

RESOLUTION NO. 54,319-N.S.

ADOPTING A REVISED PEST MANAGEMENT POLICY AND RESCINDING RESOLUTION NO.
52,739-N.S.

BE IT RESOLVED by the Council of the City of Berkeley as follows:

That a revised Pest Management Policy, dated May 24, 1988, attached
hereto as Exhibit A, is hereby adopted.

FURTHER RESOLVED, that the Council hereby rescinds Resolution No.
52,739-N.S.

Copies sent July 1, 1988

To:

Health and Human Services

RESOLUTION

No. 54,319 N.S.

Dated June 21, 1988

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: Councilmembers Chandler, Dean, Goldfarb, Jelinek, Shirek, Skinner,
Wainwright, Weekes and President Hancock.

Noes: None.

Abstaining: None.

Absent: None.

Hani Hancock
Mayor and President of the Council

Attest Edythe Campbell
City Clerk and Clerk of the Council

May 24, 1988

PEST MANAGEMENT POLICY

Scope and Application

- I. This pest management policy shall apply to all pest control and pesticide use within Berkeley City, by the City. This pest management policy has been adopted by the Berkeley Unified School District (BUSD) to apply to all pest control and pesticide use within Berkeley City by BUSD. BUSD will participate in implementation of this policy through the City's Community Health Advisory Commission (CHAC) for as long as BUSD chooses to comply with this policy. City contractors, community agencies receiving funding from the City, and all persons are encouraged to voluntarily follow the City's Pesticide Management Policy when engaged in pest control and pesticide use within the City.

Intent of Policy

- II. Berkeley seeks to implement effective and appropriate pest management programs throughout the Community which minimize and/or eliminates the use of pesticides. All pesticides shall be assumed hazardous to human health and the environment until demonstrated otherwise.

Definition

- III. Pest- Any organism which adversely interferes with aesthetic, health, or economic goals of humans.
- Pesticide- Any substance or mixture of substances which is used to kill, repel, suppress, or mitigate any pest.
- Pest Management- The reduction, suppression or mitigation of a pest problem through rational efforts such as outlined in the Integrated Pest Management Procedure.
- Reasonably available alternative- A feasible option which takes into account the economic, and social, and environmental costs and benefits of the proposed choices.

Pest Management Plans

- IV. Every City agency and the BUSD shall submit to CHAC pest management plans for all anticipated pest problems. Appendix C may be used as a format for the plans to the CHAC which may be pest or site specific. The Integrated Pest Management Procedure (Section V) shall be used in the preparation and review of pest management plans. The plans shall be forwarded to CHAC for a public hearing. After the public hearing and any modification of the plans, they may be adopted by a majority of CHAC and then implemented after the expiration of a 30 day waiting period during which the City Council or the BUSD must have received a copy of the plans pertaining to their respective jurisdiction and may act to modify or disapprove them.

Any person shall have the right to propose amendments to the plan which may then be considered by CHAC and incorporated into the plan or rejected. Pest management plans may be amended by CHAC. Amended plans go into effect after the expiration of a 30 day waiting period during which the City Council must have received a copy of the plans and may act to modify or disapprove them.

Integrated Pest Management Procedure

- V. Pesticides shall be assumed hazardous to human and environmental health. Reasonably available non-pesticide alternatives recommended by CHAC shall be used preferentially. For all pest problems the integrated pest management scheme outlined below should be followed by the agency responsible for pest management. Whenever possible, the information listed below should be included in any pest management plan submitted to CHAC.
- a) Each pest ecosystem should be monitored by the City or BUSD to determine pest population, size, occurrence, and natural enemy population, if present. Decisions and practices that could affect pest populations should be identified. Records of such monitoring shall be kept.
 - b) An injury level, based on how much aesthetic or economic damage can be tolerated, should be set by the applicant for each pest at each site and identified in the Pest Management Plan.
 - c) The most effective treatment time should be determined, based on pest biology and other variables such as weather and local conditions.
 - d) Non-chemical management tactics should be employed first:
 - 1. Design and construct indoor and outdoor areas to reduce and eliminate pest habitats.
 - 2. Modify management practices including watering, mulching, waste management and food storage.
 - 3. Modify pest ecosystem to reduce food and living space.
 - 4. Use physical controls such as hand weeding, traps and barriers.
 - 5. Use biological controls-- introducing or enhancing pest natural enemies.
 - 6. The use of chemicals shall be considered as a last resort and selected and used only in accordance with the pesticide selection criteria in Section VI.
 - e) On-going educational programs should be conducted:
 - 1. To acquaint city staff with pest biologies, the Integrated Pest Management (IPM) approach, and new pest management strategies as they become known, and toxicology of pesticides proposed for use.

2. To inform citizens of the city's attempt to reduce pesticide use and to teach citizens to tolerate pest damage and about the toxicity of pesticides.

f) Monitor treatment to evaluate effectiveness. Monitoring records should be kept by agency submitting pest management plans and included in pest management plan.

Pesticide Selection Criteria

- VI. The hazard (risk of harm) associated with a pesticide's use is primarily a function of the chemical's intrinsic toxicity and the extent and frequency of its use. Those factors identified in Integrated Pest Management Procedures and the Pesticide Selection Checklist (Appendix B) shall be considered in the evaluation of any pesticide use.

Except for the control of a pest which threatens the public health or where hazard and exposure to people, wildlife or the environment is expected to be minimal, any pesticide determined to have evidence of causation of cancer, birth defects, mutations, or other severe chronic health effects shall be banned from use. Evidence shall mean positive effects in:

- * Two or more species of mammalian laboratory animals, or
- * One species of mammalian laboratory animal and one short-term mutagenicity test, or
- * One or more controlled epidemiological studies.

No pesticide shall be used by the City or BUSD except those which are in one of the following categories:

1. A pesticide which the Environmental Health Officer has determined must be used in order to control a pest emergency which threatens the public health. The Environmental Health Officer must prepare for CHAC a written report which identifies how it was determined that a health pest emergency existed, the type, amount and location of the chemicals used, any alternatives which were considered and why they were rejected, and apparent effectiveness of the treatment. CHAC will review each report, add any written recommendations for responding to similar pest problems in the future, and forward the report as an informational item to City Council or BUSD Board.
2. A pesticide which is determined by CHAC to be relatively safe. Biological pesticides and materials such as lime sulfur, insecticidal soap, and bleach will be evaluated by CHAC according to the Pesticide Selection Checklist. A no objection method vote of CHAC is required in order to forward a recommendation to City Council or BUSD Board permitting its use. Upon approval by CHAC and the expiration of a 30 day waiting period during which the City Council or BUSD Board may respond or disapprove the pesticide's use pertaining to their respective jurisdictions, such use may proceed. No public hearing, site specific, or pest specific plan is required for use.

3. A pesticide for which the use would be experimental as defined Section VII.
4. A pesticide which does not fall within category 1, 2, or 3 and is of questionable or largely unknown toxicity must then undergo a comprehensive toxicological review by a contractor of the Department of Health and Human Services. It must be evaluated by CHAC according to the Pesticide Selection Checklist, and be included in a site or pest specific plan subject to a public hearing. After completion of toxicology review, CHAC will determine whether the risk of use of such pesticide is acceptable or the damage potentially resulting from non-use is unacceptable. Upon inclusion in a pest management plan approved by CHAC and subject to a public hearing, the pesticide use may proceed upon the expiration of a 30 day waiting period during which the City Council or BUSD Board must have received a copy of the CHAC action and may act to suspend or disapprove the pesticide's use within their respective jurisdictions.

Experimental Protocol

- VII. Limited and closely monitored experimental uses may be permitted by CHAC prior to inclusion of a pesticide in a pest management plan or its toxicological review if the following procedures have been completed.
1. A limited and carefully monitored use will be proposed to CHAC.
 2. CHAC will consider the proposal in light of all the known data, possible toxic exposure and adequacy of experimental design.
 3. CHAC may vote to allow the experiment to proceed for a specified period. Posting requirements will be met.
 4. After CHAC's approval, the experiment may proceed after expiration of a 30 day waiting period during which time City Council or BUSD Board will have received a copy of CHAC's approval and may act to suspend or disapprove the experimental use within their respective jurisdictions.
 5. Once the experiment has been completed and the results evaluated, any further use of the pesticide will be based on Pesticide Selection Criteria Section VI).

Pesticide Use Notification

- VIII. A notice shall be posted at least three working days prior to a proposed application of pesticides by City agencies or BUSD (Appendix A). The notice shall be conspicuously posted in one or more regular locations at the site of the application. The notice shall be 8 1/2" by 11" and international orange in color and with weather proof cover when mounted outdoors. It shall specify the pest, manner of application, proposed date of application, the time and the exact location. It shall contain a caution not to re-enter the area until the date specified, acute effects, the brand and common chemical names of the pesticide. The notice shall list the names of the City staff who are responsible for investigating

complaints, answering questions about the proposed application and state that toxicity data is available on file at the Environmental Health Division in the Department of Health and Human Services.

The posting agency shall make a reasonable effort to ensure that the notice remains posted for the required period. The notice shall contain the date of posting, and the actual date of application shall be filled in on the posted notice once the application has been made.

The notice shall remain posted for at least three days, for the length of the legal re-entry interval if any, or for a period set by CHAC/Staff Pesticide Committee, whichever is longer.

In public health emergencies or when specified in site specific plans, exceptions may be made to this above posting policy.

- IX. For any proposed pesticide application, the posting notice shall be filed at least four working days in advance of the application with the Department of Health and Human Services. The Department of Health and Human Services shall review the notice of pesticide application for compliance with the Policy and Plans prior to the pesticide application.

The pesticide Use Record shall be sent to the Department of Health and Human Services following the pesticide application. The Department shall retain these for at least thirty years. The reporting form shall include at least: pesticide trade and common chemical name. EPA Registration Number, amount of diluted material used, total volume and size of area treated: target pest, dates of application, location of application, name and title of applicator, copy of the prior/post notification. All pesticide use shall be reported monthly to the County Department of Agriculture.

Appeals, Complaints And Investigations

- X. A. Appeals

Any person shall have the right to file an appeal with the Department of Health and Human Services regarding a proposed or in progress pesticide application. One or more verbal appeals shall be sufficient to postpone application until investigation of appeal has been completed but must be followed by a written appeal within 1 day. An appeal shall include the proposed location of the application and reasons for the appeal. Allowable basis for an appeal shall include, but not limited to:

1. Improper notification
2. Inadequate consideration of alternatives
3. Possible danger of acute or chronic public or worker health effects
4. Lack of efficacy
5. Pest population below an established injury level

6. Possible adverse impacts on non-target organisms or the environment
7. Application is not in agency's plan or updated plan
8. Other violations of the city's pest management policies or state and county laws.

B. Investigation of Appeals

The Department of Health and Human services shall investigate all appeals. Investigation shall be completed within 10 days. A proposed application shall not go forward until the investigation is completed and it has been determined that the application shall not go forward until the investigation is completed and it has been determined that the application meets the requirements set forth in this policy as well as those enforced by the state and county. The Department of Health and Human Services shall attempt to notify the appellant of its decision verbally the day of the decision and in writing within two days.

If, after an investigation, the Department of Health and Human Services determines that a proposed application is in accordance with an approved plan and other policy guidelines, that application may proceed.

Pesticide use and pest management complaints shall be forwarded by the Department of Health and Human Services to CHAC for review.

C. Complaints

Complaints in regard to a pest management activity for post pesticide application may be filed in writing with the Department of Health and Human Services which will be forwarded to CHAC for consideration and action.

Public Access To Records

- XI. Any person shall have the right to examine, and copy at reasonable costs, any records of pesticide use, toxicity, complaints, appeals, and any other records pertaining to pesticide use or effects. All records, plans, or reports proposing or impacting on pesticide use shall be accessible to the public at any time during normal business hours. A complete copy of all records shall be kept in one central location at the Department of Health and Human Services.