

## San Francisco Environment Code

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## 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; Ord. [7-11](#), File No. 100761, App. 1/7/2011)

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## SEC. 301. DEFINITIONS.

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

(a) "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 by California Food and Agriculture Code § 12754.5. Antimicrobial agents do not include slime control agents, substances intended for the use in or on humans or other animals, or substances intended for use in or on processed food, beverages, or pharmaceuticals.

(b) "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 Unified School District, the San Francisco Community College District, the San Francisco Redevelopment Agency and the San Francisco Housing Authority.

(c) "Commission" means the Commission on the Environment provided for by San Francisco Charter Section 4.118.

(d) "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.

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

(f) "Department" means the Department of the Environment provided for by San Francisco Charter Section 4.118.

(g) "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.

(h) "Notification Sign" means a sign containing the name and active ingredient of the pesticide product, the target pest, the date of pesticide use, the signal word, the date for re entry to the area treated, and the City's 311 information number. Such signs shall be of a standardized design that is easily recognizable to the public and workers.

(i) "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.

(j) "Signal word" means the applicable word—"Danger," "Warning," or "Caution"—or some other word, signifying the level of toxicity of a pesticide designated by Federal law under 40 C.F.R. 156.64.

(k) "San Francisco Hazard Tier Rating System" means the pesticide hazard screening protocol developed by the San Francisco Department of the Environment, which rates pesticide hazards as Tier I (most hazardous), Tier II (medium hazard), or Tier III (least hazardous).

(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. 36198, App. 12/11/98; Ord. 2-00, File No. 992000, App. 1/13/2000; Ord. [7-11](#), File No. 100761, App. 1/7/2011)

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## SEC. 302. PROHIBITED USE OF PESTICIDES.

No pesticides may be used on or applied to property owned by the City and County of San Francisco, except for pesticides granted an exemption under Section 303.

(Added by Ord. 17103, 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; Ord. [7-11](#), File No. 100761, App. 1/7/2011)

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## SEC. 303. EXEMPTIONS.

(a) **Reduced Risk Pesticide List.** Pesticides included on the most current Reduced Risk Pesticide List compiled by the Department of the Environment may be used within limitations stated on the List.

(b) **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.

(c) **Limited use exemptions.** A City department may apply to the Department for up to a one-year exemption from the pesticide ban imposed by Section 302 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 exemption for a specific and limited purpose for up to one year 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.

(d) **Pilot testing exemptions.** A City department may also apply to the Department for up to a one-year exemption from the pesticide ban imposed by Section 302 for pilot testing of a pesticide that has been categorized as a reduced-risk pesticide by the Department, but which has not yet been added to the Reduced-Risk Pesticide List. An application for exemption must be filed as in 303(c) above. The Department of the Environment may grant the exemption for a specific and limited purpose for up to one year upon a finding that:

- (1) The City department has made a good-faith effort to find non-chemical control methods for solving the pest problem;
- (2) The pesticide proposed for pilot testing shows potential for replacing more hazardous pest management methods, and
- (3) The pesticide proposed for pilot testing meets the Department's criteria for Reduced-Risk Pesticides.

(e) **Reduced-risk pesticide.** The Commission on the Environment may exempt a reduced-risk pesticide from the ban imposed by Section 302 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.

(f) **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. 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. Notification Signs 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 39.4; added by Ord. 401-96, App. 10/21/96; amended Ord. 274-97, App. 7/3/ 97; Ord. [7-11](#), File No. 100761, App. 1/7/2011)

## SEC. 304. NOTICE OF PESTICIDE USE.

(a) Except as provided in Subdivisions (b) through (e) hereof, any City department that uses any pesticide shall comply with the following notification procedures:

(1) Notification Signs shall be posted at least three days before application of any Tier I or Tier II pesticide product and remain posted at least four days after application of the pesticide.

(2) Notification Signs shall be posted for pesticide products classified as Tier III (least hazardous) on the day of treatment, prior to application of the Tier III pesticide product. Signs shall remain posted in accordance with instructions on the pesticide product's label.

(3) Signs shall be posted

(i) at every entry point to the area 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.

(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.

(5) City departments may use permanent signs if the signs are updated as required by this Chapter.

(b) City departments shall not be required to post Notification 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 work with the City's 311 center to ensure that callers to the 311 center can receive information about pesticide applications in the right-of-way areas. The department, acting through the 311 call center, shall provide callers inquiring about pesticide use in right-of-way locations with all the information normally listed on notification signs under subsection (a) (4). The department shall also post a notice in a public area located in its main office building explaining that the public may obtain information regarding the department's use of pesticides in right-of-way locations by calling the City's 311 center.

(c) City departments using baits or other pesticides granted an exemption by the Department pursuant to Subsection (e) shall not be required to post Notification Signs in accordance with Subsection (a). However, each such department shall post a permanent Notification 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.

(d) In the event of a public health emergency or to comply with worker safety requirements, the Department of the Environment may authorize City departments to apply a Tier I or Tier II pesticide without providing the usual three-day advance notification. In such cases, Notification Signs shall be posted on the day of treatment, prior to 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. 27497, App. 7/3/97; Ord. 231-99, File No. 991246, App. 8/20/99; Ord. 2-00, File No. 992000, App. 1/13/2000; Ord. [7-11](#), File No. 100761, App. 1/7/ 2011)

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## **SEC. 305. CITY INTEGRATED PEST MANAGEMENT POLICY.**

(a) Each City department that uses pesticides shall maintain an 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, 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 disseminate public educational information about IPM plans and programs and the City's IPM Policy.

(e) The Department shall maintain 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 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) Any City department planning to apply pesticides to outdoor areas must first obtain a written recommendation from a person holding a valid Agricultural Pest Control Advisor license issued by the California Department of Pesticide Regulation. Written recommendations shall be consistent with the IPM plan for the site and state the period for which they are valid, from one day up to one calendar year from the date of issue.

(g) Any City department that performs landscape pesticide applications must do so by or under the supervision of a person holding a valid Qualified Applicator certificate under state law. Properly trained,



but unlicensed staff may apply pesticides under the direction of a properly licensed staff member.

(h) The Department may request that the City departments that use pesticides provide work orders to the Department to cover the cost of implementing this IPM program.

(i) The Department shall post on its website summaries of pesticide use by City departments and exemptions granted.

(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. 27497, App. 7/3/97; Ord. 231-99, File No. 991246, App. 8/20/99; Ord. 2-00, File No. 992000, App. 1/13/2000; Ord. [7-11](#), File No. 100761, App. 1/7/ 2011)

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## **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 303 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. 27497, App. 7/3/97; Ord. 2-00, File No. 992000, App. 1/13/2000; Ord. [7-11](#), File No. 100761, App. 1/7/ 2011)

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## **SEC. 307. RESERVED.**

(Added by Ord. 17103, 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; Repealed by Ord. [7-11](#), File No. 100761, App. 1/7/ 2011)

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## **SEC. 308. CITY CONTRACTS.**

(a) 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 plan

update to the Commission on the Environment that incorporates the pesticide usage of the contractor into the City department's IPM plan.

(b) The contractor shall comply with Sections 300, 301, 302, 304 and 306.

(c) The contractor, or City department on behalf of a contractor, may apply for any exemption authorized under Section 303.

(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; Ord. [7-11](#), File No. 100761, App. 1/7/2011)

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## **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)

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## **SEC. 310. ACCOUNTABILITY.**

(a) The Department shall hold a noticed public meeting at least once a year at which it shall consider issues related to pest management activities on City property, including the use of reduced-risk pesticides. Any City department or contractor granted a limited use exemption or an emergency exemption under Section 303 during the prior calendar year shall send a representative to the meeting to explain why the exemption was sought and what actions the department or contractor has taken under the exemption. Any City department or contractor using the highest risk products included on the Reduced-Risk Pesticide List maintained by the Department shall send a representative to the meeting to explain the reasons for using such products and how they have been used. The Department shall be responsible for notifying City departments of the meeting each year and of the requirements of this subsection. City departments shall cooperate in notifying their contractors of the same.

(b) The Department shall establish a mechanism for collecting complaints from City residents regarding inappropriate pesticide use on City properties. The Department shall conduct any necessary investigations and respond to the complaints within 30 days of their receipt.

(c) The Department shall maintain on its website an up-to-date list of all exemptions approved by the Department under Section 303.

(Added by Ord. [7-11](#), File No. 100761, App. 1/7/2011)