

RESOLUTION NO. 46-a

**PROVIDING FOR INCREASED PROTECTION FOR PUBLIC HEALTH AND
THE ENVIRONMENT FROM EXPOSURE TO DANGEROUS PESTICIDES**

Introduced: 5/11/98

By Messrs. Richardson, Darbyshire, Ms. Springer, Public Works and
Conservation and Improvement Committees:

WHEREAS, In consideration of the potential hazards associated in the use of pesticides, the Albany County Legislature deems it necessary to employ pest control strategies that are the least hazardous to human health and the environment and adopt an integrated pest management program that places first priority on utilization of best management practices and the use of pesticides as a last resort, and

WHEREAS, There is a national effort to reduce and eventually eliminate the use by local governments of pesticides hazardous to human health and the environment, and

WHEREAS, The City of Albany is currently considering legislation similar to this resolution, and

WHEREAS, It is the responsibility of Albany County to ensure the health and safety of all of its citizens, now, therefore be it

RESOLVED, That for the purpose of this resolution the term "pest" shall mean and refer to any insect, rodent, fungus, weed, virus, bacteria, or other micro-organism (except viruses, bacteria or other micro-organisms on or in living persons or other living animals), that the Commissioner of the New York State Department of Environmental Conservation declares to be a pest, and, be it further

RESOLVED, That for the purpose of this resolution the term "pesticide" shall mean and refer to any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest and any substance or mixture of substances intended for use as a plant regulator, defoliator or desiccant registered as such by the United States Environmental Protection Agency and/or the New York State Department of Environmental Conservation and all such products for which experimental use permits and provisional registrations have been granted by the United States Environmental Protection Agency and/or the New York State Department of Environmental Conservation, and, be it further

RESOLVED, That for the purpose of this resolution the term "anti-microbial pesticide" shall mean and refer to a pesticide as defined by 7 U.S.C. 136(mm), and, be it further

RESOLVED, That notwithstanding any other provisions, this resolution shall not apply to the following:

Pesticides used for the purpose of maintaining a safe drinking water supply at drinking water treatment plants, wastewater treatment plants, reservoirs, and related collection, distribution, and treatment facilities;

Anti-microbial pesticides;

Pesticides in contained baits for the purposes of rodent control; and

Pesticides classified by the United State Environmental Protection Agency as exempt materials under 40 CFR 152.25;

and, be it further

RESOLVED, That effective September 1, 1998, no County department or any pesticide applicator employed by Albany County as a contractor or subcontractor for pest control purposes shall apply on property owned or operated by Albany County any pesticide classified as Toxicity Category I by the United States Environmental Protection Agency, or any pesticide classified as a known, likely, or probable human carcinogen by the United States Environmental Protection Agency, except as otherwise provided for in the eighth and ninth resolved clauses of this resolution, and, be it further

RESOLVED, That the Albany County Legislature hereby establishes a Pest Management Committee with the power to develop an Integrated Pest Management Plan to be adopted by the Albany County Legislature and to monitor pest management procedures for property owned or operated by Albany County. Said Committee shall be made up of one person from each of the following County departments and organizations: Department of General Services; Department of Health; Department of Public Works; Department of Residential Health Care Facilities; Sheriff's Department; Albany County Soil and Water Conservation District; and Cornell Cooperative Extension; and, in addition, one person designated by the Albany County Executive representing a cancer prevention advocacy organization, one person designated by the Albany County Executive representing an alternatives to pesticides advocacy organization, and one person designated by the Albany County Executive representing a general public interest advocacy organization, and, be it further

RESOLVED, That on or before January 1, 1999, the Albany County Pest Management Committee shall develop an Integrated Pest Management Plan for review and approval by the Albany County Legislature. The plan shall be consistent with the provisions of this resolution. The plan shall have specific provisions for effectively managing pest problems in a comprehensive manner including, but not limited to:

Identification of all pest management methods or strategies used by County departments and pesticide applicators employed by Albany County as a contractor or subcontractor for pest control purposes on property owned or operated by Albany County;

Procedures for least toxic pest control for the period prior to September 1, 2000;

Procedures for non-pesticide pest control for the period after September 1, 2000 except as otherwise provided for in the eighth and ninth resolved clauses of this resolution;

Procedures for monitoring the implementation of the Integrated Pest Management Plan;

Procedures for monitoring pest populations on property owned or operated by Albany County;

Education and training of County personnel on non-pesticide pest control methods and strategies;

Procedures for record keeping; and

Procedures and guidelines for decision making;

and, be it further

RESOLVED, That should the Albany County Commissioner of Health determine that a human health emergency warrants the use of a pesticide that would otherwise not be allowed under this resolution, the Commissioner of Health shall have the authority to issue an exception based on the following criteria:

The pest situation poses an immediate threat to human health;

Viable alternatives consistent with this resolution do not exist;

Any pesticide used must have the least acute and chronic toxic effect on human health of all available choices; and

Underlying causes of the pest outbreak are addressed in order to prevent future outbreaks,

and, be it further

RESOLVED, That should the Albany County Pest Management Committee determine that an emergency other than a human health emergency warrants the

use of a pesticide that would otherwise not be allowed under this resolution, the Albany County Pest Management Committee shall have the authority to issue an exception based on the following criteria:

Viable alternatives consistent with this resolution do not exist;

Any pesticide used must have the least acute and chronic toxic effect on human health of all available choices; and

Underlying causes of the pest outbreak are addressed in order to prevent future outbreaks,

and, be it further

RESOLVED, That should pesticides be used pursuant to the eighth or ninth resolved clause of this resolution, the entity engaged in such application shall conspicuously post as soon as practicable in advance of the actual application, at the site of application the following information: 1) date of posting; 2) organism targeted; 3) specific location, date, and approximate time of application; 4) method of application; 5) trade name and the active ingredient of the pesticide used; 6) copy of the label; 7) name and telephone number of the person responsible for the application; and 8) poison control telephone number, and, be it further

RESOLVED, That any plan for new construction or remodeling of buildings owned or operated by Albany County, plans for designing or redesigning public parks and recreation areas owned or operated by Albany County, and plans for landscaping of buildings owned or operated by Albany County contain provisions for the prevention of pest problems by means such as appropriate structural design, pest resistant vegetation, and pest control maintenance and planting practices, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Adopted by unanimous vote. 5/11/98

ALBANY COUNTY PEST MANAGEMENT PLAN

Purpose:

The Albany County Pest Management Policy is hereby created to establish procedures and guidelines for pest control practices on property owned or operated under the authority of Albany County. This policy is required under Legislative Resolution 46a of 1998, and has the express goal of providing a framework for Albany County to achieve an effective pest control strategy without the use of toxic pesticides.

Scope of Authority:

Resolution 46-a of 1998 together with this Pest Management Plan applies to all properties owned (including foreclosed) or operated by the County.

The term "operate" is deemed to include property the County leases for County operations where the County is responsible for pest control by virtue of ownership or tenancy. Generally, these will be locations where the County is sole tenant.

In the case of properties occupied or used by the County, but not owned by the County, this policy will be implemented to the greatest extent possible, in recognition of limitations that may arise from lease provisions or other factors beyond the control of the County.

As of the submission of this policy for initial adoption by the County Legislature, these sites are deemed to include but not limited to the following:

- 112 State Street, Albany-County Office Building;
- 16 Eagle Street, Albany-County Court House;
- 840 Albany Shaker Road-County Correctional Facility;
- 830 Albany Shaker Road-Albany County Hockey Facility;
- 51 South Pearl Street-Times Union Center;
- 60 South Pearl Street-Mercantile Building a/k/a Probation;
- 449 New Salem Road-Voorheesville a/k/a Department of Public Works;
- 355 Old Quarry Road-Feura Bush a/k/a Department of Public Works;
- 156 County Route 111-Alcove a/k/a Department of Public Works;
- 12967 Township Road, Knox a/k/a Department of Public Works;
- 821 Cole Hill Road, East Berne a/k/a Department of Public Works;
- 265 County Route 357, Medusa a/k/a Department of Public Works;
- 19 County Route 410, Westerlo a/k/a Department of Public Works;
- Albany Shaker Road, Albany County Nursing Home and Ann Lee Home;
- 390 New Salem Road, Voorheesville-Sheriff's Department;
- 449 New Salem Road, Voorheesville-Sheriff's Department & E-911 Center;
- 162 Washington Ave.- Albany County Department of Social Services;
- 95 Tivoli St.-Albany County Hall of Records;
- 190 Green Street- Albany County Mental Health;
- 24 Martin Road, Voorheesville-Cornell Cooperative Extension;
- 175 Green Street, Albany County Department of Health
- Towns of New Scotland and Coeymans-Lawson Lake Camp Grounds and Facilities

- 260 South Pearl Street, Mental Health and Motor Vehicle Building
- 6 Lodge Street, Judicial Building

This policy is also understood to apply to pest control practices covering County Highway rights-of-way.

Composition & Responsibilities of the Albany County Pest Management Committee:

The Albany County Pest Management Committee, referred to hereafter as the Committee, shall be comprised of appointed representatives of the various departments and organizations as outlined in Albany County Resolution 46-a of 1998.

The Committee shall elect a chair from the membership of the Committee by a majority vote of the membership. **The chairperson shall serve a one year term and act as chairperson for any period of time between the close of the term and the election or re-election of a chairperson.**

The Chairperson, in conjunction with the office of the County Executive, shall be responsible for scheduling and running quarterly meetings of the committee, presentations, and disseminating information to the Committee members. The Chairperson shall be available to members of the public, private and government sectors to provide the information on the activities of the Committee.

The Committee shall perform those responsibilities as required herein and under County Legislative Resolution 46-a of 1998. The Committee's ability to grant waivers shall be vested in the Chairperson in the case where full consultation of the Committee is impracticable. If such waiver application is denied, the requesting party may appeal to the full Committee. The Committee and or Chairperson will provide a response within three (3) working days of receipt of a written variance request.

All policies and procedures of the Committee shall require a majority vote of the membership of the Committee for adoption.

Identification of Pest Control Practices:

The Albany County Pest Management Committee shall solicit and receive all information pertaining to pest control practices being used on property owned or operated by the County from all County departments, facilities, and any contractors or subcontractors employed by the County engaged in pest control activities. The information shall include, but not be limited to, identification of pest problems, monitoring practices, selection of treatment, and type and quantity of pesticides used and expected for use. The Committee shall then review information to ensure the current pest control practices are in compliance with this plan and Legislative Resolution 46-a. The gathering and review of information regarding pest control

practices shall occur annually with periodic reviews of application information as the Committee sees necessary to ensure effective implementation of this plan.

Procedures for Monitoring of Pests at County Facilities:

Each property owned or operated by the County shall establish basic monitoring procedures for pests including, but not limited to: identification of conditions that may lead to pest infestation; visual inspection; installation, observation and maintenance of monitoring devices; identification of observed pests, population size, and presence of natural enemies; and determination of tolerance thresholds. This function shall be provided by an employee, contractor, or subcontractor designated by the property's overseeing agency or department.

Records of monitoring activities shall be kept and periodically submitted to the Albany County Pest Management Committee upon the Committees request.

When these responsibilities are performed by a contractor or subcontractor a facility shall designate an individual or individuals employed at such facility who shall be responsible for on-site determination of pest presence and contacting the appropriate pest control contractor or subcontractor for further action.

Procedures for Least Toxic and Non Toxic Pest Control:

To achieve least toxic pest management control, employees, contractors and subcontractors providing the County with pest control services shall consider a wide range of pest control options, placing the use of chemical pesticides as a last resort. The following steps should be taken before resorting to chemical control:

- a) Modify management practices, including but not limited to, watering, mulching, waste management, food storage, sanitation, and prompt maintenance.
- b) Modify pest ecosystems to reduce food, water and living spaces for pests.
- c) Use physical and mechanical controls, including but not limited to, hand weeding, traps, and barriers.
- d) Use biological controls by introducing or enhancing a population of pest's natural enemies and predators.
- e) Use of pesticidal substances on the Environmental Protection Agency's exempt list or as exempted in Legislative Resolution 46-a of 1998.

Use of chemical control shall not occur after September 1, 2000 without first obtaining a variance as described in Legislative Resolution 46-a.

Use of chemical controls shall not occur without established evidence of a pest problem, and only after the level of infestation has reached a threshold for action that is set based on the level of structural, economic, biological or environmental damage the site can tolerate and determined in cooperation with the Pest Management Committee.

Use of chemical controls should occur only as a last resort or in emergency situations, and only after determining the most effective treatment time based on pest biology, weather, seasonal changes, and/or any pertinent local conditions.

Use of chemical controls should occur only within the pest management plan that includes the steps listed above, and in accordance with Legislative Resolution 46-a of 1998.

When a variance for the use of chemical controls is obtained, the chemical chosen, shall as far as practicable, have the lowest possible toxicity category and have a carcinogenicity class as determined by the Environmental Protection Agency that rates the product as non-carcinogenic or least carcinogenic as possible. Preference should be given to those pesticides containing EPA exempt materials as the active ingredients.

Information regarding a chemical application or installation of monitoring devices, shall be posted in advance at the site of application whenever practicable.

Information for an application posting should include: date of posting; date, time, and location of application; target organism; method of application; trade name and active ingredient of pesticide being used; copy of the label; name and number of person responsible for the application; and poison control telephone number.

Record Keeping:

Records of all inspections, monitoring, and applications shall be kept by any employee of the County or contractor or subcontractor employed by the County for the pest control purposes.

These records shall be kept on a standard form developed by the Albany County Pest Management Committee, or on a form approved the Committee, and shall contain information regarding: date and time of activities; inspection and monitoring results; types of pest present; treatments selected; name and amount of pesticide applied; Material Safety Data Sheet (MSDS), and recommendations to prevent further pest infestation.

These records shall be submitted at least quarterly to the Committee, at the request of the Chairperson of the Committee.

Records under this provision shall be kept and maintained on a permanent basis.

Leases, Contractors, and Requests For Proposal:

All leases where Albany County acts as the landlord shall stipulate that the tenant shall abide by the terms and conditions of this policy and Legislative Resolution 46-a of 1998. As new leases are negotiated Resolution 46-a should be referenced.

The Albany County Pest Management Committee shall work in conjunction with County Departments and Agencies to develop model contracts and Requests For Proposal (RFP) to facilitate the selection and hiring of pest control services capable of providing non-toxic pest control after September 1, 2000. Such contracts and

RFP's shall stipulate that the contractor be bound by the terms of this policy and Legislative Resolution 46-a of 1998.

Education and Training:

The Committee shall coordinate, prepare and/or distribute educational programs and materials to County employees engaged in pest control and individuals who work at County Facilities.

The Committee shall develop and maintain a list of resources regarding least toxic and non-toxic pest control techniques. The Committee shall also assist those individuals or entities engaged in pest control in determining least toxic and no-toxic materials by providing various reference materials.

The Committee shall research and apply for educational programs and funding for such programs to assist in training County Staff.

The committee shall gather, prepare, and/or make available information regarding the inclusion of pest prevention strategies in plans for property owned or operated by the County that involve landscaping, the construction or remodeling of buildings, and/or design or redesign of public parks and recreation areas.

Monitoring of the Plan:

The Albany County Pest Management Committee shall monitor the implementation of the Pest Management Plan through ongoing review of department progress reports, review of pest control records, contractor updates, and employee training feedback. The Committee shall deliver a report on the implementation of the Pest Management Plan to the County Executive and the County Legislature by the second meeting of the County Legislature after February 1 of each year when requested.

Adoption of Amendment:

This plan shall take effect upon adoption by the Albany County Legislature.

The Committee will recommend amendments to this policy, at any time deemed necessary, to County Legislature. The committee will transmit such recommendations to the Chairman of the Legislature, the Majority Leader and the Minority Leader.

If the Majority Leader and the Minority Leader both determine that the proposed changes are within the scope of Legislative Resolution 46-a of 1998 and this policy, they may inform the committee, in writing, that the proposed amendments are to be deemed adopted.

Otherwise, amendments to this policy shall be made by Legislative Resolution.