



Date: January 15, 2019

To: Patrick H. West, City Manager *T.H.W.*

From: Gerardo Mouet, Director of Parks, Recreation and Marine *GM*

For: Mayor and Members of the City Council

Subject: **Report on the City's Weed Abatement Strategy**

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On August 21, 2018, Councilmember Uranga, joined by Councilmember Supernaw, Councilwoman Mungo and Councilman Austin, presented an agenda item related to the use of products containing glyphosate to control weeds in City parks and requested the City Manager provide a report exploring alternatives to glyphosate-based products and identifying costs associated with the implementation of any alternatives.

### **Background**

Proposition 65 (Prop 65) was approved by California voters in 1986 to address concerns about exposure to toxic chemicals. Prop 65 requires the State, through its Office of Environmental Health Hazard Assessment (OEHHA), to publish a list of chemicals known to cause cancer or birth defects or other reproductive harm. This list, which must be updated at least once a year, has grown to include approximately 800 chemicals since it was first published in 1987. Prop 65 does not ban the use of any chemical, rather it only mandates specific notifications or providing information on the use or existence of noted substances. Prop 65 requires posting of a clear and reasonable warning by any contractors the City may have like the Department of Parks, Recreation and Marine's (Department) Grounds Maintenance Contractors (Contractors) and American Golf Corporation (AGC). In March 2015, glyphosate, the active ingredient of the well-used Round Up and Rodeo products, was added to the Prop 65 list, requiring that warning labels to be placed on the product for those using or applying it. The Department has worked with its Contractors and AGC to ensure this has been followed where glyphosate-based products are used. Again, Prop 65 does not require the banning or discontinuance of any listed chemical.

In the summer of 2017, in an abundance of caution, the Department ceased the use of all pesticides in parks for areas near picnic and BBQ sites and playgrounds as these are areas where there was a higher possibility of human contact with ground or turf where the product had been sprayed. The Department did not restrict its Contractors who maintain parks, medians, and several City-owned properties (collectively "MOU Areas"), to use glyphosate-based products in "non-interactive areas." These non-interactive areas included fence lines, parking lots, curbs, medians, and cracks and crevices in cement or asphalt. Because of the reduced likelihood of human contact with plants, including turf, in medians and on golf courses, the use of glyphosate-based products in these areas was not curtailed at that time.

In a memorandum dated August 17, 2018, the Department informed the Mayor and City Council that it had ceased all use of glyphosate in City parks and MOU Areas. The glyphosate-based products are allowed during the current City fiscal year for as-needed spraying in medians and golf courses while the Department, the Contractors and AGC investigate alternatives and related costs.

### **Alternatives and Information from Presentation to Parks and Recreation Commission**

At the Parks and Recreation Commission meeting on September 20, 2018, staff presented on the use of glyphosate-based products in the City, the cessation of their use in all but "non-interactive areas" in 2017, and research by staff gathered from internal partners and other jurisdictions on the use of organic, synthetic, or other non-chemical applications that do not contain glyphosate for weed control. It was determined that all of the non-chemical products tried are more expensive and require more frequent applications than glyphosate-based products because they are "top-burn only," so they do not kill the roots of weeds, as glyphosate-based products do. Top-burn only treatment results in weeds returning either after a normal period of recovery time or seasonally (for species that go dormant), and will need more frequent spraying of more expensive applications or require manual-removal to attain acceptable weed control. These types of costs were not considered in the recently approved agreements with the Department's Contractors who maintain City parks, medians and MOU Areas.

In a two-year study conducted by between 2015-2017, the City of Irvine eliminated the use of all synthetic pesticides for weed control. On October 24, 2018, the Department Director and Grounds Maintenance staff met with the City of Irvine to review the study. During the study period, Irvine spent more than \$1.1 million in increased costs on a combination of organic weed control options and labor-intensive manual and physical weed control procedures. The City of Irvine is able to offset the additional park maintenance costs through the \$8.6 million in annual revenue generated by their Lighting, Landscape and Park Maintenance District.

For the past three years, the Department has enhanced processes like aeration, upgraded irrigation infrastructure, increased irrigation levels, and increased turf resting periods, which will all help with weed control but not eliminate weeds. The Department's weed control strategy is based primarily on safety, such as controlling weeds around fences to ensure visual lines of site for the Police Department and removing weeds that block curbs to reduced trip hazards, and secondarily on esthetics. For weed abatement in City parks, the Department is currently utilizing the weed control materials Turflon and ENVOY, which were first used as a glyphosate substitute after Labor Day 2018.

After 40 years of use, the elimination of glyphosate-based products would be a significant paradigm shift related to both seasonal periods in the life of weeds and for growth cycles. As demonstrated in the two-year study by the City of Irvine on various alternatives, Department staff believes that it will take at least one year to see the results of how what is being tried can adequately address impacts on weed abatement, public acceptability of results, and the likely increased costs related to the use of different chemicals or increased labor.

## **Operational and Fiscal Impacts**

Due to reduced human contact with turf, plants, or surfaces where glyphosate products are applied, the Department has not currently banned the use of glyphosate products on medians or golf courses. In FY 19, the Public Works Department assumed responsibility for the maintenance of the City's medians. Public Works Department plans to continue to use glyphosate products on the City's medians.

With regard to the City's five golf courses, AGC currently follows Prop 65 noticing requirements, including second-hand tobacco smoke, mercury in fish or other chemicals that naturally occur in food, certain elements of furnishings or electrical components, and pest control and landscaping products.

As AGC's applications of glyphosate-based products are considered unlikely to result in human contact, as per the No Significant Risk Level (NSRL) list adopted by OEHHA in July 2018, AGC has not tested any organic or synthetic weed abatement products, but has reviewed studies about their use and effectiveness and believe that if the use of glyphosate-based products are prohibited on the courses, they would bare additional costs for:

- Products
- Increased staff hours to conduct additional annual sprayings
- Gasoline costs for using more gas-powered weeding devices
- Possible additional staff hours for hand-pulling and string-trimming weeds

It is projected that these costs would be at least \$25,500 for each regulation course and slightly more than half of that for each of the two short courses. This would be an annual increase in costs of more than \$100,000. Coupled with rising costs for water and other utilities, health care and labor, a ban on glyphosate-based products would result in significant cost increases unknown at this time.

AGC has not had time to completely analyze the impacts of this possible decision; however, they have expressed concerns with any potential significant cost increases. Moreover, AGC has indicated that if the use of glyphosate-based products is banned, they will either request an amendment to the Lease Agreement to reduce maintenance expectations, affecting the perceived value of a round of golf on City courses, or seek a lower rent of at least \$100,000 annually. AGC will research other alternatives over the current Fiscal Year.

If you should have any questions, I may be reached at (562) 570-3170.

CC: CHARLES PARKIN, CITY ATTORNEY  
LAURA L. DOUD, CITY AUDITOR  
TOM MODICA, ASSISTANT CITY MANAGER  
KEVIN JACKSON, DEPUTY CITY MANAGER  
REBECCA GARNER, ADMINISTRATIVE DEPUTY TO THE CITY MANAGER  
MONIQUE DE LA GARZA, CITY CLERK (REF. FILE #18-0740)  
STEPHEN P. SCOTT, DEPUTY DIRECTOR – PARKS, RECREATION AND MARINE  
HURLEY OWENS, MAINTENANCE BUREAU MANAGER – PARKS, RECREATION AND MARINE