

10-7 INTEGRATED PEST MANAGEMENT PROGRAM FOR CITY PROPERTY.

10-7.1 Short Title.

This section shall be known as The City of Santa Fe Integrated Pest Management Policy. (Ord. #2001-10, §1)

10-7.2 Purpose and Findings.

A. The governing body of the city of Santa Fe hereby finds and declares that it shall be the policy of the city of Santa Fe to eliminate or reduce pesticide applications on city property to the maximum extent feasible.

B. Under this section, the city of Santa Fe 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 section concerns the application of pesticides to property owned, controlled or operated by the city of Santa Fe only, and does not concern the application of pesticides to property that is not owned, controlled or operated by the city of Santa Fe.

(Ord. #2001-10, §2)

10-7.3 City Integrated Pest Management Policy.

The city shall implement the following city integrated pest management (IPM) policy. The city, in carrying out its operations, shall assume pesticides are potentially hazardous to human and environmental health. The city shall give preference to preventing pest problems through nonpesticide means and using reasonably available nonpesticide alternatives before considering the use of pesticides on and in city property. For all pest problems on city property, the city shall follow the integrated pest management (IPM) approach outlined below.

A. Prevent pest problems through nonpesticide means as much as possible;

B. Monitor each pest habitats 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;

C. 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; and

D. Consider a range of potential treatments for the pest problem. Employ nonpesticide management tactics first. Consider the use of pesticides only as a last resort and select and use pesticides only within an IPM program and in accordance with the provisions of this section. No regulated pesticides or pest control devices

may be used on city property unless they are applied by persons certified and licensed in the applicable pesticide applicator category by the New Mexico department of agriculture, with the exception of licensed employees of commercial pest control companies working under the direct supervision of a certified and licensed applicator.

- (1) Determine the most effective treatment time, based on pest biology and other variables, such as weather, seasonal changes in wildlife use, and local conditions, including the amount and timing of human occupation of or near the proposed treatment area;
- (2) Design and construct indoor and outdoor areas to reduce and eliminate pest habitats;
- (3) Modify management practices, including watering, mulching, waste management, and food storage to reduce pests and weeds;
- (4) Modify pest habitats to reduce food and living space;
- (5) Preferentially use physical and mechanical controls such as mowing, hand weeding, and the use of traps, barriers, and other exclusion methods;
- (6) Use biological controls when applicable, such as introducing or enhancing pests natural enemies;
- (7) Use the least toxic pesticidal controls only when other methods of control have failed; and
- (8) Use pesticides in or outside of city buildings only when a pest is present and not on a regular or calendar basis.

E. Conduct ongoing educational programs:

- (1) Acquaint staff with the IPM approach and the toxicity of pesticides,
- (2) 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.

F. Monitor treatment to evaluate effectiveness. Keep monitoring records and include them in the IPM implementation plan.

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

(Ord. #2001-10, §3)

10-7.4 Definitions.

Whenever used in this section, 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, or destroying any bacteria, fungi, viruses, or other microorganism pathogenic to humans and other animals other than those in or on other living organisms. These agents include disinfectants, sanitizers, bacteriostats, sterilizers, fungicides and fungistats applied to inanimate surfaces and used in swimming pools.

City integrated pest management coordinator means the integrated pest management coordinator designated in subsection 10-7.15 to implement the city IPM policy as set forth in subsections 10-7.2 through 10-7.12 of this section, herein referred to as the IPM coordinator.

Contractor means a person, firm, corporation or other entity, including a governmental entity, that enters into a professional services agreement with the city to apply pesticides or perform other pest management activities on property that is owned, controlled or operated by the city.

Department director means the director of the department designated by the city manager to administer the integrated pest management program.

Division director means the director of the division designated by the city manager to administer the integrated pest management program.

Emergency means any unforeseen combination of circumstances or a resulting state that calls for an immediate action such as major economic impact over one thousand dollars (\$1000.).

Integrated pest management means a decision-making process for managing pests that uses monitoring to determine pest injury levels and primarily uses cultural, mechanical, physical, and biological 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 manage pests.

Lease agreement 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 of Santa Fe for a specified purpose or purposes.

Lessee means a person, firm, corporation or other entity, including a government entity that enters into a lease agreement with the city as lessor.

Pest means any living organism except humans and viruses, bacteria or other microorganisms that reside in or on other living non-plant organisms which are injurious to other living organisms or property. Pests may include but are not limited to insects, weeds, rodents and fungi.

Pesticide means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest as defined in Section 76-4-3 of the New Mexico Pesticide Control Act. The term pesticide includes, but is not limited to, herbicide, insecticide, fungicide, and rodenticide.

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. These products have the toxicity signal word "Danger" on the label.

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. These products have the toxicity signal word "Warning" on the label.

(Ord. #2001-10, §4; Ord. #2007-26, §1)

10-7.5 Ban on Use of Toxicity Category I Pesticide Products.

Except for pesticides granted an exemption pursuant to subsection 10-7.10, effective upon the effective date of this section, the city shall refrain from using 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 known or likely human carcinogen by the United States Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances. (Ord. #2001-10, §5)

10-7.6 Use of Other Pesticide Products.

A. Except for pesticides granted an exemption pursuant to subsection 10-7.10, within thirty (30) days of the effective date of this section, the city shall refrain from using any Toxicity Category II Pesticide Product.

B. Except for pesticides granted an exemption pursuant to subsection 10-7.10, April 1, 2001, any city department that uses one or more pesticides not banned under subsection 10-7.5 and section 10-7.6A, shall reduce by one hundred percent (100%) the cumulative volume of such pesticides that it used in calendar year 2001.

(Ord. #2001-10 § 6)

10-7.7 Notice of Pesticide Use.

A. Within thirty (30) days of the effective date of this section, the city shall comply with the following notification procedures, unless the pesticide is an antimicrobial agent or is exempted from this requirement pursuant to paragraphs C. through E. hereof.

(1) Signs shall be posted at least one (1) day before application of the pesticide product and remain posted at least five (5) but no longer than seven (7) days after application of the pesticide.

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

(3) Signs shall be of a standardized design that is readily visible and easily recognizable, readable, and understandable to the public and workers.

(4) Signs shall be orange, wholly or in part, with black lettering and contain the signal word "caution/precaution" unless otherwise specified by the city safety director.

(5) Signs shall contain the name and active ingredient of the pesticide product, the target pest, the date and time of pesticide application, the phone number of the IPM coordinator, and the hotline phone number as set forth in paragraph B. herein.

B. Within thirty (30) days of the effective date of this section, the IPM coordinator shall develop and maintain a twenty-four (24) hour pesticide hotline to inform the public about the city's pesticide

applications, with the exception of applications of antimicrobial agents and pesticides exempted according to paragraphs C. through E. hereof. The following information shall be readily available by calling the hotline and shall include for any pesticide that will be applied within the next three (3) days, unless exempted by paragraph E. hereof, or has been applied within the last ten (10) days:

(1) A description of the area of the pesticide application with sufficient specificity to reasonably assure the identification of the intended area of pesticide application or the area which has been treated,

(2) Name and active ingredient of the pesticide product,

(3) The target pest,

(4) The date and time of pesticide application,

(5) The name and phone number of the IPM coordinator.

Information about the pesticide hotline number shall be posted in public locations in city buildings, listed in the phone book, and advertised with other city telephone numbers.

C. The department director and/or division director may grant exemptions from or modifications of the signage and hotline notification requirements on a case-by-case basis or authorize alternative or no requirements for notification of the use of certain pesticides used in specific types of circumstances, upon a finding that a good cause exists to allow an exemption to be made. The city may use modified notification requirements if the department director and/or division director has previously granted such an exemption or modification for the specific product and circumstances of the pesticide application. If the department director and/or division director has not previously granted such an exemption or modification, the IPM coordinator or other city staff may request one from the department director and/or division director. The request shall include the identification of the specific situations in which it is not possible or practical to comply with the notification requirements and propose alternative notification procedures. The department director and/or division director shall decide whether to deny the request, grant an exemption, or approve alternative notification procedures. Exemptions or modifications are in effect until rescinded by the department director and/or division director.

D. The department director and/or division director may approve under paragraph C. herein that permanent signs be posted for the regular application of contained baits or other least toxic pesticides. Posting of signs may be required:

(1) In each building or city-owned bus or other vehicle where certain pesticides are used, stored, or transported,

(2) At the main office or a similar location where the public obtains information regarding the building or vehicle,

(3) When such pesticides are used outdoors to control rodents and other pests, in a conspicuous location outside of the area where they are used.

The sign may be required to indicate the name and active ingredient of the pesticides used outdoors or in and around the building or vehicle, the target pests, the area or areas where the pesticides are commonly placed or applied, and the phone number of the IPM coordinator.

E. In the event of a public health emergency, to comply with worker safety, economic requirements, or to take advantage of a vulnerable time in a pest's life cycle, the IPM coordinator may authorize the application of a pesticide without providing a one-day advance notification. Signs meeting the requirements of paragraph A. herein or otherwise established by the department director and/or division director for that pesticide according to paragraph C. and D. shall be posted at the time of application and remain posted for at least five (5) but no longer than seven (7) days following the application.

(Ord. #2001-10, §7; Ord. #2007-26, §2)

10-7.8 Implementation of City Integrated Pest Management Policy.

A. Within six (6) months of the effective date of this section, the IPM coordinator shall have a plan for implementing the city integrated pest management (IPM) policy pursuant to subsection 10-7.3. The IPM coordinator shall provide periodic IPM plan updates. The IPM implementation plans and periodic updates shall be consistent with the requirements of this section and any guidelines developed by the department director and/or division director pursuant to this section.

B. The city IPM implementation plan shall outline the ways in which the city shall comply with the city IPM policy pursuant to subsection 10-7.3. The city IPM implementation plan shall include pesticide applications performed by commercial pesticide applicators at the request of the IPM coordinator or other city staff.

C. The IPM coordinator, with the assistance of appropriate city staff, shall:

(1) Identify the types of pest problems that the city has;

(2) Identify to the maximum extent possible the types and quantities of pesticides used by the city and for which pests each pesticide was used in the past three years;

(3) Identify alternative pest management techniques or products that have been used and for which pests they were used in the past three (3) years or are proposed to be used;

(4) Assess the efficacy and cost of pesticide use and alternative interventions in the past three (3) years and regularly assess thereafter;

D. The department director and/or division director may determine that a city's IPM implementation plan is not in conformity with the city IPM policy. Upon a determination of nonconformity, the IPM coordinator shall submit a revised plan within thirty (30) days or in accordance with a schedule otherwise specified by the department director and/or division director or submit the plan to the governing body.

E. No later than six (6) months of the effective date of this section and quarterly thereafter, the IPM coordinator shall report to the department director and/or division director on the status of the city's implementation of the city IPM policy. Such report shall include a summary of emergency exemptions granted by the IPM coordinator during the reporting period. The IPM coordinator shall provide an annual report to the governing body of the city of Santa Fe on the status of city's program.

(Ord. #2001-10, §8; Ord. #2007-26, §3)

10-7.9 Recordkeeping and Reporting.

A. The IPM coordinator shall keep written records of all pest management activities for at least two (2) years in the IPM coordinator's department and for five (5) years or the maximum time allowed by law, whichever is longer, in the city archives. Each record shall include the following information:

- (1) The target pest;
- (2) The name, active ingredient, EPA registration number, and quantity of pesticide used;
- (3) The site of the pesticide application with sufficient specificity to reasonably assure the identification of treated areas;
- (4) The date and time a pesticide was used;
- (5) The temperature and wind speed and direction if application is made outdoors;
- (6) The name and applicator license number of the pesticide applicator;
- (7) The method of application and application equipment used;
- (8) Prevention and other nonchemical methods of control used; and
- (9) Exemptions granted by the IPM coordinator pursuant to subsection 10-7.7E. or 10-7.10E.

B. Pest management records that are kept by the IPM coordinator shall be made available to the public within twenty-four (24) hours of a request. Pest management records in the city archives shall be made available to the public according to the Inspection of Public Records Act.

(Ord. #2001-10, §9)

10-7.10 Exemptions.

A. Improving and maintaining water quality. Notwithstanding any other provision of this section, this section 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. Reduced-risk pesticide. The department director and/or division director may exempt a reduced-risk pesticide from the ban imposed by subsections 10-7.5 or 10-7.6 upon a finding that the reduced-risk pesticide is compatible with an ecologically sound and least toxic IPM strategy. Decisions on whether or not to exempt a reduced risk pesticide will use the following criteria:

- (1) Need for control of the pest or vegetation,
- (2) The potential hazard to human, animal, and environmental health of using the pesticide,
- (3) The effectiveness of the pesticide,
- (4) Whether the use of the pesticide is consistent with IPM principles and will contribute to long term least toxic pest control.

The department director and/or division director shall maintain a list of reduced-risk pesticides granted an exemption pursuant to this subsection. The department director and/or division director shall review the list annually and make necessary changes. The department director and/or division director may review and revise the list more frequently.

C. One-year exemptions. The IPM coordinator may request from the department director and/or division director up to a one-year exemption from the pesticide ban imposed by subsections 10-7.5 or 10-7.6 for use of a particular pesticide for a particular use. The department director and/or division director may grant the one-year exemption upon a finding that the IPM coordinator has:

- (1) Made a documented 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.

D. Limited use exemption. IPM coordinator may apply to the department director and/or division director for a limited use exemption for a particular pesticide banned pursuant to subsection 10-7.5 or subsection 10-7.6 and not covered by a one-year exemption. The department director and/or division director may grant a limited-use exemption provided that the department director and/or division director finds that the pesticide will be used for a specific and limited purpose for a short and defined period and the IPM coordinator has identified a compelling need to use the pesticide, has not yet found cost-effective alternatives, and has developed a reasonable plan for continuing to investigate alternatives for future use.

E. Emergency exemption. In the event that a pest outbreak poses an immediate threat to public or staff health or safety, major property damage or major damage to plant life, city staff shall contact the IPM coordinator or his/her designee whenever possible. The IPM coordinator or his/her designee shall respond to the emergency in a timely manner. The IPM coordinator and other city staff shall give preference to managing emergency pest non-chemical means or the use of approved pesticides. Should it be necessary, the IPM coordinator may grant an emergency exemption for the use of pesticides banned pursuant to subsection 10-7.5 or subsection 10-7.6. Signs meeting the requirements of paragraph A. of subsection 10-7.7 or otherwise specified by the department director and/or division director for that pesticide according to paragraphs C. and D. of subsection 10-7.7 shall be posted at the time of application and remain posted for at least five (5) but no longer than seven (7) days following the application. Information of an emergency pesticide application will also be posted on the pesticide hotline at the time of application.

(Ord. #2001-10, §10; Ord. #2007-26, §4)

10-7.11 Lease Agreements.

A. When the city enters into a new lease agreement or extends the term of an existing lease agreement, the lease agreement shall obligate the lessee to comply with provisions of this subsection 10-7.11A:

(1) Effective upon the effective date of this section, the lessee shall comply with subsection 10-7.5 (Ban on Use of Toxicity Category I Pesticide Products);

(2) Effective thirty (30) days after the effective date of this subsection, the lessee shall comply with subsection 10-7.7 (Notice of Pesticide Use) and identify the lessee's IPM contact person;

(3) Effective thirty (30) days from the effective date of this section, the lessee shall comply with subsections 10-7.6A.; and

(4) A lessee or IPM coordinator on behalf of a lessee may apply for any exemption authorized under subsection 10-7.10 or use any reduced-risk pesticide for purposes approved by the department director and/or division director.

(Ord. #2001-10, §11; Ord. #2007-26, §5)

10-7.12 Pest Management Contracts.

A. Effective thirty (30) days from the effective date of this section, when the city enters into a new pest management contract or extends the term of an existing pest management contract, the IPM coordinator shall submit an IPM implementation plan update to the department director and/or division director that incorporates the proposed pesticide usage of the contractor into the city department's implementation plan.

B. When the city enters into a new pest management contract or extends the term of an existing contract, the contract shall obligate the contractor to comply with provisions of this section 10-7.12B:

(1) Effective upon the effective date of this section, the contractor shall comply with subsection 10-7.5 (Ban on Use of Toxicity Category I Pesticide Products);

(2) Effective thirty (30) days after the effective date of this section, the contractor shall comply with subsection 10-7.7 (Notice of Pesticide Use);

(3) Effective thirty (30) days after the effective date of this section, the contractor shall comply with subsection 10-7.6A.

C. A contractor who is hired to apply pesticides or perform other pest management activities, or city department on behalf of a contractor, may apply for any exemption authorized under subsection 10-7.10 or use any reduced-risk pesticide for purposes approved by the department director and/or division director.

D. A contractor who is hired to apply pesticides or perform other pest management activities shall have liability insurance in the amount required by the city of Santa Fe risk management division.

(Ord. #2001-10, §12; Ord. #2007-26, §6)

10-7.13—10-7.14 Reserved.

Editor's Note: Former subsections 10-7.13, Creating an Integrated Pest Management Board and 10-7.14, Powers and Duties of the Integrated Pest Management Board, previously codified herein and containing portions of Ordinance No. 2001-10, were repealed in their entirety by Ordinance No. 2007-26.

10-7.15 Designating a City Integrated Pest Management Coordinator.

There is designated a city integrated pest management coordinator to fulfill the duties and responsibilities as set forth in subsections 10-7.2 through 10-7.12 of this section, which will include, but are not limited to the following:

- A. Work with appropriate staff to help create, implement, and coordinate the city's IPM plan;
- B. Educate staff, contractors, businesses, other government entities, and the public about IPM and the city's IPM policy;
- C. Provide technical assistance on IPM to appropriate staff or arrange for the provision of such assistance;
- D. Maintain a database of the city IPM plan, pest problems, pesticides used, and efficiency and costs of interventions;
- E. Grant emergency exemptions to use banned pesticides or apply pesticides without prior notification in the event that the exemption is required to protect the public or staff health or safety, major property damage or major damage to plant life;
- F. Provide at least a quarterly report to the department director and/or division director on the status of the city's IPM policy, including a summary of emergency exemptions granted by the IPM coordinator during the reporting period;
- G. Assist capital improvements program division in developing criteria for new or remodeled landscape and building designs which will minimize maintenance and pest management requirements;
- H. Determine the cost of maintaining the IPM program; and
- I. Submit an annual report to the governing body on the status of the city IPM program.

(Ord. #2001-10, §15; Ord. #2007-26, §9)