

Submitted by: Assembly Chair Gray-Jackson and
Assembly Vice-Chair Traini
Prepared by: Assembly Counsel
For reading: March 21, 2017

**ANCHORAGE, ALASKA
AO No. 2017-59**

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 15.75 TO PROTECT THE HEALTH, SAFETY AND GENERAL WELFARE OF THE CITIZENS AND ENVIRONMENT OF ANCHORAGE BY ESTABLISHING PESTICIDE-FREE POLICIES AND RESTRICTIONS FOR PARKS, PUBLIC LANDS AND PROPERTIES.

1 WHEREAS, the Municipality of Anchorage is concerned about the use of pesticides
2 and the risk that pesticides may pose to the community and natural environment; and
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4 WHEREAS, scientific studies associate exposure to pesticides with asthma, cancer,
5 developmental and learning disabilities, nervous and immune system damage, reproductive
6 impairment, birth defects, and disruption of the endocrine system; and
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8 WHEREAS, children are more vulnerable because of the sensitivity of their developing
9 brains and nervous systems; and
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11 WHEREAS, pesticides are harmful to pets, fish and wildlife including threatened and
12 endangered species, soil microbiology, plants and natural resources; and
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14 WHEREAS, runoff from pesticide applications pollute streams, lakes, drinking water
15 sources, and salmon habitat; and
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17 WHEREAS, the use of hazardous pesticides is not necessary to create and maintain
18 green spaces, given the availability of viable alternative practices and products; and
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20 WHEREAS, people have a right not to be involuntarily exposed to pesticides in the air,
21 water or soil that inevitably result from chemical drift and contaminated runoff; and
22

23 WHEREAS, sustainable land and building management practices that emphasize
24 nonchemical methods of pest prevention and management and least-toxic pesticide use only
25 as a last resort will mitigate, manage, and reduce, with the aim of eliminating, the use of and
26 exposure to harmful pesticides while controlling pest populations; and
27

28 WHEREAS, implementing the precautionary principle is prudent because scientific
29 investigation has found plausible and significant risk of harm to health and the environment;
30 now therefore,
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32 THE ANCHORAGE ASSEMBLY ORDAINS:

33
34 **Section 1.** Anchorage Municipal Code section 15.75.020 is hereby amended to read as
35 follows (*language indicating no amendment is included for context only and other subsections*
36 *not affected are not set out*):

1
2 **15.75.020 - Definitions.**
3

4 The following words, terms and phrases, when used in this chapter, shall have
5 the meanings ascribed to them in this section, except where the context clearly
6 indicates a different meaning:
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8 *Active ingredient(s) in pesticide* formulations mean(s) the portion of the
9 formulation that will prevent, destroy, repel or mitigate a pest.
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11 *Allowed pesticides* are those pesticides listed as “minimum risk
12 pesticides” pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act
13 (FIFRA) and listed in 40 C.F.R. § 152.25 (f)(1) or (2), as amended; or listed as
14 “allowed” on the U.S. Department of Agriculture’s National List of Allowed
15 Substances.
16

17 *Antimicrobial pesticide* means a pesticide that is intended to disinfect, sanitize
18 reduce or mitigate growth or development of microbial organisms; or protect
19 inanimate objects, industrial processes or systems, surfaces, water or other chemical
20 substances from contamination, fouling or deterioration caused by bacteria, viruses,
21 fungi, protozoa, algae or slime.
22

23 *Application* means the placement for effect of any pesticide or herbicide at or
24 on the site where pest control or other response is desired.
25

26 *Broadcast application or broadcast spray* means applying the pesticide in a
27 way that brings it into contact with more than one targeted pest organism at a time.
28

29 *Department* means the Municipality of Anchorage Department of Health and
30 Human Services.
31

32 *Herbicide* means a pesticide designed to control or kill plants, weeds, or
33 grasses.
34

35 *Inert ingredient(s) in pesticide formulations* mean(s) any substance or group of
36 substances in the pesticide formulation, other than the active ingredient(s), that serve
37 as surfactants, solvents, preservatives, among many other functions. An inert
38 ingredient “may have biological activity of its own, it may be toxic to humans, and it
39 may be chemically active (U.S. Environmental Protection Agency).”
40

41 *Invasive species* are plants or animals that are not native to a particular
42 ecosystem and whose introduction is likely to cause environmental harm and/or harm
43 to human health.
44

45
46 *Non-allowed pesticides* are any pesticides not on the allowed pesticide list as
47 defined above and subject to restrictions on use in the municipality.
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1 *Pesticides* are any chemical or biological agents that are released into the air
2 or onto land or water for the purpose of preventing, destroying, defoliating,
3 regulating, repelling, retarding, or mitigating plant or animal life, including
4 insecticides, fungicides, rodenticides, herbicides, nematocides, and biocides.

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6 (GAAB 16.75.010; AO No. 2004-100(S-1), §§ 1, 2, 1-1-05; AO No. 2005-38(S-3), § 1, 5-17-05)

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8 **Section 2.** Anchorage Municipal Code chapter 15.75 is hereby amended by adding a new
9 section 15.75.025 to read as follows:

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11 **15.75.025. Pesticide-free program restrictions for municipal parks, public**
12 **lands and properties.**

13
14 No person or entity shall apply pesticides within municipal parks, public lands,
15 greenbelts, municipal properties that are open to the public, or rights of way, except in
16 compliance with this section. The Municipality of Anchorage shall follow the
17 precautionary approach to the use of toxic pesticides in order to prevent harm to
18 human health and the environment.

19
20 A. *Allowed* pesticides may be used with no prior consultation or approval from the
21 Department director or designee.

22
23 B. *Non-allowed* pesticides may be used only under the following circumstances in
24 the determination of the Department director or designee, and then only as a
25 last resort after non-pesticide means of control are deemed inadequate: (1)
26 when pests present a health or safety hazard; (2) to treat invasive species that
27 have potential for causing environmental harm; or (3) for a specific research
28 purpose. The Department director or designee will respond to a completed
29 request for the use of a non-allowed pesticide within 10 working days using
30 these criteria:

- 31
32 1. *Non-allowed* pesticides shall not be used for aesthetic purposes.
33
34 2. If *non-allowed* pesticides are necessary to meet a health or safety pest
35 hazard, an invasive species problem, or for research purposes, the
36 Department director or designee will make a written determination of
37 exception approving the application and identifying the circumstances
38 and failure of the non-pesticide means of control. For use of single
39 application aerosol cans against biting or stinging insects when applied
40 according to label directions, a written determination from the
41 Department director is not required.
42
43 3. Any approved application will use the least toxic formulation at the
44 recommended effective amount based on the product label and
45 environmental conditions with the least potential for human exposure.
46
47 4. A *non-allowed* pesticide may not be applied within 150 feet of an
48 anadromous or resident fish habitat or within 600 feet of a public or

1 private water source that is used for human consumption unless:
2 (a) conditions of 15.75.025 and 15.75.065 are met; and (b) the
3 Department director or designee determines that the application will not
4 harm anadromous or resident fish habitat and will not harm a public or
5 private water source that is used for human consumption.
6

7 C. *Preventative methods* will be to address pest problems. Pest infestation and
8 pest problems on municipal property shall be managed with an ecosystem-
9 based integrated pest management strategy that focuses on long-term
10 prevention of pests and their damage through a combination of techniques such
11 as biological control, habitat manipulation, modification of cultural practices, and
12 resistant varieties. Pesticides will only be used after monitoring indicates they
13 are needed according to guidelines set forth in this section that meet pest
14 management objectives and minimize environmental disturbances, exposure to
15 pesticides, pesticide residues, human health and safety risks, and the health
16 and safety of wildlife. It is the policy of the Municipality of Anchorage to take the
17 following preventive measures to eliminate pest-conducive conditions and
18 provide pest control on municipal public land, including but not limited to:
19

- 20 1. Lawn, turf, and landscape practices will foster healthy conditions that
21 minimize pest problems. These can include lawn aeration, de-thatching
22 practices that keep the grass less susceptible to insects, disease and
23 weather stress, and maintaining a proper pH for the soils.
24
 - 25 a. Use of invasive plant species is prohibited in all planting projects
26 on Municipal properties. Well-adapted, pest-resistant, and non-
27 invasive grass and landscape plant varieties, identified as suitable
28 for the Anchorage climate, will be used for future plantings to
29 support pest mitigation.
30
 - 31 b. Soil sampling and analysis will be conducted to evaluate and
32 assess the level of care needed to maintain healthy soil for a
33 municipal facility's lawn, turf, or landscape.
34
 - 35 c. Use certified materials such as straw, gravel, and topsoil that are
36 free of weeds, pests, and disease.
37
 - 38 d. Inspect all live plant materials in potting medium. If invasive
39 plants, undesirable weeds, plant diseases, or insect pests are
40 present, do not allow the planting of those plants.
41
- 42 2. When a pest population is discovered, the population will be monitored to
43 assess the population size, habitat, and whether or not a natural enemy
44 population is nearby.
45
 - 46 a. Practices and decisions that could affect and deter pest
47 populations will be identified using integrated pest management
48 methods.

- 1
2 b. Records will be maintained of monitoring, practices, and
3 decisions.
4
5 3. The methods to prevent, control, and meet pest problems include but are
6 not limited to:
7
8 a. *Cultural methods*: Cultural methods include, but are not limited to,
9 selective pruning, appropriate watering, application of fertilizers
10 free of non-allowed pesticides, and plant selection. Cultural
11 methods of vegetation and pest control are preferred for
12 prevention and will be employed first.
13
14 b. *Mechanical methods*: Mechanical methods include, but are not
15 limited to, hand removal of pests and disease-infected plants, use
16 of barriers and traps, hydro-axing and steaming. Mechanical
17 methods of vegetation and pest control shall be employed to
18 augment cultural methods when and where practicable.
19
20 c. *Biological methods*: Biological controls include, but are not limited
21 to, the augmentation of insect predators, inoculation of bacterial
22 agents, and conservation of naturally occurring predators.
23 Biological methods of vegetation and pest control shall be
24 employed to support cultural and mechanical methods when and
25 where practicable.
26

27 **Section 3.** Anchorage Municipal Code section 15.75.065 is hereby amended to read as
28 follows (*language indicating no amendment is included for context only*):
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30 **15.75.065 Notice of pesticide application by municipality.**

- 31
32 A. The municipality shall provide notice in the manner set forth in section
33 15.75.060 and this section before it applies in any manner any pesticide out of
34 doors.
35
36 B. If the Department director or designee determines in writing that a non-allowed
37 pesticide must be used as a last resort to meet a health and safety hazard or to
38 treat an invasive species on municipal property, the municipality shall post
39 notices to the public in the following manner:
40
41 1. Signs of a standard design and size, easily recognizable by the public
42 and workers, shall be posted at the targeted area, at the public access
43 points to the targeted area, and at intervals not fewer than 100 feet along
44 a perimeter of any targeted sports playing field area if perimeter length
45 exceeds 100 feet.

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- a. Signs shall be posted 48 hours in advance of the application and remain in place for 72 hours following the application, or for the restricted entry interval specified on the product label, whichever is greater. The signs shall be displayed in a manner which is reasonably calculated to provide actual public awareness of pesticide application.
- b. Signs shall contain the following information: Pesticide product name; active ingredient(s); inert ingredients if known; target pest; dates of anticipated pesticide application; the signal word that is used to describe the toxicity level of the product as indicated on the pesticide product label; name and contact information for the designated person.

[AT AREAS TREATED AS WELL AS AT MAIN ENTRANCES OF PUBLIC PARKS THAT HAVE BEEN TREATED AND AT INTERVALS NOT LESS THAN 100 FEET ALONG A PERIMETER OF A SPORTS PLAYING FIELD AREA TO BE TREATED IF PERIMETER LENGTH EXCEEDS 100 FEET AND IN A MANNER WHICH IS REASONABLY CALCULATED TO PROVIDE ACTUAL AWARENESS OF PESTICIDE APPLICATION.]

(AO No. 86-112; AO No. 2004-100(S-1), § 5, 1-1-05; AO No. 2005-38(S-3), § 4, 5-17-05)

- C. The Department will publish a list of any approved application of non-allowed pesticides within municipal parks, public lands, greenbelts, or rights-of-ways during the previous year. The list will be made publicly available through the Municipal Open Data Portal and/or Municipal website.

Section 4. For purposes of this ordinance, municipal property includes all property under the control and maintenance of a municipal department or authority, or the Anchorage School District, including any municipal agency management designation under AMC 25.10.050.

Section 5. This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2017.

Chair

ATTEST:

Municipal Clerk