

City of Newton  
IPM ADVISORY COMMITTEE

**PROCEDURES FOR AUTHORIZING USE OF PESTICIDES  
ON PUBLIC LAND AND IN PUBLIC BUILDINGS**

Use of any pesticide (including herbicides, fungicides, insecticides, rodenticides and pre-emergents) on land or in buildings owned by the City of Newton must be approved in advance by the Newton Integrated Pest Management (IPM) Advisory Committee. The following procedures are used by the Committee to review proposals for pesticide use and to guide implementation for approved uses.

**I. DECISION MAKING**

- A. No city employee, contractor or volunteer may use pesticides on city property without first consulting the IPM Advisory Committee.
- B. Final decisions regarding the uses of pesticides on city property are made by one of the following city department heads, following consultation with and taking into account the recommendations of the IPM Advisory Committee.
  - 1. Health Commissioner
  - 2. Parks and Recreation Commissioner
  - 3. Public Buildings Commissioner
  - 4. Public Works Commissioner
- C. This decision-making process must be followed except in an emergency as defined in section VI.

**II. PROPOSALS**

- A. Any recommendation to use pesticides on public property must begin as a proposal to the IPM Advisory Committee.
  - 1. A form entitled "Proposal to Use Pesticides on Public Property" must be completed to describe the location and other pertinent factors.
  - 2. The form must be submitted to the Committee Chair at least 14 days in advance of proposed pesticide use (but at the earliest possible time in advance of 14 days) to allow the committee adequate time for review.
  - 3. Incomplete forms will be returned, and no further action will be taken until all requested information is furnished or satisfactorily accounted for.
- B. Telephone calls, comments in meetings or other discussions of the anticipated need or plan for submitting a proposal will not be considered valid proposals and no action will be taken based on them.
- C. In cases in which the Committee has adopted a policy permitting the use of a particular pesticide for treatment of specified conditions without the need for prior approval, no proposal is needed unless conditions exceed the limitations stated by the policy.

### **III. REVIEW OF PROPOSALS**

- A. The Committee will schedule a meeting to review the proposal.
  - 1. The proponent, abutters and others with an interest in the proposal will be notified of the time and date of the meeting.
  - 2. The Committee will do its best to schedule its review meeting within the 14-day lead-time required for submission of the proposal but will take into account the ability of key participants to attend in setting the time and date of the meeting. This could result in a meeting that falls after the date of the proposed pesticide application, resulting in a postponement of the proposed application.
  - 3. All meetings of the IPM Advisory Committee are open to any member of the public who wishes to attend.
  
- B. The Committee will review the proposal as submitted.
  - 1. The proposal will be presented to the Committee by the proponent.
  - 2. Questions from the Committee will be put to the proponent for response.
  - 3. The meeting will then be opened to others present for questions or comments regarding the proposal.
  - 4. The Committee will discuss the proposal and reach a decision.
    - a. The Committee may approve, deny or return the proposal for additional information.
    - b. A simple majority of the Committee shall constitute a quorum for decision making.
    - c. The committee will endeavor for consensus whenever possible, but a simple majority of members present shall be sufficient for a decision.
  - 5. Proposals returned for additional information will be handled as a new proposal for the purpose of these procedures, unless the Committee specifically states otherwise as part of its decision.
  - 6. The Committee's decision, along with any conditions or concerns, will be put in writing in the form of a recommendation to the department head who has custodial responsibility for the city property in question and to the mayor. A copy of the recommendation will also be sent to the proponent.

### **IV. IMPLEMENTATION**

- A. The appropriate department head will review any recommendation of the Committee to approve the use of pesticides and render a final decision.
  - 1. The department head shall notify the Committee, the proponent and the mayor of any decision to reverse, postpone or otherwise alter the Committee's recommendation.
  - 2. The Committee may ask the department head to attend a future meeting to discuss the reasons for reversal, postponement or other action not consistent with the Committee's recommendation.
  
- B. The department head will select and notify in writing a licensed pesticide applicator of the details and conditions pertaining to the approved use of pesticide.

- C. A prospective date and time will be arranged for application of the pesticide. Alternate dates will also be arranged if needed because of uncertain weather or other factors
- D. The department will notify interested or affected parties at least 48 hours in advance of the scheduled application or as specified below.
  - 1. Notices will describe the precise location, scheduled date and alternate dates of application, name and description of pesticide, number of days or hours the location will be off limits, and the name and number of a city employee from whom additional information can be obtained.
  - 2. Employees, students and parents in the case of schools, and other building occupants will be notified through announcements, posted notices, emails and flyers sent home with students at least 48 hours in advance of application.
  - 3. Immediate abutters of public grounds will be notified through handbills delivered door-to-door or by US mail scheduled for delivery at least 48 hours in advance of application.
  - 4. Community groups, neighborhood associations, permitted users and others with a perceived right-to-know will be informed by US mail, fax, email or telephone.
  - 5. At least forty-eight hours prior to the time of application notices will be posted at all entrances to the site and immediately adjacent to the affected area.
  - 6. IPM literature and field closed signs will be posted to ensure continued compliance with the MA Children and Families Protection Act (11/2000) and to implement best management practices. Yellow pesticide alert signs will be placed by the applicator near the affected area as required by law. All signs and literature will remain in place for 72 hours after the application.
- E. A record will be kept of the date, time, location, pesticide name and strength, EPA registration number, weather conditions and other pertinent information. This record will become part of the IPM history for the property in question.
- F. All of these procedures will apply equally to situations in which a policy approved by the Committee permits use of pesticides without prior review of the Committee within the limits pre-determined by the Committee, unless policy specifically indicates otherwise. The Committee shall be notified immediately following the event that created the need for use of the pesticide.

## **V. APPEALS**

- A. A recommendation of the Committee or a final decision of an authorized department head may be appealed in writing to the mayor.
- B. The mayor will handle the matter in whatever way he/she deems appropriate, including but not limited to, supporting or overturning the decision of the department head, seeking additional information, soliciting expert input, or referring the matter back to the Committee.

## **VI. EMERGENCIES**

- A. An emergency shall be defined as any occasion in which all three of the following conditions are met:

1. Following the prospective approval process, as outlined in this document, would result in the loss of opportunity to deal with the pest.
  2. There is no reasonable alternative for dealing with the pest.
  3. Failure to deal with the pest would create a serious threat to the health and safety of the community or to the viability of a community asset.
- B. One of the department heads listed in Section I or the Mayor may make an emergency decision to use pesticides on city property.
- C. Any emergency use of pesticides shall be handled in accordance with the following implementation procedures in Section IV (listed below), including notification, as if advance approval of the Committee had been obtained.

#### Emergency Pesticide Implementation

The department will notify interested or affected parties of the scheduled pesticide application or as specified below.

1. A signed copy of the emergency waiver will be placed at the pesticide application area prior to the scheduled pesticide application.
  2. User groups will be notified via email of the scheduled pesticide application.
  3. Yellow pesticide alert signs will be placed by the applicator near the affected area as required by law.
- D. The Committee shall be notified immediately following the event, explaining the circumstances and the reasons it was determined to be an emergency. The Committee may ask the department head who made the emergency decision to attend a future meeting of the Committee to discuss the circumstances of the emergency. Any emergency pesticide implementation shall be recorded in the subsequent IPM meeting minutes.