

HANDOUT: ISSUES AND RESPONSES

Public Comments and Agency Responses

Draft 2018 Reduced Risk Pesticide List, City & County of San Francisco

This list is a compilation of written comments pertaining to the currently proposed Reduced Risk Pesticide List, received as of the July 31, 2018, in preparation for the August 6, 2018 Commission on the Environment Policy Committee meeting.

Public Comment	Agency Response
<p>1 All hazard tier I and non-organic tier II pesticides should be banned.</p> <p>The City should stop purchasing hazardous herbicides, dispose of any remaining stock immediately following the City's hazardous waste disposal protocols, exempting herbicides intended for use on Harding Park Golf Course only.</p>	<p>San Francisco's Integrated Pest Management (IPM) Ordinance is one of the most rigorous policies in the country for limiting the use of pesticides. The ordinance takes a precautionary approach, which entails using the best available science to identify the safest effective option from a full range of alternatives. The law allows the use of pesticides only as a last resort and directs the City to make regular, science-based assessments of products to limit potential harm.</p> <p>The IPM Program has been extremely successful in limiting the use of pesticides citywide and has seen a 96% reduction in the use of Tier I herbicides since 2010. If pesticides are used, City staff use them judiciously, as reflected by declining use data. There are exceptional instances in which pesticides may be necessary when it comes to ensuring public safety, protecting biodiversity, and balancing the need to maintain expensive capital projects. The ordinance allows for thoughtful consideration of uses in those cases.</p> <p>Pesticide products are constantly changing and new products continue to be brought to market. The current ordinance provides a public decision-making process for the use of pesticides that is science-based, transparent, and responsive to changing conditions. The process allows the City to systematically track its progress and ensure accountability while limiting exposure.</p> <p>It is important to note that allowing only 'organic' pesticides would not provide sufficient tools for the City's weed management needs. For example, the only organic herbicides available are "burn-down" herbicides, usually strong acids that kill above-ground vegetation but are not systemic. Burndowns are inadequate for certain situations, for example, deep-rooted perennials threatening rights-of-way, dam faces, or large capital investments. This shortcoming has been demonstrated by San Francisco's own pilot testing, and also by the experiences of other cities that have tried an organic-only approach, such as Irvine. In addition, while organic pesticides (that is, pesticides currently approved by the Organic Materials Research Institute for use in certified USDA Organic operations) are generally safer and less environmentally disruptive than their conventional counterparts, this is not universal. There are certain OMRI-approved products that have higher acute toxicity than any product on San Francisco's list. One example is a 20% acetic acid herbicide product that carries a US EPA "Danger" label.</p>
<p>2 Tier I herbicides must no longer be permitted for use in the Natural Areas Program (Natural Resources Department), or to control <i>Oxalis</i>.</p>	<p>A total of 1.5 gallons of Tier I herbicide active ingredient was used in 2017 by the Natural Resources Department, across 1,100 acres. As discussed in several previous Commission meetings, the risk of these tiny quantities of herbicides is negligible compared to the prospect of permanently losing the City's remnant biodiversity hotspots. The only place the City treats for <i>Oxalis</i> is in Natural Areas in order to protect remnant populations of locally rare and listed plant species. For this plant and this context, there is no non-chemical alternative.</p>
<p>3 No further herbicide exemptions should be granted for any City properties.</p>	<p>An exemption process is created because regulators recognize that they cannot foresee every situation experienced by regulated entities. Exemptions are especially important for pest management in a large city, which involves a diversity of organisms and contexts. Allowing exemptions from the Reduced Risk Pesticide List makes it possible to craft more restrictive language while accommodating rare, unanticipated critical needs. In addition, each exemption request provides a structure for an additional layer of problem-solving conversations, which we believe results in the safest possible solution to the problem.</p>
<p>4 Exemptions should be required for any herbicide use.</p>	<p>The City's Integrated Pest Management Ordinance (Chapt. 2 Environment Code) only allows pesticide use as a last resort and herbicide use is highly restricted on City properties. Development of the Reduced Risk Pesticide List each year requires a thoughtful process that includes important hazard screenings of pesticides and in-depth discussions on safer alternatives before approving their use. This process ensures a thorough review of alternatives well in advance of an unanticipated need.</p> <p>By contrast, an exemptions-based program would be reactive instead of a planned process. Requiring an exemption application for each individual application would also dramatically increase administrative time requirements for both the applicants and reviewers. Without the list process and its deep group discussions of alternatives, a purely exemption-based program could also ultimately reduce our ability to select the safest alternative.</p>
<p>5 Tier II pesticides should now be included side by side with Tier I pesticides in all pesticide policies, and must be assumed to pose potential risks just as serious as Tier I. All current data collection and noticing must now be conducted for both Tier I and Tier II pesticide use. All *current* restrictions on Tier I pesticides should be applied to all Tier II pesticides. Comprehensive signage and marking on both Tier I and Tier II pesticides used in NAP areas must be required.</p>	<p>San Francisco's hazard tier system is based on weight-of-evidence determinations by authoritative bodies, and products that fall under Tier I therefore carry greater innate hazards than Tier II or Tier III products. Comparing risks from various products requires quantitative data on a wide variety of exposure scenarios, which is generally not available. Therefore, we generally must rely on the hazard tier system to prioritize our restrictions as well as to focus our work on the most hazardous products.</p> <p>In this year's draft Reduced Risk Pesticide List, we are recommending to extend the mapping and posting requirements - currently only required for Tier I products) - to Tier II & III products as well. In addition, we are recommending that the explicit prohibition on treating plants with edible berries be extended to all herbicides.</p>

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6 Stumps treated to prevent growth must be ground down, or mushroom treated, not treated with Tier I or Tier II herbicides.	Departments use stump grinding when the trees meet certain criteria, in particular, when their location is accessible to heavy equipment. Inoculation with fungi is a treatment we are interested in pilot testing, although it works very slowly (>2 years). There is not yet strong scientific data on its effectiveness for Eucalyptus or Acacia spp. The literature shows that a product called "Chondro" (<i>Chondrostereum purpureum</i>) has had some success in treating the stumps of eastern hardwood trees, however, it is not yet registered in California and therefore cannot be legally used at this time.
7 Comprehensive signage and marking on both Tier I and Tier II pesticides for all trails (not just designated trails) must be required.	This topic has been discussed at past Commission meetings, and the current definition of "designated trail" is the only one that is implementable by City staff. Posting and (when necessary) maps are already required for Tier I herbicides, and the mapping requirement is proposed for extension all herbicide use.
8 Signage, flags and marking on both Tier I and Tier II pesticides *at* all treatment locations, not just at trail heads, must be required.	The rule for placement of posting is not currently specific to trail heads. Flags have been discussed and are not considered as effective at identifying treatment locations as the use of blue dyes combined with specific signage and demarcation.
9 A one month notice of planned treatment, with a one week notice when it is known that the treatment will go forward, must be required for all Tier 1 and Tier 2 pesticide applications.	One month advance notice is not feasible because it would impair the ability to effectively control certain fast-growing weed and insect pests.
10 The barrier between pesticide applications and trails, play areas, and areas frequented by children, must be increased to 50 feet	This has been discussed at Commission meetings. The current 15 foot buffer was based on discussions of practicality with implementing departments, and also on the typical maximum lengths of dog leashes.
11 Official Prop 65 signage warnings on all areas treated with chemicals covered by Prop 65 must be required.	Local governments are exempt from Proposition 65 notices.
12 Any back pack spraying done on multiple plants through waving the wand over them while freely spraying must be categorized as 'Broadcast Spraying'	This topic has been discussed at Commission meetings. An operational definition of broadcast spraying is essential. For this reason, we plan to continue with the definition of broadcast spraying as "using a spray boom."