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1 [SAN FRANCISCO INTEGRATED PEST MANAGEMENT PROGRAM]  
2 , SECTIONS 39.2 AND 39.8  
AMENDING CHAPTER 39 OF THE ADMINISTRATIVE CODE BY REVISING THE  
3 DEFINITION OF ANTIMICROBIAL AGENTS AND EXTENDING THE EXISTING  
4 EXEMPTION FOR SUCH ANTIMICROBIAL AGENTS.

5  
6 Note: Additions are underlined; deletions are in ((double parentheses)).

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

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

10 A. The Integrated Pest Management (IPM) Ordinance required the Commission on  
11 the Environment to report and recommend to the Board of Supervisors whether, and to what  
12 extent, the City should include pesticides which are antimicrobial agents in its IPM Policy.  
13 The Commission on the Environment concluded that to minimize antimicrobial use consistent  
14 with public health and safety, the IPM Policy (a) continue to exempt antimicrobial agents used  
15 in the provision of health care, drinking water plants, wastewater treatment facilities and  
16 swimming pools; (b) additionally exempt the use of antimicrobial agents in the treatment of  
17 water in facility heating ventilation and air conditioning cooling water systems and public  
18 fountains; and (c) continue the general exemption for other antimicrobial agents for an  
19 additional year in order to allow for continued study by the Department of the Environment in  
20 conjunction with other City departments and interested parties.

21 B. In order to implement the policy of the City and County of San Francisco to  
22 eliminate or reduce pesticide applications on City property to the maximum extent feasible,  
23 the Commission's recommendations should be implemented through the following  
24 amendments to the IPM Ordinance.

1 Section 2. Chapter 39 of the San Francisco Administrative Code is hereby amended by  
2 revising Section 39.2 to read as follows:

3 **SEC. 39.2. DEFINITIONS.** Whenever used in this ordinance, the following terms shall  
4 have the meanings set forth below.

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

7 (b) "Antimicrobial agent" means a product that is labeled as registered with the  
8 United States Environmental Protection Agency as a pesticide used to kill microbes. ((any  
9 substance or mixture of substances intended for inhibiting the growth of, or destroying any  
10 bacteria, fungi pathogenic to man and other animals, or viruses declared to be pests under  
11 Food and Agricultural Code Section 12754.5, except slime control agents, substances  
12 intended for use in or on humans or other animals, and use in or on processed food,  
13 beverages or pharmaceuticals.)) Antimicrobial agents include, but are not limited to,  
14 disinfectants, sanitizers, bacteriostats, sterilizers, fungicides and fungistats applied to  
15 inanimate surfaces, and commodity preservatives and protectants applied to raw materials or  
16 manufactured products.

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

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

25 (e) "Contract" means a binding written agreement, including but not limited to a

1 contract, lease, permit, license or easement between a person, firm, corporation or other  
2 entity, including a governmental entity, and a City department, which grants a right to use or  
3 occupy property of the City and County of San Francisco for a specified purpose or purposes.

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

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

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

15 (i) "Pesticide" means pesticide as defined in Section 12753 of Chapter 2 of  
16 Division 7 of the California Food and Agricultural Code.

17 (j) "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) "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 of Part 156 of Title 40 of the Code of Federal Regulations.

23 Section 3. Chapter 39 of the San Francisco Administrative Code is hereby amended  
24 by revising Section 39.8 to read as follows:

25 **SEC. 39.8. EXEMPTIONS.** (a) Notwithstanding any other provision of this Chapter,

1 this Chapter shall not apply to the use of any pesticide, including any antimicrobial agent, for  
2 the purpose of improving or maintaining water quality at

3 (1) drinking water treatment plants,

4 (2) wastewater treatment plants,

5 (3) reservoirs, and

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

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

9 (1) protection of public health and safety in the provision of health care;

10 (2) ((and the)) treatment of water in public swimming pools; ((.))

11 (3) treatment of water and facility heating, ventilation and air conditioning (HVAC)  
12 cooling water systems; and

13 (4) treatment of water in public fountains.

14 (c) Until January 1, 2000, ((January 1, 1999)), this Chapter shall not apply to the  
15 use of antimicrobial agents for any purpose ((not specified in Subsections (a) and (b))). By  
16 August 1, 1999 ((July 1, 1998)), the Commission on the Environment shall make a  
17 recommendation to the Board of Supervisors on ((whether, and if so to what)) the extent to  
18 which ((.)) the City should include antimicrobial agents not exempted under Subsections (a)  
19 or (b) in its IPM Policy. This recommendation shall be accompanied by a report prepared by  
20 the Department of the Environment evaluating the City's current use of antimicrobial agents  
21 and identifying less-toxic alternatives consistent with public health and safety. ((on the results  
22 of its inquiry into (1) the best approach to minimize antimicrobial use consistent with public  
23 health and safety and (2) the most appropriate definition of "antimicrobial agents" to be used  
24 in the IPM Policy)). In developing the report, the Director of the Department of the  
25 Environment shall consult with representatives from the ((Bureau of Environmental Health

1 Management of the)) Department of Public Health, San Francisco General Hospital, the  
2 Purchaser's Office, one or more environmental organizations concerned with integrated pest  
3 management and the Agricultural Commissioner.

4 ((d) The Department of the Environment shall grant a City department an automatic  
5 exemption, retroactive to January 1, 1997, for any pesticide banned by Section 39.3, under  
6 the following circumstances:

7 (1) The City department submits an application to the Department of the  
8 Environment for the automatic exemption within 30 days of the effective date of this  
9 Subsection (d); and

10 (2) The application identifies the pesticide or pesticides for which the exemption is  
11 sought and the intended use of each pesticide.

12 The automatic exemption shall remain in effect for 90 days from the date of submittal  
13 of the application, or, if the City department submits an application for a one-year exemption  
14 as provided by Subsection (e) within 90 days of submittal of the automatic exemption  
15 application, the automatic exemption shall remain in effect until the Commission on the  
16 Environment renders a decision on the one-year exemption request.))

17 ~~(d)~~((e)) A City department may apply to the Department of the Environment for  
18 up to a one-year exemption from the pesticide ban imposed by Sections 39.3 or 39.4 for use  
19 of a particular pesticide for a particular use. Upon the filing of a complete application, the  
20 Department of the Environment shall submit the exemption request to the Commission on the  
21 Environment. The Commission on the Environment may grant the one-year exemption upon a  
22 finding that the City department has:

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

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

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

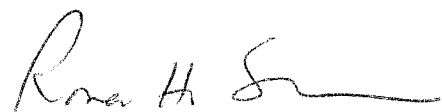
3 (e)((f)) A City department may apply to the Department of the Environment for a limited  
4 use exemption for a particular pesticide banned pursuant to Section 39.3 or Section 39.4 and  
5 not covered by a one-year exemption. Upon the filing of a complete application, the  
6 Department of the Environment shall submit the exemption request to the Commission on the  
7 Environment. The Commission on the Environment may grant a limited-use exemption  
8 provided that the Commission finds that the City department will use the pesticide for a  
9 specific and limited purpose and for a short and defined period and the City department has  
10 identified a compelling need to use the pesticide.

11 (f)((g)) The Commission on the Environment may exempt a reduced-risk pesticide from  
12 the ban imposed by Section 39.4 upon a finding that the reduced-risk pesticide is commonly  
13 used as part of an IPM strategy. The Department of the Environment shall maintain a list of  
14 reduced-risk pesticides granted an exemption pursuant to this subsection.

15  
16 APPROVED AS TO FORM:

17 LOUISE H. RENNE, City Attorney

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20 By:

  
21 RONA H. SANDLER  
22 Deputy City Attorney  
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# City and County of San Francisco

Veterans Building  
401 Van Ness Avenue, Room 308  
San Francisco, CA 94102-4532

## Tails Ordinance

**File Number:** 981847

**Date Passed:**

Ordinance amending Administrative Code Sections 39.2 and 39.8 by revising the definition of antimicrobial agents and extending the existing exemption for such antimicrobial agents.

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November 23, 1998 Board of Supervisors — AMENDED

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

November 23, 1998 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

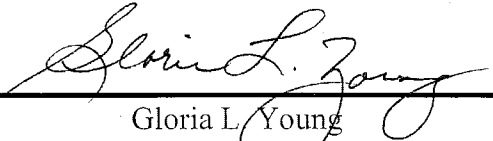
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

December 7, 1998 Board of Supervisors — FINALLY PASSED

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

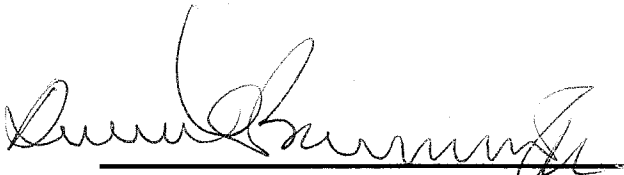
File No. 981847

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on December 7, 1998  
by the Board of Supervisors of the City and  
County of San Francisco.

  
\_\_\_\_\_  
Gloria L. Young  
Clerk of the Board

**DEC 11 1998**

\_\_\_\_\_  
Date Approved

  
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Mayor Willie L. Brown Jr.

File No. 981847 continued...