticide DDT (Dichlorodiphenyltrichloroethan). Most are entirely banned by the US EPA.
https://chemview.epa.gov/chemview

f) ***Foggers, bomb, fumigants***
Any such fumigants containing pesticides identified by the State of California as potentially hazardous to human health (CFR 6198). This does not include organic mixes such as mint oil or soap solutions etc. that may be applied in spray format.
https://www.cdpr.ca.gov/docs/legbills/calcode/020103.htm

H. Notification of Pesticide Applications

All organic pesticides, where the label requires posting, will be posted near the application area.

Any synthetic pesticide to be applied through the exemption process will also be posted near the application area and the public will be notified via the Town's website, at least 2 days before the application.

1. Signs should be posted at public and employee points of entry to the treated area pursuant to state and/or federal law, and according to product label instructions.

2. When required by labeling directions, signs will be posted in advance of application and remain in place until no longer required, following the application and as required by the manufacturer's product label.
3. Signs should contain the name and active ingredient(s) of the pesticide product, the target pest, date of application, the re-entry interval as determined by the product label or regulation, the Town department responsible for the application, and the web address of the Town website. The sign shall state whether the pesticide is certified as organic by the Organic Materials Review Institute (OMRI).
4. Signs should be of standardized design that is easily recognized to the public and employees.
5. For every building and site where pesticide baits are used, signs will be posted at conspicuous locations and include information as outlined above. Departments shall not be required to post signs in right-of-way locations that the general public does not use for recreation or pedestrian purposes, such as median strips. However, notification of pesticide applications in right-of-way locations shall be available upon request.

I. Pest Emergency Exemption

In rare cases in which the presence of a pest(s) threatens the health or safety of staff, the public, or the structural integrity of Town facilities, a Department Director or the Town Manager may deem it necessary to use a pesticide that is not included on the approved list. In such cases, the following exemption process will be required:

1. Contact the IPM Manager to discuss pest issue, alternative control methods and desired exemption.

2. Complete a Pesticide Exemption Request form (Attachment A) and submit to the IPM Manager for review. If recommended by the IPM Manager, the form will be submitted to the Town Manager for approval. Approvals must be obtained prior to the pesticide application.

Exemptions will only be granted in cases of documented and justified need for the variance as it relates to public health and safety and/or noxious pest control, including alternative control measures implemented and deemed ineffective or impractical, and documentation that the recommended pesticide is the least toxic pesticide available to control the target pest. Under no circumstances will pesticides banned in the Unites States by the US EPA be used on Town-owned or operated properties.

The IPM Manager will keep written records of all approved exemptions and maintain an active exemptions list that is available for public review on the Town's website. The IPM Manager will also report all such emergency exemptions to the Town Council.

J. Record Keeping of Pesticide Application

The Town shall maintain records of all pesticide applications and exemptions to Town property and shall make the information available to the public upon request. Each application record shall include the following information:

a. Town Department
b. Name of IPM Manager
c. Whether application was made by Town staff or by a contractor to the Town
d. The name and active ingredient of the pesticide to be applied and USEPA registration number
e. Quantity of pesticide applied
f. Specific site of the application
g. The target pest
h. The date the pesticide was used and re-entry period if applicable

K. Collaboration with Other Agencies

The Town will continue to collaborate at a regional level to encourage implementation of IPM. The Town is a member agency of the Russian River Watershed Association and supports and participates in watershed and water quality enhancement efforts. As part of the Town's sustainability outreach and education, staff will promote the use of IPM techniques to reduce the use of pesticides throughout the Town.

L. Applicability

This IPM Policy applies to property owned and operated by the Town of Windsor or the Windsor Water District. However, in light of the substantial budgetary burden to the Town in eliminating the use of all synthetic pesticides, the Town Council reserves as an option, applying this policy to areas accessible to the general public. Areas not accessible to the general public, that could be exempted include median strips and secure facilities at the Waste Water Treatment Plant ponds, the corporation yard, etc.

DEFINITIONS:

Acute Toxicity

The adverse effects of a substance that result either from a single exposure or from multiple exposures in a short period of time (usually less than 24 hours). To be described as *acute* toxicity, the adverse effects should occur within 14 days of the administration of the substance.

Banned Pesticides

A pesticide will be considered a "banned pesticide" if it has been banned by the US EPA and is therefore not legally applied in the United States.

Best Management Practices

BMPs means actions based on current science and technology that have been proven to be effective in the control and management of the site or pest to prevent or reduce the incidence of pest problems, with careful consideration given to protect public health and safety, wildlife and the environment.

Carcinogen

Any substance that has the potential to cause cancer in living tissues. Carcinogen exposure can occur from the inhalation, ingestion, or absorption of many different types of substances into our bodies. Carcinogens cause changes to DNA at the cellular level and affect the rate of cell division.

Chronic Toxicity

Adverse health effects from repeated exposures of a substance, often at lower levels, over an extended time (months or years).

CDPR Certified Applicator

A person who is certified by the California Department of Pesticide Regulation to apply pesticides.

Integrated Pest Management
An ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment.

IPM Manager
The designated employee who is responsible for IPM program coordination for the Town.

Pesticide
Federal law broadly defines a "pesticide" as any substance or mixture of substances intended to prevent, destroy, repel or mitigate any pest. Pests can be insects, mice and other animals, weeds, fungi or micro-organisms. Though often misunderstood to refer only to insecticides, the term pesticide also applies to herbicides, fungicides, rodenticides and various other substances used to control pests. A pesticide is also any substance or mixture of substances intended for use as a plant growth regulator, defoliant or desiccant.

Mutagenicity
A physical or chemical agent that changes the genetic material, usually DNA, of an organism and thus increases the frequency of mutations above the natural background level.

No Action
An option for pest managers to refrain from using any chemical pesticide, even if some pests remain present after the use of non-chemical methods. This option allows for some presence of pests, if that level of pest presence is not detrimental to health and safety.

Organochlorines
Organochlorine pesticides are chlorinated hydrocarbons used extensively from the 1940s through the 1960s in agriculture and mosquito control. Representative compounds in this group include DDT, methoxychlor, dieldrin, chlordane, toxaphene, mirex, kepone, lindane, and benzene hexachloride. Most of these are discontinued by the US EPA.

Organophosphates
Organophosphates are chemical substances originally produced by the reaction of alcohols and phosphoric acid and include insecticides, such as diazinon, chlorpyrifos, disulfoton, azinphos-

methyl, and fonofos, which have been used widely in agriculture and in household pest control. Chlorpyrifos has been discontinued in residential uses.

Organic
This term is used to describe products which are considered least toxic when compared to the spectrum of available pesticides and which are generally non-synthetic. The Town recognizes that "organic" as a term in chemistry is meant to describe a compound, synthetic or not, which contains carbon atoms.

Signal Word
A word used to indicate the relative level of severity of hazard and alert the reader to a potential hazard on the label. Pesticide signal words are 'Danger,' 'Warning' and 'Caution.'

Town
Any property owned or operated by the Town of Windsor or the Windsor Water District.

Teratogen
Substances that may cause birth defects via a toxic effect on an embryo or fetus.

Attachment A
Pesticide Exemption Form

This Form is to be used to request an exemption for use of a pesticide product that is not included on the Allowed Reduced-Risk Pesticide List. This form shall be submitted to the IPM Manager in advance of the pesticide application requested.

Application Information

Name _____ Department/Division _____

Phone _____ Email _____

Pesticide

Dates(s) of Proposed Use: _____

Product Name: _____

Active Ingredients*: _____

EPA Registration # _____ Pesticide Type _____

(Insecticide, Herbicide, Fungicide, etc.)

**Attach product label and MSDS Sheet*

Use Location

Street Address: _____

Detailed Location On-site: _____
(attach map if needed)

Justification

Target Pest: _____

Date discussed with IPM Manager: _____

Justification for Use

_____

_____

_____

Explanation of Alternative Controls Tried

_____

_____

_____

Strategies to Prevent Future Exemptions

_____

_____

_____

Additional Comments

_____

_____

_____

IPM Manager Review: _____ Date: _____

Town Manager Approval: _____ Date: _____