

RESOLUTION NO. 19-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
ADOPTING INITIAL STUDY NO. 17-001 AND MITIGATED NEGATIVE
DECLARATION NO. 18-002, MITIGATION MONITORING AND REPORTING
PROGRAM, AND ADOPTING THE EARTH FRIENDLY MANAGEMENT
POLICY

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. On October 8, 2013, the Council adopted Council Policy No. 49 Integrated Pest Management (IPM) Policy and the IPM Program formally committing Malibu to reduce or eliminate the use of pesticides, when reasonable, through the use of IPM principles and practices.

B. On June 27, 2016, the City Council adopted a two-year pilot program banning the use of pesticides and trapping on all City-owned parks, roads and property pending the review and adoption of a new Earth Friendly Management Policy (EFMP) to replace the current IPM.

C. On May 4, 2017, a Notice of Intent to Adopt a Mitigated Negative Declaration was published in a newspaper of general circulation within the City of Malibu, distributed to responsible agencies, and interested parties. The 30-day public review period ran from May 4, 2017 to June 4, 2017 (State Clearinghouse No. 2018051007).

D. On September 27, 2018, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all responding agencies.

E. On September 27, 2018, the Final Initial Study and Mitigated Negative Declaration was made available. Also, on this date, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties. Response to Comments on the Draft Initial Study and Mitigated Negative Declaration was circulated to all of those who submitted comments as well as to interested parties.

SECTION 2. Adoption of Mitigated Negative Declaration.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the City Council has analyzed the Earth Friendly Management Policy ("project"). The Planning Department prepared an initial study (Initial Study No. 17-001) pursuant to CEQA Guidelines Section 15300.2(c). The initial study analyzed the Project and determined that with mitigation measures, the Project will not have a significant impact on the environment; subsequently, Mitigated Negative Declaration No. 18-002 was prepared and circulated pursuant to CEQA Guidelines Section 15070.

The City Council has considered the Final IS/MND together with the comments received during the public review process. The Final IS/MND reflects the independent judgment of the City Council and has been completed in compliance with CEQA and is adequate for this project. The City Council finds that the Project does not have the potential to significantly degrade the quality of the environment, nor does it have impacts which are individually limited but cumulatively considerable.

The City Council further finds that through feasible conditions placed on the project, less than significant impacts on the environment are expected. Based on the record as a whole, there is no substantial evidence that the project, as conditioned, will have a significant effect on the environment.

SECTION 3. Adoption of Mitigation Monitoring and Reporting Program.

The Final IS/MND for the Project identifies specific mitigation measures to reduce the potentially significant impacts of the Project as proposed. The City Council hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as “Exhibit A” and made a part hereof. The project-specific mitigation measures identified in the Final IS/MND would be implemented and monitored as part of the EFMP project as described Exhibit A.

SECTION 4. Adoption of the Earth Friendly Management Policy.

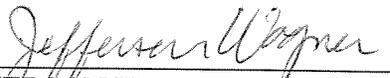
The Earth Friendly Management Policy will outline how the City will perform pest management on City property except it shall not apply to 23575 Civic Center Way / 23879 Stuart Ranch Road (APN 4458-022-011), 23800 Civic Center Way (APNs 4458-020-015 and 4458-020-900), landscaped planters along Cross Creek Road between Pacific Coast Highway and Civic Center Way, 2577 Encinal Road (APNs 4472-027-901 & 902, 4472-028-901 & 902, 4473-005-901 & 902; and 4473-006-900), 29136 Pacific Coast Highway (APN 4466-021-028), the property located on Trancas Canyon Road (APN 4470-012-901), and the property located on Winter Mesa Road adjacent to Malibu Bluffs Park (APN 4458-018-907). In addressing pest management needs, the City shall focus on long-term prevention or ongoing suppression of pest problems, including consideration of a “no action” approach to preclude the need to use chemical pest control methods. The City recognizes that pesticides are potentially hazardous to human health, wildlife, and the environment and is committed to utilizing available, safe, and effective non-pesticide alternatives when considering options for pest management.

The City Council hereby adopts the Earth Friendly Management Policy attached hereto as “Exhibit B” and made a part hereof. The EFMP will be implemented and monitored as described Exhibit B.

SECTION 5. This policy shall become effective on July 1, 2019.

SECTION 6. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 24th day of June 2019.



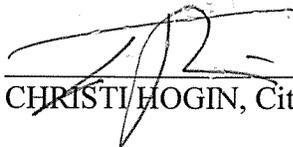
JEFFERSON WAGNER, Mayor

ATTEST:



HEATHER GLASER, City Clerk
(seal)

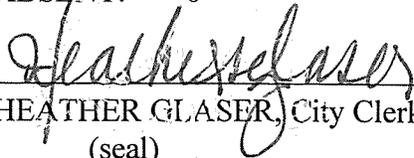
APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 19-32 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 24th day of June 2019 by the following vote:

AYES: 5 Councilmembers: Mullen, Peak, Pierson, Farrer, Wagner
NOES: 0
ABSTAIN: 0
ABSENT: 0



HEATHER GLASER, City Clerk
(seal)

EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM

1. INTRODUCTION

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the City of Malibu's proposed Earth Friendly Management Policy. An MMRP is required for the proposed project because the Initial Study/Mitigated Negative Declaration has identified potentially significant adverse impacts, and measures have been identified to mitigate those impacts. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to "adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted to mitigate or avoid significant effects on the environment."

2. MITIGATION MONITORING AND REPORTING PROGRAM

As the lead agency, the City of Malibu will be responsible for monitoring compliance with all mitigation measures. Different City departments are responsible for various aspects of the project. The MMRP identifies the department with the responsibility for ensuring the measure is completed; however, it is expected that one or more departments will coordinate efforts to ensure compliance.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below.

- **Mitigation Measure:** The mitigation measures are taken from the Initial Study/Mitigated Negative Declaration (IS/MND), in the same order they appear in the IS/MND.
- **Timing:** Identifies at which stage of the project the mitigation must be completed.
- **Monitoring Responsibility:** Identifies the department in the City with responsibility for mitigation monitoring.
- **Verification (Date and Initials):** Provides a contact who reviewed the mitigation measure and the date the measure was determined complete.

Mitigation Monitoring and Reporting Program Matrix
CITY OF MALIBU
EARTH FRIENDLY MANAGEMENT POLICY

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
BIOLOGICAL RESOURCES			
<p>BIO-1 If extraordinary circumstances arise (e.g., if human health has the potential to be affected), the City shall have the ability to utilize management techniques beyond the provisions of the EFMP. In the event of such extraordinary circumstances, the City shall utilize the most Earth-friendly techniques available that are commensurate with the severity of the situation. Such techniques shall only be used until the extraordinary scenario is alleviated. The City shall maintain a record of such extraordinary scenarios, the management techniques utilized, the duration of the employment of such techniques, and the outcome of the scenario. This record shall be provided to the City Council for review on a regular (no less than annual) basis.</p> <p>In the event the City elects to apply humane euthanizing of non-native rodent pests, this shall be conducted in accordance with appropriate training for the personnel involved, which would include identification of small rodent species in the region to ensure than any native rodents are released unharmed into the nearest appropriate habitat.</p>	Whenever humane euthanizing of rodent pests is to be undertaken.	City of Malibu Community Services Department	
CULTURAL RESOURCES			
<p>CUL-1 As part of the planning and design process for any new pest control activities that would entail ground alterations that could penetrate into native soil materials, the City shall retain a qualified professional archaeologist and a qualified professional paleontologist to assess the sensitivity of the affected site for archaeological and paleontological resources. Based on these assessments, the City shall implement recommendations from the archaeologist and/or paleontologist regarding construction controls and monitoring that would enable identification of potential resources during the construction process and provide for a halt work response in the immediate vicinity of an identified resource, so that further investigations and possibly salvage, recovery, and documentation can occur, to preserve the important scientific value of the resource(s) in question.</p>	During the planning and design process for pest control activities that entail ground alterations	City of Malibu Community Services Department	
TRIBAL CULTURAL RESOURCES			



Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>CUL-1 As part of the planning and design process for any new pest control activities that would entail ground alterations that could penetrate into native soil materials, the City shall retain a qualified professional archaeologist and a qualified professional paleontologist to assess the sensitivity of the affected site for archaeological and paleontological resources. Based on these assessments, the City shall implement recommendations from the archaeologist and/or paleontologist regarding construction controls and monitoring that would enable identification of potential resources during the construction process and provide for a halt work response in the immediate vicinity of an identified resource, so that further investigations and possibly salvage, recovery, and documentation can occur, to preserve the important scientific value of the resource(s) in question.</p>	<p>During the planning and design process for pest activities that entail ground alterations</p>	<p>City of Malibu Community Services Department</p>	



EXHIBIT B
EARTH FRIENDLY MANAGEMENT POLICY

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I. PREAMBLE

An Integrated Pest Management Policy (IPM) was adopted by the City of Malibu Department of Parks and Recreation on October 8, 2013. The policy established best management practices for controlling pests that are harmful to the health, function or aesthetic value of park landscapes in an efficient, effective, and environmentally responsive manner while paying careful attention to public safety.

In June of 2016, City Council mandated that all Malibu parks, facilities, and properties become pesticide free and established an Earth Friendly Management (EFM) Policy.

The intent of the EFM policy is to align 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, which include the ocean, marine life, creeks, canyons, plant life, mountains, wildlife, and open spaces.

Earth Friendly Management is a problem-solving strategy that designates a natural organic approach to the total environment - turf, landscape, and structure management.

EFM prioritizes STEP UP! Sanitation, Teaching, Environment enrichment, Preventative measures, and Universal Policy, the Precautionary Principle.

The Precautionary Principle recognizes:

- No pesticide product is free from risk or threat to human health, and
- Industrial producers should 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.

Application of EFM is a concrete way that the city can support the goals of the precautionary principle.

EFM incorporates the principles of Integrated Pest Management (IPM).

EFM strictly prohibits the use of synthetic fertilizers and chemical pesticides including herbicides, insecticides, 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 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 management on City property.

A. City Policy

It is the policy of the City that the EFM program will include the following components:

1. Education of City staff and public about EFM including IPM methodology

2. Synthetic fertilizers, chemical pesticides, irradiation, and genetically engineered or products containing genetically engineered ingredients may not be used, including fungicides, herbicides, insecticides, and rodenticides.
3. Eco-exempt products and those approved by the Organic Materials Research Institute (OMRI) or by the National Organic Program shall be considered for use in an emergency only and time limited
4. The use of biological controls, including the introduction of natural predators that enhance the environment by using raptor poles and owl nesting boxes
5. Eliminating habitats and conditions supportive of population increase
6. All dumpsters must have tightly closed lids with no overflow
7. Exclusion from buildings
8. Review and consideration of all available non-chemical options
9. Identification and evaluation of conditions that encourage problems.
10. Careful and efficient inspection, monitoring, and assessment of problems by designated personnel knowledgeable of EFM methods.
11. Maintenance of records by City departments on EFM methods considered and used to prevent and control issues
12. Environmental enhancement including a soil enrichment program and soil testing
13. All outdoor management practices comply with organic horticultural science, including water-conserving plants and mulching
14. Selection of native plantings using criteria of hardiness, suitability to native conditions, drought tolerant and ease of maintenance
15. Compliance with all applicable state and federal regulations
16. Glue traps are prohibited due to their inhumane nature
17. Trap and release
18. All City Departments will comply with the City of Malibu's EFM resolution and policy. This policy will apply to all property owned, lease, or managed by the City except for the Excluded Properties. Departments that require contract management services will comply with the City EFM resolution and policy.

B. 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 guarantee the right of citizens the safe use of city structures and recreation areas
3. All parks, turf grass, playgrounds, City structures and property designated as pesticide-free zones
4. Organic pesticides used only under an emergency basis. The selected pesticide shall be both effective and least toxic and used 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, of wildlife, and the environment.

II. DEFINITIONS FOR USE WITH THIS POLICY

A. Earth Friendly Management or EFM

Earth Friendly Management (EFM) is a problem-solving strategy that prioritizes an organic regenerative approach 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.

EFM emphasizes Sanitation, Teaching, Environmental enrichment, Preventative actions, Universal, Policy – the Precautionary Principle (STEP UP!).

The protocol utilizes an understanding of Repel, Exclude, and Deter (RED) tactics.

When an issue has not been satisfactorily dealt with by these tactics, emergency measures must utilize the least toxic organic pesticide.

B. Integrated Pest Management or IPM

Integrated Pest Management (IPM) promotes the use of non-chemical methods for the prevention and management of issues utilizing methods such as physical, mechanical, cultural, and biological controls.

C. Eco-Exempt Products

Products exempt under Section 25(b) – *Minimum Risk Pesticides* of the Federal Insecticide Fungicide and Rodenticide Act (FIFRA), established by the United States Environmental Protection Agency.

D. “National Organic Program” or “NOP”

A 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.

E. “Organic Materials Research Institute” or “OMRI”

An organization that determines which input products are allowed for use in organic production and processing.

F. Precautionary Principle

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.

G. Toxicity Categories – I, II, III, IV

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 Section 156.10 of Title 40 of the Code of Federal Regulations.

H. Trap and Release

Prohibits animal trapping except live trapping animals for immediate release to the appropriate surrounding area.

I. Excluded Properties

The properties located at 23575 Civic Center Way / 23879 Stuart Ranch Road (APN 4458-022-011), 23800 Civic Center Way (APNs 4458-020-015 and 4458-020-900), 29136 Pacific Coast Highway (APN 4466-021-028), the property located on Trancas Canyon Road (APN 4470-012-901), and the property located on Winter Mesa Road adjacent to Malibu Bluffs Park (APN 4458-018-907).

III. EARTH FRIENDLY MANAGEMENT POLICY OVERSIGHT

A. Commission Oversight

The Parks and Recreation Commission shall be responsible for oversight of the Earth Friendly Management Policy.

B. Responsibilities of the Parks and Recreation Commission for Earth Friendly Management

1. Meet quarterly. The EFM Coordinator shall organize meeting agendas. All meetings shall be noticed, and time will be allowed for public comment. Meetings will be conducted according to the Brown Act
2. Develop an organic pesticide use list that may be used by the City in the case of emergency only
3. Participate in training on the Brown Act and any additional training required by the City
4. Review and understand the City of Malibu's EFM resolution and policy
5. Be knowledgeable concerning EFM and understand IPM management
6. Work together to ensure that all decisions follow the City Council's purpose and intent regarding the implementation of the EFM resolution and policy
7. Review the EFM Coordinator's reports, including site-specific management plans created during that year, and include their comments as part of the Commission's annual report. During the interim, the chair may report success and known problems as they arise

8. Create and submit to the City Council an annual report and work plan that shall include an update on goals and key initiatives, accomplishments; goals, and key initiatives for the next fiscal year, and any other City administrator requirements
9. Additional and on-going duties of the Parks and Recreation Commission are to attend their regular meetings which include a review of quarterly reports and any recommendations for changes
10. Advise the City Council on EFM issues including budget reports. Review and comment on any proposed changes to the EFM resolution or policy before the City Parks' presentation of such changes to the City Council
11. Make recommendations to the City Council regarding EFM funding opportunities or needs
12. Review and recommend any changes in bylaws to the City Council for final approval

IV. EFM COORDINATOR

A. Designation of EFM Coordinator

The City Manager shall designate an EFM Coordinator who will coordinate the implementation of the EFM resolution and policy as well as provide administrative support to the Parks and Recreation Commission.

B. Responsibilities of EFM Coordinator

1. Ensure each City department has reviewed and understands the requirements of the City EFM resolution and policy.
2. Organize EFM training for all City and department staff on an annual basis
3. Develop Best Management Practices (BMP)
4. Ensure that any public health issues are addressed as needed.
5. Establish and maintain an accurate record keeping and reporting system.
6. Review such records and reports to ensure compliance with the EFM resolution and policy.
7. Review, determine, and track exemption requests and report exemptions granted to the Parks and Recreation Commission at their next regular meeting.
8. Track use of cultural practices, non-chemical actions
9. Attend City Parks and Recreation Commission meetings and provide updates.
10. Provide administrative support to the Parks and Recreation Commission.
11. Provide and update an EFM website.

V. CITY DEPARTMENTS

A. Responsibilities of Departments performing EFM City Departments Shall:

1. Comply with the EFM resolution and policy
2. Designate an EFM liaison and program manager knowledgeable and experienced in EFM practices, whose responsibilities include:
 - a. Work with the EFM Coordinator to review departmental IPM operations and help identify departmental EFM needs
 - b. Work with the EFM Coordinator and departmental liaisons to prioritize and site-specific management plans on BMP sheets within the budget process
 - c. Post and provide notification as required in this policy, including notification of the EFM coordinator in time to update the EFM website
 - d. Maintain emergency pesticide application records and provide reports to EFM Coordinator quarterly

- e. Collect and summarize data on non-pesticide alternatives and provide the information to the EFM Coordinator monthly
 - f. Attend Parks and Recreation Commission meetings as needed
 - g. Work with EFM Coordinator to organize staff training and encourage attendance by appropriate department staff
 - h. Disseminate pest management materials and policies at the department level
 - i. Attend public meetings as needed
3. Designation of EFM liaison - See item Section V. B. 3. below

B. Responsibilities of Departments Not Authorized to Perform EFM

All City Departments not authorized to perform EFM shall:

1. Adhere to the EFM resolution and policy.
2. Not apply or possess any pesticide on City properties (not including the Excluded Properties).
3. Designate an EFM liaison who shall:
 - a. Act as department contact on EFM matters
 - b. Review and understand the City EFM resolution and policy;
 - c. Review compliance with the EFM resolution and policy.

VI. EFM PLANNING

A. City Locations Requiring Complex and On-Going Management

For City locations requiring complex and on-going management, the EFM Coordinator, in cooperation department staff, shall help in the development and maintenance of site-specific management plans that provide sufficient information to facilitate EFM decision making. These site-specific management plans should:

1. Provide education for department EFM contacts, staff performing EFM and City employees
2. Establish ongoing scouting or inspection procedures to monitor population levels. Perform thorough in-field assessments of each issue. Keep records of such monitoring. Monitoring should be performed by designated personnel or contractor knowledgeable in EFM methods
3. Assess EFM action in four primary areas: human health, wildlife protection, environmental conditions, and economic impacts to establish action levels
4. Determine corrective actions when an action level is reached. Review and consider all available alternative options for acceptability and feasibility, including considerations of the outcome if no action is taken
5. Identify and evaluate conditions that encourage problems. Recommend modifications to ecosystems to reduce stress to food and living space through physical and cultural practices.
6. Evaluate landscape sites to help determine BMPs based on site needs and constraints
7. Establish and maintain an accurate record-keeping system to catalog monitoring information and to evaluate the effectiveness of EFM practices:
 - a. Use physical controls such as soil enrichment and exclusion barriers
 - b. Employ practices, including water management, mulching, waste management, and food storage
 - c. Design, construct or modify indoor and outdoor areas to reduce or eliminate habitats
 - d. Use resistant plants and planting systems
 - e. Use biological controls, i.e., owl boxes, raptor poles
 - f.

B. City Departments and Offices Requiring EFM on an As-Needed Basis

City departments and offices requiring EFM on an as-needed basis are to maintain a specific Best Management Practices (BMP) sheet, which will serve as the site plan. History sheets shall be developed by

the EFM Coordinator with the assistance of City staff. BMP sheets are to identify the department's EFM liaison, outline employee responsibilities in maintaining a pesticide-free environment, identify issues likely to be encountered, identify who to contact when issues are found, and articulate immediate steps to mitigate the issue.

Site treatment history sheets shall document EFM procedures.

BMP and site history sheets are to be maintained on site and readily available to staff, the Parks and Recreation Commission, and members of the public upon request. These sheets will also be available on the City's EFM website.

C. Assessment of Condition/Need

When a report of a problem is received, an assessment will be performed by a person knowledgeable in EFM. This assessment should confirm and identify the issue, establish what actions have already been taken, and further action is deemed necessary. That person will contact the appropriate department responsible for performing EFM functions. That department, in consultation with the EFM Coordinator (as needed), will determine whether a complaint warrants further action. Appropriate non-chemical options such as cultural practices and additional BMPs shall be considered at this time.

For structural treatment, a licensed pest control operator will determine appropriate products for treatment that will include only those pesticide products allowed for use on City property and will follow the "Guidelines for Organic Pesticide Selection" (Section VII). These recommendations for treatment shall specify the material to be used, the rate of application, the dilution, and specify practices to address environmental or health hazards associated with that material's use.

Structures, turf, grass, playgrounds, and picnic areas on all city property and structures shall be designated as pesticide-free zones, unless located in the Excluded Properties.

No chemical controls shall be used in these areas unless under an emergency to protect public health and safety per the Limited Use Exemption Process, Section VII (D). In the event a limited use exemption is granted, special precautions will be used to reduce potential exposure. The area will be fenced off to deny access while work is in progress and signage posted.

D. Guidelines for emergency organic treatment

If it is determined that an emergency exists, the following criteria are to be used in determining the appropriate treatment strategy:

1. Least disruptive of natural controls;
2. Least hazardous to human health;
3. Least toxic to non-target organisms;
4. Protective of wildlife and the native habitat;
5. Least-damaging to the general environment;
6. Cultural, biological, and mechanical solutions have been considered and evaluated;
7. Prior treatments used on site and an evaluation of the success of that approach;
8. Most likely to produce a permanent solution; and
9. Cost-effectiveness in the short and long term.

VII. GUIDELINES FOR ORGANIC PESTICIDE SELECTION

A. Development of List of organic pesticides allowed for in an emergency on City Property

Giving 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 Parks and Recreation Commission.

Pursuant to the criteria listed Section VI (D), and those outlined below, and in consultation with department personnel performing Earth Friendly Management and the Parks and Recreation Commission. The EFM Coordinator will maintain a list of emergency organic pesticides allowed for use as part of the City's EFM program. This list will be developed by the Parks and Recreation Commission. This will be available for review and comment by the Parks and Recreation Commission at their next regularly scheduled meeting, but not less than thirty (30) days after the adoption of this policy. Once adopted by the City Council, the list will be available on the EFM website. 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 Parks and Recreation Commission before it is submitted to the City Council for consideration for approval.

B. Chemical Prohibitions for the Pesticide List

Pesticides included in the pesticide use list shall not contain ingredients identified in the following sources:

1. Products listed as Toxicity Category 1, 2, or 3
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 groundwater protection list (Food and Agriculture Code 13145(d))
4. Organophosphates, or organochlorines, or carbamates listed by the United States Environmental Protection Agency (Office of Pesticides Programs, Document 735-F-99-14, May 1999), or California Environmental Protection Agency, Department of Pesticide Regulation Chemical Inquiries Database
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. Special Use Pesticide Category

There may be circumstances when it is necessary to use a pesticide that does not meet the criteria or use under Section VI. The pesticide list may include these special use categories of materials that are considered critical to the protection of public health, the environment, wildlife, safety, or the preservation of City property. These materials will only be used in conjunction with the EFM program where there are no feasible alternatives. These products will be identified on the organic pesticide list, which will specify:

1. The particular criteria that are inconsistent with Section B above.
2. The specific circumstances and conditions for which the product may be used.
3. The method of application.
4. How the site is to be managed to preclude potential exposure.

D. Limited Use Emergency Exemptions

City departments shall submit a request or an exemption to the EFM Coordinator to use an organic pesticide that is not on the pesticide list as per Sections (B) and (C) above. The EFM Coordinator may approve a limited use emergency 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 that:

1. An emergency 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. It is the department's intent to use the material for a limited period

The EFM Coordinator shall report any limited use exemptions to the Parks and Recreation Commission no later than one business day following the issuance of the waiver. Noticeable 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 in the quarterly communication and as part of the annual report to the City Council.

VIII. CONTRACTS, NOTIFICATIONS, AND RECORD KEEPING

A. EFM Contracts

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

1. The EFM Coordinator shall assist City departments in developing contract language and in the selection of the successful contractor.
2. 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.
3. Contractors are required to comply with the notification requirements as listed in this policy.

An RFP process is required for all contractors performing structural management on City-owned property.

B. Notification

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

1. Signs should be posted at all regular public and employee points of entry to the treated area pursuant to state and federal law, Malibu City 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 website.
4. Signs should 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, and may be on the day of application and remain in place for at least four days.
6. City departments may obtain authorization from the EFM Coordinator to apply a 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.

C. Record keeping and Reporting

1. The City's EFM program is based on site-specific EFM plans and BMP sheets that guide management practices, careful and efficient inspection and monitoring of issues as well as the maintenance of records by designated personnel who are knowledgeable in EFM methods.

All records and information concerning the City EFM program will be made available to employees, the Parks and Recreation Commission, and the public upon request in accordance with all applicable state and local laws governing public access to information.

City Departments responsible for EFM program implementations shall maintain records of EFM, including cultural practices, and other strategies considered. These records shall be maintained per the City and state records retention policies and the law.

Records of management and cultural activities are to be provided to the EFM Coordinator quarterly and are to include:

- a. The issue;
 - b. Type of EFM management or cultural activity used;
 - c. The Alternative plan of action;
 - d. An estimate of time or cost.
2. Contractors shall maintain application records and treatment information as outlined in Section VIII, (C) and are to provide this information to the responsible department immediately upon completion of treatment so the department can fulfill reporting obligations. For structural treatments, the contractor will also update the site treatment history sheet immediately following treatment.
 3. EFM Coordinator shall:
 - a. Maintain all necessary records in order to prepare an annual report for the City Council that include a review and summary of the City's Earth Friendly Management Policy activities, exemptions granted, training offered, any proposed modifications to the City's organic pesticide use list and any suggestions for amendments or resources needed for effective implementation of the EFM policy and resolution.
 - b. Maintain records of EFM liaisons, completed BMP sheets, site-specific management plans, and any other planning documents developed to guide departmental staff in implementing the EFM policy and resolution.
 - c. Provide a copy of the annual report to the Parks and Recreation Commission before its first quarterly meeting.
 - d. Provide an annual report to the City Council that includes a review and summary of the City's Earth-friendly management projects, training offered, and any proposed modifications to the City's pesticide list, or special use category designation.
 - e. See that the Parks and Recreation Commission meeting agendas, minutes and other EFM documents are maintained as required by the City's Records.