

*The following agreement can be used as a prototype by neighborhood groups pushing for one or more of their local parks to become pesticide-free, organically managed zones. The document would be signed by both the neighborhood group(s) and the governmental agency(ies) involved. While some of the details of this prototype are specific to Massachusetts (for example, it draws upon provisions of the Protecting Children and Families from Harmful Pesticides Act, a Massachusetts law), by changing those details, neighborhood groups in other states could use the document as well.*

*This document was prepared by the Neighborhood Pesticide Action Committee of Jamaica Plain, MA.*

## ORGANIC PEST MANAGEMENT AGREEMENT <sup>1</sup> for **Our Neighborhood's Community Parks**

*Spring 2020*

### ***Section 1: Statement of Intent***

Whereas, according to the Environmental Protection Agency (EPA), “all pesticides are toxic to some degree, . . . and the commonplace, widespread use of pesticides is both a major environmental problem and a public health issue”<sup>2</sup>; and

Whereas, according to the EPA Office of Inspector General (OIG), sewage sludge contains “toxic pollutants and disease-causing organisms” and the “EPA cannot assure the public that current land application practices [of sewage sludge] are protective of human health and the environment”<sup>3</sup>; and

Whereas **Our Neighborhood's Community Parks** — by virtue of adjacent schools, after-school programs, and daycare centers — fall under the provisions of the Protecting Children and Families from Harmful Pesticides Act, which aims to (1) prevent unnecessary exposure of children to chemical pesticides, (2) promote safer alternatives, (3) ensure clear and accurate notification on pesticide use to prevent endangering children, and (4) promote the use of IPM techniques to reduce reliance on chemical pesticides<sup>4</sup>;

The **Green Neighborhood Committee (GNC)**, and the community it represents, maintains that all citizens, particularly children, have a right to protection from exposure to hazardous chemicals and that it is in the best interest of public health to eliminate the use of toxic pesticides and sewage sludge on publicly owned land.

### ***Section 2: Statement of Action***

The **City Parks Department (CPD)**, the **State Parks Department (SPD)**, and the **County Department of Mosquito Control (CDMC)** agree with **GNC** and the community it represents to adopt an Organic Pest Management (OPM)/Low-Input Landscape Maintenance (LILM) Policy on **Our Neighborhood's Community Parks**. This OPM/LILM Policy states the following:

- The use of toxic chemical pesticides and sewage sludge (both Class A and Class B) shall be prohibited;
- Organic turf and landscape cultural practices and other non-pesticide low-input maintenance practices shall be the method of choice;
- All control products used under the terms of this agreement shall be in keeping with those products on the approved list of the Northeast Organic Farming Association (NOFA)/Mass;
- All employees who work with turf grass and the landscape shall receive education and training in organic turf and landscape management;
- A list of all pesticides currently stored on the maintenance sites of **CPD, SPD, and CDMC**, and previously designated for **Our Neighborhood's Community Parks**, shall be compiled, and the products on that list properly disposed of through hazardous-waste collection programs;
- An “**Our Neighborhood's Community Parks** OPM Advisory and Oversight Committee” shall be activated within one month of the signing of this agreement. The committee shall be made up of one representative from the **City Public Health Commission (CPHC)** and one from **GNC**, one grounds maintenance supervisor representing the three agencies — **CPD, SPD, and CDMC** — implementing this pilot, and an agronomist/horticulturist who is an expert in OPM turf and landscape management;

### ***Section 3: Emergency Waivers***

If an emergency warrants the use of pesticides not permitted under the above restrictions, the OPM Advisory and Oversight Committee shall have the authority to grant a temporary waiver for a 30-day period based on the following criteria:

- The pest situation poses a threat to human health/and or environmental quality.
- Viable alternatives consistent with the OPM/LILM policy do not exist.

Any waiver granting pesticide application(s) shall require the use of an integrated pest management (IPM) protocol. IPM involves the coordinated use of physical, biological, and cultural controls that reduce the food, water, harborage, and access used by pests. It focuses on prevention of the pest problem, thus minimizing the need for chemical treatments that may not address the cause of pest infestation.

At a minimum, the treatment must

- be the least hazardous to human health;
- be the least disruptive to natural controls present in the environment;
- cause the least negative impact possible on non-target organisms.

1. Sections of this agreement have been adapted from the Town of Marblehead Board of Health’s “Organic Pesticide Management Policy for Turf and Landscape,” May 3, 2001.
2. US Environmental Protection Agency Office of Prevention, Pesticides and Toxic Substances, *Healthy Lawn, Healthy Environment*, June 1992.
3. “EPA Inspector General Slams Sludge Rule: Year Long Review of Sewage Sludge Rule Identifies Ten Major Deficiencies in Sludge Program and Finds that Public Health Cannot be Assured Under Current Practices,” April 2002. Retrieved April 3, 2002, from [www.whistleblowers.org/OIGFinalSludgeReport.wpd](http://www.whistleblowers.org/OIGFinalSludgeReport.wpd).

4. Protecting Children and Families from Harmful Pesticides, Chapter 85 of the Acts and Resolves of Massachusetts 2000, *Annotated Laws of Massachusetts: 2000 Legislative Acts*, Matthew Bender & Co., 2001.

SOME DEFINITIONS:

**Pesticides**, herein, are defined as herbicides, fungicides, insecticides, miticides, larvicides, and rodenticides; and includes any pesticides classified as known, likely, or possible human carcinogens or endocrine disruptors, as well as those pesticides that meet the criteria for Toxicity Category I or II, as defined by the EPA. A list of the pesticides in the EPA’s Toxicity Categories I and II shall be periodically updated at the maintenance sites of **Our Neighborhood’s Community Parks**.

**Sewage sludge**, herein, is defined as a byproduct of wastewater treatment. No matter its treatment, designated quality, or class, sewage sludge contains human, commercial, industrial, hospital, and domestic waste, prions, pharmaceuticals, and other known and unknown hazardous materials. It is sometimes marketed as a fertilizer. The term “sewage sludge” includes any material called “biosolids.”

Among other provisions, **the Protecting Children and Families from Harmful Pesticides Act** indicates that an area “often used for school sponsored or managed activities, regardless of who maintains the property,” must conform to the stipulations under the Act. Thus, **CPD, SPD, and CDMC**, as the entities responsible for maintaining **Our Neighborhood’s Community Parks**, must comply with all of the Act’s applicable provisions.

**Organic Pest Management (OPM)**, herein, is defined as a problem-solving strategy that prioritizes a natural, organic approach to turf grass and landscape management without the use of toxic pesticides. It mandates the use of natural, organic cultural practices that promote healthy soil and plant life as a preventative measure against the onset of turf and landscape pest problems. Essential OPM practices include regular soil testing, soil amendments, selection of plants for hardiness, and the use of physical and biological controls. The Ecological Landscape Association and NOFA/Mass. generally recommend applying OPM practices on heavily trafficked areas, such as ball fields and parks in densely populated urban environments.

**Low-Input Landscape Maintenance (LILM)** is an approach suitable for low-budget maintenance and less frequently trafficked areas, such as urban wilds, and fields and lawns not in heavy use. It is defined, herein, as embracing strategies and practices designed to eliminate the use of pesticides and other toxic chemicals and to reduce the use of other lawn care products, water, and the time and labor often required in maintaining a healthy landscape. The approach leads to sustainability, requiring few material inputs while having a positive impact on the environment. LILM methods include seeding and reseeded with grasses that require less water and fewer nutrients, mowing at three or more inches only, and leaving grass clippings on the lawn during the lawn’s natural growing cycle.

**Signed:**

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*for the City Parks Department*

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*Date*

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*for the State Parks Department*

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*Date*

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*for the County Department of Mosquito Control*

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*Date*

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*for the City Public Health Commission*

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*Date*

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*for the **Green Neighborhood Committee***

*Date*