

1 [Restrictions on Pesticide Use]

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3 **Ordinance amending the San Francisco Environment Code by amending Sections 300,**
4 **301, 302, 303, 304, 305, 306, and 308, and repealing Section 307, all to strengthen**
5 **restrictions on the use of pesticides on City property, and making environmental**
6 **findings.**

7 Note: Additions are *single-underline italics Times New Roman*;
8 deletions are *strikethrough italics Times New Roman*.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

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12 Section 1. The San Francisco Environment Code is hereby amended by amending
13 Sections 300, 301, 302, 303, 304, 305, and 308, and repealing Section 307, to read as
14 follows:

15 **SEC. 300. PURPOSE AND FINDINGS.**

16 (a) The Board of Supervisors hereby finds and declares that it shall be the policy of the
17 City and County of San Francisco for City departments and City contractors who apply
18 pesticides to City property to eliminate or reduce pesticide applications on City property to the
19 maximum extent feasible.

20 (b) Under this Chapter, the City and County of San Francisco wishes to exercise its
21 power to make economic decisions involving its own funds as a participant in the marketplace
22 and to conduct its own business as a municipal corporation to ensure that purchases and
23 expenditures of public monies are made in a manner consistent with integrated pest
24 management policies and practices.

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1 (c) This Chapter 3 concerns the application of pesticides to property owned by the City
2 and County of San Francisco only, and does not concern the application of pesticides to
3 property that is not owned by the City and County of San Francisco.

4 (d) City departments shall implement the following City Integrated Pest Management
5 (IPM) Policy:

6 **CITY INTEGRATED PEST MANAGEMENT POLICY**

7 The City, in carrying out its operations, shall assume pesticides are potentially
8 hazardous to human and environmental health. City departments shall give preference to
9 reasonably available nonpesticide alternatives when considering the use of pesticides on City
10 property. For all pest problems on City property, City departments shall follow the integrated
11 pest management (IPM) approach outlined below.

12 (1) Monitor each pest ecosystem to determine pest population, size,
13 occurrence, and natural enemy population, if present. Identify decisions and practices that
14 could affect pest populations. Keep records of such monitoring;

15 (2) Set for each pest at each site and identify in an IPM implementation plan, an
16 injury level, based on how much biological, aesthetic or economic damage the site can
17 tolerate;

18 (3) Consider a range of potential treatments for the pest problem. Employ
19 nonpesticide management tactics first. Consider the use of chemicals only as a last resort and
20 select and use chemicals only within an IPM program and in accordance with the provisions of
21 this Chapter.

22 (A) Determine the most effective treatment time, based on pest biology
23 and other variables, such as weather, seasonal changes in wildlife use and local conditions,
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- 1 (B) Design and construct indoor and outdoor areas to reduce and
- 2 eliminate pest habitats,
- 3 (C) Modify management practices, including watering, mulching, waste
- 4 management, and food storage,
- 5 (D) Modify pest ecosystems to reduce food and living space,
- 6 (E) Use physical controls such as hand-weeding, traps and barriers,
- 7 (F) Use biological controls (introducing or enhancing pests' natural
- 8 enemies);

9 (4) Conduct ongoing educational programs:

- 10 (A) Acquaint staff with pest biologies, the IPM approach, new pest
- 11 management strategies as they become known, and toxicology of pesticides proposed for
- 12 use,
- 13 (B) Inform the public of the City's attempt to reduce pesticide use and
- 14 respond to questions from the public about the City's pest management practices;

15 (5) Monitor treatment to evaluate effectiveness. Keep monitoring records and

16 include them in the IPM implementation plan.

17 (e) Nothing in this Chapter is intended to apply to pesticide applications that are

18 required to comply with Federal ~~federal~~, State or local laws or regulations.

19 (f) This Chapter applies the Precautionary Principle to the selection of reduced risk

20 pesticides and other pest management techniques on City property with the intent of

21 minimizing negative impacts on human health and the environment.

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1 **SEC. 301. DEFINITIONS.**

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

4 (a) "Antimicrobial agents" means any substance or mixture of substances intended for
5 inhibiting the growth of or destroying any bacteria, fungi pathogenic to human and other animals, or
6 viruses declared to be pests by California Food and Agriculture Code § 12754.5. Antimicrobial agents
7 do not include slime control agents, substances intended for the use in or on humans or other animals,
8 or substances intended for use in or on processed food, beverages, or pharmaceuticals.

9 (b) ~~(a)~~ "City department" means any department of the City and County of San
10 Francisco and includes any pesticide applicator hired by a City department to apply pesticides
11 on City property. City department does not include any other local agency or any federal or
12 State agency, including but not limited to the San Francisco Unified School District, the San
13 Francisco Community College District, the San Francisco Redevelopment Agency and the
14 San Francisco Housing Authority.

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

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

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

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

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

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

12 ~~(i)~~ ~~(g)~~ "Pesticide" means pesticide as defined in Section 12753 of Chapter 2 of Division
13 7 of the California Food and Agricultural Code, but does not include antimicrobial agents.
14 *"Antimicrobial agents" means any substance or mixture of substances intended for inhibiting the*
15 *growth of or destroying any bacteria, fungi pathogenic to human and other animals, or viruses*
16 *declared to be pests under Section 12754.5 of the California Food and Agricultural Code, except slime*
17 *control agents, substances intended for the use in or on humans or other animals, and use in or on*
18 *processed food, beverages, or pharmaceuticals. Antimicrobial Agents include, but are not limited to,*
19 *disinfectants, sanitizers, bacteriostats, sterilizers, fungicides and fungistats applied to raw materials or*
20 *manufactured products.*

21 (j) "Signal word" means the applicable word—"Danger," "Warning," or "Caution"—or some
22 other word, signifying the level of toxicity of a pesticide designated by Federal law under 40 C.F.R.
23 156.64.

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

4 ~~(h) "Toxicity Category I Pesticide Product" means any pesticide product that meets United~~
5 ~~States Environmental Protection Agency criteria for Toxicity Category I under Section 156.10 of Part~~
6 ~~156 of Title 40 of the Code of Federal Regulations.~~

7 ~~(i) "Toxicity Category II Pesticide Product" means any pesticide product that meets United~~
8 ~~States Environmental Protection Agency criteria for Toxicity Category II under Section 156.10 of Part~~
9 ~~156 of Title 40 of the Code of Federal Regulations.~~

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11 **SEC. 302. PROHIBITED USE OF PESTICIDES. BAN ON USE OF TOXICITY CATEGORY I,**
12 **AND CERTAIN OTHER PESTICIDES.**

13 No pesticides may be used on or applied to property owned by the City and County of San
14 Francisco, except for pesticides granted an exemption under Section 303. Except for pesticides
15 granted an exemption pursuant to Section 307, effective January 1, 1997, no City department shall use
16 any Toxicity Category I Pesticide Product, any pesticide containing a chemical identified by the State
17 of California as a chemical known to the State to cause cancer or reproductive toxicity pursuant to the
18 California Safe Drinking Water and Toxic Enforcement Act of 1986, and any pesticide classified as a
19 human carcinogen, probable human carcinogen or possible human carcinogen by the United States
20 Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances.

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1 **SEC. 303. EXEMPTIONS. BAN ON USE OF TOXICITY CATEGORY II PESTICIDE**
2 **PRODUCTS; TOTAL PESTICIDE BAN.**

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

6 (b) **Improving and maintaining water quality.** Notwithstanding any other provision of this
7 Chapter, this Chapter shall not apply to the use of any pesticide for the purpose of improving or
8 maintaining water quality at:

9 (1) Drinking water treatment plants;

10 (2) Wastewater treatment plants;

11 (3) Reservoirs; and,

12 (4) Related collection, distribution and treatment facilities.

13 (c) **Limited use exemptions.** A City department may apply to the Department for up to a one-
14 year exemption from the pesticide ban imposed by Section 302 for use of a particular pesticide for a
15 particular use. The application for an exemption shall be filed on a form specified by the Department
16 and shall be signed by the City department's IPM Coordinator. The Department of the Environment
17 may grant the exemption for a specific and limited purpose for up to one year upon a finding that the
18 City department has:

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

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

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

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

7 (1) The City department has made a good-faith effort to find non-chemical control
8 methods for solving the pest problem;

9 (2) The pesticide proposed for pilot testing shows potential for replacing more
10 hazardous pest management methods, and

11 (3) The pesticide proposed for pilot testing meets the Department's criteria for
12 Reduced-Risk Pesticides.

13 (e) **Reduced-risk pesticide.** The Commission on the Environment may exempt a reduced-risk
14 pesticide from the ban imposed by Section 302 upon a finding that the reduced-risk pesticide is
15 commonly used as part of an IPM strategy. Based on recommendations by the Department, the
16 Commission shall maintain a list of reduced-risk pesticides granted an exemption pursuant to this
17 subsection. The Commission shall review the list annually and make necessary changes. The
18 Commission may review and revise the list more frequently upon recommendation by the Department.

19 (f) **Emergency exemption.** A City department may apply to the Department for an emergency
20 exemption in the event that an emergency pest outbreak poses an immediate threat to public health or
21 significant economic damage will result from failure to use a pesticide banned pursuant to Section 302.
22 The application for an exemption shall be filed on a form specified by the Department. The Department
23 shall respond to the application in a timely manner. If the requesting department is unable to reach the
24 Department, the departmental IPM Coordinator may authorize the one-time emergency use of the

1 required pesticide. The department IPM Coordinator must notify the Department of the determination
2 to use the pesticide by facsimile prior to its application in the event that the department IPM
3 Coordinator is unable to reach the Department. Notification Signs shall be posted at the time of
4 application and remain posted four days following the application. The Department may impose
5 additional conditions for emergency applications.

6 ~~(a) Except for pesticides granted an exemption pursuant to Section 307, effective January 1,~~
7 ~~1998, no City department shall use any Toxicity Category II Pesticide Product.~~

8 ~~(b) Except for pesticides granted an exemption pursuant to Section 307, by January 1, 2000,~~
9 ~~any City department that uses one or more pesticides not banned under Section 302 or Section 303(a),~~
10 ~~shall reduce by 100 percent the cumulative volume of such pesticides that it used in calendar year 1996~~
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12 **SEC. 304. NOTICE OF PESTICIDE USE.**

13 (a) Except as provided in Subdivisions (b) through (e) hereof, ~~within 120 days of the~~
14 ~~effective date of this ordinance,~~ any City department that uses any pesticide shall comply with
15 the following notification procedures:

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

19 (2) Notification Signs shall be posted for pesticide products classified as Tier III (least
20 hazardous) on the day of treatment, prior to application of the Tier III pesticide product. Signs shall
21 remain posted in accordance with instructions on the pesticide product's label. Signs shall be posted
22 ~~(i) at every entry point where the pesticide is applied if the pesticide is applied in an enclosed area, and~~
23 ~~(ii) in highly visible locations around the perimeter of the area where the pesticide is applied if the~~
24 ~~pesticide is applied in an open area.~~

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1 (3) Signs shall be posted (i) at every entry point to the area where the pesticide is
2 applied if the pesticide is applied in an enclosed area, and (ii) in highly visible locations around the
3 perimeter of the area where the pesticide is applied if the pesticide is applied in an open area. Signs
4 shall be of a standardized design that are easily recognizable to the public and workers.

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

9 (b) City departments shall not be required to post Notification Signs signs in accordance
10 with Subsection (a) in right-of-way locations that the general public does not use for
11 recreational purposes. However, each City department that uses pesticides in such right-of-
12 way locations shall ~~develop and maintain a public access telephone number~~ ensure that callers to 311
13 can receive information about pesticide applications in the right-of-way areas. Information
14 readily available ~~by calling the public access number shall include~~ for any pesticide that will be
15 applied within the next three days or has been applied within the last four days shall include: A
16 a description of the area of the pesticide application, the name and active ingredient of the
17 pesticide product, the target pest, the date of pesticide use, the US EPA signal word ~~indicating~~
18 ~~the toxicity category of the pesticide product~~, the re-entry period of the area treated and the name
19 and contact number for the City department responsible for the application. Information about
20 ~~the public access telephone number 311~~ shall be posted in a public location at the City
21 department's main office building.

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

1 ~~or other pesticides granted an exemption by the Department pursuant to Subsection (e)~~ shall post a
2 permanent Notification Sign ~~sign~~: (1) in each building or vehicle where such pesticides are
3 used, (2) at the City department's main office or a similar location where the public obtains
4 information regarding the building or vehicle, and (3) when such pesticides are used outdoors
5 to control rats and other pests, in a conspicuous location outside of the area where they are
6 used. ~~The sign shall indicate the name and active ingredient of the pesticides used in and around the~~
7 ~~building or vehicle, the target pests, the signal word indicating the toxicity category of the pesticide~~
8 ~~product, the area or areas where the pesticides are commonly placed, and the contact number for the~~
9 ~~City department responsible for the application.~~

10 (d) In the event of a public health emergency or to comply with worker safety requirements, the
11 Department of the Environment may authorize City departments ~~may obtain authorization from the~~
12 ~~Department~~ to apply a Tier I or Tier II pesticide without providing the usual three-day advance
13 notification. ~~without providing a three day advance notification in the event of a public health~~
14 ~~emergency or to comply with worker safety requirements. Signs meeting the requirements of Subsection~~
15 ~~(a)(2) through Subsection (a)(4)~~ In such cases, Notification Signs ~~signs~~ shall be posted on the day of
16 treatment, prior to application ~~at the time of application~~ and remain posted four days following the
17 application.

18 (e) The Department may grant exemptions to the notification requirements for one-
19 time pesticide uses and may authorize permanent changes in the way City departments notify
20 the public about pesticide use in specific circumstances, upon a finding that good cause exists
21 to allow an exemption to the notification requirements. Prior to granting an exemption
22 pursuant to this subsection, the City department requesting the exemption shall identify the
23 specific situations in which it is not possible to comply with the notification requirements and
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1 propose alternative notification procedures. The Department shall review and approve the
2 alternative notification procedures.

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4 **SEC. 305. ~~IMPLEMENTATION OF~~ CITY INTEGRATED PEST MANAGEMENT POLICY.**

5 (a) ~~Within 90 days of the effective date of this ordinance each~~ Each City department that
6 uses pesticides shall ~~maintain an~~ submit to the Department a plan for implementing the City
7 Integrated Pest Management (IPM) Policy. The Department may require periodic IPM plan
8 updates. The IPM implementation plans and any periodic updates shall be consistent with the
9 requirements of this Section and any guidelines developed by the Department pursuant to this
10 Chapter.

11 (b) A City department IPM implementation plan shall outline the ways in which the City
12 department shall comply with the City IPM Policy in Section 300(d). The City department IPM
13 implementation plan shall include pesticide applications performed by pesticide applicators at
14 the request of the City department. The IPM implementation plan shall contain a list of the
15 types and quantities of chemicals used ~~as of December 31, 1996~~, the types of pest problems,
16 the alternatives adopted to date, alternatives proposed for adoption within the next six
17 months, and the name of the IPM Coordinator for the City department.

18 (c) At the request of the Department, the Commission may determine that a City
19 department's IPM implementation plan is not in conformity with the City IPM Policy. Upon a
20 determination of nonconformity, the City department shall submit a revised plan to the
21 Department in accordance with a schedule established by the Commission.

22 (d) The Department shall ~~assist City departments in implementing the City IPM Policy by~~
23 ~~developing~~ disseminate public educational information about IPM plans and programs and the
24 City's IPM Policy.

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1 (e) ~~The Department shall establish an IPM Policy implementation program to assist City~~
2 ~~departments in implementing the City IPM Policy.~~ The Department shall maintain ~~establish~~ a data
3 bank of information concerning pesticide use by City departments and the efficacy of
4 alternatives used by City departments. All City departments that use pesticides shall
5 participate in the Department's program by:

6 (1) Identifying the types of pest problems that the City Department has;

7 (2) Identifying types and quantities of pesticides currently in use by the City
8 department;

9 (3) Identifying the use of alternatives for ~~banned~~ pesticides;

10 (4) Designating City department contact personnel who are responsible for the
11 service for which the pesticides are used to regularly assess the efficacy of alternatives and to
12 act as a resource for other City departments; and

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

15 (f) Any City department planning to apply pesticides to outdoor areas must first obtain a
16 written recommendation from a person holding a valid Agricultural Pest Control Advisor license issued
17 by a state agency. Written recommendations shall be consistent with the IPM plan for the site and state
18 the period for which they are valid, from one day up to one calendar year from the date of issue. ~~The~~
19 Department shall determine the cost of maintaining the IPM implementation program. The Department
20 may request that the City departments that use pesticides provide work orders to the Department to
21 cover the cost of maintaining the program.

22 (g) Any City department that performs landscape pesticide applications must do so by or under
23 the supervision of a person holding a valid Qualified Applicator certificate under state law. Properly
24 trained, but unlicensed staff may apply pesticides under the direction of a properly licensed staff
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1 ~~member. No later than July 1, 1997 and semi annually thereafter, the Department shall report to the~~
2 ~~Commission on the status of City department efforts to implement the City IPM Policy. Such report~~
3 ~~shall include a summary of exemptions granted by the Department during the reporting period. The~~
4 ~~Department shall provide an annual report to the Board of Supervisors on the status of City department~~
5 ~~efforts.~~

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

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

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11 **SEC. 306. RECORDKEEPING AND REPORTING.**

12 (a) Each City department that uses pesticides shall keep records of all pest
13 management activities. Each record shall include the following information:

- 14 (1) The target pest;
- 15 (2) The type and quantity of pesticide used;
- 16 (3) The site of the pesticide application;
- 17 (4) The date the pesticide was used;
- 18 (5) The name of the pesticide applicator;
- 19 (6) The application equipment used;
- 20 (7) Prevention and other non-chemical methods of control used;
- 21 (8) Experimental efforts; and
- 22 (9) Exemptions granted by the Department pursuant to Section ~~302 304 or 307~~

23 for that application.

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

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

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8 **SEC. 307. Reserved. EXEMPTIONS.**

9 ~~(a) **Improving and maintaining water quality.** Notwithstanding any other provision of this~~
10 ~~Chapter, this Chapter shall not apply to the use of any pesticide for the purpose of improving or~~
11 ~~maintaining water quality at:~~

12 ~~(1) Drinking water treatment plants;~~

13 ~~(2) Wastewater treatment plants;~~

14 ~~(3) Reservoirs; and~~

15 ~~(4) Related collection, distribution and treatment facilities.~~

16 ~~(b) **One-year exemptions.** A City department may apply to the Department for up to a one-year~~
17 ~~exemption from the pesticide ban imposed by Sections 302 or 303 for use of a particular pesticide for a~~
18 ~~particular use. The application for an exemption shall be filed on a form specified by the Department~~
19 ~~and shall be signed by the City department's IPM Coordinator. The Department of the Environment~~
20 ~~may grant the one-year exemption upon a finding that the City department has:~~

21 ~~(1) Made a good faith effort to find alternatives to the banned pesticide;~~

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

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

3 (c) ~~**Limited use exemption.** A City department may apply to the Department for a limited use~~
4 ~~exemption for a particular pesticide banned pursuant to Section 302 or 303 and not covered by a one-~~
5 ~~year exemption. The application for an exemption shall be filed on a form specified by the Department~~
6 ~~and shall be signed by the City department's IPM Coordinator. The Department may grant a limited-~~
7 ~~use exemption provided that the Department finds that the City department will use the pesticide for a~~
8 ~~specific and limited purpose and for a short and defined period and the City department has identified~~
9 ~~a compelling need to use the pesticide.~~

10 (d) ~~**Reduced-risk pesticide.** The Commission on the Environment may exempt a reduced-risk~~
11 ~~pesticide from the ban imposed by Section 303 upon a finding that the reduced-risk pesticide is~~
12 ~~commonly used as part of an IPM strategy. Based on recommendations by the Department, the~~
13 ~~Commission shall maintain a list of reduced-risk pesticides granted an exemption pursuant to this~~
14 ~~subsection. The Commission shall review the list annually and make necessary changes. The~~
15 ~~Commission may review and revise the list more frequently upon recommendation by the Department.~~

16 (e) ~~**Emergency exemption.** A City department may apply to the Department for an emergency~~
17 ~~exemption in the event that an emergency pest outbreak poses an immediate threat to public health or~~
18 ~~significant economic damage will result from failure to use a pesticide banned pursuant to Section 302~~
19 ~~or Section 303. The application for an exemption shall be filed on a form specified by the Department.~~
20 ~~The Department shall respond to the application in a timely manner. If the requesting department is~~
21 ~~unable to reach the Department, the departmental IPM Coordinator may authorize the one-time~~
22 ~~emergency use of the required pesticide. The department IPM Coordinator must notify the Department~~
23 ~~of the determination to use the pesticide by facsimile prior to its application in the event that the~~
24 ~~department IPM Coordinator is unable to reach the Department. Signs meeting the requirements of~~

1 ~~Subsection (a)(2) through Subsection (a)(4) shall be posted at the time of application and remain~~
2 ~~posted four days following the application. The Department may impose additional conditions for~~
3 ~~emergency applications.~~

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5 **SEC. 308. CITY CONTRACTS.**

6 ~~(a) As of the effective date of this Section, when a City department enters into a new contract or~~
7 ~~extends the term of an existing contract, the contract shall obligate the contractor to comply with~~
8 ~~provisions of this Section 308(a):~~

9 ~~(1) Effective January 1, 1998, the contractor shall comply with Sections 302, 304 and~~
10 ~~306. In addition, effective January 1, 1998, the contractor shall submit to the City department an IPM~~
11 ~~implementation plan that lists the types and estimated quantities, to the extent possible, of pesticides~~
12 ~~that the contractor may need to apply to City property during its contract, outlines actions the~~
13 ~~contractor will take to meet the City IPM Policy in Section 300 to the extent feasible, and identifies the~~
14 ~~primary IPM contact for the contractor.~~

15 ~~(2) Effective January 1, 1999, the contractor shall comply with Section 303(a).~~

16 ~~(3) Effective January 1, 2000, the contractor shall comply with Section 303(b).~~

17 ~~(b) As of the effective date of this Section, when (a) When a City department enters into a~~
18 ~~new contract or extends the term of an existing contract that authorizes a contractor to apply~~
19 ~~pesticides to City property, the City department shall submit an IPM *implementation* plan~~
20 ~~update to the Commission on the Environment that incorporates the pesticide usage of the~~
21 ~~contractor into the City department's IPM *implementation* plan.~~

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

23 ~~(c) The contractor, or City department on behalf of a contractor, may apply for any~~
24 ~~exemption authorized under Section 307.~~

1 Section 2. **Additional Provisions.**

2 (a) **Disclaimer.** In adopting and implementing this ordinance, the City and County of
3 San Francisco is assuming an undertaking only to promote the general welfare. It is not
4 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
5 is liable in money damages to any person who claims that such breach proximately caused
6 injury.

7 (b) **Conflict with State or Federal Law.** This ordinance shall be construed so as not
8 to conflict with applicable federal or State laws, rules or regulations. Nothing in this ordinance
9 shall authorize any City agency or department to impose any duties or obligations in conflict
10 with limitations on municipal authority established by State or federal law at the time such
11 agency or department action is taken.

12 (c) **Severability.** If any of the provisions of this ordinance or the application thereof to
13 any person or circumstance is held invalid, the remainder of those provisions, including the
14 application of such part or provisions to persons or circumstances other than those to which it
15 is held invalid, shall not be affected thereby and shall continue in full force and effect. To this
16 end, the provisions of this ordinance are severable.

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1 (d) **Environmental Findings.** The Planning Department has determined that the
2 actions contemplated in this ordinance are in compliance with the California Environmental
3 Quality Act (Cal. Pub. Res. Code §§ 21000 et seq.). Said determination is on file with the
4 Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by
5 reference.

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7 APPROVED AS TO FORM:

8 DENNIS J. HERRERA, City Attorney

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10 By: _____
11 Thomas J. Owen
12 Deputy City Attorney

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