



## “Exhibit A”

# City of Ojai Earth Friendly Management Policy

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## I. PREAMBLE

The Ojai Earth Friendly Management (EFM) Policy establishes best management practices for City-owned properties in an efficient, effective, and environmentally responsible manner while paying careful attention to public safety.

EFM is a problem-solving strategy that prioritizes an organic regenerative approach to the total environment – turf, landscape, and structure management – without the use of toxic pesticides. EFM mandates the use of preventative practices and enrichment strategies that promote healthy soil, plant life, wildlife, and the safeguarding of structures.

The intent of the EFM policy is to align the City's management practices with the City's vision and mission statement and to create and foster a program that is sensitive to impacts on the environment and the public in the use of harmful maintenance products.

The City will strive to preserve natural resources in the airshed and watershed, which include the ocean, marine life, creeks, canyons, plant life, mountains, wildlife, and open spaces.

EFM prioritizes **STEP UP!**: Sanitation, Teaching, Environment enrichment, Preventative measures, and Universal policy, the Precautionary principle. The **STEP UP!** protocol utilizes an understanding of Repel, Exclude, and Deter (**RED**) tactics.

- **Sanitation**, ensuring secure and clean trash management;
- **Teaching**, promoting pesticide alternatives like Repel, Exclude, Deter techniques;
- **Environmental Enrichment**, fostering drought-resistant trees, pollinator gardens, and soil health;
- **Prevention**, banning chemical pesticides on public property and encouraging natural alternatives; and
- **Universal Policy**, following the Precautionary Principle, which shifts the burden of proof to pesticide producers to demonstrate their products' safety, acknowledging that no pesticide is risk-free. The policy recognizes that when we poison nature, we ultimately harm ourselves.
- The **Precautionary Principle** recognizes:
  - No toxic, synthetic pesticide product is free from risk or threat to human health, and
  - Industrial producers shall be required to prove that their pesticide products demonstrate an absence of risks rather than requiring that the government or the public prove that human health is being harmed.

EFM incorporates the principles of Integrated Pest Management. EFM strictly prohibits the use of synthetic fertilizers and chemical pesticides including herbicides, insecticides, fungicides and rodenticides.

The City is committed to ensuring the health, safety, and biological integrity of its citizens and environment through the development of EFM practices.

It is also the purpose and intent of this policy to outline how City departments are to perform EFM strategies and to ensure compliance with the City's EFM resolution.

The City recognizes that toxic, synthetic pesticides are potentially hazardous to human health, wildlife, and the environment, and shall give preference to available, safe, and effective non-pesticide alternatives and cultural practices when considering options for pest management on City property.

## **II. City Policy**

### **A. EFM Goals**

The integration of physical, cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity are our goals.

1. To protect public health by restricting the use of hazardous chemicals and pesticides on city-owned property.
2. To ensure that citizens are able to safely use city structures and recreation areas.
3. To designate all parks, turf grass, playgrounds, City structures, and City property as pesticide-free zones.
4. Organic pesticides used only on an emergency basis. The selected pesticide shall be effective, least toxic, and used only for a limited time.
5. Development of site-specific management plans and specific plans to prevent or reduce the incidence of problems, with careful consideration given to protecting public health and safety, wildlife, and the environment.

### **B. Definitions.**

For purposes of this Policy, these definitions apply:

1. “Department” means the Ojai Public Works Department.
2. “Eco-Exempt Products” means products exempt under Section 25(b) – *Minimum Risk Pesticides* of the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) (7 USC § 136, et seq.), established by the United States Environmental Protection Agency.
3. “Integrated Pest Management or IPM” means Integrated Pest Management. IPM promotes the use of non-chemical methods for the prevention and management of pest issues utilizing methods such as physical, mechanical, cultural, and biological controls.
4. “National Organic Program” or “NOP” means the United States Department of Agriculture organic accreditation program that outlines organic certification standards, including a list of allowed and prohibited substances for organic production and processing.
5. “Organic Materials Research Institute” or “OMRI” means an organization that determines which input products are allowed for use in organic production and processing.
6. “Pesticide” means pesticide is a general term that includes herbicides, insecticides, fungicides, and rodenticides.
7. “Precautionary Principle” means the precautionary principle (or precautionary approach) to risk management states that if an action or policy has a suspected risk of causing harm to the public or the environment, in the absence of scientific consensus (that the action or policy is not harmful), the burden of proof that it is not harmful falls on those taking an action that may or may not be a risk.

The principle is used by policy makers to justify discretionary decisions in situations where there is the possibility of harm from making a certain decision (e.g., taking a particular course of action) when extensive scientific knowledge on the matter is lacking. The principle implies that there is a social responsibility to protect the public from exposure to harm when scientific investigation has found a plausible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result.

The key elements of the Precautionary Principle approach to decision-making include:

- Anticipatory Action: There is a duty to take anticipatory action to prevent harm. Government, businesses, and community groups, as well as the general public, share this responsibility.
- Right to Know: The community has a right to know complete and accurate information on potential human health and environmental impacts associated with the selection of products, services, operations, or plans. The burden to supply this information lies with the proponent, not with the general public.
- Alternatives Assessment: An obligation exists to examine a full range of alternatives and to select the alternative with the least potential impact on human health and the environment, including doing nothing.
- Full Cost Accounting: When evaluating potential alternatives, there is a duty to consider all the reasonably foreseeable costs, including raw materials, manufacturing, transportation, use, cleanup, final disposal, and health costs, even if such costs are not reflected in the initial price. Short- and long-term benefits and time thresholds should be considered when making decisions.
- Participatory Decision Process: Decisions applying the Precautionary Principle must be transparent, participatory, and informed by the best available science and other relevant information.

8. “Toxicity Categories – I, II, III, IV” means pesticides, as defined in this section, meeting the appropriate toxicity categories and bearing on the front label panel the word Danger, Warning, or Caution, as specified in 40 CFR § 156.10.
9. “Trap and Release” means live trapping animals for immediate release to the appropriate surrounding area when necessary and allowed by law.

## **C. Administration of the EFM**

It is the policy of the City that the EFM program will be administered by the Public Works Director or their designee and will apply Best Management Practices (BMPs) to prevent pest infestations while eliminating pesticide use. These BMPs) focus on preventive and non-chemical methods.

All City Departments will comply with the City of Ojai’s EFM resolution and policy. This policy will apply to all property owned, leased, or managed by the City. City Departments that require pest management services will comply with the City’s EFM resolution and policy, including:

## 1. Practices Generally

- **Review and consideration** of all available non-chemical options.
- **Identification and evaluation** of conditions that encourage problems.
- **Careful and efficient inspection, monitoring, and assessment** of problems by designated personnel knowledgeable of EFM methods.
- **Maintenance of records by City departments on EFM methods** considered and used to prevent and control issues.
- **Compliance** with all applicable state and federal regulations.

## 2. Cultural Controls (Modify the environment to make it less hospitable for pests)

- **Sanitation and Waste Management:** Remove food sources, standing water, and debris that attract pests.
- **Proper Planting and Spacing:** Choose pest-resistant plant varieties and ensure proper spacing to reduce disease risk and improve airflow.
- **Crop Rotation and Diversification:** For gardens or agricultural settings, rotate crops to disrupt pest life cycles and use companion planting to repel pests.
- **Create Healthy Soil:** Create a soil microbial community through the use of compost, compost tea, and inoculation.
- **Use native and/or climate appropriate plants** to reduce the amount of water, fertilizers, and soil amendments used.
- **Consider alternatives** to pesticide use such as doing nothing, or conducting manual weed and insect removal.
- **Minimize irrigation run-off** by using efficient irrigation practices to limit evapotranspiration.
- **Prohibited products:** Synthetic fertilizers, chemical pesticides, irradiation, and genetically engineered products or products containing genetically engineered ingredients may not be used, including fungicides, herbicides, insecticides, and rodenticides.

## 3. Physical Barriers and Exclusion

- **Seal Entry Points:** Ensure buildings or structures are sealed tightly by fixing cracks, gaps, and holes where pests may enter.
- **Install Screens and Nets:** Use screens on windows, doors, and vents to prevent insects from entering.
- **Row Covers and Mulches:** Use natural mulches and row covers to protect plants from insect infestations.
- **Eliminating habitats and conditions supportive of population increase** such as accessible dumpsters, weeds, and pathogens. All dumpsters must have tightly closed lids with no overflow.

## 4. Mechanical Controls (Remove or disrupt pests directly)

- **Traps and Baits:** Use non-toxic, non-lethal traps for rodents or insect monitoring traps to capture pests. Glue traps are prohibited due to their inhumane nature by the Ojai Municipal Code Chapter 5-16 (Use and Sale of Glue Traps). Trap and release when appropriate.
- **Manual Removal:** In gardens, manually remove pests such as slugs, caterpillars, or insects when infestation is small and it is safe to do so.
- **Vacuuming:** For indoor pests like mites or small insects, vacuuming can be effective.

#### 5. Biological Controls (Use natural predators or other biological interventions)

- **Encourage Natural Predators:** Attract beneficial insects (like ladybugs and lacewings) that prey on pests.
- **Use Biocontrol Agents:** Introduce natural enemies of pests, such as predatory nematodes, bacteria (e.g., *Bacillus thuringiensis* for caterpillars), parasitic wasps, raptor poles, and owl nesting boxes.
- **Create Habitats for Wildlife:** Promote habitats for birds of prey, bats, and beneficial insects that feed on pests.

#### 6. Environmental Controls (Manage conditions to prevent pest development)

- **Moisture Control:** Fix leaks, avoid overwatering, and ensure good drainage to minimize pest-friendly environments.
- **Landscape Maintenance:** Regularly prune plants, mow lawns, and remove dead or decaying plant matter.
- **Composting Practices:** Maintain compost piles properly, ensuring they are well-aerated to prevent pest breeding.
- **Apply and maintain mulch** to suppress weed seed germination.
- **Remove unwanted plants** before they set seed to reduce weed populations.
- **Consider emergency use only** of Eco-exempt products and those approved by the Organic Materials Research Institute (OMRI) or by the National Organic Program.

#### 7. Monitoring and Inspection

- **Routine Inspections:** Conduct regular inspections for signs of pests, focusing on vulnerable areas (e.g., cracks, moisture spots, food storage).
- **Pest Identification:** Properly identify pests before implementing controls to ensure effective management.

#### 8. Education and Community Engagement

- **Training:** Educate staff on prevention techniques, proper sanitation, and recognizing early signs of pests, including IPM methodology.
- **Shared Responsibility:** Encourage neighbors or other property users to adopt similar practices to create a larger pest-free zone when appropriate.

### **III. GUIDELINES FOR ORGANIC PESTICIDE SELECTION**

#### **A. Development of list of organic pesticides allowed for in an emergency on City property.**

The City Council may adopt by resolution a list of organic pesticides (Pesticide List) that may be used in case of an emergency on City property in accordance with this policy. The Public Works Department shall develop and recommend an initial Pesticide List to the City Council and may recommend additions to the list to the City from time to time. The Pesticide List shall give preference to eco-exempt products, those approved by the Organic Materials Research Institute (OMRI), by the National Organic Program, or similar program accepted by the Public Works Department.

Exhibits A and B provide a framework for what pesticides to choose for inclusion on the Pesticide List. Eco-friendly options are to be used first. “Eco-friendly options” includes, but is not limited, horticultural oils; insecticidal soaps; diatomaceous earth; neem oil; bacillus thuringiensis (Bt) (NON GMO); spinosad; sulfur; iron phosphate; beauveria bassiana; pyrethrins (natural); horticultural vinegar; and organic soil fertilizer (foliar spray or soil drench). “Eco-friendly options” does not include products that have been irradiated or contain genetically engineered ingredients may not be used. Other emergency-use pesticides will be added to the Pesticide List by resolution of the City Council as and when determined necessary or desired by the City Council.

Any pesticide use will be in accordance with state and federal laws and in accordance with this policy and the EFM resolution, whichever is most restrictive.

Any proposed changes are to be supervised by the Public Works Department before being submitted to the City Council for consideration for approval.

#### **B. Chemical Prohibitions for the Pesticide List**

Pesticides included in the Pesticide List shall not contain ingredients identified in the following sources:

1. Products listed as Toxicity Category I, II or III.
2. California’s Proposition 65 list (the Safe Drinking Water and Toxic Enforcement Act of 1986, materials known to the State to cause cancer or reproductive or developmental toxicity).
3. California’s Department of Pesticide Regulation’s Groundwater Protection List (Food and Agriculture Code § 13145(d); 3 CCR § 6800)
4. Organophosphates, or organochlorines, or carbamates listed by the California Environmental Protection Agency, Department of Pesticide Regulation databases
5. A known carcinogen, probable carcinogen, or possible carcinogen by the United States Environmental Protection Agency as per “List of Chemicals Evaluated for Carcinogenic Potential.”
6. Any known endocrine disruptor listed by the United States Environmental Protection Agency or the European Union Endocrine Disruptors website.

## **C. Limited Use Emergency Exemptions**

City departments shall submit a request for an exemption to the Public Works Department to use an organic pesticide that is not on the Pesticide List. The Public Works Department may approve a limited use emergency or exceptional circumstance exemption request if the material is being used in association with an active EFM program and the department, through submittal of an exemption request form, has demonstrated:

1. An emergency or exceptional circumstance need to use the pesticide, such as public health or safety, or substantial economic detriment.
2. The investigation of all available options and finding no viable alternatives.
3. The development of a plan to preclude the need for future use.
4. The department's intent to use the material for a limited period.

Notice of such waiver will be posted, in the manner provided for notice of public meetings, within two business days following the issuance of the waiver. Any waiver granting the use of pesticide on City land shall require the use of EFM protocol and shall specify the use of specific pesticides determined to be the least toxic material for the specific application. This information shall be included as part of the annual report to the City Council.

## **IV. CONTRACTS, NOTIFICATIONS, AND RECORD KEEPING**

### **A. EFM Contracts**

All contractors on City-owned or leased property shall be required to adhere to the guidelines established in the City's EFM resolution and policy

- The Public Works Department shall assist City departments in developing contract language and in the selection of the successful pest control contractor.
- Contractors are required to maintain records of activities and submit a summary of activities to the Department upon completion of the job. Contractors providing regular and ongoing service shall submit summaries to the Department quarterly. Records are to include the date, name of the pest, the site/location where the work was done, name of the technician performing the work, and corrective action(s) taken. If a pesticide was used, the product name and amount applied must also be reported.
- Contractors are required to comply with the notification requirements as listed in this policy.

### **B. Notification**

The City shall provide the public and its employees with notification of exceptional circumstances or emergency organic pesticide applications through the use of signs.

1. Signs shall be posted at all regular public and employee points of entry to the treated area pursuant to state and federal law, the City of Ojai's EFM resolution and policy, and according to product label instructions.

2. Signs shall be posted four days in advance of application and remain in place for four days following the application unless the manufacturer's product label specifies a longer posting period.
3. Signs shall contain the name and active ingredient(s) of the product, the re-entry interval as determined by the product label or regulation, the name and contact number for the City department responsible for the application, and the web address of the City EFM webpage.
4. Signs shall be of a standardized design that is easily recognizable to the public and employees.
5. When using approved Category IV, Eco-exempt or OMRI approved pesticides, posting may be on the day of application and remain in place for at least four days.
6. City departments may obtain authorization from the Public Works Department to apply an organic pesticide without providing a one- to four-day advance notice if there is a compelling need to use the pesticide, such as a threat to public health, safety, City property, or substantial economic detriment. Signs meeting the requirements as outlined above (#2), shall be posted as soon as possible before application, and remain posted four days following the application.
7. The City will endeavor to give 72-hour notice if a pesticide is being used on City property.

## **C. Record Keeping and Reporting**

The City shall maintain all records of the EFM methods and pesticide applications used for a period consistent with the City's record retention policy. Records of pesticide applications shall include:

1. The name of the entity responsible for applying the pesticide.
2. The specific site of the application.
3. The target pest.
4. The date the pesticide was used and re-entry if applicable.
5. Date of expiration of the pest control advisor recommendation.
6. Schedule, timing, and conditions.
7. The name and active ingredients of the pesticide applied and its EPA registration number
8. The Director of the Public Works Department will report in a timely manner to the City Council if any pesticides are used on City property by City staff or City contractors and will also submit an annual report of any pesticides used on City property.