

# Draft: City of Portland Sustainable Pesticide Ordinance

## Chapter [INSERT] SUSTAINABLE PESTICIDE ORDINANCE\*

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\*Cross reference(s)-- [INSERT]

State law reference(s)--[INSERT]  
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- Art. I. In General, §§ 1
- Art. II. Adoption of Sustainable Pesticide Ordinance, §§ 2--3
- Art. III. Requirements of Pesticide Application on City-Owned Property, §§ 4--6
- Art. IV. Public Education, §§ 7

### Article I. In General

#### Sec. 1. Pesticide Use by the City of Portland

(a) *Findings.* The City Council hereby finds that:

- (1) WHEREAS, IPM is an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense practices. IPM uses current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage with the least possible hazard to people, property, and the environment. IPM is the standard for pest management in our state, across the country and around the world. Judicious pesticide use is one important tool among many in the IPM tool box;
- (2) WHEREAS, Integrated Pest Management (“IPM”) is defined by the state of Maine in a policy directive to “find ways to use the minimum amount of pesticides needed to effectively control targeted pests in applications, which applications should be conducted in a manner to minimize human risk to the maximum extent practicable using currently available technology,” which is set forth in Chapter 27 of the Rules of Maine’s Board of Pesticides Control;
- (3) WHEREAS, to ensure the public health and safety with respect to pesticide use within the City, Integrated Pest Management policies should be extended to cover City-owned property, and
- (4) WHEREAS, to minimize the risk or misuse of pesticides by individuals within the City, the City shall take steps to educate the public regarding safe and proper use of pesticides.

### Article II. Adoption of Sustainable Pesticide Ordinance

#### Sec. 2. City of Portland Adoption of Sustainable Pesticide Ordinance: [CODE]

The purpose of this article is to safeguard the health and welfare of the residents of the City and to conserve and protect the City's environment, water and natural resources by ensuring the safe and proper use of pesticides on City-owned land.

#### Sec. 3. Definitions.

- (a) Integrated Pest Management: The selection, integration and implementation of pest damage

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prevention and control based on predicted socioeconomic and ecological consequences, including:

1. understanding the system in which the pest exists,
  2. establishing dynamic economic or aesthetic injury thresholds and determining whether the organism or organism complex warrants control,
  3. monitoring pests and natural enemies,
  4. when needed, selecting the appropriate system of cultural, mechanical, genetic, including resistant cultivars, biological or chemical prevention techniques or controls for desired suppression, and
  5. systematically evaluating the pest management approaches utilized.
- (b) Pest: "Pest" means any insects, rodents, nematodes, fungi, weeds, and other forms of terrestrial or aquatic plant or animal life or viruses, bacteria or other microorganisms, except viruses, bacteria or other microorganisms on or in living human beings or other living animals, that has been declared to be a pest under title 7, section 610, subsection 1, paragraph A of Maine state statutes.
- (c) Pesticide: "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pests.
- (d) City-Owned Property: For purposes of this policy, "City-owned property" means all land owned by the City of Portland.
- (e) Integrated Pest Management Coordinator: An employee of the City who is knowledgeable about Integrated Pest Management and is designated by the City to implement the City's IPM policy.

**Article III. Requirements of Pesticide Application on City-Owned Property**

**Sec. 4. Integrated Pest Management Coordinator**

- (a) The City shall designate an IPM Coordinator who shall act as the lead person in implementing the City's Integrated Pest Management policy and program. The IPM Coordinator shall be responsible for coordinating pest monitoring and pesticide applications, and making sure all requirements as set forth in this policy are met. Any application of pesticides on City-owned property shall be undertaken by Integrated Pest Management techniques as set forth in Chapter 27. In addition, the IPM Coordinator shall:
1. Complete State Pesticide Board (Board)-approved IPM Coordinator overview training within one month of his/her first appointment as the IPM Coordinator and obtain Board documentation thereof;
  2. complete Board-approved IPM Coordinator comprehensive training within one year of his/her first appointment as the IPM Coordinator and obtain Board documentation thereof;

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3. obtain at least one hour of Board-approved continuing education annually;
4. maintain and make available to residents upon request the IPM policy;
5. maintain a “Pest Management Activity Log,” which must be kept current. Pest management information must be kept for a minimum of two years from date of entry, and must include:
  - a. the specific name of the pest and the IPM steps taken; and
  - b. a list of pesticide applications conducted on city-owned property, including the date, time, location, trade name of the product applied, EPA Registration number, company name (if applicable) and the name and license number of the applicator. If the product has no EPA Registration number, then a copy of the label must be included.

**Sec. 5. Integrated Pest Management Techniques and Activities**

- (a) All pest management activities shall be undertaken with the recognition that it is the policy of the City to work to find ways to use the minimum amount of pesticides needed to effectively control targeted pests in all areas of application on City-owned property.
- (b) All pest management activities should be conducted using appropriate elements of Integrated Pest Management as described in the latest Cooperative Extension or Department of Agriculture training manuals for pest management.
- (c) When a pesticide application is deemed necessary, the applicator must comply with all the requirements of CMR 01-026 Chapter 31–Certification and Licensing Provisions/Commercial Applicator. The applicator must also take into account the toxicity of recommended products and choose lowest risk products based on efficacy, the potential for exposure, the signal word on the pesticide label, the material safety data sheet, other toxicology data and any other label language indicating special problems such as toxicity to wildlife or likelihood of contaminating surface or ground water.
- (d) Prior to any pesticide application the following steps must be taken and recorded:
  1. Monitor for pest presence or conditions conducive to a pest outbreak,
  2. identify the pest specifically,
  3. determine that the pest population exceeds acceptable safety, economic or aesthetic threshold levels, and
  4. utilize control measures that have been demonstrated to be practicable, effective and affordable.

**Sec. 6. Pesticide Use Exemptions**

- (a) The following pesticide uses are exempt from the requirements of this policy:
  1. Application of ready-to-use general use pesticides by hand or with non-powered equipment to control or repel stinging or biting insects when there is an urgent need to mitigate or

eliminate a pest that threatens the health or safety of residents and visitors or any pesticide application for vector control,

2. application of general use antimicrobial products by hand or with non-powered equipment to interior or exterior surfaces and finishings during the course of routine cleaning procedures,
3. application of paints, stains or wood preservatives that are classified as general use pesticides,
4. pesticides injected into cracks, crevices or wall voids,
5. bait blocks, gels, pastes, granular and pelletized materials placed in areas inaccessible to residents and visitors,
6. indoor application of a pesticide,
7. all locations and sites utilized for agriculture or horticulture, such as, but not limited to, greenhouses, nursery plots or agricultural fields,
8. utility and other routine maintenance programs, on Utility Rights of Way, that run through the City of Portland.

**Article IV. Public Education**

**Sec. 7. Public Education about Pesticides and Application**

- (a) The City, in coordination with the IPM Coordinator, shall prepare and publish materials designed to educate the community about the role of pesticides in our local environment and the benefits of Integrated Pest Management. This outreach may include:
  1. A community-based social marketing campaign targeting City households,
  2. distribution of information and news about City practices through public internet and web-based resources,
  3. TV public service announcements,
  4. news releases and news events,
  5. tax bill inserts,
  6. posters and brochures made available at City events and applicable locations that serve the public,
  7. workshops, training, and demonstration projects,
  8. any additional methods deemed appropriate, and
  9. ensuring City residents are aware of resources maintained by the Maine Board of Pesticides Control, including resources related to enforcement of State laws and regulation overseen by the Board.

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