

1 [Integrated Pest Management Program]

2 AMENDING CHAPTER 39 OF PART I OF THE SAN FRANCISCO MUNICIPAL CODE
3 (ADMINISTRATIVE CODE) WHICH ESTABLISHED THE INTEGRATED PEST
4 MANAGEMENT PROGRAM, BY AMENDING SECTIONS 39.2 AND 39.8 TO EXCLUDE
5 ANTIMICROBIAL AGENTS FROM COVERAGE UNDER THE CHAPTER; BY AMENDING
6 SECTIONS 39.5, 39.6 AND 39.7 TO REVISE POSTING, NOTIFICATION,
7 RECORDKEEPING AND REPORTING REQUIREMENTS; AND BY AMENDING SECTION
8 39.8 TO CLARIFY EXEMPTIONS, INCLUDING EXEMPTIONS FOR REDUCED RISK
9 PESTICIDES, AND TO ADD EXEMPTIONS.

10 Note: Additions are underlined; deletions are in ((double parentheses)).

11 Be it ordained by the People of the City and County of San Francisco:

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13 Section 1. FINDINGS. The Board of Supervisors of the City and County of San Francisco
14 hereby finds and declares as follows:

15 A. The IPM Ordinance originally regulated the use of antimicrobial agents because
16 antimicrobial agents are defined as "pesticides." Due to the complexities involved in
17 regulating antimicrobials as pesticides and pursuant to Resolution 007-99-COE of the
18 Commission on the Environment, adopted on July 19, 1999, the Board of Supervisors has
19 decided to instead place antimicrobials under the existing Environmental Purchasing
20 Program, Administrative Code Chapter 21F, for further study.

21 B. The day-to-day implementation of the IPM Ordinance should be performed by
22 the Department of the Environment, with policy oversight by the Commission on the
23 Environment.
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1 C. Minor changes to the posting, notification, recordkeeping and reporting
2 requirements of the IPM program will improve the program and facilitate achievement of the
3 program goals.

4 Section 2. Section 39.2 of the San Francisco Administrative Code is hereby amended
5 to read as follows:

6 **SEC. 39.2 DEFINITIONS.** Whenever used in this Chapter ((ordinance)), the following terms
7 shall have the meanings set forth below.

8 (((a) "Agricultural Commissioner" means the County Agricultural Commissioner for the City
9 and County of San Francisco.))

10 (((b) "Antimicrobial agent" means a product that is labeled as registered with the United
11 States Environmental Protection Agency as a pesticide used to kill microbes. Antimicrobial
12 agents include, but are not limited to, disinfectants, sanitizers, bacteriostats, sterilizers,
13 fungicides and fungistats applied to inanimate surfaces, and commodity preservatives and
14 protectants applied to raw materials or manufactured products.))

15 (((c)) (a) "City department" means any department of the City and County of San
16 Francisco and includes any pesticide applicator hired by a City department to apply pesticides
17 on City property. City department does not include any other local agency or any federal or
18 State agency, including but not limited to the San Francisco School District, the San Francisco
19 Community College District, the San Francisco Redevelopment Agency and the San
20 Francisco Housing Authority.

21 (((d)) (b) "Commission ((on the Environment))" means the Commission on the
22 Environment provided for by San Francisco Charter Section 4.118.

23 (((e)) (c) "Contract" means a binding written agreement, including but not limited to a
24 contract, lease, permit, license or easement between a person, firm, corporation or other
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1 entity, including a governmental entity, and a City department, which grants a right to use or
2 occupy property of the City and County of San Francisco for a specified purpose or purposes.

3 ~~((f))~~(d) "Contractor" means a person, firm, corporation or other entity, including a
4 governmental entity, that enters into a contract with a City department.

5 ~~((g))~~(e) "Department ((of the Environment))" means that Department of the Environment
6 provided for by San Francisco Charter Section 4.118.

7 ~~((h))~~(f) "Integrated pest management" means a decision-making process for managing
8 pests that uses monitoring to determine pest injury levels and combines biological, cultural,
9 physical, and chemical tools to minimize health, environmental and financial risks. The
10 method uses extensive knowledge about pests, such as infestation thresholds, life histories,
11 environmental requirements and natural enemies to complement and facilitate biological and
12 other natural control of pests. The method uses the least toxic synthetic pesticides only as a
13 last resort to controlling pests.

14 ~~((i))~~(g) "Pesticide" means pesticide as defined in Section 12753 of Chapter 2 of Division
15 7 of the California Food and Agricultural Code, but does not include antimicrobial agents as
16 defined by Section 21F.2(a) of the Administrative Code.

17 ~~((j))~~(h) "Toxicity Category I Pesticide Product" means any pesticide product that meets
18 United States Environmental Protection Agency criteria for Toxicity Category I under Section
19 156.10 of Part 156 of Title 40 of the Code of Federal Regulations.

20 ~~((k))~~(i) "Toxicity Category II Pesticide Product" means any pesticide product that meets
21 United States Environmental Protection Agency criteria for Toxicity Category II under Section
22 156.10 Part 156 of Title 40 of the Code of Federal Regulations.

23 Section 3. Section 39.5 of the San Francisco Administrative Code is hereby
24 amended to read as follows:

1 SEC. 39.5. NOTICE OF PESTICIDE USE. (a) Except as provided in Subdivisions (b)
2 through (e) hereof, within 120 days of the effective date of this ordinance, any City department
3 that uses any pesticide shall comply with the following notification procedures:

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

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

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

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

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

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

17 (d) City departments may obtain authorization from the Department ((of the
18 Environment)) to apply a pesticide without providing a three-day ((four-day)) advance
19 notification in the event of a public health emergency or to comply with worker safety
20 requirements. Signs meeting the requirements of Subsection (a)(2) through Subsection (a)(4)
21 shall be posted at the time of application and remain posted four days following the
22 application. ((A City department applying pesticides for which an exemption is granted
23 pursuant to this Subsection (d), shall report any pesticide usage to the Commission on the
24 Environment within 30 days of application.))
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1 (e) The Department ((Commission on the Environment)) may grant exemptions to
2 the notification requirements for ((certain other specific)) one-time pesticide uses and may
3 authorize permanent changes in the way City departments notify the public about pesticide
4 use in ((some)) specific circumstances, upon a finding that good cause exists to allow an
5 exemption to the notification requirements. Prior to granting an exemption pursuant to this
6 subsection, the City department requesting the exemption shall identify the specific situations
7 in which it is not possible to comply with the notification requirements and propose alternative
8 notification procedures. The Department ((Commission on the Environment)) shall review and
9 approve the alternative notification procedures. ((A City department applying pesticides for
10 which an exemption is granted pursuant to this Subsection (e), shall report any pesticide
11 usage to the Commission on the Environment within 30 days of application.))

12 Section 4. Section 39.6 of the San Francisco Administrative Code is hereby amended
13 to read as follows:

14 **SEC. 39.6. IMPLEMENTATION OF CITY INTEGRATED PEST MANAGEMENT**

15 **POLICY.** (a) Within 90 days of the effective date of Section 39.1(d) each City department that
16 uses pesticides shall submit to the Department ((of the Environment)) a plan for implementing
17 the City Integrated Pest Management (IPM) Policy. The Department ((Commission on the
18 Environment)) may require periodic IPM plan updates. The IPM implementation plans and any
19 periodic updates shall be consistent with the requirements of this Section and any guidelines
20 developed by the Department ((of the Environment)) pursuant to this Chapter.

21 (b) A City department IPM implementation plan shall outline the ways in which the
22 City department shall comply with the City IPM Policy in Section 39.1(d). The City department
23 IPM implementation plan shall include pesticide applications performed by pesticide
24 applicators at the request of the City department. The IPM implementation plan shall contain a
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1 list of the types and quantities of chemicals used as of December 31, 1996, the types of pest
2 problems, the alternatives adopted to date, alternatives proposed for adoption within the next
3 six months, and the name of the ((primary)) IPM Coordinator ((contact)) for the City
4 department.

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

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

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

- 19 (1) Identifying the types of pest problems that the City department has;
- 20 (2) Identifying types and quantities of pesticides currently in use by the City
21 department;
- 22 (3) Identifying the use of alternatives for banned pesticides;
- 23 (4) Designating City department contact personnel who are responsible for the
24 service for which the pesticides are used to regularly assess the efficacy of alternatives and to
25 act as a resource for other City departments; and

1 (5) Providing regular reports as required by the Department ((of the Environment))
2 on the City department's efforts to implement the City IPM Policy.

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

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

13 Section 5. Section 39.7 of the San Francisco Administrative Code is hereby amended
14 to read as follows:

15 **SEC. 39.7. RECORDKEEPING AND REPORTING ((OF PESTICIDE**
16 **APPLICATIONS))**. (a) Each City department that uses pesticides shall keep records of all
17 pest management activities ((each pesticide application)). Each ((application)) record shall
18 include the following information:

- 19 (1) The target pest;
- 20 (2) The type and quantity of pesticide used;
- 21 (3) The site of the pesticide application;
- 22 (4) The date the pesticide was used;
- 23 (5) The name of the pesticide applicator;
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1 (6) The application equipment used;((.))

2 (7) Prevention and other non-chemical methods of control used;

3 (8) Experimental efforts; and

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5 (9) Exemptions granted by the Department pursuant to section 39.5 or 39.8 for that
6 application.

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

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

13 Section 6. Section 39.8 of the San Francisco Administrative Code is hereby amended to read
14 as follows:

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16 **SEC. 39.8. EXEMPTIONS.** (a) Improving and maintaining water quality.

17 Notwithstanding any other provision of this Chapter, this Chapter shall not apply to the use of
18 any pesticide ((including any antimicrobial agent)) for the purpose of improving or maintaining
19 water quality at:

20 (1) Drinking water treatment plants;

21 (2) Wastewater treatment plants;

22 (3) Reservoirs; and

23 (4) related collection, distribution and treatment facilities.

24 (((b) Notwithstanding any other provision of this Chapter, this Chapter shall not apply
25 to the use of antimicrobial agents for the following purposes:

- 1 (1) Protecting public health and safety in the provision of health care;
- 2 (2) Treatment of water in public swimming pools;
- 3 (3) Treatment of water and facility heating, ventilation and air conditioning (HVAC)
- 4 cooling water systems; and
- 5 (4) Treatment of water in public fountains.))

6 ((c) Until January 1, 2000, this Chapter shall not apply to the use of antimicrobial
7 agents for any purpose. By August 1, 1999, the Commission on the Environment shall make
8 a recommendation to the Board of Supervisors on the extent to which the City should include
9 antimicrobial agents not exempted under Subsections (a) or (b) in its IPM Policy. This
10 recommendation shall be accompanied by a report prepared by the Department of the
11 Environment evaluating the City's current use of antimicrobial agents and identifying less-toxic
12 alternatives consistent with public health and safety. In developing the report, the Director of
13 the Department of the Environment shall consult with representatives from the Department of
14 Public Health, San Francisco General Hospital, the Purchaser's Office, one or more
15 environmental organizations concerned with integrated pest management and the Agricultural
16 Commissioner.))

17 (((d))) (b) One-year exemptions. A City department may apply to the Department ((of
18 the Environment)) for up to a one-year exemption from the pesticide ban imposed by Sections
19 39.3 or 39.4 for use of a particular pesticide for a particular use. The application for an
20 exemption shall be filed on a form specified by the Department and shall be signed by the City
21 department's IPM Coordinator. ((Upon the filing of a complete application, the Department of
22 the Environment shall submit the exemption request to the Commission on the Environment.
23 The Commission on)) The Department of the Environment may grant the one-year exemption
24 upon a finding that the City department has:

- 25 (1) Made a good-faith effort to find alternatives to the banned pesticide;

1 (2) Demonstrated that effective, economic alternatives to the banned pesticide do
2 not exist for the particular use; and

3 (3) Developed a reasonable plan for investigating alternatives to the banned
4 pesticide during the exemption period.

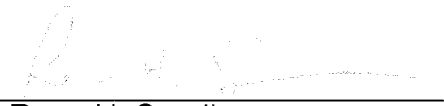
5 ~~((e))~~(c) Limited use exemption. A City department may apply to the Department ((of
6 the Environment)) for a limited use exemption for a particular pesticide banned pursuant to
7 Section 39.3 or Section 39.4 and not covered by a one-year exemption. The application for
8 an exemption shall be filed on a form specified by the Department and shall be signed by the
9 City department's IPM Coordinator. ((Upon the filing of a complete application, the
10 Department of the Environment shall submit the exemption request to the Commission on the
11 Environment. The Commission on)) The Department ((of the Environment)) may grant a
12 limited-use exemption provided that the Department ((Commission)) finds that the City
13 department will use the pesticide for a specific and limited purpose and for a short and defined
14 period and the City department has identified a compelling need to use the pesticide.

15 ~~((f))~~(d) Reduced-risk pesticide. The Commission on the Environment may exempt a
16 reduced-risk pesticide from the ban imposed by Section 39.4 upon a finding that the reduced-
17 risk pesticide is commonly used as part of an IPM strategy. Based on recommendations by
18 the Department, the ((The)) Commission ((Department of the Environment)) shall maintain a
19 list of reduced-risk pesticides granted an exemption pursuant to this subsection. The
20 Commission shall review the list annually and make necessary changes. The Commission
21 may review and revise the list more frequently upon recommendation by the Department.

22 (e) Emergency exemption. A City department may apply to the Department for an
23 emergency exemption in the event that an emergency pest outbreak poses an immediate
24 threat to public health or significant economic damage will result from failure to use a pesticide
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1 banned pursuant to Section 39.3 or Section 39.4. The application for an exemption shall be
2 filed on a form specified by the Department. The Department shall respond to the application
3 in a timely manner. If the requesting department is unable to reach the Department, the
4 departmental IPM Coordinator may authorize the one-time emergency use of the required
5 pesticide. The department IPM Coordinator must notify the Department of the determination
6 to use the pesticide by facsimile prior to its application in the event that the department IPM
7 Coordinator is unable to reach the Department. Signs meeting the requirements of
8 Subsection (a)(2) through Subsection (a)(4) shall be posted at the time of application and
9 remain posted four days following the application. The Department may impose additional
10 conditions for emergency applications.

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12 APPROVED AS TO FORM:
13 LOUISE H. RENNE, City Attorney

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16 By: 
17 Rona H. Sandler
Deputy City Attorney



City and County of San Francisco

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Tails

Ordinance

File Number: 992000

Date Passed:

Ordinance amending Administrative Code Sections 39.2, 39.5, 39.6, 39.7 and 39.8 which established the Integrated Pest Management program to exclude antimicrobial agents from coverage under the chapter; to revise posting, notification, record keeping and reporting requirements; and to clarify exemptions, including exemptions for reduced risk pesticides and to add exemptions.

December 20, 1999 Board of Supervisors — PASSED, ON FIRST READING


Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

January 4, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Becerril, Bierman, Kaufman, Leno, Newsom, Teng, Yaki, Yee
Absent: 2 - Brown, Katz

File No. 992000

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 4, 2000
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

JAN 13 2000

JAN 13 2000

Date Approved



Mayor Willie L. Brown Jr.