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OFFICE OF THE
COUNTY COUNCIL

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