



Hyattsville City Council
4310 Gallatin Street, 3rd floor
Hyattsville, MD 20781

Meeting: 2/1/2016 8:00 PM
Department: Clerk's Office
Prepared by: Laura Reams
Sponsors: Lawrence, Solomon
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8.2

Consent Items: MOTION #16-02-16 Hyattsville Sustainable Land and Building Management Practices

SUBJECT: Hyattsville Sustainable Land and Building Management Practices

SECTION: Consent Items

RECOMMENDED ACTION:

Motion #16-02-16

I move that the Mayor and Council adopt the Hyattsville Sustainable Land and Building Management Practices.

BACKGROUND:

Please see attached motion submitted by Council Vice President Lawrence and Councilmember Solomon. This item was discussed during the Council Meeting of January 19, 2016.

NEXT STEPS:

Staff implementation.

ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:


Please see attached motion form.

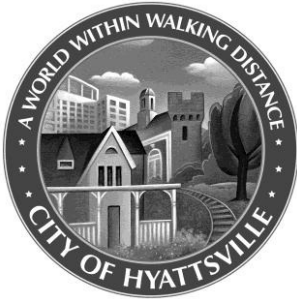
STRATEGIC GOALS

Goal: Goal 3 - Promote a Safe and Vibrant Community

FISCAL IMPACT:

None


Tracey Nicholson, City Administrator 1/28/2016



Council Agenda Form

MOTION # TBD		DRAFT # 2
DATE SUBMITTED: January 7, 2016	DATE TO GO BEFORE COUNCIL: 1/19/2016	
SUBMITTED BY: Lawrence, Solomon		
DEPARTMENT: Public Works		

TITLE OF MOTION: Hyattsville Sustainable Land and Building Management Practices

RECOMMENDATION:

I move that the Mayor and Council adopt the Hyattsville Sustainable Land and Building Management Practices.

BACKGROUND:

Adopting the Hyattsville Sustainable Land and Building Management Practices will, in most instances, eliminate toxic pesticide use in and on City owned and leased property in order to promote a healthy environment and protect the public and City employees from the risks of pesticides. The practices will also ensure that City departments and City contractors implement sustainable land and building management practices at all City owned and leased properties.

ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:

The Director of Public Work is responsible for implementing the Hyattsville Sustainable Land and Building Management Practices, many of which already reflect City practices. Some changes will likely be needed with regards to interior building maintenance practices.

CITY ADMINISTRATOR / DEPARTMENT DIRECTOR COMMENT: (must be approved by City Administrator): This policy is consistent with current practices and follows ecological guidelines. The community outreach component will require further coordination to ensure maximum effectiveness.

Tracey E. Nicholson, City Administrator

STRATEGIC GOALS AND ACTIONS:

Goal 3 – Enhance a safe and pleasant community Action 3.1 – Increase the quality of parks, recreation facilities, and broaden recreation related programs and opportunities for City residents

Goal 4 – Foster excellence in all City operations Action 4.3 – Utilize technology and best practices to enhance all public services

SUPPORTING DOCUMENTATION:

Hyattsville Sustainable Land and Building Management Practices document

NOFA Standards for Organic Land Care

CURRENT YEAR BUDGET IMPACT:

None

Section 1. Purpose.

The Hyattsville City Council hereby finds and declares that it shall be the policy of the City of Hyattsville to eliminate toxic pesticide use, except in the case of an emergency public health situation, invasive species control, or State mandate, in and on City-owned and -leased property in order to promote a healthy environment and protect the public and City employees from the risks of pesticides; for City departments and City contractors to implement sustainable land and building management practices at all City-owned and -leased properties; and for City departments to endeavor to educate the public on the benefits of adopting sustainable practices.

Section 2. Findings.

WHEREAS, scientific studies associate exposure to pesticides with asthma, cancer, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, reproductive impairment, birth defects, and disruption of the endocrine system;

WHEREAS, infants, children, pregnant women, the elderly, people with compromised immune systems and chemical sensitivities are especially vulnerable to pesticide effects and exposure;

WHEREAS, pesticides are harmful to pets, wildlife including threatened and endangered species, soil microbiology, plants, and natural ecosystems;

WHEREAS, toxic runoff from chemical fertilizers and pesticides pollute streams and lakes and drinking water sources;

WHEREAS, the use of hazardous pesticides is not necessary to create and maintain healthy landscapes given the availability of viable alternatives practices and products;

WHEREAS, people have a right not to be involuntarily exposed to pesticides in the air, water or soil that inevitably result from chemical drift and contaminated runoff;

WHEREAS, recognizing that if an emergency public health situation, invasive species control, or State mandate warrants the use of pesticides, which would otherwise not be permitted under this policy, the Director of the Department of Public Works shall have the authority to grant a temporary waiver on a case-by-case basis after an evaluation of all alternative methods and materials.

WHEREAS, the use of a sustainable program that emphasizes Integrated Pest Management (IPM) non-chemical methods of pest prevention and management and the use of the least-toxic pesticide as a last resort, will eliminate the use of and exposure to pesticides while controlling pest populations;

WHEREAS, sustainable practices complement other important goals of City maintenance and administration such as energy conservation and security;

WHEREAS, educating the public on the benefits of sustainable practices will improve the health of the public and the environment; and

WHEREAS, numerous communities and municipalities are embracing a precautionary approach to the use of toxic pesticides in order to adequately protect people and the environment from pesticides' harmful effects; and

WHEREAS, the City of Hyattsville encourages residents to adopt sustainable and environmental friendly practices via its Green Hyattsville Initiatives and its establishment of the Hyattsville Environment Committee; and

WHEREAS, The City of Hyattsville has expressed through Goal 3 – Promote a Safe and Vibrant Community of Hyattsville City's Strategic Goals and Actions adopted XX, 2016, Promote health and wellness initiatives in the community and workplace.

Section 3. Definitions.

Crack and Crevice Treatment—means the application of small quantities of a pesticide into openings in a building such as those commonly found at expansion joints, between levels of construction, and between equipment and floors.

Emergency—means an urgent need to mitigate or eliminate a pest that threatens public health or safety.

Sustainable Land and Building Management Practices—means a managed pest control program that:

- (A) eliminates or mitigates economic and health damage caused by pests;
- (B) uses—(i) IPM; (ii) site or pest inspections; (iii) pest population monitoring and prevention strategies; (iv) an evaluation of the need for pest control; and, (v) one or more pest prevention and management methods, such as habitat modifications, sanitation practices, entryway closures, structural repair, mechanical and biological controls, effective mowing, watering and fertilizing practices that provide a healthy soil, other nonchemical methods, and if nontoxic options are unreasonable or have been exhausted, a least-toxic pesticide; and
- (C) minimizes—(i) the use of pesticides; and (ii) the hazards to human health and the environment associated with pesticide applications.

Director of the Department of Public Works—is designated by the City of Hyattsville to oversee implementation of the sustainable land and building management practices for the

City. The Director of the Department of Public Works may designate a subordinate to oversee such implementation.

Integrated Pest Management—is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties.

Least-Toxic Pesticide—means any pesticide product or ingredient that, at a minimum, has not been classified as, or found to have, any of the following characteristics or ingredients:

(A) **Toxicity Category I or II** by the EPA (pesticides identified by the words “DANGER” or “WARNING” on the label);

(B) A **developmental or reproductive toxicant** as defined by the State of California Proposition 65 Chemicals Known to Cause Developmental or Reproductive Harm;

(C) A **carcinogen**, as designated by (i) EPA's List of Chemicals Evaluated for Carcinogenic Potential (chemicals classified as a human carcinogen, likely to be carcinogenic to humans, a known or likely carcinogen, a probable human carcinogen, suggestive evidence or a possible human carcinogen); (ii) the International Agency for Research on Cancer (IARC) (chemicals classified as carcinogenic to humans or probably or possibly carcinogenic to humans); (iii) the United States National Toxicology Program (NTP) (chemicals classified as known or reasonably anticipated to be human carcinogens); or (iv) the State of California's Proposition 65;

(D) **Neurologic cholinesterase inhibitors**, as designated by California Department of Pesticide Regulation or the Materials Safety Data Sheet (MSDS) for the particular chemical;

(E) **Known groundwater contaminants**, as designated by the state of California (for actively registered pesticides);

(F) Pesticides formulated or applied as **dusts, powder or aerosols**, unless used in a way that virtually eliminates inhalation hazard, such as when applied to cracks or crevices and sealed after the application, or used as a directed spray into the entrance of an insect nest;

(G) **Nervous system toxicants**, including chemicals such as cholinesterase inhibitors or chemicals associated with neurotoxicity by a mechanism other than cholinesterase inhibition, or listed or identified in or on any of the following lists: (i) Toxics Release Inventory (TRI), EPA EPCRA section 313; (ii) EPA Reregistration Eligibility Decisions (RED); (iii) Insecticide Resistance Action Committee (IRAC) Mode of Action Classification: Acetylcholine esterase inhibitors, GABA-gated chloride channel antagonists, Sodium channel modulators, Nicotinic Acetylcholine receptor

agonists or antagonists, Nicotinic Acetylcholine receptor agonists, Chloride channel activators, Octopaminergic agonists, Voltage-dependent sodium channel blockers, or Neuronal inhibitors (unknown mode of action);

(H) **Endocrine disruptors**, which include chemicals that are known to or likely to interfere with the endocrine system in humans or wildlife, based on the European Commission (EC) List of 146 substances with endocrine disruption classifications, Annex 13 (and any subsequent lists issued as follow-up, revisions, or extensions or based on any list created by the EPA that identifies endocrine disruptors);

(I) Regarding outdoor use: **Adversely affects the environment or wildlife**, based on any of the following: (i) Label precautionary statements including “toxic” or “extremely toxic” to bees, birds, fish, aquatic invertebrates, wildlife, or other nontarget organisms, unless environmental exposure can be virtually eliminated; (ii) Pesticides with ingredients with moderate or high mobility in soil, or with a soil half-life of 30 days or more (except for mineral products);

(J) Has data gaps or missing information in EPA registration documents, including pesticide fact sheets, or EPA reregistration eligibility decisions, which EPA is requiring the registrant to provide; and,

(K) **Contaminants and metabolites** recognized by EPA that violate any of the above criteria.

Natural Organic Fertilizer—means fertilizers that contain nutrients naturally derived solely from the remains or a by-product of an organism, or from a mineral. The term includes cottonseed meal, fish emulsion, compost, and composted manure. The terms does not include any fertilizer containing biosolids or synthetic ingredients, natural minerals or substances that are reacted with acids or produced in a petrochemical process.

Pesticide—any substance or mixture of substances intended for—(i) preventing, destroying, repelling, or mitigating any pest; (ii) use as a plant regulator, defoliant, or desiccant; or (iii) use as a spray adjuvant such as a wetting agent or adhesive. The term “pesticide” does not include cleaning products, other than those that contain pesticidal agents.

Grounds—means the area outside of a building controlled, managed, or owned by the City and includes a lawn, playground, sports field, and any other property or facility controlled, managed, leased or owned by the City.

Synthetic Fertilizer—means a substance containing a plant nutrient created by a synthetic, chemical process, including triple super phosphate made by treating rock phosphate with phosphoric acid, potassium chloride, urea quick release synthetic fertilizers, petroleum-based fertilizers. The term does not include natural organic fertilizers that are made from naturally occurring materials, such as fish or kelp, or manure-based organic compost.

Universal Notification—means notice provided by the Director of the Department of Public Works to all employees working at the facility where the pesticide will be applied.

Sec. 4 Sustainable Land and Building Management Practice Components.

(1) In General.—The Department of Public Works shall implement sustainable land and building management practices, that at a minimum—

- (A) Applies to City controlled, managed, or owned buildings and grounds;
- (B) Follows sustainable land and building management practices for addressing pest problems.
- (C) Presents to Hyattsville City Council an actionable plan developed in collaboration with approved advisory committees and interested local advocacy groups with a purpose of providing measurable goals toward sustainability in all aspects of City operations.

(2) Duties of the Director of the Department of Public Works—The Director of the Department of Public Works or a designated subordinate shall—

- (A) Oversee the implementation of sustainable land and building management;
- (B) Act as a contact for inquiries about the sustainable land and building management practices;
- (C) Maintain and make available to any person upon request material safety data sheets, labels, and fact sheets or other official information related to the pesticides, for all pesticides that may be used in the City buildings or grounds;
- (D) Be informed of Federal and State chemical health and safety information and contact information;
- (E) Maintain scheduling of all pesticide use;
- (F) Maintain contact with Federal and State sustainable land and building experts;
- (G) Obtain periodic updates and training from State sustainable land and building experts;
- (H) Pre-approve any public health emergency pesticide applications; and
- (I) Maintain all pesticide use data for each pesticide used at City buildings and

grounds for at least 3 years after the date on which the pesticide is applied.

(3) Use Of Pesticides—The City of Hyattsville shall only use a least-toxic pesticide as part of the sustainable land and building management practices. The least-toxic pesticide may only be used as a last resort following product label application specifications. Pesticides are only to be applied by certified commercial applicators.

(4) Use Of Fertilizers—The City of Hyattsville shall only use natural organic fertilizers. The use of a synthetic fertilizer is prohibited on properties City-owned or -managed properties.

(5) Public Health Emergency—

(A) In General—If the Director of the Department of Public Works determines that a pest in a City building or on City grounds cannot be controlled after having used sustainable land and building management practices and least-toxic pesticides and it is a public health emergency, invasive species control, or State mandate, the City may use a pesticide in accordance with this subsection.

(B) Director of the Department of Public Works Approval Required—The Director of the Department of Public Works shall approve, after identifying the pesticide product ingredients and acute and chronic adverse health effects, the pesticide product before any public health emergency application can be made.

(C) Area Use Limitation—The use of an area or room treated by an emergency pesticide, other than a least-toxic pesticide, shall not be occupied or used at the time of application or during the 24-hour period beginning at the end of the application.

(D) Authorized Applicator—The pesticide application shall only be made by a State certified pesticide applicator.

(E) Notification of Occupants and Users—The Director of the Department of Public Works shall provide to each employee of the facility/grounds where the application is to take place a notice of the application of the pesticide for emergency pest control. Notification will be provided at least 24 hours before the application. The notification shall include—

- (i) the common name, trade name, and Environmental Protection Agency registration number of the pesticide; (ii) a description of the location of the application of the pesticide; (iii) a description of the date and time of application; and (iv) the statement “The EPA cannot guarantee that registered pesticides do not pose risks, and unnecessary exposure to pesticides should be avoided”; (v) a description of potential adverse effects of the pesticide based on the material safety data sheet of the pesticide any

additional warning information related to the pesticide; (vi) the name and telephone number of the Director of the Department of Public Works; (vii) a description of the problem and the factors that qualified the problem as an emergency that threatened public health; and (viii) a description of the steps the City will take in the future to avoid emergency application of a pesticide under this paragraph.

(F) Method Of Universal Notification—The Director of the Department of Public Works may provide the notice by—(i) written notice provided to each employee; (ii) a notice delivered electronically (such as through e-mail or facsimile); (iii) a telephone call; or (iv) direct contact.

(G) Posting Of Signs—If applying a pesticide under this paragraph, the Director of the Department of Public Works shall post a sign warning of the application of the pesticide—in a prominent place that is in or adjacent to the location to be treated; and at each entrance to the building or ground to be treated. A sign required for the application of a pesticide shall remain posted for at least 72 hours after the end of the treatment; be at least 8 1/2 inches by 11 inches; and state the same information as that required for prior notification of the application under subparagraph (E).

(H) Modification Of Sustainable Land and Building Management Practices—If the City of Hyattsville applies a pesticide under this paragraph, the Director of the Department of Public Works shall modify the sustainable land and building management practices to minimize the future applications of pesticides under this paragraph.

Section 5. Grounds Management Implementation Guidelines.

It is the policy of the City of Hyattsville to take the following preventive measures to eliminate pest-conducive conditions:

- (A) To maintain healthy soil, soil sampling and analysis will be conducted to evaluate and assess the level of care needed for the facility's turf and landscape.
- (B) Well-adapted, pest-resistant grass varieties that are more suitable for the City's climate will be planted.
- (C) Lawn aeration will be scheduled twice a year.
- (D) De-thatching practices must keep the thatch layers less than ½" in order to keep the grass less susceptible to insects, disease and weather stress.
- (E) A proper pH for the soils will be maintained. The soil should be tested in order to adjust the pH if needed.
- (F) Annual fall fertilizer applications will be scheduled and carried out. Only slow-release fertilizer formulations will be used.
- (G) Approved soil amendments will be applied as necessitated by soil test results. Following, but not limited to, the recommendations of the Northeast Organic

- Farmers' Association and/or the Organic Material Review Institute of Eugene, OR.
- (H) Outdoor management practices will be modified to comply with organic horticultural science, including scouting, monitoring, watering, pruning, proper spacing and mulching.
 - (I) Practices will include the use of physical controls, including hand-weeding and over-seeding.
 - (J) Practices will also include the use of biological controls, including the introduction of natural predators, and enhancement of a favorable environment for a pest's natural enemies.

Section 6. City Contracts and Enforcement.

- (1) All applicable City contracts shall be subject to the City's sustainable land and building management practices;
- (2) Failure to comply with the provisions of this act as specified in a contract with the City may, at the discretion of the City, result in the voiding of said contract.

Section 7. Public Outreach Campaigns.

The City recognizes the importance of educating the public on benefits of adopting sustainable practices and the potential dangers of toxic pesticide and synthetic fertilizer use. The City shall engage in a public education campaign aimed at mitigating the use of toxic pesticides and synthetic fertilizers. The City shall identify or prepare, and then periodically disseminate, materials designed to educate the community about the role of pesticides in our local environment, compliance with recommendations set forth in this section of the Hyattsville City Charter and Code as well as earth-friendly practices and alternatives to the use of harmful pesticides.

- (A) Public awareness and education may take the form of pamphlets and brochures, whether produced and distributed on paper or electronically, and classes and seminars, involving City staff, non-City governmental agencies, community and advocacy groups, and other resources.
- (B) Materials shall include information about and links to the U.S. Environmental Protection Agency's list of minimum risk pesticides. The Department of Public works shall publish the EPA's list of minimum risk pesticides on or before March 1 of each year and ensure that the publication reflects any changes to the EPA's list during the preceding twelve months.

Section 8. And Be It Further Enacted.

That this policy shall take effect as of the date of the six months from its passage.