

**VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2023-35**

APPROVING A PESTICIDE POLICY FOR THE VILLAGE OF YELLOW SPRINGS

WHEREAS, while the Village of Yellow Springs has, since 2013 followed an general policy of minimal pesticide application and use of non-toxic options whenever possible, and has consulted with the Environmental Commission regarding more aggressive measures, it is best practice to provide legislation that codifies these policies; and,

WHEREAS, members of the Environmental Commission, Council members and Village staff have collaborated to produce a policy that encompasses the desire to both effectively manage invasive plants and/or pests with the goal of minimal harm to the environment,

NOW THEREFORE, Council for the Village of Yellow Springs, Ohio hereby resolves that:

Section 1. Council hereby authorizes use of the Pesticide Policy in a form substantially similar to the document attached hereto as Exhibit A.

Signed: _____
Brian Housh, President of Council

Passed: 5-15-23

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL:

Brian Housh Y Marianne MacQueen ABSTAIN Kevin Stokes Y
Carmen Brown ABSTAIN Gavin DeVore Leonard Y

Exhibit A to Resolution 2023-35

INTEGRATED PEST MANAGEMENT (IPM) POLICY/ORDINANCE FOR THE VILLAGE OF YELLOW SPRINGS

Section 1. Purpose.

The Yellow Springs Environmental Commission hereby finds and recommends that it shall be the policy of The Village of Yellow Springs to eliminate toxic pesticide use in and on public property in order to protect the health and safety of its citizens, particularly its children, natural resources, and wildlife.

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 green lawns and 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, sustainable land and building management practices that emphasize non-chemical methods of pest prevention and management and least-toxic pesticide use as a last resort will eliminate the use of and exposure to pesticides while controlling pest Populations;

WHEREAS, The Village of Yellow Springs embraces a precautionary approach to the use of toxic pesticides in order to adequately protect people and the environment from pesticides' harmful effects.

WHEREAS, sustainable land and building management practices complements other important goals of The Village of Yellow Springs maintenance and administration, such as energy conservation and security.

Section 3. Definitions.

Allowed Materials List. The Village of Yellow Springs must include in the regulations adopted under this section a list of acceptable pesticides, known as the Allowed Materials List. (Allowed Materials list should copy the most recent version of the City of San Francisco Reduced-Risk Pesticide List.

The list is limited to:

(A) All non-synthetic (natural) materials, with the exception of prohibited non-synthetic materials under 7 CFR 205.602; (**CFR: Code of Federal Regulations**)

(B) Any synthetic material listed at 7 CFR 205.601 that is labeled for turf uses, subject to discretionary authority to require disclosure of inert ingredients; and

(C) 25b listed pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Agricultural Land – means land that lies in an agricultural zoning district.

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.

Garden – means a plot of land, except agricultural land, consisting of a majority of cultivated plants.

Grounds – means the area outside of a building, including lawns, playgrounds, sports fields, and any other property or facility controlled, managed, leased or owned by [locality name].

Inert ingredient – Any substance (or group of substances with similar chemical structures if designated by the Environmental Protection Agency) (EPA) other than an active ingredient which is intentionally included in any pesticide product (40 CFR 152.3(m)) [7 CFR 205.2 Terms defined.], and are not classified by the Administrator of EPA as inerts of toxicological concern. [7 U.S.C. 6502(21) Definitions]

Lawn – means an area of grass or other vegetation of at least 25 square feet that is kept mowed.

Non-synthetic (natural) materials – A substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Organic Foods Production Act (7 U.S.C. 6502(21)). For the purposes of this part, nonsynthetic is used as a synonym for natural as the term is used in the ordinance. [7 CFR 205.2 Terms defined.]

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. This applies to plant, insect, and aquatic biocides.

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) integrated methods; (ii) site or pest inspections; (iii) pest population monitoring and prevention strategies; (iv) an evaluation of the need for pest control; and, (v) 1 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 non-chemical methods, and if non-toxic options are unreasonable or have been exhausted, a pesticide on the allowed materials list; and
- (C) minimizes— (i) the use of pesticides; and (ii) the hazards to human health and the environment associated with pesticide applications.

Synthetic materials – The term “synthetic” means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance

extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes. [7 U.S.C. 6502(21) Definitions]

Universal Notification – means notice provided by the Village Manager or Designee to all employees working at the facility where the pesticide will be applied.

Section 4. Sustainable Land and Building Management Practices Components.

(A) Applies to ***The Village of Yellow Springs*** controlled, managed, or owned buildings and grounds;

(B) Follows sustainable land and building management practices for addressing pest problems.

Property Owners and Tenants.

(A) Property owners and tenants are encouraged to follow sustainable land and building management practices and employ pesticides on the allowed materials list only as a last resort.

Section 5. Use of Pesticides.

The Village of Yellow Springs shall only use pesticides on the allowed materials list as part of sustainable land and building management practices following the Precautionary Principle: “When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically.” A pesticide on the allowed materials list may only be used if other mitigation methods have been deemed ineffective and/or unreasonably expensive and only if the area or room treated is unoccupied or not in use by an employee or the public. The pesticides are only to be applied by those who are trained to use them safely. Weed suppression around utility poles is exempt from this policy.

Section 6. Use of Fertilizers.

The Village of Yellow Springs shall only use natural organic fertilizers. The use synthetic fertilizer is prohibited.

Section 7. Conditions Requiring Use of Pesticide/Mitigation of Pesticide.

(A) In General.—If the Village Manager or Designee determines that a pest in a Village of Yellow Springs building or on the grounds cannot be controlled after having used sustainable land and building management practices and attempted use of least toxic pesticides.

(B) Village Council Approval Required. Village Council, shall approve, after identifying the pesticide product ingredients and acute and chronic adverse health effects, the pesticide product before any emergency application can be made. Village Council shall seek a recommendation from Environmental Commission prior to issuing approval, unless Village Council deems immediate application is necessary.

(C) Area Use Limitation.—The use of an area or room treated by an emergency pesticide, other than an allowed materials list, 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.—Pesticide application shall only be made by a State certified pesticide applicator.

(E) Notification of Occupants and Users.—The Village Manager or Designee 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 prior to 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;
- (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 Village Manager or Designee;
- (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 [jurisdiction] will take in the future to avoid emergency application of a pesticide under this paragraph.

(F) Method Of Universal Notification.—The *Village Manager* or Designee shall provide the notice by— (i) written notice provided to each employee; (ii) a notice delivered electronically (such as through electronic mail or facsimile); (iii) a telephone call; or (iv) direct contact.

(G) Posting Of Signs.—If applying a pesticide under this paragraph, the *Village Manager* or Designee 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 8½ 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 Village of Yellow Springs applies a pesticide under this paragraph, the Environmental Commission shall make recommendations to Council to modify the sustainable land and building management practices to minimize the future applications of pesticides under this Paragraph.

Section 8. Grounds Management Implementation Guidelines.

It is the policy of The Village of Yellow Springs to take the following preventive measures to eliminate pest-conducive conditions on public land at the discretion of the Village Manager or their Designee, and under the advisement of the Environmental Commission:

(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 Village of Yellow Springs' climate will be planted.

(C) Lawn aeration will be scheduled at the discretion of the Public Works Director.

(D) Dethatching 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.
- (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 handweeding and overseeding.
- (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.
- (K) Managed natural landscape practices outlined in Yellow Springs Ordinance 674.03 will be followed.

Section 9. Enforcement.

- (A) The Village of Yellow Springs shall be responsible for the enforcement of this act and its agents shall be authorized to issue statements of offense;
- (B) Officials of The Village of Yellow Springs may visit and examine any property to ascertain whether there has been compliance with the provisions of this act.
- (B) The Municipality can take any legal action before the appropriate court in order to obtain compliance with this act.
- (C) Any citizen may commence a civil action on his own behalf— (i) against any person who is alleged to be in violation of (a) a standard or limitation under this chapter or (b) an order issued by the [local jurisdiction] with respect to such a standard or limitation, or (ii) against the State where there is alleged a failure of the State to perform any act or duty under this chapter which is not discretionary with the State in accordance with the deadlines established by this chapter.

(D) Each application of a pesticide violates the restrictions of this code shall be considered a municipal infraction, with penalties determined by the Village.

Appendix 1. Allowed Materials List

The following allowed materials are for the maintenance of utility poles:

- A) Tim-Bor
- B) Impel

In the management of *Lonicera Maackii* (Amur Honeysuckle), in Glass Farm and other Village owned land, only as necessary, RoundUp may be painted on cut stumps to inhibit regrowth. *The use of sprayers for the application of RoundUp or any other product containing glyphosate is strictly prohibited.*

The Village may contract with pest control businesses for the management of bed bugs, termites, and other insects that cause damage to property in Village-owned buildings. Signage informing the public is mandatory when using these services and may be provided by the pest control company.

Any further purchase or use of chemicals for Village-owned property should follow the guidelines set forth in the San Francisco Environment 2022-2023 Reduced Risk Pesticide List, which can be found here:

<https://sfenvironment.org/download/202223-san-francisco-reduced-risk-pesticide-list>