

CHAPTER 3: INTEGRATED PEST MANAGEMENT PROGRAM

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SEC. 300. PURPOSE AND FINDINGS.

(a) The Board of Supervisors hereby finds and declares that it shall be the policy of the City and County of San Francisco 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.

(b) Under this Chapter, the City and County of San Francisco wishes to exercise its power to make economic decisions involving its own funds as a participant in the marketplace and to conduct its own business as a municipal corporation to ensure that purchases and expenditures of public monies are made in a manner consistent with integrated pest management policies and practices.

(c) This Chapter 3 concerns the application of pesticides to property owned by the City and County of San Francisco only, and does not concern the application of pesticides to property that is not owned by the City and County of San Francisco.

(d) City departments shall implement the following City Integrated Pest Management (IPM) Policy:

CITY INTEGRATED PEST MANAGEMENT POLICY

The City, in carrying out its operations, shall assume pesticides are potentially hazardous to human and environmental health. City departments shall give preference to reasonably available nonpesticide alternatives when considering the use of pesticides on City property. For all pest problems on City property, City departments shall follow the integrated pest management (IPM) approach outlined below.

(1) Monitor each pest ecosystem to determine pest population, size, occurrence, and natural enemy population, if present. Identify decisions and practices that could affect pest populations. Keep records of such monitoring;

(2) Set for each pest at each site and identify in an IPM implementation plan, an injury level, based on how much biological, aesthetic or economic damage the site can tolerate;

(3) Consider a range of potential treatments for the pest problem. Employ nonpesticide management tactics first. Consider the use of chemicals only as a last resort and select and use chemicals only within an IPM program and in accordance with the provisions of this Chapter.

(A) Determine the most effective treatment time, based on pest biology and other variables, such as weather, seasonal changes in wildlife use and local conditions,

- (B) Design and construct indoor and outdoor areas to reduce and eliminate pest habitats,
 - (C) Modify management practices, including watering, mulching, waste management, and food storage,
 - (D) Modify pest ecosystems to reduce food and living space,
 - (E) Use physical controls such as hand-weeding, traps and barriers,
 - (F) Use biological controls (introducing or enhancing pests' natural enemies);
- (4) Conduct ongoing educational programs:
- (A) Acquaint staff with pest biologies, the IPM approach, new pest management strategies as they become known, and toxicology of pesticides proposed for use,
 - (B) Inform the public of the City's attempt to reduce pesticide use and respond to questions from the public about the City's pest management practices;
- (5) Monitor treatment to evaluate effectiveness. Keep monitoring records and include them in the IPM implementation plan.
- (e) Nothing in this Chapter is intended to apply to pesticide applications that are required to comply with federal, State or local laws or regulations.
- (f) This Chapter applies the Precautionary Principle to the selection of reduced risk pesticides and other pest management techniques on City property with the intent of minimizing negative impacts on human health and the environment.

(Added by Ord. 171-03, File No. 030422, App. 7/3/2003) (Derivation Former Administrative Code Section 39.1; added by Ord. 401-96, App. 10/21/96; amended Ord. 274-97, App. 7/3/97)

SEC. 301. DEFINITIONS.

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

- (a) "City department" means any department of the City and County of San Francisco 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 or State agency, including but not limited to the San Francisco School District, the San Francisco Community College District, the San Francisco Redevelopment Agency and the San Francisco Housing Authority.
- (b) "Commission" means the Commission on the Environment provided for by San Francisco Charter Section 4.118.
- (c) "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 a City department, which grants a right to use or occupy property of the City and County of San Francisco for a specified purpose or purposes.
- (d) "Contractor" means a person, firm, corporation or other entity, including a governmental entity, that enters into a contract with a City department.
- (e) "Department" means the Department of the Environment provided for by San Francisco Charter Section 4.118.
- (f) "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.

(g) "Pesticide" means pesticide as defined in Section 12753 of Chapter 2 of Division 7 of the California Food and Agricultural Code, but does not include antimicrobial agents. "Antimicrobial agents" means any substance or mixture of substances intended for inhibiting the growth of or destroying any bacteria, fungi pathogenic to human and other animals, or viruses declared to be pests under Section 12754.5 of the California Food and Agricultural Code, except slime control agents, substances intended for the 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 raw materials or manufactured products.

(h) "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.

(i) "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.

(Added by Ord. 171-03, File No. 030422, App. 7/3/2003) (Derivation Former Administrative Code Section 39.2; added by Ord. 401-96, App. 10/21/96; amended Ord. 274-97, App. 7/3/97; Ord. 361-98, App. 12/11/98; Ord. 2-00, File No. 992000, App. 1/13/2000)

SEC. 302. BAN ON USE OF TOXICITY CATEGORY I AND CERTAIN OTHER PESTICIDES.

Except for pesticides granted an exemption pursuant to Section 307, effective January 1, 1997, no City department shall use any Toxicity Category I Pesticide Product, any pesticide containing a chemical identified by the State of California as a chemical known to the State to cause cancer or reproductive toxicity pursuant to the California Safe Drinking Water and Toxic Enforcement Act of 1986, and any pesticide classified as a human carcinogen, probable human carcinogen or possible human carcinogen by the United States Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances.

(Added by Ord. 171-03, File No. 030422, App. 7/3/2003) (Derivation Former Administrative Code Section 39.3; added by Ord. 401-96, App. 10/21/96; amended Ord. 274-97, App. 7/3/97)

SEC. 303. BAN ON USE OF TOXICITY CATEGORY II PESTICIDE PRODUCTS; TOTAL PESTICIDE BAN.

(a) Except for pesticides granted an exemption pursuant to Section 307, effective January 1, 1998, no City department shall use any Toxicity Category II Pesticide Product.

(b) Except for pesticides granted an exemption pursuant to Section 307, by January 1, 2000, any City department that uses one or more pesticides not banned under Section 302 or Section 303(a), shall reduce by 100 percent the cumulative volume of such pesticides that it used in calendar year 1996.

(Added by Ord. 171-03, File No. 030422, App. 7/3/2003) (Derivation Former Administrative Code Section 39.4; added by Ord. 401-96, App. 10/21/96; amended Ord. 274-97, App. 7/3/97)

SEC. 304. NOTICE OF PESTICIDE USE.

(a) Except as provided in Subdivisions (b) through (e) hereof, within 120 days of the effective date of this ordinance, any City department that uses any pesticide shall comply with the following notification procedures:

(1) Signs shall be posted at least three days before application of the pesticide product and remain posted at least four days after application of the pesticide.

(2) 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.

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

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

(b) City departments shall not be required to post signs in accordance with Subsection (a) in right-of-way locations that the general public does not use for recreational purposes. However, each City department that uses pesticides in such right-of-way locations shall develop and maintain a public access telephone number about pesticide applications in the right-of-way areas. Information readily available by calling the public access number shall include for any pesticide that will be applied within the next three days or has been applied within the last four days: A description of the area of the pesticide application, the name and active ingredient of the pesticide product, the target pest, the date of pesticide use, the signal word indicating the toxicity category of the pesticide product, the re-entry period of the area treated and the name and contact number for the City department responsible for the application. Information about the public access telephone number shall be posted in a public location at the City department's main office building.

(c) City departments using baits or other pesticides granted an exemption by the Department pursuant to Subsection (e) shall not be required to post signs in accordance with Subsection (a). However, each City department that uses pesticidal baits or other pesticides granted an exemption by the Department pursuant to Subsection (e) shall post a permanent sign: (1) in each building or vehicle where such pesticides are used, (2) at the City department's main office or a similar location where the public obtains information regarding the building or vehicle, and (3) when such pesticides are used outdoors to control rats and other pests, in a conspicuous location outside of the area where they are used. The sign shall indicate the name and active ingredient of the pesticides used in and around the building or vehicle, the target pests, the signal word indicating the toxicity category of the pesticide product, the area or areas where the pesticides are commonly placed, and the contact number for the City department responsible for the application.

(d) City departments may obtain authorization from the Department to apply a pesticide without providing a three-day advance notification in the event of a public health emergency or to comply with worker safety requirements. Signs meeting the requirements of Subsection (a)(2) through Subsection (a)(4) shall be posted at the time of application and remain posted four days following the application.

(e) The Department may grant exemptions to the notification requirements for one-time pesticide uses and may authorize permanent changes in the way City departments notify the public about pesticide use in specific circumstances, upon a finding that good cause exists to

allow an exemption to the notification requirements. Prior to granting an exemption pursuant to this subsection, the City department requesting the exemption shall identify the specific situations in which it is not possible to comply with the notification requirements and propose alternative notification procedures. The Department shall review and approve the alternative notification procedures.

(Added by Ord. 171-03, File No. 030422, App. 7/3/2003) (Derivation Former Administrative Code Section 39.5; added by Ord. 401-96, App. 10/21/96; amended Ord. 274-97, App. 7/3/97; Ord. 231-99, File No. 991246, App. 8/20/99; Ord. 2-00, File No. 992000, App. 1/13/2000)

SEC. 305. IMPLEMENTATION OF CITY INTEGRATED PEST MANAGEMENT POLICY.

(a) Within 90 days of the effective date of this ordinance each City department that uses pesticides shall submit to the Department a plan for implementing the City Integrated Pest Management (IPM) Policy. The Department may require periodic IPM plan updates. The IPM implementation plans and any periodic updates shall be consistent with the requirements of this Section and any guidelines developed by the Department pursuant to this Chapter.

(b) A City department IPM implementation plan shall outline the ways in which the City department shall comply with the City IPM Policy in Section 300(d). The City department IPM implementation plan shall include pesticide applications performed by pesticide applicators at the request of the City department. The IPM implementation plan shall contain a list of the types and quantities of chemicals used as of December 31, 1996, the types of pest problems, the alternatives adopted to date, alternatives proposed for adoption within the next six months, and the name of the IPM Coordinator for the City department.

(c) At the request of the Department, the Commission may determine that a City department's IPM implementation plan is not in conformity with the City IPM Policy. Upon a determination of nonconformity, the City department shall submit a revised plan to the Department in accordance with a schedule established by the Commission.

(d) The Department shall assist City departments in implementing the City IPM Policy by developing public educational information about IPM plans and programs and the City's IPM Policy.

(e) The Department shall establish an IPM Policy implementation program to assist City departments in implementing the City IPM Policy. The Department shall establish a data bank of information concerning pesticide use by City departments and the efficacy of alternatives used by City departments. All City departments that use pesticides shall participate in the Department's program by:

- (1) Identifying the types of pest problems that the City Department has;
- (2) Identifying types and quantities of pesticides currently in use by the City department;
- (3) Identifying the use of alternatives for banned pesticides;
- (4) Designating City department contact personnel who are responsible for the service for which the pesticides are used to regularly assess the efficacy of alternatives and to act as a resource for other City departments; and
- (5) Providing regular reports as required by the Department of the Environment on the City department's efforts to implement the City IPM Policy.

(f) The Department shall determine the cost of maintaining the IPM implementation program. The Department may request that the City departments that use pesticides provide work orders to the Department to cover the cost of maintaining the program.

(g) No later than July 1, 1997 and semi-annually thereafter, the Department shall report to the Commission on the status of City department efforts to implement the City IPM Policy. Such report shall include a summary of exemptions granted by the Department during the reporting period. The Department shall provide an annual report to the Board of Supervisors on the status of City department efforts.

(Added by Ord. 171-03, File No. 030422, App. 7/3/2003) (Derivation Former Administrative Code Section 39.6; added by Ord. 401-96, App. 10/21/96; amended Ord. 274-97, App. 7/3/97; Ord. 231-99, File No. 991246, App. 8/20/99; Ord. 2-00, File No. 992000, App. 1/13/2000)

SEC. 306. RECORDKEEPING AND REPORTING.

(a) Each City department that uses pesticides shall keep records of all pest management activities. Each record shall include the following information:

- (1) The target pest;
- (2) The type and quantity of pesticide used;
- (3) The site of the pesticide application;
- (4) The date the pesticide was used;
- (5) The name of the pesticide applicator;
- (6) The application equipment used;
- (7) Prevention and other non-chemical methods of control used;
- (8) Experimental efforts; and
- (9) Exemptions granted by the Department pursuant to Section 304 or 307 for that application.

(b) Each City department that uses pesticides shall submit the pest management record required by Subsection (a) to the Department on a monthly basis. The Department may reduce the submittal frequency.

(c) Pest management records shall be made available to the public upon request in accordance with the provisions of the San Francisco Sunshine Ordinance, San Francisco Administrative Code, Chapter 67.

(Added by Ord. 171-03, File No. 030422, App. 7/3/2003) (Derivation Former Administrative Code Section 39.7; added by Ord. 401-96, App. 10/21/96; amended Ord. 274-97, App. 7/3/97; Ord. 2-00, File No. 992000, App. 1/13/2000)

SEC. 307. EXEMPTIONS.

(a) **Improving and maintaining water quality.** Notwithstanding any other provision of this Chapter, this Chapter shall not apply to the use of any pesticide for the purpose of improving or maintaining water quality at:

- (1) Drinking water treatment plants;
- (2) Wastewater treatment plants;
- (3) Reservoirs; and
- (4) Related collection, distribution and treatment facilities.

(b) **One-year exemptions.** A City department may apply to the Department for up to a one-year exemption from the pesticide ban imposed by Sections 302 or 303 for use of a particular pesticide for a particular use. The application for an exemption shall be filed on a form specified by the Department and shall be signed by the City department's IPM Coordinator. The Department of the Environment may grant the one-year exemption upon a finding that the City department has:

- (1) Made a good-faith effort to find alternatives to the banned pesticide;
- (2) Demonstrated that effective, economic alternatives to the banned pesticide do not exist for the particular use; and
- (3) Developed a reasonable plan for investigating alternatives to the banned pesticide during the exemption period.

(c) **Limited use exemption.** A City department may apply to the Department for a limited use exemption for a particular pesticide banned pursuant to Section 302 or 303 and not covered by a one-year exemption. The application for an exemption shall be filed on a form specified by the Department and shall be signed by the City department's IPM Coordinator. The Department may grant a limited-use exemption provided that the Department finds that the City department will use the pesticide for a specific and limited purpose and for a short and defined period and the City department has identified a compelling need to use the pesticide.

(d) **Reduced-risk pesticide.** The Commission on the Environment may exempt a reduced-risk pesticide from the ban imposed by Section 303 upon a finding that the reduced-risk pesticide is commonly used as part of an IPM strategy. Based on recommendations by the Department, the Commission shall maintain a list of reduced-risk pesticides granted an exemption pursuant to this subsection. The Commission shall review the list annually and make necessary changes. The Commission may review and revise the list more frequently upon recommendation by the Department.

(e) **Emergency exemption.** A City department may apply to the Department for an emergency exemption in the event that an emergency pest outbreak poses an immediate threat to public health or significant economic damage will result from failure to use a pesticide banned pursuant to Section 302 or Section 303. The application for an exemption shall be filed on a form specified by the Department. The Department shall respond to the application in a timely manner. If the requesting department is unable to reach the Department, the departmental IPM Coordinator may authorize the one-time emergency use of the required pesticide. The department IPM Coordinator must notify the Department of the determination to use the pesticide by facsimile prior to its application in the event that the department IPM Coordinator is unable to reach the Department. Signs meeting the requirements of Subsection (a)(2) through Subsection (a)(4) shall be posted at the time of application and remain posted four days following the application. The Department may impose additional conditions for emergency applications.

(Added by Ord. 171-03, File No. 030422, App. 7/3/2003) (Derivation Former Administrative Code Section 39.8; added by Ord. 401-96, App. 10/21/96; amended Ord. 274-97, App. 7/3/97; Ord. 361-98, App. 12/11/98; Ord. 2-00, File No. 992000, App. 1/13/2000)

SEC. 308. CITY CONTRACTS.

(a) As of the effective date of this Section, when a City department enters into a new contract or extends the term of an existing contract, the contract shall obligate the contractor to comply with provisions of this Section 308(a):

- (1) Effective January 1, 1998, the contractor shall comply with Sections 302, 304 and 306. In addition, effective January 1, 1998, the contractor shall submit to the City

department an IPM implementation plan that lists the types and estimated quantities, to the extent possible, of pesticides that the contractor may need to apply to City property during its contract, outlines actions the contractor will take to meet the City IPM Policy in Section 300 to the extent feasible, and identifies the primary IPM contact for the contractor.

(2) Effective January 1, 1999, the contractor shall comply with Section 303(a).

(3) Effective January 1, 2000, the contractor shall comply with Section 303(b).

(b) As of the effective date of this Section, when a City department enters into a new contract or extends the term of an existing contract that authorizes a contractor to apply pesticides to City property, the City department shall submit an IPM implementation plan update to the Commission on the Environment that incorporates the pesticide usage of the contractor into the City department's IPM implementation plan.

(c) A contractor, or City department on behalf of a contractor, may apply for any exemption authorized under Section 307.

(Added by Ord. 171-03, File No. 030422, App. 7/3/2003) (Derivation Former Administrative Code Section 39.9; added by Ord. 274-97, App. 7/3/97)

SEC. 309. GUIDELINES.

The Department of the Environment may issue guidelines to assist City departments in the implementation of this Chapter.

(Added by Ord. 171-03, File No. 030422, App. 7/3/2003) (Derivation Former Administrative Code Section 39.10; added by Ord. 274-97, App. 7/3/97)