

ORDINANCE No.

Prohibit the use and purchase of neonicotinoid pesticides by the City of Portland; amend Integrated Pest Management strategies; and urge retailers operating within the City of Portland to label plants, seeds, and products containing neonicotinoid pesticides (Ordinance)

The City of Portland ordains:

SECTION 1. The Council finds:

1. Neonicotinoids came on the market in the mid-1990's they were considered reduced risk by the U.S. Environmental Protection Agency. Unfortunately, due to their longevity, broad spectrum high toxicity to insects it is becoming increasingly apparent that their use is harmful.
2. Pollinators are critical to key crops such as tree fruit, and over one-third of all agricultural production worldwide is dependent on pollinators.
3. Neonicotinoids can be very long-lived in plants and soil. Therefore, plants can still contain harmful levels of neonicotinoid levels months to years after being treated. Lower level of exposure can eventually lead to death of the individual bee or colony.”
4. Bees and other insect pollinators are under great environmental stress, experiencing die-offs and diminishing populations and negatively impacting major sectors of agriculture, putting food security and environmental ecosystems at risk.
5. The Oregon Department of Agriculture has documented seven separate bumble bee kill incidents related to applications of neonicotinoids on trees since June of 2013; six of those incidents occurred in the greater Portland area.
6. Neonicotinoids are one of the most widely used classes of pesticides in the world and are systemic, persistent neurotoxins that spread throughout a treated plant including to the pollen and nectar. The contamination of pollen and nectar creates a direct exposure route for bees and other pollinating insects.
7. An independent review of more than 800 scientific studies concluded that neonicotinoids are causing significant damage to a wide range of beneficial invertebrate species and are a key factor in the decline of bees.
8. The United States Geological Survey has highlighted the growing use of neonicotinoids in the United States and found significant neonicotinoid contamination in our nation's waters and studies show that neonicotinoids are highly toxic to aquatic invertebrates.
9. A recent study correlated declines in insectivorous bird populations with neonicotinoid contamination. The assessment concluded that neonicotinoids reduced the availability of aquatic organisms that serve as a primary food source for

birds. Studies have shown that just one neonicotinoid treated seed can kill a songbird.

10. Concerns are being raised about the human health effects caused by chronic dietary exposure to neonicotinoids, especially the negative effects of neuro-toxicants on brain development in children.
11. Children are the primary users of public parks and, according to the US Environmental Protection Agency, children are especially sensitive to health risks posed by pesticides. Children's internal organs are still developing and maturing and their enzymatic, metabolic, and immune systems may provide less natural protection than those of an adult.
12. Responding to scientific concern over the impact of neonicotinoids on pollinators, the European Union in 2013 instituted a two-year moratorium on use of neonicotinoids; Ontario, Canada is sharply restricting neonicotinoids; and a growing number of cities, including Seattle, Spokane, Eugene, Sacramento and Sherwood, MN, have instituted bans on municipal use.
13. In August 2014, the US Fish and Wildlife Service (USFWS) announced plans to ban neonicotinoids on all 150 million acres of National Wildlife Refuge lands nationwide;
14. The State of Oregon Department of Agriculture has administratively banned the application of any product containing dinotefuran, imidacloprid, thiamethoxam, or clothianidin, regardless of application method, to linden trees, basswood trees, or other *Tilia* species. OAR 603-057-0388 is effective February 27, 2015.
15. The City of Portland has substantially invested in the restoration of urban and natural habitat for the benefit of native species such as birds and fish, including special status species listed under Oregon Department of Fish and Wildlife, USFWS, and Oregon Natural Heritage status lists.
16. In 1988, under the guidance of Parks & Recreation Commissioner Mike Lindberg, the City instituted an Integrated Pest Management (IPM) program, dedicated to the creation of healthy parks and the limitation of the use of pesticides and herbicides on park property.
17. IPM policies have been continually updated since the implementation of the IPM program, with the goals of maintaining environmental responsibility, public safety, quality employee training, and sound management practices. The program has been emulated by the National Marine Fisheries Service for its beneficial impact on waterways. As a result of these policies, the City has significantly reduced the use of herbicides and pesticides in our public parks and natural areas.
18. Neonicotinoids are often applied preemptively -- such as injecting a woody plant in spring in anticipation of a summer pest. This use, prior to pest damage and in the

absence of pest abundance data, represents a fundamental shift away from IPM. For Portland to remove these insecticides from use is compatible with IPM.

19. Roses are an image often associated with the City, or the City of Roses, and are important to the city's image. The rose midge is one insect that impacts roses, and currently the most effective insecticide used to combat the rose midge is imidacloprid, which is also toxic to pollinators and the environment.

NOW, THEREFORE, the Council directs:

- a. The use of any neonicotinoid or neonicotinoid-like, systemic, persistent pesticides for any purpose is hereby prohibited on all land owned or operated by the City of Portland, including public rights-of-way. This prohibition applies to seed dressings, soil treatments, foliar sprays, and other types of applications. Exceptions to, and policy directives regarding, this prohibition are outlined in Exhibit A.
- b. Imidacloprid, clothianidin, thiamethoxam, dinotefuran, and other neonicotinoid-like, systemic, persistent pesticides as chemicals shall not be purchased or used by the City of Portland under any contracts or service agreements.
- c. Within four months of the enactment of this ordinance, the City shall notify the public of the non-neonicotinoid policy through the City and Park Bureau website and other parks-related signage to educate and inform citizens of the impacts of neonicotinoids on pollinators; the beneficial reasons for the protection of insects, birds, and water-related animals in our environment; and the methods and alternatives the City is using for protection of pollinators.
- d. Parks & Recreation shall provide a plan to its Commissioner-in-Charge to phase out all purchases of commercial nursery stock, trees, and other plants treated with neonicotinoids as outlined in Exhibit A.
- e. The City shall transition from current neonicotinoid use to alternative practices and materials and reduction of the use of these harmful insecticides in IPM practices as outlined in Exhibit A.
- f. This ordinance is binding City policy.

Passed by the Council:

Mary Hull Caballero

Comm. Fritz

Auditor of the City Portland

Prepared By: T. Bizeau

By:

EXHIBIT A

Restrictions and Exceptions

1. The City of Portland's parks and rose gardens are important public assets. The City currently relies upon the use of pesticides containing neonicotinoids to control the pest known as the rose midge (scientific name: *Dasineura rhodophaga* Coquillett (Diptera: Cecidomyiidae)). The rose midge is currently found only in the International Test Garden in Washington Park and in Peninsula Park. The neonicotinoid used to control this pest is called imidacloprid and is applied in a granular form to the top layer of the soil. Since the purpose of the rose garden is to produce roses and the rose midge usually causes the diminishment of the floral display, a phased elimination of the neonicotinoid pesticide will need to occur over time to allow the development of alternative control mechanisms. The limited and judicious use of imidacloprid for control of this pest will continue until an alternate program has been developed as described in this Exhibit.
2. The City, usually through Parks & Recreation, must sometimes buy plant products which are impregnated with these persistent neonicotinoid insecticides as an industry standard. Parks & Recreation and all other City Bureaus and Offices shall work towards phasing out purchase of these neonicotinoid treated plants and phasing in the purchase of plants safe to pollinators. Specifically:
 - a. Parks & Recreation shall provide a plan to its Commissioner-in-Charge within four months of the effective date of this ordinance to phase out all purchase of commercial nursery stock, trees, and other plants treated with neonicotinoids.
 - b. Whenever practicable, City Bureaus and Offices shall purchase plants that are neonicotinoid-free, effective immediately.
 - c. Parks & Recreation shall develop the phasing plan with a goal of complete phase-out by Dec. 1st of 2017, unless otherwise justified in the plan.
3. All other use of any neonicotinoid-class pesticide under contract with or by the City may only occur after careful review to assure strict adherence to the City's Integrated Pest Management (IPM) Program protocols. This approach is essential to ensuring that the City's insect management activities will not be detrimental to the health and successful stewardship of pollinators and other wildlife. The following requirements shall apply:
 - a. Parks & Recreation will amend the City's IPM protocols to include specific provisions to identify and address all potential impacts of neonicotinoid-class pesticides to bees and other pollinators.

- b. The use of neonicotinoid-class pesticides may only be considered for highly destructive pests that present significant risks to the long-term viability or essential function of important public plant assets.
- c. The use of any neonicotinoid shall be considered an emergency, last-resort decision and may only be approved for each site by Parks & Recreation's Commissioner-in-Charge. Alternative approaches from other jurisdictions and available information shall be considered as part of that decision.
- d. If a decision is made to use neonicotinoids, written notice to surrounding properties within 150 feet of the application area's perimeter shall be provided indicating the action that has been approved, why, and when the application will occur. Large uses of neonicotinoids will require public posting and notification through the media.

Neonicotinoid Alternatives

The City is dedicated to the elimination of the use of these neonicotinoid-class pesticides and will begin by developing alternatives to their use. Neonicotinoids kill more than pollinators – they kill beneficial insects in the garden and the soil that help manage pest outbreaks. Parks will evaluate all alternative methods and materials to address pests, which will include the development of test plots that do not use neonicotinoids, and gardening techniques commonly referenced as organic, such as the use of mulches, non-toxic sprays, etc. A management plan for the rose midge shall be put in place so that pollinators can best be preserved and the garden ecosystem is kept healthy. This example of integrated pest management will provide guidance not only for sustainable rose management but as guidance to the general public, showing that successful pest management is possible with practices that protect bees and other pollinators.

Purchasing neonicotinoid-free plants for use city-wide on all public property will reinforce to the public the development of a healthier more robust urban ecosystem. Seeking out alternative methods to chemically-treated grasses, trees, and shrubs for use on City property will help promote environmentally-sound practices and will support commercial nurseries that also choose to promote careful stewardship of pollinators and the environment.

Pilot Project

Parks & Recreation will develop a pilot project that tests the viability of using alternatives to neonicotinoids to manage the rose midge and other pests in other areas of the park system. Specifically:

- Test beds shall be located in Peninsula Park or other rose gardens where the rose midge is known to exist.

- Parks & Recreation staff will utilize a balanced team of consultants to develop protocols that will lead to sound decision-making, including interests such as OSU experts, businesses, non-profit groups, government agencies, etc.
- The consultation will include a thorough assessment of both the test plot and the project's goals, specific recommendations to time/mode of application, volume and cost of materials.
- The pilot project will be in effect no less than 24 months and no more than 4 years from the start date, which will be indicated by the beginning of the City's planting efforts in the spring of 2016.
- A test plot will consist of no fewer than 12 rose plants per plot with a known range of plant types and resistances. Test plots will be large enough to be a viable test of the efficacy of the treatment or practice. This is dependent on the site, but shall be no fewer than 25 rose plants and may need to be larger in number.
- Alternatives to neonicotinoids will include IPM practices, physical, biological, cultural, and other environmentally-sound methods. The pilot will include a control with no chemicals used.
- Test plants selected will not have been treated with neonicotinoids.
- The test plot will be monitored for plant vigor, plant survival, plant aesthetics, and the presence of the rose midge and other pests and diseases.
- Signage will be posted to indicate the purpose of the beds and will include information about positive uses of alternative and neonicotinoid-free methods, the experiment, why the city supports a ban on neonicotinoids, how it is being conducted, who are the donors, and an explanation of the beneficial pollinators (insects and birds).
- Parks & Recreation will monitor the test plots to see how the rose midge impacts the plants, provide the Commissioner-in-Charge and the consultant with an annual report for at least 2 years after planting, and develop policy and plans that will eliminate and/or further reduce of neonicotinoid use in all City rose gardens.
- If the methods employed in the pilot project are effective in combating the rose midge and other pests, Parks & Recreation will do a cost-benefit analysis of the conversion of other City rose gardens to alternative methods, including costs for materials & labor (comparison to current costs). Parks & Recreation will provide the analysis to its Commissioner-in-Charge by January 1 of the year following the conclusion of the pilot.
- If the pilot is successful, Parks & Recreation will convert all City rose garden beds to neonicotinoid-free methods as soon as practicable after the conclusion of the pilot. If necessary, funding to improve rose beds allowing decreased neonicotinoid use will be requested in the City budget.
- If neonicotinoid-free alternative methods prove ineffective, Parks & Recreation's Commissioner-in-Charge may approve neonicotinoid pesticide use on a site-by-site basis through the process described in #3 of the Restrictions and Exceptions section of this Exhibit.

IMPACT STATEMENT

Legislation title: Prohibit the use and purchase of neonicotinoid pesticides by the City of Portland; amend Integrated Pest Management strategies; and urge retailers operating within the City of Portland to label plants, seeds, and products containing neonicotinoid pesticides (Ordinance)

Contact name: Thomas Bizeau

Contact phone: (503)823-3008

Presenter name: Commissioner Office

Purpose of proposed legislation and background information:

Discuss why the legislation is being proposed and any important background information.

- This legislation creates policy directed at the elimination of use of toxic pesticides on City Property or through City contracts. Background information is in the findings in Section 1 of the ordinance. Integrated Pest Management procedures would be affected by this ordinance, however since there is no current legislation that requires or not use of pesticides in the city the prohibition is new legislation. This ordinance has no control over the state mandated authority given to Multnomah County for vector controls.

Financial and budgetary impacts:

- This action does not amend the budget.
- This may require additional resources in the future to the Parks Budget if after findings from the pilot project reveal that maintenance practices will need change for certain gardens and responses to certain insect infestations on trees and park property.
- It is unknown as yet whether or not these changes could be incorporated into existing budget requirements. Parks will need to provide more analysis by the end of the calendar year (as stipulated in Exhibit A) to determine long term costs in ensuing years.
- There will be some expenses associated with Parks test plots associated with this effort. Some of the expertise required will be donated consultation. Some of the materials may also be donated. Other expenses should be able to be absorbed into regular maintenance work done by current Parks staff.
- Current project estimate is around \$5,000.
- Level of confidence is Moderate.

Community impacts and community involvement:

- While not likely to come into direct contact with these insecticides due to current City Pest Management safety protocols...this will benefit all visitors to the Rose Gardens and Parks by making a healthier environment to visit. Additional advantages include the protection of beneficial insects, pollinators (bees, butterflies,) birds,

amphibians and fish in our collective ecosystem. By virtue of its absence we will be assisting in a healthier environment in all neighborhoods for different communities of people and other fauna who frequent outdoor public property.

- Businesses that are oriented to sales of plant products will be inclined to diversify their product lines with more non-toxic products to meet consumer demand.
- This legislation does incorporate concerns associated with the ability for the City to transition from past practices of buying, maintaining and planting practices, to more organic approaches of insect control and provides for some exceptions.
- There could be objections from chemical or agricultural interests who dispute the negative impacts of the insecticide. Industry representatives for the opposition to this type of legislation have made their voices heard at the state level where legislation is underway to also restrict the use of these insecticides in certain circumstances state wide.
- There will be groups testifying who support the elimination of the insecticide from the market and from its use by the City, testifying about the science of and impacts from the use of these substances in the environment.