

ORDINANCE 2021-15

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ELIMINATING USE OF PESTICIDES ON ALL MUNICIPAL RECREATIONAL AREAS

WHEREAS, scientific studies associate exposure to pesticides with asthma, cancer, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, reproductive impairment, birth defects, and disruption of the endocrine system;

WHEREAS, infants, children, pregnant women, the elderly, people with compromised immune systems and chemical sensitivities are especially vulnerable to pesticide effects and exposure;

WHEREAS, pesticides are harmful to pets, wildlife including threatened and endangered species, soil microbiology, plants, and natural ecosystems;

WHEREAS, toxic runoff from chemical fertilizers and pesticides pollute streams and lakes and drinking water sources;

WHEREAS, the use of hazardous pesticides is not necessary to create and maintain green lawns, recreational areas, and landscapes given the availability of viable alternatives practices and products;

WHEREAS, people have a right not to be involuntarily exposed to pesticides in the air, water or soil that inevitably result from chemical drift and contaminated runoff;

WHEREAS, sustainable land use practices that emphasize non- chemical methods of weed and pest prevention and management and least-toxic pesticide use as a last resort will eliminate the use of and exposure to pesticides on recreational areas;

WHEREAS, sustainable land use practices complements other important goals of Chatham Township and administration, such as energy conservation and security;

WHEREAS, recognizing that if an emergency public health situation warrants the use of pesticides, which would otherwise not be permitted under this policy, the Township shall have the authority to grant a temporary waiver on a case-by-case basis after an evaluation of all alternative methods and materials;

WHEREAS, recognizing this policy excludes any pesticide applications performed by Morris County (e.g. mosquito spraying); and

WHEREAS, Chatham Township embraces a precautionary approach to the use of toxic pesticides to adequately protect people and the environment from pesticides' harmful effects.

NOW, THEREFORE, BE IT ORDAINED as follows:

Section 1. Purpose.

The Chatham Township Committee hereby finds and declares that it shall be the policy of Chatham Township to eliminate toxic pesticide use on all municipal recreational areas to promote a healthy environment, protect the public from the hazards of pesticides, and for implementation of sustainable land use.

Section 2. Definitions.

Allowed Materials List. The Township must include in the regulations adopted under this section a list of acceptable pesticides, known as the Allowed Materials List. The list is limited to: (A) All nonsynthetic (natural) materials, with the exception of prohibited nonsynthetic materials under 7 CFR 205.602; (B) Any synthetic material listed at 7 CFR 205.601 that is labeled for turf uses, subject to discretionary authority to require disclosure of inert ingredients; and (C) 25b listed pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Emergency – means an urgent need to mitigate or eliminate a pest that threatens public health or safety.

Inert ingredient – Any substance (or group of substances with similar chemical structures if designated by the Environmental Protection Agency) (EPA) other than an active ingredient which is intentionally included in any pesticide product (40 CFR 152.3(m)) [7 CFR 205.2 Terms defined.] and are not classified by the Administrator of EPA as inerts of toxicological concern. [7 U.S.C. 6502(21) Definitions]

Lawn – means an area of land, except agricultural land, that is: (i) mostly covered by grass, grass, other similar herbaceous plants, shrubs, or trees; and (ii) kept trim by mowing or cutting.

Nonsynthetic (natural) materials – A substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Organic Foods Production Act (7 U.S.C. 6502(21)). For the purposes of this part, nonsynthetic is used as a synonym for natural as the term is used in the ordinance. [7 CFR 205.2 Terms defined.]

Pesticide – any substance or mixture of substances intended for—(i) preventing, destroying, repelling, or mitigating any pest; (ii) use as a plant regulator, defoliant, or desiccant; or (iii) use as a spray adjuvant such as a wetting agent or adhesive. The term ‘pesticide’ does not include cleaning products, other than those that contain pesticidal agents.

Recreational areas – means municipal land that is designated for recreational activities including lawns, playgrounds, sports fields, pool areas and any other land where recreational activities occur and are controlled, managed, leased or owned by Chatham Township.

Sustainable Land Use– means a program that:

(A) uses— effective mowing, watering and fertilizing practices that provide a healthy soil, other nonchemical methods, and if nontoxic options are unreasonable or have been exhausted, a pesticide on the allowed materials list; and

(B) minimizes— (i) the use of toxic pesticides; and (ii) the hazards to human health and the environment associated with pesticide applications.

Synthetic materials – The term “synthetic” means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes. [7 U.S.C. 6502(21) Definitions]

Use of Pesticides. — The Township shall only use pesticides on the allowed materials list as part of sustainable land use practices. A pesticide not on the allowed materials list may only be used as a last resort in a quantity and in a timeframe approved by the Township which may grant a temporary waiver on a case-by-case basis after an evaluation of all alternative methods and

materials (e.g. poison ivy). Pesticides are only to be applied by certified commercial applicators that are NOFA certified.

NOFA -- NOFA Organic Land Care is an extension of NOFA (Northeast Organic Farming Association) that sets policy, provides outreach and education on organic agricultural practices. NOFA Land Care extends the vision and principals of organic agriculture to the care of landscapes. A NOFA Organic Land Care Certified Landscaper must comply with the NOFA Standards for Organic Land Care.

Posting of Signs — If applying a pesticide under this paragraph, the certified commercial applicator shall post a sign warning of the application of the pesticide —in a prominent place that is in or adjacent to the location to be treated; and at each entrance to the ground to be treated. A sign required for the application of a pesticide shall remain posted for at least 72 hours after the end of the treatment; be at least 8 1/2 inches by 11 inches.

Section 3. Grounds Management Implementation Guidelines.

It is the policy of the Township to take the following preventive measures to maintain optimal turf conditions on municipal recreational areas:

- (A) To maintain healthy soil, soil sampling and analysis will be conducted to evaluate and assess the level of care needed for the facility's turf and landscape.
- (B) Well-adapted, pest-resistant grass varieties that are more suitable for Chatham Township's climate will be planted.
- (C) Lawn aeration will be scheduled at least once a year.
- (D) A proper pH for the soils will be maintained.
- (E) The soil should be tested to adjust the pH if needed.
- (F) Annual fall fertilizer applications will be scheduled and carried out. Only slow- release fertilizer formulations will be used.
- (G) Approved soil amendments will be applied as necessitated by soil test results. Following, but not limited to, the recommendations of the Northeast Organic Farmers' Association and/or the Organic Material Review Institute.
- (H) Outdoor management practices will be modified to comply with organic horticultural science, including scouting, monitoring, watering, pruning,
- (I) proper spacing and mulching.
- (J) Practices will include the use of physical controls, including over-seeding.

This Ordinance shall take effect as provided by law.

Introduced: May 27, 2021

Adopted: June 10, 2021

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

BY: _____
Tracy Ness, Mayor

Gregory J. LaConte, Clerk