

MICHAEL P. VICTORINO
Mayor

ROWENA M. DAGDAG-ANDAYA
Director

JORDAN MOLINA
Deputy Director

LANCE S. NAKAMURA, P.E.
Assistant Administrator
Development Services Administration
RODRIGO "CHICO" RABARA, P.E.
Engineering Division

JOHN R. SMITH, P.E.
Highways Division

Telephone: (808) 270-7845
Fax: (808) 270-7955



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM 434
WAILUKU, MAUI, HAWAII 96793

July 19, 2021



OFFICE OF THE
COUNTY COUNCIL

2021 JUL 21 PM 2:12

RECEIVED

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P Victorino 7/19/21
Mayor Date

For Transmittal to:

Honorable Kelly Takaya King, Chair
Climate Action, Resilience, and Environment Committee
Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Chair King:

SUBJECT: INTEGRATED PEST AND ENVIRONMENTAL MANAGEMENT ON COUNTY PROPERTY (CARE-23)

This is in response to your letter dated June 10, 2021 in which you request comments to the proposed bill entitled, "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 2.50, MAUI COUNTY CODE, RELATING TO PESTICIDE AND FERTILIZER USE ON COUNTY PROPERTY". The Department offers the following:

1. 2.30.020 Definitions: The definition of "County Property" includes a reference to Chapter 13.04A in the Maui County Code that applies to Parks and Recreational Facilities. The definition of "County Property" should be clearly defined in Section 2.40.020 rather than referenced in another Code section to avoid confusion on where prohibitions are applicable.
2. 2.50.030 Administrative Rules: The Department proposes revisiting this section to identify an appropriate agency to adopt and implement

Honorable Michael P. Victorino
For Transmittal to:
Honorable Kelly Takaya King, Chair
July 19, 2021
Page 2

administrative rules for this chapter. Will the new Department of Agriculture have a role in administering this chapter?

3. 2.50.040 Pesticide and fertilizer use on County Property: County Property can also include leased property maintained by non-profit organizations and shoulder areas that are maintained by adjacent property owners. Chapter 12.02.020 of the Maui County Code requires that every property owner whose land abuts or adjoins a County street shall continually maintain, and keep clean, passable and free from weeds and noxious growths, the sidewalk or shoulder areas which abut or adjoin the owner's property. Will this proposal also apply to these areas?

The National List of Allowed and Prohibited Substances (National List) is referenced in this section. In general, the National List is a tool used for managing the substances used in organic food production, which involve crop and livestock production, but not for roadside vegetation management. Counties that have enacted similar ordinances or implemented Integrated Pest and Vegetation Management Policies (IPVM) have referenced other documents or tools to identify substances prohibited for use on County properties.

4. 2.50.050 Waiver: Overgrown vegetation can impede mobility on pedestrian ways, hinder visibility on roadways, or block drainage corridors that cause backups and flooding in drainage structures. Vegetation growing in cracks along sidewalks, curbs, and gutters can cause damage to asphalt and concrete. Consider the addition of language in the ordinance that would allow minimal application of chemical controls in hard to reach areas or in areas where mechanical control of vegetation is difficult to accomplish, provided that the application of chemical controls follow State Department of Agriculture rules and regulations.

The Highways Division is committed to keeping our use of herbicides to bare minimum levels (ten [10] to 15 gallons annually), while ensuring our roadways and intersections remain safe and passable with clear visibility of signs, markings, guardrails and at intersections. This is a particularly difficult challenge, and we respectfully ask that the Council continue to work with the Division to provide enough flexibility and resources to provide an acceptable level of vegetation management while keeping our roadways safe.

Honorable Michael P. Victorino
For Transmittal to:
Honorable Kelly Takaya King, Chair
July 19, 2021
Page 3

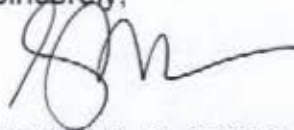
The Highways Division follows all PPE (personal protective equipment) and application requirements dictated by the State Department of Agriculture. Each District monitors weather and wind conditions and places warning signs and provides traffic control and monitoring, if and when applications are done along roadways. Chemical applications are done using small, handheld sprayers at spot locations (such as around guardrails, signs, fence lines or to support pavement activities in the roadway), and would be used as a last resort.

5. Consider allowing the Department of Public Works to develop and implement an IPVM Plan to manage roadside vegetation. The IPVM Plan would identify goals for reducing the use of herbicides and establish guidelines for public notification and how herbicides are to be used and applied.

Please see Attachment "A" for an example of an Integrated Pest and Vegetation Management Plan from the City of Lynnwood Public Works Department in Washington State.

Should you have any questions, please feel free to contact me at Ext. 7845.

Sincerely,



ROWENA M. DAGDAG-ANDAYA
Director of Public Works

RMDA:JS:jso
Attachment

xc: John Smith, Highways Division Chief

S:\PWADMIN\Jso\Rowena\TRANSMITTALS\king_integrated pest & env mgmt. on cty property CARE-23
07.15.21.docx

1 **Vegetation Control Integrated Pest Management Plan**
2 **City of Lynnwood Public Works Department**
3 **Streets and Stormwater Division**
4 **2014**
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

22 Prepared By
23 City of Lynnwood – Department of Public Works
24 19100 44th Ave W
25 PO Box 5008
26 Lynnwood, WA 98046-5008
27 (425) 670-5200
28
29

1	Table of Contents	
2	Background/Introduction	4
3	Purpose	4
4	Goals	5
5	Applicable Laws, Regulations, and Policies.....	6
6	Vegetation Management for Ponds, Ditches, Streams, Wetlands, and Drainage Facilities	6
7	Vegetation Management for Streets, Curb and Gutter, and Paved Shoulders	6
8	Herbicide and Chemical Use and Application	7
9	<i>Threshold Determination</i>	7
10	<i>Timing</i>	7
11	<i>Application</i>	7
12	<i>Areas Designated for Application</i>	8
13	<i>Licensed Applicators</i>	8
14	<i>Procurement, Handling, and Transport</i>	8
15	<i>Storage and Disposal</i>	9
16	<i>Spill Response</i>	9
17	<i>Public Notice Prior to Herbicide Application</i>	9
18	<i>Opt-Out</i>	10
19	<i>Record Keeping</i>	10
20	Exceptions	10
21	Definitions.....	12
22		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

1 **Background/Introduction**

2 In 2009 the City of Lynnwood formally adopted a Community Vision after a series of public outreach
3 meetings. The first aspect of this vision statement is that Lynnwood “be a welcoming city that builds a
4 healthy, sustainable environment.” It is with this vision statement in mind that the Lynnwood Public
5 Works has written this Vegetation Control Integrated Pest Management Plan.
6

7 In compliance with Lynnwood Municipal Code (LMC 2.44.010) the City of Lynnwood Public Works
8 Department is in charge of servicing and maintaining 32 stormwater ponds, 50 stormwater detention
9 facilities, 38,700 lineal feet of grass swales, 16,800 lineal feet of open streams, 9,000 lineal feet of
10 stormwater ditches, 295 lane miles of streets and 205 miles of sidewalks and paved shoulders in
11 Lynnwood. The Streets and Storm Maintenance Department of Public Works is responsible for operating
12 and maintaining the entire above stated infrastructure, including the management and removal of grass,
13 weeds, and other vegetation which grows on or near these public spaces.
14

15 Management of these areas requires the control of weeds and other vegetation that can adversely
16 impact the appearance, function, and use of public spaces and infrastructure. Controlling unwanted
17 vegetation using Integrated Pest Management (IPM) is an approach that uses frequent monitoring to
18 determine when pest management is needed, and employs physical, mechanical, cultural, and biological
19 tactics to keep pest numbers low enough to prevent intolerable damage or nuisance. Examples of using
20 IPM on weeds are using the pest’s natural enemies, burning, crack sealing, hand pulling or scraping, and
21 the use of herbicides. IPM involves knowing and understanding the life cycles of targeted plants and the
22 presence of natural predators through careful observation and proper cultural practices. It is the goal of
23 this IPMP to establish procedures employing the least toxic method to remove pest weeds and
24 vegetation that minimizes the damage caused to public property.
25

26 The Western Washington Phase II Municipal Stormwater Permit requires the City to implement
27 practices, policies, and procedures to reduce stormwater impacts associated with runoff from all lands
28 owned or maintained by the City. This vegetation management plan aims to comply with these
29 requirements by establishing procedures governing vegetation management and application of
30 herbicides when necessary.

31 In 2000 the City of Lynnwood Parks, Recreation and Cultural Arts Department established its own
32 Pesticide and Fertilizer Use Policy to establish how it would manage 350 acres of undeveloped and
33 developed parks, civic grounds, and recreational facilities. The following Integrated Pest Management
34 Plan created for the Lynnwood Public Works Department is similar but not identical to the Parks Plan
35 due to the difference in the nature of responsibilities allotted to the Public Works Department and the
36 needs of city roads as addressed in this plan.

37 **Purpose**

38 In keeping with the vision statement for the City of Lynnwood, “To be a welcoming city that builds a
39 healthy and sustainable environment,” the purpose of this plan is to establish a working document
40 through which Lynnwood Public Works will effectively implement a vegetation management strategy in

1 operating and maintaining ponds, ditches, and other stormwater facilities, as well as streets, sidewalks
2 and right-of-ways in the safest and most effective manner for the public and city employees. It is the
3 goal of the City of Lynnwood to perform vegetation management in a manner consistent with
4 responsible environmental stewardship of our natural resources in accordance with all applicable laws
5 and regulations regarding vegetation control.

6 Management of weeds and unwanted vegetation serves an aesthetic purpose in addition to a health,
7 safety, and maintenance function. Overgrown nuisance grasses and weeds which are frequently found
8 growing in the areas that Public Works is charged with maintaining can cause allergic reactions in
9 sensitive individuals. Uncontrolled vegetation can also block drainage corridors, cause backups and
10 flooding in drainage structures, attract rodents, impede mobility on pedestrian thoroughfares, and can
11 become a visual hindrance for traffic in instances where growth is prevalent. One of the main concerns
12 of vegetation growing in cracks along street curbs and gutters is that they can cause fissures and
13 damage asphalt and concrete.

14

15 The City is required by law to control noxious weeds. Noxious weeds can destroy native plant and animal
16 habitat, damage recreational opportunities, clog waterways, lower land values and impact humans,
17 pets, and wildlife. The City is also required by its Western Washington Phase II Municipal Stormwater
18 Permit to reduce stormwater impacts associated with its maintenance and operations practices.
19 Therefore, it is imperative that the City Public Works Department have a standard plan to outline the
20 means and methods through which weed and vegetation control are implemented.

21 Goals

- 22 1. Lynnwood Public Works will maintain and control vegetation in all of the areas it is charged,
23 including, but not limited to streets, sidewalks, curbs, stormwater ponds, ditches, and wetlands.
24
- 25 2. Lynnwood Public Works will use mechanical and other non-chemical methods as a primary
26 means of control. When application of herbicides is authorized, its use shall be minimized
27 wherever possible, and applied in a manner that provides optimum protection for staff, public,
28 wildlife, and infrastructure. All practices and procedures associated with the procurement,
29 handling, application, and storage of chemicals will reflect environmentally sound principles and
30 comply with Federal, State and County regulations and laws.
31
- 32 3. Public Works employee and public safety will be paramount in all activities related to herbicide
33 use.
34
- 35 4. Appropriate Public Works employees will be trained on the specifics detailed in this plan.

1 **Applicable Laws, Regulations, and Policies**

2 Federal, State, County and City agencies regulate and mandate the use of all pesticides and control of
3 public nuisances through different legislation and policies. The following is a list of the various
4 regulations which regulate the control of vegetation by the City of Lynnwood:

- 5 • Title 33 United States Code, Section 1251 et seq. - The Federal Water Pollution Control Act (the
6 Clean Water Act)
- 7 • Chapter 90.48 of the Revised Code of Washington (RCW) – the State of Washington Water
8 Pollution Control Law
 - 9 ○ Western Washington Phase II Municipal Stormwater Permit
- 10 • Chapter 17 of the Revised Code of Washington (RCW), with emphasis on:
 - 11 ○ RCW 17.10.205 – Control of noxious weeds in open areas
 - 12 ○ RCW 17.15 – Integrated Pest Management
- 13 • Snohomish County’s Noxious Weed Laws
- 14 • City of Lynnwood Municipal Code (LMC):
 - 15 ○ LMC 2.44.010 – Department established and duties described
 - 16 ○ LMC 10.08 – Nuisances
 - 17 ○ LMC 12.12.040 – Sidewalks and walkways – Maintenance
 - 18 ○ LMC 13.45 – Surface Water Quality
- 19 • City of Lynnwood Resolution #2001-17, establishing a Lynnwood Citizens Right to Know About
20 Pesticides” program, and included a pesticide and fertilizer use policy for the Parks, Recreation,
21 and Cultural Arts Department
- 22 • City of Lynnwood Comprehensive Plan Applicable Goals:
 - 23 ○ Subgoal ER-5: Water Resources

24 **Vegetation Management for Ponds, Ditches, Streams, Wetlands, and**
25 **Drainage Facilities**

26 Recommended maintenance frequencies for all surface water facilities are identified in the City’s
27 Surface Water Management Comprehensive Plan. Public Works will endeavor to complete necessary
28 vegetation control at the recommended frequencies.

29 Unless authorized by an exception (as detailed herein), vegetation management within these designated
30 areas will be accomplished through non-chemical means, which shall primarily consist of mechanical or
31 manual removal. Mechanical and manual removal generally includes the use of mowers, string-line
32 trimmers, and tractors.

33 **Vegetation Management for Streets, Curb and Gutter, and Paved**
34 **Shoulders**

35 Vegetation management for streets, curb and gutter and paved shoulders will be achieved through a
36 combination of mechanical, manual, and chemical activities.

- 1 Public Works shall consider mechanical and manual means as the preferred approach, when feasible.
2 Community Service volunteers may also be used to accomplish this when available.
- 3 When Public Works lacks adequate manpower to complete the necessary vegetation control by
4 mechanical or manual removal, application of chemical controls shall be allowed.

5 **Herbicide Use and Application**

6 *Threshold Determination*

7 A threshold determination for the removal of weeds or other vegetation must be completed in
8 order to determine if there is a legitimate need for chemical control. Efforts to control nuisance
9 weeds and vegetation shall not commence until it is determined by the Director or his designee
10 that a problem exists which if not dealt with in a reasonable timeframe will be detrimental or
11 damaging to City infrastructure and/or public health and safety. This determination will be
12 documented for the record in the form of an advance public notice posted as detailed below.

13 *Timing*

14 The timing of weed control is dependent on the growing season of most weeds. Spring and fall
15 are the seasons during which weeds emerge and grow rapidly and are the two primary periods
16 during which weed control is performed. During the summer, individual assessments for "spot
17 treating" problem areas of weed regrowth will be determined by trained personnel. Herbicide
18 application will not be performed during the winter months because there is little to no weed
19 growth during this time.

20 Weather is also a determining factor for when vegetation management is performed. Herbicides
21 are most effective when left on the plant for over 24 hours. Public Works will only spray
22 herbicide when there is a favorably dry weather pattern expected for at least 72 hours following
23 herbicide application. This policy reduces the possibility of herbicide being washed into local
24 waterways as well as the need to re-treat areas where rain has diluted the effectiveness of the
25 applied herbicide.

26 *Application*

27 The City of Lynnwood's goal is to limit the amount of herbicide that is used to control weeds.

28 Herbicide mixture and application shall be in strict accordance with all applicable regulations,
29 and according to the manufacturer's recommendation. The Environmental Protection Agency
30 (EPA) and the Washington State Department of Agriculture (WSDA) must register all pesticides
31 used by Lynnwood Public Works for the specified use. The safety of applicators, the public, non-
32 target organisms and the environment will be given primary consideration in the selection and
33 use of any herbicide.

34 Application of herbicides will be accomplished by individual handheld spraying methods, or by a
35 vehicle mounted applicator.

1 The individual handheld spraying method generally consists of storing herbicides in pressurized
2 application tanks and approved personnel spraying the area to be treated.

3 The vehicle mounted applicator feeds the chemical from a tank into nozzles that are affixed to a
4 boom arm near the rear of the vehicle. A sensor on each nozzle detects the presence of
5 vegetation as it passes underneath each sensor. If vegetation is detected, then a nozzle is
6 activated to administer liquid herbicide. This pattern of sensing and application continues as the
7 vehicle moves along the edge of the road and curbs. If no vegetation is detected then the nozzle
8 will not spray. The vehicle's operator constantly monitors this process for proper application
9 using a heads-up display camera focused on the nozzle spray pattern.

10 *Areas Designated for Application*

11 The primary areas Public Works may apply herbicide include cracks in curb and gutter, extruded
12 curb, expansion joints in the curb and between the curb and the sidewalk, and traffic islands. It
13 is the adjacent property owners' responsibility to clean and maintain the sidewalk, including
14 keeping it free and clear of debris, weeds and other vegetation (see LMC 12.12.040). As such,
15 Public Works will not commonly control vegetation within sidewalk areas.

16 Public Works will not apply herbicides in the following locations:

- 17 • Areas where there is a planting strip between the curb and the sidewalk
- 18 • Directly over or within approximately 10 feet from a storm inlet
- 19 • Areas which are approximately 20 feet adjacent to streams, wetlands, or other sensitive
20 areas
- 21 • Places where physical obstructions such as cars parked on the street do not allow access for
22 the vehicle mounted applicator to reach the curb
- 23 • Any areas not recommended by the chemical manufacturer (i.e. specific chemicals are
24 sometimes not recommended for use in aquatic areas, etc.)
- 25 • Areas in front of properties on the "Opt-Out" list (see section below)

26 *Licensed Applicators*

27 Use of herbicides in the City of Lynnwood will be carried out by personnel who have been
28 routinely trained, tested, and certified by the Washington State Department of Agriculture, and
29 the City of Lynnwood to apply these chemicals in accordance with state law.

30 *Procurement, Handling, and Transport*

31 City of Lynnwood employees will obtain herbicides, surfactants, adjuvants, and dyes for weed
32 control that have been approved for use and in amounts necessary to meet defined pest control
33 objectives. Material Safety Data Sheets for each product used will be available in compliance
34 with the Washington State "Right to Know" Act.

35 Storage of chemicals shall occur at the City's Operations and Maintenance Shop yard in a
36 permanently covered area in accordance with applicable laws. Mixing chemicals shall occur in a

1 protected area, with a spill response kit readily available in accordance with applicable laws, and
2 with the City's Stormwater Pollution Prevention Plan.

3 Handling of herbicides and herbicide mixtures will occur in a safe and controlled fashion,
4 including appropriate training and education of employees who will be handling these materials.
5 Mixing of herbicide solutions will be done in a controlled environment by a licensed herbicide
6 applicator. Personnel will utilize direct delivery, container size limitations, reduced volumes, and
7 other appropriate measures to minimize excessive handling and storage of the product. Specific
8 Material Safety Data Sheet and product label recommendations and instructions will be
9 followed in the handling of any herbicide used by the City of Lynnwood.

10 *Storage and Disposal*

11 Chemicals will be stored in a secure manner which minimizes the risk of the product escaping
12 the package or storage areas, prevents the endangerment of human health, and reduces the risk
13 of contact with other products or the contamination of the environment. Safety will be the
14 primary factor in deciding storage areas and methods for herbicides. Storage shall be in
15 compliance with all directions listed on the manufacturer's labeling, and in compliance with all
16 pertinent laws, rules, regulations and local ordinances. Storage buildings and areas shall have
17 equipment to effectively and safely handle any emergencies that might be reasonably expected
18 to occur. Incompatible hazardous substances and herbicides will not be stored in the same area.

19 Disposal of herbicides and their containers will be completed in accordance with label
20 instructions and applicable state and federal laws and regulations. All personnel involved in
21 applying and mixing herbicides will be trained in proper disposal practices.

22 *Spill Response*

23 All required and appropriate spill response supplies and equipment shall be maintained and
24 available to handle any chemical spills incurred by Public Works employees. All vehicles engaged
25 in herbicide application shall have an appropriate spill response kit, and all City operators shall
26 be trained in their use. All hazardous material spills/releases on Public Works properties shall be
27 reported immediately to the appropriate agency and the material spilled shall be disposed of
28 according to the appropriate agency's directive.

29 *Public Notice Prior to Herbicide Application*

30 Roadside areas requiring herbicide and chemical use are generally long, lineal stretches of
31 roadside that cover many miles of the city. It is therefore not feasible to post every individual
32 location with signs prior to application. Public Works shall provide a city-wide, multi-tiered
33 method of public notice as follows:

34 Beginning at least one week prior to first application and in accordance with the Revised Code of
35 Washington (RCW) section 17.21, the City of Lynnwood Public Works Department will notify the
36 public of its intentions on the City's website. The notice shall remain on the website the entire

1 time spraying is scheduled and for at least one week thereafter. The City's website is
2 <http://www.ci.lynnwood.wa.us>

3 Beginning at least one week prior to first application, signs notifying the public of this activity
4 will be placed in the lobby of the following City buildings: Fire Station 15; the Recreation Center;
5 the Senior Center; City Hall; the Public Library; and the Permit Center. These notices shall remain
6 in place during the entire time spraying is scheduled and for at least one week thereafter.

7 An informational article explaining the anticipated activity shall be placed in the Spring edition
8 of Inside Lynnwood, assuming that publication continues to be circulated.

9 Any spraying activity shall be identified as such. When a crew of individuals will be hand-
10 spraying, a sign shall be posted in the immediate vicinity informing the public of the activity
11 underway. When the applicator vehicle is active, the vehicle shall be identified as such with a
12 sign.

13 *Opt-Out*

14 All residents and owners within the City have the right to request that herbicide application not
15 occur in front of their property. Public Works will abide by all such requests.

16 All public notices shall include an e-mail or telephone contact at the City, for individuals to
17 contact should they wish to be put on this "Opt-Out" list. Public Works will then track these
18 properties to ensure that application does not occur.

19 *Record Keeping*

20 Public Works shall retain the following records for a period of 7 years:

- 21 • All application records and information required by the Washington Department of
22 Agriculture
- 23 • Dates and locations of areas sprayed
- 24 • Type(s) of chemicals used
- 25 • The material safety data sheet for each herbicide used

26 Exceptions

27 The Public Works Director may request that the Mayor approve exceptions to this policy. Such requests
28 will be judged on the following factors:

- 29 1. A need to protect citizens and businesses from a documented public health or safety hazard
- 30 2. A requirement to comply with city, state or federal law
- 31 3. Previous actions taken consistent with this policy have proven ineffective, and further action is
32 necessary to protect public infrastructure and facilities
- 33 4. An action is needed to improve the implementation of this policy

1 Any exceptions granted shall be immediately posted on the City's website, and kept up for the duration
2 of the effective period, and for at least one week thereafter. If an exception is granted regarding
3 application of herbicide use, amount used shall be at the minimum effective level.

4

1 **Definitions**

2
3 "**Active ingredient**" means any ingredient which will prevent, destroy, repel, control, or mitigate pests,
4 or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

5 "**Device**" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate
6 pests, or to destroy, control, repel or mitigate fungi, nematodes, or such other pests, as may be
7 designated by the director, but not including equipment used for the application of pesticides when sold
8 separately from the pesticides.

9 "**EPA**" means the United States Environmental Protection Agency.

10 "**Herbicide**" means any substance or mixture of substances intended to prevent, destroy, repel, or
11 mitigate any weed.

12 "**Inert ingredient**" means an ingredient which is not an active ingredient.

13 "**Person**" means any individual, partnership, association, corporation, or organized group of persons
14 whether or not incorporated.

15 "**Pesticide**" means, but is not limited to:

16 (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate
17 any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except
18 virus on or in a living person or other animal which is normally considered to be a pest or which the
19 director may declare to be a pest;

20 (b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or
21 desiccant; and

22 (c) Any spray adjuvant.

23 "**Spray adjuvant**" means any product intended to be used with a pesticide as an aid to the application or
24 to the effect of the pesticide, and which is in a package or container separate from the pesticide. Spray
25 adjuvant includes, but is not limited to, acidifiers, compatibility agents, crop oil concentrates, defoaming
26 agents, drift control agents, modified vegetable oil concentrates, nonionic surfactants, organosilicone
27 surfactants, stickers, and water conditioning agents. Spray adjuvant does not include products that are
28 only intended to mark the location where a pesticide is applied.

29 "**Weed**" means any plant which grows where not wanted.

RECEIVED

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Gabe Johnson
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

21 JUN 14 A9 '02

COUNTY OF MAUI
PUBLIC WORKS

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

June 10, 2021

296 RUSH

DEPT. OF PUBLIC WORKS

	INFO	ACTION	DEFINE	COMMENTS	COPY	CC/M	FILE
DIRECTOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEPUTY DIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FISCAL ANALYST	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PERSONNEL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DSA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENGR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HWY. SECTY.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Return to _____ Date _____
By _____ Date _____

Ms. Rowena Dagdag-Andaya, Director
Department of Parks and Recreation
County of Maui
Wailuku, Hawai'i 96793

Dear Ms. Dagdag-Andaya:

**SUBJECT: INTEGRATED PEST AND ENVIRONMENTAL
MANAGEMENT ON COUNTY PROPERTY (CARE-23)**

On February 4, 2021, Councilmember Shane M. Sinenci transmitted to the Climate Action, Resilience, and Environment Committee a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 2.50, MAUI COUNTY CODE, RELATING TO PESTICIDE AND FERTILIZER USE ON COUNTY PROPERTY."

The purpose of the proposed bill is to establish a new chapter in the Maui County Code which would exercise the County's proprietary function, as a property owner and manager, by determining the categories of pesticide and fertilizer allowed for use on County property.

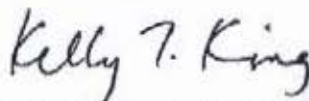
May I please request the Department of Public Works' comments on the proposed legislation.

May I further request you transmit your response by **Wednesday, June 30, 2021**. To ensure efficient processing, please transmit your response to care.committee@mauicounty.us, and include the relevant Committee item number in the subject line of your response.

Ms. Rowena Dagdag-Andaya
June 10, 2021
Page 2

Should you have any questions, please contact me or the Committee staff
(Nicole Siegel at ext. 8008, or Rayna Yap at ext. 8007).

Sincerely,



KELLY TAKAYA KING, Chair
Climate Action, Resilience, and
Environment Committee

carc:ltr:023apw01:nas

Attachment

cc: Mayor Michael P. Victorino

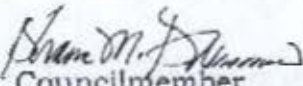
RECEIVED

February 4, 2021

2021 FEB -8 AM 10: 51

OFFICE OF THE
COUNTY CLERK

MEMO TO: CARE-23 File

F R O M: Shane M. Sinenci, Councilmember 

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
INTEGRATED PEST AND ENVIRONMENTAL MANAGEMENT ON
COUNTY PROPERTY** (PAF 21-020)

The attached legislative proposal pertains to Item 23 on the Committee's agenda.

paf:kmat:21-020c

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 2.50, MAUI COUNTY
CODE, RELATING TO PESTICIDE AND FERTILIZER USE ON COUNTY
PROPERTY

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Title 2, Maui County Code, is amended by adding a new
chapter to be appropriately designated and to read as follows:

"Chapter 2.50

PESTICIDE AND FERTILIZER USE ON COUNTY PROPERTY

Sections:

2.50.010	Purpose.
2.50.020	Definitions.
2.50.030	Administrative rules.
2.50.040	Pesticide and fertilizer use on County property.
2.50.050	Waiver.
2.50.060	No conflict with federal or state law.

2.50.010 Purpose. This chapter's purpose is to exercise the County's proprietary function, as a property owner and manager, by determining the categories of pesticide and fertilizer allowed for use on County property.

2.50.020 Definitions. Whenever used in this chapter, unless the context otherwise requires:

"County property" means the same as in section 13.04A.030 of this code, but does not include property subject to state executive order, County agricultural parks, or County property used for agricultural purposes.

2.50.030 Administrative rules. The director of public works may adopt administrative rules to implement this chapter.

2.50.040 Pesticide and fertilizer use on County property.

A. The following are allowed for use on County property:

1. Pesticides and fertilizers listed as "allowed" on the National List of Allowed and Prohibited Substances as listed in title 7 Code of Federal Regulations 205.601, 205.603, 205.605, and 205.606.

2. "Minimum risk pesticides" exempt from registration under the Federal Insecticide, Fungicide, and Rodenticide Act as provided in title 40 Code of Federal Regulations section 152.25(f).

3. The following when used in compliance with manufacturer specifications:

a. Disinfectants, germicides, bactericides, miticides, and virucides.

b. Insect repellents.

c. Rat and rodent extermination products.

d. Swimming pool supplies.

e. General use paints, stains, and wood preservatives, and sealants.

f. Citric acid.

B. Unless a waiver is approved under section 2.50.050, use of pesticides and fertilizers on County property not allowed under section 2.50.040(A) is prohibited, except that otherwise prohibited pesticides may be used to control:

1. Mosquitoes.

2. Animals or insects, such as fire ants or termites, that may cause damage to buildings and structures.

3. Invasive species whose introduction does, or is likely to, cause economic or environmental harm or harm to human health.

2.50.050 Waiver.

A. Agencies may apply to the council for a waiver from section 2.50.040 prior to the use of a prohibited pesticide or fertilizer.

B. The waiver application must include:

1. A location map for the proposed usage area.

2. A landscape plan.

3. Photographs of areas and vegetation.

4. A summary of the existing plants, soils, and environmental conditions for each area.

5. A history of vegetation management practices, including fertilizer and pesticide application amounts and frequency.

6. Cost estimates and a timeline.

7. Information on how the public's health and safety is threatened.

8. An evaluation and list of the results of alternative methods and materials.

9. An explanation of how the application of otherwise prohibited substances will, to the greatest extent practical, minimize the impact of the application on abutting properties, human health, and the environment.

C. The council may approve a waiver or waiver extension by resolution upon finding the following:

1. A situation exists that threatens the public's health and safety.

2. Alternative control methods and allowed substances have been evaluated and determined to be insufficient.

3. The application of otherwise prohibited substances will, to the greatest extent practical, minimize the impact of the application on abutting properties.

D. Waivers may be granted for a period of up to two years, and may include conditions such as signage to protect public health and safety.

E. Waiver extension requests must be submitted at least ninety days prior to the expiration date and must include the same information as a waiver application.

2.50.060 No conflict with federal or state law. Nothing in this chapter shall be interpreted or applied so as to create any requirement or duty in conflict with any federal or state law."

SECTION 2. This Ordinance takes effect one year after its approval, except for pesticides and fertilizers used at the Waiehu Golf Course, War Memorial Complex, and Ichiro "Iron" Maehara Baseball Stadium, which takes effect two years after its approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Stephanie M. Chen

Department of the Corporation Counsel
County of Maui
paf:jbf:20-020a