


MEMORANDUM

To: Conservation Commission/Inland Wetlands and Watercourses Agency

From: Suzanne Simone, Environmental Planner 

Date: October 21, 2022

Re: Native Planting and Pesticide Ordinance

The Conservation Commission chairman was contacted by Kristi Vitelli and provided the Native Planting and Pesticide Ordinance document (attached). The author is seeking feedback from the Commission before their presentation of this proposed language to the town council.

NATIVE PLANTING AND PESTICIDE ORDINANCE

WHEREAS, the Town Council of Glastonbury acknowledges that pollination is an essential ecological survival function, and without native plants and the pollinators that depend on them, the human race and all of earth's terrestrial ecosystems will not survive;

WHEREAS, the Town Council of Glastonbury wants to do its part to reverse the massive decline in native pollinator populations from widespread use of pesticides in agribusiness, loss of habitat from development, and from the use of primarily non-native plants in landscaping;

WHEREAS, protecting and promoting genetically diverse and appropriate native plantings is seen as a way to increase microhabitats for the conservation of wildlife which is accomplished by establishing new habitats while maintaining and connecting the existing habitats;

WHEREAS, The Town of Glastonbury recognizes that the health and safety of its residents is of paramount concern and that high standards for the promotion and protection of the health and safety of its residents must underlie municipal action.

WHEREAS, It is in the best interest of the Town of Glastonbury and its residents to protect the ecological integrity of its rivers and streams and to improve and protect water quality throughout the region.

WHEREAS, Glastonbury has shown leadership in encouraging practices necessary to protect the public health and environment; and

WHEREAS, the Town Council of Glastonbury adopting this Native Planting and Pesticide Ordinance will help combat the climate crisis, species extinction, and global warming while protecting pollinators.

BE IT RESOLVED BY THE TOWN COUNCIL OF GLASTONBURY:

The Municipal Code of Glastonbury is hereby amended by inserting a new ordinance as follows:

Purpose:

The purpose of these regulations is to establish minimum standards for the use of native plantings in the Town of Glastonbury for municipal properties and to ban toxic pesticides while implementing pesticide-free management of public spaces throughout the town.

Justification:

The town recognizes the significant benefits of establishing and protecting native plants for species conservation, protecting pollinators, ecological restoration, and combating the climate crisis by maximizing the use of native plantings by the town. Pesticides contaminate soil microbiology, plant life, wildlife, marine species, groundwater, rivers, and water wells. These lethal chemicals blindly kill and make no distinction between the unwanted pests and beneficial insects and healthy organisms. Many of these beneficial insects can help limit unwanted pests on properties where organic land management practices are used. Pregnant women, children, and pets are particularly vulnerable to the adverse health

effects of pesticides, including cancer, respiratory, endocrinological, and neurodevelopmental disorders. Existing federal and state regulation of pesticides does not and cannot guarantee their safety. Fortunately, there are numerous effective and safe alternative solutions, as well as best property practices, which can be employed for sustainable lawn, soil, land, garden, and tree care.

Intent:

It is the intent of this ordinance to maximize the use of appropriate native plantings on municipal properties to help mitigate the effects of habitat loss and fragmentation from development and the proliferation of non-native plantings in our town landscapes; and to promote a healthy environment that protects its residents, waterways, and wildlife from the risks inherent in pesticides by prohibiting or restricting their use on all town-owned public grounds, including but not limited to, parks, trails, recreation centers, and playgrounds.

These goals will be accomplished by:

1. protecting and promoting genetically diverse and appropriate native plantings including native trees that are more efficient at sequestering carbon than introduced species;
2. promoting the use of native plants in watersheds which filter pollutants, stabilize banks, and provide food for macroinvertebrates that in turn feed fish and other aquatic species;
3. promoting larger and more connected populations of native plants to ensure that pollinators will retain the ability to migrate in response to changes in climate;
4. educating residents about the importance of native plant species and the native pollinators to the ecosystem;
5. setting an example on public lands of proper land care practices to show residents how they can manage their own property without harmful pesticides.

Definitions:

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them as follows:

1. *Bioswales* means vegetated linear channels designed to concentrate and convey stormwater runoff while removing debris and pollution.
2. *Invasive plant* means a plant that is both non-native and able to establish on many sites, grow quickly, and spread to the point of disrupting plant communities or ecosystems. For purposes of this ordinance, all plants listed on the Connecticut Invasive Plant List first published in 2004 and updated annually by the Connecticut Invasive Plant Council pursuant to Connecticut Public Act No. 03-136 are considered invasive plants. The town may also, at its discretion, refer to lists developed by nonprofit, governmental or educational institutions, or other subject matter experts, particularly focused on invasive plants in states east of the Mississippi River.
3. *Native plant* means a plant that has occurred naturally in a particular region, ecosystem, or habitat without human introduction. Native plants help the environment the most when planted in places that match their growing requirements. They will thrive in soils, moisture and weather of your region, which means less supplemental watering, and fewer pest problems requiring toxic chemicals. Native plants also assist in managing rainwater runoff and maintain healthy soil as their root systems are deep and keep soil from being

compacted. For a tree, shrub, herbaceous perennial or ornamental grass to be considered native to our region, it must be indigenous to the Northeast.

4. *Organic Land Management* refers to a problem-solving strategy that prioritizes a natural, organic approach to turfgrass and landscape management and care of trees and shrubs without the use of pesticides. It mandates the use of natural, organic practices that promote healthy soil and plant life as a preventive measure against the onset of turf and landscape pest problems.
5. *Organic Product* means any products or materials sanctioned as organic with the Organic Materials Review Institute (OMRI) whose active ingredients are listed in the OMRI Generic Materials List; listed in the National Organic Program (NOP) Code of Regulations Title 7, Subtitle B, Chapter I, Subchapter M, Part 205, Subpart G, § 205.601, as amended from time to time; designated and labeled as "for organic production" per the NOP; or as prescribed by certified organic agents or contractors accredited through the Northeast Organic Farming Association (NOFA), provided that such prescription is in accordance with the land care and maintenance practices sanctioned by NOFA in its Standards for Organic Land Care for clients who ask for organic services.
6. *Other town-owned property* shall include all other property owned and maintained by the town which does not fall within one of the other specifically defined categories for property listed within this ordinance.
7. *Park* means a civic space designed for active and passive recreation, with its character defined by the uses and features provided to meet the needs of different user groups.
8. *Plantings by the town* shall include plantings done by third parties on behalf of the town.
9. *Pollinators* mean animals (primarily insect, but sometimes avian or mammalian) that fertilize plants, resulting in the formation of seeds and the fruit surrounding seeds, that humans and other animals rely upon to produce nuts and fruits that are essential components of a healthy diet, and that the majority of flowering plant species found worldwide rely upon to make the seeds that will become the next generation of plants.
10. *Prohibited Product* means any product, material, substance, pesticide, fungicide, larvicide, insecticide, herbicide, rodenticide, or fertilizer that contains: Glyphosate; 2,4-D; 1,3-D; Neonicotinoids; or Chlorpyrifos.
11. *Restricted Product* means any product, material, pesticide, fungicide, larvicide, insecticide, herbicide, rodenticide, or fertilizer that is not an "organic product" or a "prohibited product."
12. *Straight species* means a plant that is not a cultivar nor that has been bred for particular traits.
13. *Streetscapes* shall include the visual elements of a street including the road, adjoining buildings, street furniture, and open spaces that combine to form the street's character; provided, that for the purposes of this ordinance, streetscapes shall not include street trees but shall include street medians.

Restrictions and requirements:

1. This ordinance will apply to all new plantings and replacement plantings of trees, shrubs, and other plantings on municipal land, including seeds used in place of plants.
2. The town shall not include any invasive, plant, tree, vine, shrub, grass, or groundcover in any town plantings.
3. Due to the high wildlife value of native trees, 100% of new and replacement tree plantings on municipal properties will be native to the Northeast. Native trees support hundreds of

- insects and the birds and wildlife species that consume those insects. Non-native trees do not support this diversity.
4. New and replacement shrubs will be a minimum of 85% native for municipal properties. Native shrubs support a high number of insects and often produce berries or other fruit important for fall and winter food for birds.
 5. The town may plant not more than 50% non-native, non-invasive plants in bioswales, streetscapes and other town owned properties when the town determines that the situation demands flexibility in planting for memorialization, aesthetic, geographic, survivability, or other purposes.
 6. In town parks, a minimum of 75% of all new and replacement plantings by the town each year shall be native plants.
 7. The town may plant non-native, non-invasive plants in the following areas or for the following purposes; provided, however, that the town shall still try to include native plants:
 - a. Community gardens;
 - b. Lawns and athletic fields; and
 - c. Holiday, seasonal and annual decorative plantings.
 8. The town shall prioritize sourcing native plants that have not been treated with neonicotinoids. These pesticides are deadly to pollinators.
 9. The organic land management plan must embrace an organic systems approach to land care, including regular soil testing, the use of only organic fertilizers, careful plant selection, physical and biological controls, consideration of pest biology, and preventive practices that eliminate pest-conducive conditions.
 10. Neither the Town of Glastonbury, nor any commission, board, authority, or other body established thereby, nor any officer, employee, contractor, or agent of the Town of Glastonbury or such commission, board, authority, or other body, shall use or apply any organic product, restricted product, or prohibited product on town property, except as expressly provided in this ordinance.
 11. Any officer, employee, or agent of the town, or any commission, board, authority, or other body established thereby, may apply for permission to use an organic product or restricted product on town property to remediate an imminent threat to human health, the environment, or to the public welfare and safety. The application may be granted upon a finding that: a situation exists which poses an imminent threat to human health, the environment, or to the public welfare and safety; reasonable attempts have been made to remediate the condition using organic land management practices and that such practices have failed to reasonably remediate the condition. The applicant will, to the greatest extent practicable, minimize the impact of the organic product or restricted product on abutting properties or any watercourse, or wetland; and the proposed organic product or restricted product has proven to be effective against such condition; provided, however, that the use of a restricted product shall not be approved in any situation where an organic product has been proven to be effective against such condition. The application must include a Pest Management Plan to prevent the post remediation reoccurrence of the condition using organic land management practices. If approved, the use of the organic product or restricted product may continue until the condition is eliminated.

Exceptions:

1. This ordinance does not apply to plants grown for food, lawns, green roofs, or other applications that have an obvious reason to use non-native plants.
2. This ordinance does not apply to annual plants that complete their life cycle within one growing season.
3. Existing trees and other plants will remain unaffected by this ordinance.
4. The use of prohibited products on town property is restricted in all cases, except where, as of the effective date of this ordinance, such prohibited product is used on town property to control the presence of poison ivy; provided, however, that in no event shall such prohibited product be used within two hundred feet of a watercourse, or wetland.
5. If a situation arises where a town department wants to use a pesticide not specified in the organic land management plan, the department can request an exemption. Allowances are approved only if there is an imminent threat to health, environment, or public safety; reasonable attempts have been made to address the problem without pesticide use; the pesticide will not impact water quality; and there is evidence the product in question has been proven effective against the pest or weed condition present. If an exemption is granted, the application must include a pest management plan to prevent re-occurrence of the condition using organic land management practices.
6. Local public golf courses are exempt from pesticide restrictions if they commit to following the Environmental Principles for Golf Courses in the U.S. available at <https://www.usga.org/course-care/water-resource-center/environmental-principles-for-golf-courses-in-the-united-states.html>.

Enforcement:

This ordinance shall be implemented and administered by Town of Glastonbury departments and held in compliance by the Town Manager.

The Town Manager, or their designee, shall, on an annual basis, or as otherwise requested by the Town Council, prepare and deliver a written report to the Town Council specifying all organic products, restricted products, and prohibited products used on town property in the prior calendar year. Such report shall also be posted on the Town of Glastonbury website and be made available in hardcopy at Town Hall for public inspection during normal business hours.

The written reports shall include: the common name of the product used; the trade name of the product used; the registration number designated by the United States Environmental Protection Agency; a copy of the federally required product label listing the product uses and potential product risks; the amount of product applied; the method of application; the location where the product was applied; the square footage of area where the product was applied; the name of the entity applying the pesticide; and whether the person applying the product posted any notices informing the public that the product was applied.

Operative date:

This ordinance shall become operative immediately.

Severability:

It is the intention of the Glastonbury Town Council that each separate provision of this ordinance shall be deemed independent of all of the provisions herein, and it is further the intention of the Town Council that if any provision of this ordinance be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this ordinance shall remain valid and enforceable.