

EXHIBIT A**Restrictions and Exceptions**

1. The City of Portland's parks and rose gardens are important public assets. The City currently relies upon the use of pesticides containing neonicotinoids to control the pest known as the rose midge (scientific name: *Dasineura rhodophaga* Coquillett (Diptera: Cecidomyiidae)). The rose midge is currently found only in the International Test Garden in Washington Park and in Peninsula Park. The neonicotinoid used to control this pest is called imidacloprid and is applied in a granular form to the top layer of the soil. Since the purpose of the rose garden is to produce roses and the rose midge usually causes the diminishment of the floral display, a phased elimination of the neonicotinoid pesticide will need to occur over time to allow the development of alternative control mechanisms. The limited and judicious use of imidacloprid for control of this pest will continue until an alternate program has been developed as described in this Exhibit.
2. The City, usually through Parks & Recreation, must sometimes buy plant products which are impregnated with these persistent neonicotinoid insecticides as an industry standard. Parks & Recreation and all other City Bureaus and Offices shall work towards phasing out purchase of these neonicotinoid treated plants and phasing in the purchase of plants safe to pollinators. Specifically:
 - a. Parks & Recreation shall provide a plan to its Commissioner-in-Charge within four months of the effective date of this ordinance to phase out all purchase of commercial nursery stock, trees, and other plants treated with neonicotinoids.
 - b. Whenever practicable, City Bureaus and Offices shall purchase plants that are neonicotinoid-free, effective immediately.
 - c. Parks & Recreation shall develop the phasing plan with a goal of complete phase-out by Dec. 1st of 2017, unless otherwise justified in the plan.
3. All other use of any neonicotinoid-class pesticide under contract with or by the City may only occur after careful review to assure strict adherence to the City's Integrated Pest Management (IPM) Program protocols. This approach is essential to ensuring that the City's insect management activities will not be detrimental to the health and successful stewardship of pollinators and other wildlife. The following requirements shall apply:
 - a. Parks & Recreation will amend the City's IPM protocols to include specific provisions to identify and address all potential impacts of neonicotinoid-class pesticides to bees and other pollinators.

- b. The use of neonicotinoid-class pesticides may only be considered for highly destructive pests that present significant risks to the long-term viability or essential function of important public plant assets.
- c. The use of any neonicotinoid shall be considered an emergency, last-resort decision and may only be approved for each site by Parks & Recreation's Commissioner-in-Charge. Alternative approaches from other jurisdictions and available information shall be considered as part of that decision.
- d. If a decision is made to use neonicotinoids, written notice to surrounding properties within 150 feet of the application area's perimeter shall be provided indicating the action that has been approved, why, and when the application will occur. Large uses of neonicotinoids will require public posting and notification through the media.

Neonicotinoid Alternatives

The City is dedicated to the elimination of the use of these neonicotinoid-class pesticides and will begin by developing alternatives to their use. Neonicotinoids kill more than pollinators – they kill beneficial insects in the garden and the soil that help manage pest outbreaks. Parks will evaluate all alternative methods and materials to address pests, which will include the development of test plots that do not use neonicotinoids, and gardening techniques commonly referenced as organic, such as the use of mulches, non-toxic sprays, etc. A management plan for the rose midge shall be put in place so that pollinators can best be preserved and the garden ecosystem is kept healthy. This example of integrated pest management will provide guidance not only for sustainable rose management but as guidance to the general public, showing that successful pest management is possible with practices that protect bees and other pollinators.

Purchasing neonicotinoid-free plants for use city-wide on all public property will reinforce to the public the development of a healthier more robust urban ecosystem. Seeking out alternative methods to chemically-treated grasses, trees, and shrubs for use on City property will help promote environmentally-sound practices and will support commercial nurseries that also choose to promote careful stewardship of pollinators and the environment.

Pilot Project

Parks & Recreation will develop a pilot project that tests the viability of using alternatives to neonicotinoids to manage the rose midge and other pests in other areas of the park system. Specifically:

- Test beds shall be located in Peninsula Park or other rose gardens where the rose midge is known to exist.

- Parks & Recreation staff will utilize a balanced team of consultants to develop protocols that will lead to sound decision-making, including interests such as OSU experts, businesses, non-profit groups, government agencies, etc.
- The consultation will include a thorough assessment of both the test plot and the project's goals, specific recommendations to time/mode of application, volume and cost of materials.
- The pilot project will be in effect no less than 24 months and no more than 4 years from the start date, which will be indicated by the beginning of the City's planting efforts in the spring of 2016.
- A test plot will consist of no fewer than 12 rose plants per plot with a known range of plant types and resistances. Test plots will be large enough to be a viable test of the efficacy of the treatment or practice. This is dependent on the site, but shall be no fewer than 25 rose plants and may need to be larger in number.
- Alternatives to neonicotinoids will include IPM practices, physical, biological, cultural, and other environmentally-sound methods. The pilot will include a control with no chemicals used.
- Test plants selected will not have been treated with neonicotinoids.
- The test plot will be monitored for plant vigor, plant survival, plant aesthetics, and the presence of the rose midge and other pests and diseases.
- Signage will be posted to indicate the purpose of the beds and will include information about positive uses of alternative and neonicotinoid-free methods, the experiment, why the city supports a ban on neonicotinoids, how it is being conducted, who are the donors, and an explanation of the beneficial pollinators (insects and birds).
- Parks & Recreation will monitor the test plots to see how the rose midge impacts the plants, provide the Commissioner-in-Charge and the consultant with an annual report for at least 2 years after planting, and develop policy and plans that will eliminate and/or further reduce of neonicotinoid use in all City rose gardens.
- If the methods employed in the pilot project are effective in combating the rose midge and other pests, Parks & Recreation will do a cost-benefit analysis of the conversion of other City rose gardens to alternative methods, including costs for materials & labor (comparison to current costs). Parks & Recreation will provide the analysis to its Commissioner-in-Charge by January 1 of the year following the conclusion of the pilot.
- If the pilot is successful, Parks & Recreation will convert all City rose garden beds to neonicotinoid-free methods as soon as practicable after the conclusion of the pilot. If necessary, funding to improve rose beds allowing decreased neonicotinoid use will be requested in the City budget.
- If neonicotinoid-free alternative methods prove ineffective, Parks & Recreation's Commissioner-in-Charge may approve neonicotinoid pesticide use on a site-by-site basis through the process described in #3 of the Restrictions and Exceptions section of this Exhibit.