

To: The Honorable Mayor and City Council

From: Jeff P.H. Cazeau, City Attorney *JPC*

Date: January 24, 2017

RE: RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING AN INTEGRATED PEST MANAGEMENT ("IPM") PROGRAM TO ELIMINATE OR REDUCE PESTICIDE APPLICATIONS ON CITY PROPERTY TO THE MAXIMUM EXTENT FEASIBLE AND FURTHER APPROVING IPM PROGRAM GUIDELINES, IN SUBSTANTIALLY THE ATTACHED FORM; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

RECOMMENDATION

It is recommended that the Mayor and City Council hereby authorize the adoption of an Integrated Pest Management Program and give preference to available, safe, and effective non-pesticide alternatives and cultural practices when considering options for pest management on City property, which would avoid or minimize potential impacts to human health, water quality, natural resources, and the environment.

BACKGROUND

IPM is the coordinated use of pest and environmental information with available methods to prevent unacceptable levels of pest damage with the least possible hazard to people, property, and the environment within available resources. It uses a progressive and sustainable approach through professional research based on multifaceted strategies that minimize health, environmental risks and economic risks.

ATTACHMENT(s)

Resolution
Exhibit I

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING AN INTEGRATED PEST MANAGEMENT (“IPM”) PROGRAM TO ELIMINATE OR REDUCE PESTICIDE APPLICATIONS ON CITY PROPERTY TO THE MAXIMUM EXTENT FEASIBLE AND FURTHER APPROVING IPM PROGRAM GUIDELINES, IN SUBSTANTIALLY THE ATTACHED FORM; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, the City of North Miami (City”) recognizes that pesticides and herbicides are potentially hazardous to human health, water quality, natural resources and the environment; and

WHEREAS, the City Council has requested that pesticide and herbicide use on City property be curtailed; and

WHEREAS, the City of San Francisco has been a national leader in integrated pest management since 1996 when it passed its Integrated Pest Management (IPM) Ordinance; and

WHEREAS, since 1996 many Cities have adopted San Francisco’s IPM program; and

WHEREAS, pests are potential threats to public health, community values, and ecological balance, and IPM sets parameters for a balanced approach to addressing pest control issues; and

WHEREAS, IPM is the coordinated use of pest and environmental information with available methods to prevent unacceptable levels of pest damage with the least possible hazard to people, property, and the environment within available resources; and

WHEREAS, IPM uses a progressive and sustainable approach using professional research based on multifaceted strategies that minimize health, environmental risks and economic risks; and

WHEREAS, the City is desirous of adopting and fully implementing a grounds management policy embodying IPM principles on City property maintained by the Parks and Recreation Department; and

WHEREAS, the City, as stipulated in the IPM program guidelines, shall give preference to available, safe, and effective non-pesticide alternatives and cultural practices when considering

options for pest management on City property, which would avoid or minimize potential impacts to human health, water quality, natural resources, and the environment.

WHEREAS, the Mayor and City Council believe that the proposed IPM Program is in the best interest of the citizens of the City and as such, hereby adopt the IPM Program and approve the IPM Program Guidelines, attached as Exhibit “A”.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA THAT:

Section 1. **Adoption of IPM Program.** The Mayor and City Council of the City of North Miami, Florida hereby authorize the adoption of an Integrated Pest Management Program.

Section 2. **Approving IPM Program Guidelines.** The Mayor and City Council of the City of North Miami, Florida, hereby approve the guidelines for the Integrated Pest Management Program attached hereto as “Exhibit A.”

Section 3. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this ____ day of _____, 2017.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.

CITY ATTORNEY

SPONSORED BY: COUNCILMAN BIEN-AIME

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, D.O., Pharm. D.
Vice Mayor Scott Galvin
Councilwoman Carol Keys, Esq.
Councilman Philippe Bien-Aime
Councilman Alix Desulme

_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)

INTEGRATED PESTICIDE MANAGEMENT PROGRAM GUIDELINES

It shall be the policy of the City of North Miami ("City") for City departments and City contractors who apply pesticides to City property to eliminate or reduce pesticide applications on City property to the maximum extent feasible.

The City, in carrying out its operations, shall assume pesticides are potentially hazardous to human and environmental health. City departments shall give first priority to available non-pesticide alternatives when considering the use of pesticides on City property. For all pest problems on City property, City departments shall follow the procedures outlined in the Integrated Pest Management (IPM) program guidelines. Additionally, the City shall develop and implement a public education program to inform the public about the dangers of toxic chemicals.

Goals of the Integrated Pest Management Program

The goal of an IPM program is to reduce or eliminate the use of chemicals by the evaluation and selection of the least disruptive alternative control strategy for the elimination of pests and plant diseases. The goal of this policy of the City of North Miami is to eliminate the application of all Toxicity Category I and Category II pesticide products by January 2018. Current levels of pesticide use by the City, including quantities and names, shall be established by the end of the fiscal year for which there are data available and therefore the goal of this policy will be to reduce or eliminate pesticide use over 2016 levels, consistent with the principles of an Integrated Pest Management program. Priority will be given to reduce or eliminate pesticides near watercourses and riparian areas. An annual report on pesticide use will be presented to the Mayor and City Council to evaluate progress in achieving these goals. When the first report comes, Mayor and City Council will determine whether an ordinance is needed.

The principles of an Integrated Pest Management program require a careful evaluation of the pest control problem and the selection of the least disruptive control strategy by an analysis of available alternative strategic control options to the application of pesticides. The application of pesticides will remain an option if alternative control options are not effective.

Alternative strategic control options include, but are not limited to, the following:

- Habitat management (changing the biological environment)
- Maintenance practices (modifying watering mulching, water disposal, etc.)
- Physical controls (use of mechanical removal, traps and barriers)
- Biological controls (use of natural enemies)
- Re-design (modifying landscape design)

Definitions

Whenever used in this Policy, the following terms shall have the meanings set forth below.

"Antimicrobial agent" means any substance or mixture of substances intended for inhibiting the growth of, destroying any bacteria, fungi pathogenic to man and other animals, or viruses declared to be pest under Food and Agricultural Code Section 12754.5, except slime control agents, substances intended for use in or on humans or other animals, and use in or on processed food, beverages or pharmaceuticals. Antimicrobial agents include, but are not limited to, disinfectants, sanitizers, bacteriostats, sterilizers,

fungicides and fungistats applied to inanimate surfaces, and commodity preservatives and protectants applied to raw materials or manufactured products.

"City department" means any department of the City of North Miami and includes any pesticide applicator hired by a City department to apply pesticides on City property. City department does not include any other local agency or any federal agency, including but not limited to school districts.

"City manager" means the City Manager of the City of North Miami or the City Manager's designee.

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

"Contractor" means a person, firm, corporation or other entity, including governmental entity that enters into a contract with the City.

"Integrated pest management" means a decision-making process for managing pests that uses monitoring to determine pest injury levels and combines biological, cultural, physical and chemical tools to minimize health, environmental and financial risks. The method uses extensive knowledge about pests, such as infestation thresholds, life histories, environmental requirements and natural enemies to complement and facilitate biological and other natural control of pests. The method uses the least toxic synthetic pesticides only as a last resort to controlling pests.

"Pesticide" means pesticide as defined in Section 12753 of the California Food and Agricultural Code. This definition includes herbicides and fungicides.

"Toxicity Category I Pesticide Product" means any pesticide product that meets United States Environmental Protection Agency criteria for Toxicity Category I under Section 156.10 of Part 156 of Title 40 of the Code of Federal Regulations.

"Toxicity Category II Pesticide Product" means any pesticide product that meets United States Environmental Protection Agency criteria for Toxicity Category II under Section 156.10 of Part 156 of Title 40 of the Code of Federal Regulations.

"Toxicity Category III Pesticide Product" means any pesticide product that meets United States Environmental Protection Agency criteria for Toxicity Category III under Section 156.10 of Part 156 of Title 40 of the Code of Federal Regulations.

"IPM consultant" means an independent consultant hired by the City to assist in the implementation of the Pesticide Use Policy.

Implementation of the Integrated Pest Management (IMP) Program

Upon the adoption by the City Council of the City of North Miami of City Pesticide Use Policy, each City department will be required to submit an IMP Implementation Plan for approval by the IPM consultant within a year from the date of adoption and on January 31 of each subsequent calendar year.

Procedures

All City departments shall implement the IPM program in the following manner:

- I. Conduct staff training in the following areas:
 - Principles of an Integrated Pest Management Program
 - Toxicology of commonly used pesticides (Category I, II, III)
 - General introduction to the evaluation of alternative strategic control options
 - Monitoring protocols for different pest problems, including record keeping
 - General introduction to identification of plant diseases and common pest problems
 - Procedures for developing site-specific IPM implementation plans

- II. Prepare a Preliminary IPM Implementation Plan which would include the following:
 - Comprehensive and site-specific surveys of the types and quantities of chemicals and anti-microbial agents currently used
 - Identification of pests and plant diseases commonly encountered
 - Alternative strategic control options adopted to date, including monitoring data
 - Comprehensive and site-specific alternative strategic control options proposed for adoption of the next fiscal year
 - An estimate of costs associated with the adoption of the proposed alternative strategic control options

- III. Retain an expert consultant in Integrated Pest Management to assist the City in the following ways:
 - Independently evaluate and prepare a written report of all annual IPM Implementation Plans submitted by City department to insure consistency with the City Pesticide Policy and the practices of accepted IPM procedures, and provide site-specific recommendations for any revisions to such plans.
 - Respond to requests for assistance by City staff for pest and plant disease identification and the evaluation of pest control strategies, monitoring procedures and requirements, and annual report preparation.
 - Evaluate all requests for exemptions and make recommendations to the City Manager in writing on all exemption requests.
 - Create a public educational information packet for use by all City departments about the IPM Program and the City' IPM policy and dissemination to the public
 - Provide City staff with information and advice on all matters related to the implementation of the Integrated Pest Management program and pesticide use
 - City staff shall develop appropriate language for all City contractors requiring compliance with the City's Integrated Pest Management program to be included in all applicable City contracts.

Exemptions

Nothing in this Policy is intended to apply to pesticide applications that are required to comply with federal, state, or local laws or regulations.

This Policy shall not apply to the use of any pesticide for the purpose of improving or maintaining water quality at water treatment plants, wastewater treatment plants, reservoirs and related collection,

distribution and treatment facilities, or the treatment of sewage or to the use of antimicrobial agents for the purpose of protecting public health and safety in the provision of health care and the treatment of water in public swimming pools.

A City department may request an exemption from the IPM consultant under this Policy, whose recommendation will be forwarded to the City Manager for action. The City Council shall be notified of any exemptions granted, and a list of such exemptions shall be included in an annual report to Council. If possible, the exemptions will be identified as to whether it is based on federal or state law, or other mandates.

Notification of Pesticides Use

Any City department or contractor that uses Category I, Category II or Category III pesticide shall comply with the following notification procedures:

Signs shall be posted the day before the application of the pesticide product and will remain posted at least four days after application of the pesticide.

Posting shall be required only in areas where the public can reasonably be expected to frequent and as near as practical to the site of application.

Signs shall be posted (i) at every entry point where the pesticide is applied if the pesticide is applied in an enclosed area, and (ii) in highly visible locations around the perimeter of the area where the pesticide is applied if the pesticide is applied in an open area.

Signs shall be of a standardized design that are easily recognizable to the public and workers.

Signs shall contain the name and active ingredient of the pesticide products, the target pest, the date of pesticide use, the signal word indicating the toxicity category of the pesticide product, the date for re-entry, if any is required, to the area treated, and the name and contact number of the City department responsible for the application.

Posting requirements shall not apply to areas and facilities which are exempt under this policy, except facilities which are open to the public for recreational purposes.

City departments using baits shall not be required to post notification signs. However, each City department that uses pesticidal baits shall post a permanent sign at the facility where the baits are used. The sign shall indicate the type of baits used in the area, the target pests, the area or areas where the baits are commonly placed, and the contact number of the City department responsible for the bait application.

Individuals with environmental sensitivity conditions may request from the Parks and Recreation Department advance written notification of pesticide uses in the City of North Miami.