SUSTAINABILITY COMMISSION
CITY OF PALM SPRINGS, CALIFORNIA

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February 18, 2020 5:00 PM	**REGULAR MEETING AGENDA**	**Palm Springs City Hall** **Large Conference Room** 3200 E Tahquitz Canyon Way Palm Springs, CA 92262

COMMISSIONERS		
Roy Clark, Chair	**David Freedman**	**Greg Gauthier**
Robert McCann, Vice Chair	**Jennifer Futterman**	**John Goins**
Carl Baker	**Sandra Garratt**	**Lani Miller**
Jim Flanagan		

Staff representatives: Patrick Tallarico, Manager, Office of Sustainability; Dan DeGarmo, Program Coordinator; Gary Calhoun, Recycling Coordinator

City of Palm Springs Vision Statement: Palm Springs aspires to be a unique world-class desert community where residents and visitors enjoy our high quality of life and a relaxing experience. We desire to balance our cultural and historical resources with responsible, sustainable economic growth and enhance our natural desert beauty. We are committed to providing responsive, friendly, and efficient customer service in an environment that fosters unity among all our citizens.

Please **MUTE OR TURN OFF** all audible electronic devices for the duration of this meeting. Thank you!

CALL TO ORDER

ROLL CALL

WELCOME AND INTRODUCTIONS **(5 MINUTES)**

ACCEPTANCE OF AGENDA

CITY MANAGER / STAFF COMMENTS **(15 MINUTES)**

1. January 30 and February 13 and 27 City Council Meetings Update
2. Airport Turf Replacement (RFP next steps)
3. DCE Launch and Outreach
4. GHG Inventory Update
5. Hiking Trail Signs
6. Sustainability Outreach

PUBLIC COMMENTS: This time is for members of the public to address the Sustainability Commission on Agenda items and items of general interest within the subject matter jurisdiction of the Commission. The Commission values your comments but, pursuant to the Brown Act, cannot take action on items not listed on the posted Agenda. Three (3) minutes are assigned for each speaker.

A. MEETING MINUTES **(5 MINUTES)**

January 21, 2019 Regular Meeting Minutes

B. OLD BUSINESS **(30 MINUTES)**

1. Single-use Plastics Ordinance
2. Leaf Blower Ban Enforcement Enhancements
3. EV Charging Locations
4. Climate Action Roadmap
5. Smoking ordinance development

C. NEW BUSINESS **(20 MINUTES)**

1. Parking fines for non-electric vehicles in electric vehicle parking spaces
2. Changing meeting start time to 5:30 PM
3. Potential ban on Roundup®

D. SUBCOMMITTEE AND COMMISSIONER REPORTS (60 MINUTES)

1. Standing Subcommittee on Solar and Green Building - Commissioners Freedman and Flanagan
   a. Building code update—repeal of City's 2018 solar policy
   b. AB 1236 related to EV Charger installation
2. Standing Subcommittee on Waste Reduction – Manager Tallarico, Vice Chair McCann, Chair Clark, Commissioner Miller
   a. Update on "flushable" wipes follow-up from last Commission meeting
   b. WWTP Capital Improvements Study Session preparation
3. Standing Subcommittee on World Environment Day – Commissioners Futterman, Garratt, Gauthier
4. Ad Hoc Subcommittee on Earth Day – Commissioner Baker
   a. ONE-PS Neighborhood Challenge
   b. Green Citizen and Student Awards
5. Ad Hoc Subcommittee on Walkability & Pedestrian Planning - Commissioners Gauthier, Futterman
6. Ad Hoc Subcommittee on Crosswalks and Pedestrian Safety – Commissioners Flanagan, Goins; Christine Hammond
7. Ad Hoc Subcommittee on Bicycle Routes and Cycling – Commissioner Flanagan
8. Ad Hoc Subcommittee on Night Sky – Vice Chair McCann and Commissioner Flanagan
9. Water Conservation – Commissioner Freedman
10. Wellness – Commissioner Baker
    a. 3-4-50 Campaign
11. Desert Community Energy, Community Advisory Committee – Commissioners Baker, Freedman, Goins, Miller

E. COMMISSIONER COMMENTS AND UPCOMING AGENDA DEVELOPMENT (5 MINUTES)

F. ADJOURNMENT - The meeting of the Sustainability Commission will adjourn to the Regular Meeting of the Sustainability Commission to be held at 5:00 p.m. on Tuesday, March 17, 2020, in the City Hall Large Conference Room, 3200 E Tahquitz Canyon Way, Palm Springs CA 92262. The Sustainability Commission's regular meeting schedule is at 5 p.m. the third Tuesday each month except August unless otherwise noted or amended.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk at (760) 323-8204 at least 48 hours prior to the meeting to inform us of your needs and to determine if accommodation is feasible.

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of Sustainability, City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262. Agenda and staff reports are available on the City's website www.palmspringsca.gov. If you would like additional information on any item appearing on this agenda, please contact the Office of Sustainability at 760-323-8214.

AFFIDAVIT OF POSTING: I, Patrick Tallarico, Manager of the Office of Sustainability of the City of Palm Springs, California, certify this Agenda was posted at or before 5:00 p.m. on February 13, 2020, as required by established policies and procedures.

Patrick Tallarico, Manager of the Office of Sustainability

SUSTAINABILITY COMMISSION - REGULAR MEETING MINUTES
Tuesday, January 21, 2020 Palm Springs City Hall, Large Conference Room

CALL TO ORDER: Chair Clark called the meeting to order at **5:00** p.m.
ROLL CALL: A quorum was present for this Regular Meeting of the City of Palm Springs Sustainability Commission.
AGENDA APPROVAL: The agenda was presented by Chair Clark. A motion to approve was made by Commissioner Flanagan and seconded by Commissioner Freedman and unanimously carried by an open vote.

	This Meeting	Present to Date	FY 2019/2020 Excused Absences	FY 2019/2020 Unexcused Absences
Roy Clark, Chair	X	41		
Robert McCann, Vice Chair	X	39		
David Freedman	X	51		
Jennifer Futterman	E	35	3	
Greg Gauthier	X	31	1	
John Goins	E	25	3	
Carl Baker	E	17	2	
Jim Flanagan	X	10	1	
Lani Miller	L	10		
Sandra Garratt	X	6		

X = Present E = Excused (notified Chair and Staff of absence)
L = Late U = did not notify of absence

CITY STAFF PRESENT: Patrick Tallarico, Manager, Office of Sustainability; Daniel DeGarmo, Program Coordinator; Gary Calhoun, Recycling Coordinator

CITY MANAGER / STAFF COMMENTS – Manager Tallarico reported on the following:

- At the December 19, 2019, Council meeting, there was a recap of the Michele Mician Community Garden naming ceremony and a first reading of the 2019 Building Code. Council had no comments.
- On January 19, 2020, the Building Codes were presented as a Public Hearing item, and there were no comments from the public (other than from Commissioner Freedman). The Building Code passed with no further comments. Also, the Council requested that all Boards and Commission meetings begin no earlier than 5:30 PM. This request will be discussed at a future Council meeting.
- Chair Clark reported that at the January 19th Council meeting, all Council liaisons were disbanded and that two Ad Hoc committees will be formed to look at recruiting and interviewing for Commission openings and how the Council interacts with the boards and commissions.
- At the upcoming January 30, 2020 Council meeting there will be a presentation on DCE (Desert Community Energy). Letters to the public will be mailed in February explaining the program.
- The Airport Turf Conversion project will be presented to Council for approval. The RFP that was issued received one response.
- A Staff Report has been prepared to repeal the old solar policy as the new policy has been adopted.
- The Climate Action roadmap is going forward to Council at a future Council meeting.
- The Community Garden Naming Ceremony was well attended. Michele Mician's mother and brother were present.
- A Greenhouse Gas Inventory will be incorporated into the General Plan update, which is currently underway. Sustainability will provide additional funds to the current contractor to cover work that is outside their current scope.
- The Green Citizen Award is being revived for this year. Applications have been distributed. The award will be presented on Earth Day. A student award will also be presented.

PUBLIC COMMENTS

1. Pete Hodges, Palm Springs, requested that "Natural Resources" be a part of the Mission Statement; that we should focus on sustaining the environment before we focus on sustaining economic growth; that a timetable be added to the Climate Action roadmap; and that bicyclists be given a protected cross light at intersections.
2. Richard Noble, Palm Springs, Climate Reality Project, spoke on the need to move forward more quickly with actions to address climate change and to move to all renewable energy.

B. WELCOME AND INTRODUCTIONS

C. PRESENTATIONS

1. Environmental Film Series at the Palm Springs Cultural Center / Camelot Theatre – Megan Goehring Ms Goehring, Manager of the Certified Farmers Markets of the Coachella Valley, also curates the Sustainable Film Series. She provided information on the film series and promotional materials that can be used to advertise the series. She gave a short synopsis of the five films and the pre-movie events. The films will be on January 30, February 27, March 19, April 22 (Earth Day), and May 21.

D. MEETING MINUTES

December 17, 2019 Regular Meeting minutes approval: Motion by Commissioner Flanagan to accept as presented, second by Commissioner Garratt. Motion passed unanimously.

E. RECYCLING REPORT, Recycling Coordinator Gary Calhoun reported on the following:

- Mr. Calhoun spoke with Andrew Smyth from CalRecycle regarding CRV numbers reported for Palm Springs. Mr. Smyth will send a form for us to complete to get those numbers on a regular basis.
- The Beverage Grant application period is open now, and he will work on submitting this on behalf of the City.
- The shredding and e-waste event Saturday, January 18, 2020 brought in about 227 residents.
- Mr. Calhoun picked up batteries and used toner cartridges from Police and Fire Departments and sent them off for recycling.
- Desert Arc collects about 40 tons a month in cardboard alone form the City yard.
- No new legislation to report on.
- In support of AB341, 94 businesses have been visited to discuss their compliance requirements. Mr. Calhoun plans to continue these visits.

Chair Clark mentioned that he heard of a recycling event this weekend to benefit US Kids Chamber of Commerce. Mr. Calhoun will check out the company to make sure they are legally able to have the event.

F. OLD BUSINESS

Commissioners discussed the following items.

1. Single-use Plastics Ordinance:

   Manager Tallarico reviewed the changes to the ordinance as a result of Commission input and review by the City Attorney's office. A meeting was held with the City Manager and Councilmember Holstege to discuss next steps. They requested that the draft be presented at a Study Session with Council to elicit Council input and input from residents and businesses.

   Commissioner Garratt stated that many hotels are on board in getting rid of small toiletry bottles in favor of reusable and refillable bottles.

2. Leaf Blower Ban Enforcement Enhancements:

   Manager Tallarico has worked with the City Attorney's office to make changes to the fine amounts and to hold residens and businesses that employ violators to be held accountable as discussed with the Commission previously. The changes will go forward to Council. He also stated that now that Code Enforcement is fully staffed, many more citations have been issued. He is also in contact with the Citizens on Patrol to see if they may be able to issue citations. This increase in enforcement efforts may prompt additional changes in behavior.

Manager Tallarico stated that he met with a landscaper that has been issued citations that the reason he is using a gas blower is that his electric blower was in the shop. Manager Tallarico will follow up with Yoshi's Lawnmower Shop where the blower was taken for repairs.

3. EV Charging Locations:
   The City received some feedback from SCE regarding some of the planned charger locations. Manager Tallarico is in the process of setting up a meeting with Charge Point to discuss the implementation of our plan to install additional chargers. A staff report is being developed to send to Council.

   Manager Tallarico also showed a map showing the new locations and which ones will be fee based and which ones will be free to use. Completion of the project is scheduled for March 2020.

4. "Flushable" Wipes
   Commissioner Miller provided some additional information on the efforts by California Association of Sanitation Agencies (CASA) and National Stewardship Action Council (NSAC) to promote legislation (California AB1672) to address the proper labeling of "flushable" wipes. The International Water Services Flushability Group has developed flushability standards and a label that could be placed on packaging that would be certified as "flushable."

   Commissioner Miller proposed that the Commission support NSACE by becoming a member at the $1000 level. Discussion by the Commissioners led to the following motion:

   MOTION: "That the Sustainability Commission recommends the City of Palm Springs become a member of the National Stewardship Action Council (NSAC) in the amount of $1000.00". Motion by Commissioner Miller and seconded by Commissioner Freedman. Motion passed unanimously in an open vote.

   Commissioner Freedman suggested sending a letter of support from the City Council also. Chair Clark asked Commissioner Freedman to draft a letter and staff report to present to Council. Commisisoner Freedman agreed to do this in coordination with Commissioner Miller.

G. NEW BUSINESS

1. ONE-PS Annual Picnic, March 23 – "MOTION: The Sustainability Commission approves sponsorship of the ONE-PS Picnic, $500"
   Chair Clark recused himself from the discussion and vote of this item as he is a voting member of the ONE-PS board. Vice Chair McCann conducted the meeting for this item and asked if a Commissioner would make the above motion. Commissioner Freedman made the motion with a second by Commissioner Miller. Commissioner Freedman requested that the Commission coordinate with DCE and Lift to Rise in order to be placed next to each other. Motion passed unanimously.

H. SUBCOMMITTEE AND COMMISSIONER REPORTS

1. Standing Subcommittee on Solar and Green Building –
   a. Building code update: Commissioner Freedman reported that the City Council passed the Building Code on January 9, 2020. The residential solar mandate became law with the passage of the Building Code. A resolution to repeal the previous solar policy will go to City Council soon.
   b. Potential GHG Reduction Measures: Commissioner Freedman reported that he has researched what other cities are doing as part of their efforts to reduce greenhouse gas emissions. Several cities have submitted proposed energy efficiency measures to the State Energy Commission, and those proposals are in the process of being approved. Stakeholders have opposed some of these proposed measures, leading to law suits in some cases. Commissioner Freedman has prepared a draft ordinance that would require buildings over a certain size and cannabis facilities to use carbon-

free energy. Businesses could do this easily by staying in the 100% Carbon Free Plan from Desert Community Energy. Manager Tallarico requested that the Subcommittee research the cost impact of the proposed ordinance at its next meeting. This information will be important for the Commission to consider when an official motion comes to the floor.

2. Standing Subcommittee on Waste Reduction.
   a. Cultural Center project: Manager Tallarico reported that the Center has purchased some recycling containers based on recommendations provided to them. They are also purchasing a bottle filler that will be placed on their existing water fountain.
   b. Signage update: Manager Tallarico reported that he has located some "dirtier" graphics for the downtown trash container signage, and he will share the graphics with the Subcommittee. They can then be incorporated into the signage if approved.
   c. Desert Learning Center Evaluation: Vice Chair McCann reported that students did their second data collection to determine a recycling rate baseline, and another is scheduled for Wednesday January 22nd. The study has turned into a more targeted study as the collection shows that there is very little recyclable material being put in the containers. It is mostly food waste.
   d. Neighborhood Challenge with ONE-PS: Manager Tallarico reported that a meeting with ONE-PS representatives will be held to discuss how a neighborhood challenge could be implemented.
   e. Potential GHG Reduction Measures – Methane From Water Treatment Operations: Commissioner Miller reported on the process that the WWTP goes through to process waste and the amount of methane gas emissions that are released during that process, and particularly from the flare. She also commented on food waste being a major component of GHG emissions. Commissioner Miller stated that newer technology may now be available that would allow the WWTP's to sell recovered methane gas to energy companies.
3. Standing Subcommittee on World Environment Day – Commissioner Gauthier stated that a meeting of the Subcommittee will be scheduled next week. He also asked if a budget has been approved for this year's event. No budget has been approved yet. Commissioner Barratt stated that she has been in contact with Greta Thurnberg's associates, and there has not been a definite "no" answer yet. They suggested some other more local persons in the US who may also be available. She is also attempting to get Lily Tomlin and Jane Fonda to attend.
4. Ad Hoc Subcommittee on Earth Day – Commissioner Baker was not present at this meeting. Manager Tallarico stated no further report.
5. Ad Hoc Subcommittee on Walkability & Pedestrian Planning – No report. Chair Clark stated that the Pedestrian Master Plan and Safe Routes to School plan is still waiting on a consultant to be appointed.
6. Ad Hoc Subcommittee on Crosswalks and Pedestrian Safety – Chair Clark stated the status on this committee is the same as Walkability & Pedestrian Planning. The suggested crosswalk improvements will be addressed as part of the Pedestrian Master Plan process.
7. Ad Hoc Subcommittee on Bicycle Routes and Cycling – No report. Manager Tallarico stated that the updated information for the Bike Map has been given to the consultant for processing.
8. Ad Hoc Subcommittee on Night Sky –Vice Chair McCann reported that he has researched the current City code on outdoor lighting to see how far it goes to preserve dark skies and how it compares to other documents including a standard lighting ordinance published by the International Dark Sky Association and the City of Tucson's Dark Sky ordinance. A conclusion is that the City's ordinance does not go far enough to shield lighting from going up into the sky. Curfews on when the lights can stay on is one possible compromise.
9. Big Horn Sheep Habitat Protection – Commissioner Flanagan stated that the Volunteer Trail Ranger program is moving along, and the volunteers would like to have Code Enforcement participate with them in the future. He also showed a video that was made by a local teacher. As the end result of this group has been met, this group will now be disbanded and taken off future agendas.
10. Water Conservation – Commissioner Freedman reported the DWA board discussed the Airport Turf Conversion project and that the project is moving forward. There was a 17.4% water reduction in November from the 2013 baseline, with 19.7% cumulative savings for the year and 17.3% since June 2016 when targets were established.
11. Wellness – No report.

12. Desert Community Energy, Community Advisory Committee – Commissioner Freedman stated that the Board met and approved the rates at carbon-free at about 10% above the current SCE rate. The Board also agreed to move forward with a net energy metering pogram for solar customers towards the end of May 2020. He also stated that at the Community Advisory Committee meeting, Mayor Kors requested additional input from the committee members representing Palm Springs including obtaining input from additional persons who live in Palm Springs. The DCE staff will be working with the current members of the Community Advosory Committee on how to increase Palm Springs participation in the Committee. Commissioner Freedman also reported that he received an update from Hector Sanchez Perez of Lift to Rise on the utility discount program. The program has gone live and brochures are available to describe the program.

I. COMMISSIONER COMMENTS AND UPCOMING AGENDA DEVELOPMENT –

- Commissioner Flanagan asked if there were any updates on interview for the vacant spot on the Commission. Chair Clark stated that there are no updates.
- Commisioner Garratt mentioned that the City of Malibu has banned the use of Roundup weed killer and that Palm Springs should look into doing the same. Manager Tallarico suggested that this issue will be added to a future agenda.
- Commissioner Freedman stated that State Legislation AB1236 requires that there be an expedited permitting process for installing EV charging stations. Cities less than 200,000 must have an ordinance in place for this. He agreed to work with City staff on the development of the ordinance.

J. ADJOURNMENT - The meeting of the Sustainability Commission adjourned at 7:25 PM by a motion from Vice Chair McCann and seconded by Commissioner Flanagan and approved by a unanimous vote. They adjourned to the Regular Meeting of the Sustainability Commission to be held at 5:00 p.m. on Tuesday, February 18, 2020, in the Large Conference Room at the Palm Springs City Hall. The Sustainability Commission's regular meeting schedule is at 5:00 p.m. the third Tuesday each month except August unless otherwise noted or amended. Please note that the meeting start times may move to 5:30 pending a decision by City Council at its January 30th meeting.

Respectfully Submitted,

Patrick Tallarico, Manager, Office of Sustainability

CITY COUNCIL STAFF REPORT

DATE: March 12, 2020 NEW BUSINESS

SUBJECT: DISCUSSION OF CURRENT, PLANNED, AND POTENTIAL ADDITIONAL ACTIONS TO ADDRESS CLIMATE CHANGE

FROM: David H. Ready, City Manager

BY: Office of Sustainability

SUMMARY

City Council requested a discussion of the City's efforts to address climate change. Sustainability staff and the Sustainability Commission met with Mayor Pro Tem Christy Holstege at the Commission's meeting on October 15, 2019, to discuss this request. In response, Sustainability staff worked with the Commission to develop the attached Climate Action Roadmap that summarizes current City goals related to greenhouse gas emissions reduction and current and planned activities to reduce these emissions in an effort to address the key contributors to climate change.

RECOMMENDATION

Direct staff as appropriate.

BACKGROUND

The City of Palm Springs recognizes that climate change is real and is having a dramatic impact on our environment, our economy, and our way of life. Globally, we know that sea levels are rising, polar ice is retreating, permafrost is melting, and fires are increasing. Here in the Coachella Valley, climate change is and will continue to manifest itself in the form of longer periods of drought; more frequent, above-average storm events; changes in populations of local flora and fauna; longer summers; and higher temperatures.

The City has undertaken a variety of initiatives to reduce greenhouse gas (GHG) emissions – the primary contributors to climate change – since 2008. In recent months, there has been growing demand for increased global action to address what is often describe as a climate crisis or climate emergency. Some cities in the United States and abroad have also declare climate emergencies or adopt climate emergency resolutions to further mobilize action.

DRAFT

On October 15, 2019, the Palm Springs Sustainability Commission met with Mayor Pro Tem Holstege to discuss how to move forward with discussions and potential further actions to address climate change. In preparation for that meeting, Sustainability staff developed a memo that described the work that was already underway or planned to address GHG emissions. At that meeting, the group agreed that City Council would benefit from this type of information to inform their discussions. Sustainability staff adapted the contents of that memo to develop the attached Climate Action Roadmap (**Attachment 1**). The Roadmap acknowledges the seriousness of our current climate crisis, describes what the City has already done and plans to do to address climate change, and identifies potential additional actions.

STAFF ANALYSIS

The City's efforts to address climate change have been guided by its sustainability planning efforts since 2008. The City has included several goals in its current Sustainability Plan related to GHG reduction (**see Attachment 2**). These include the following:

- Reduce GHG emissions to 1990 levels by 2020.
- Reduce to 80% below 1990 levels by 2050.
- Achieve carbon neutrality for municipal emissions by 2030.
- Encourage the building or retrofitting of one million square feet of green buildings.
- Reduce the total energy use by all buildings built before 2012 by 10%.
- Reduce energy use and carbon use from new homes and buildings.
- Supply 50% of all energy from renewable sources by 2030.

A GHG inventory conducted in 2010 indicated that the City had already achieved its initial goal – to reach 1990 levels by 2020. The City has experienced significant growth since then, and a new inventory is needed to determine whether or not the City continues to be on track to meet this goal. This new inventory is planned for spring 2020 and will use the most current emissions data available.

The results of the updated GHG inventory will provide important information about where the City should focus its efforts to achieve the most significant GHG reductions. A variety of actions were identified in the Climate Action Plan (2013), and the City implemented several of these actions to some degree or another. Other actions may be out dated. The activities in the CAP should be revisited after the updated GHG inventory is completed. A summary of the CAP actions is included as **Attachment 3**.

Independent of this reassessment, the City has already identified significant actions it is taking or will be taking that will continue positive progress as described in the Climate Action Roadmap.

Current actions include the following:

- Promote adoption of the 100% carbon-free option as the default for rate payers under Desert Community Energy (DCE).

- Implement changes in the California Energy Code and Green Building Standards Code effective January 1, 2020.
- Expand the network of EV charging stations installed by the City and update Zoning Code parking standards to reflect new state requirements and best practices on EV charging stations on private property.
- Implement new incentive program for home energy assessments.
- Promote reusable food ware to reduce emissions from discarded disposables.
- Focus World Environment Day activities (June 7, 2020) on climate action.

Planned actions include the following:

- Implement new organics waste management requirements. These requirements will be finalized by the state in early 2020 and are designed reduce GHG emissions by reducing the amount of organic waste sent to landfills.
- Investigate capture technologies for GHG emissions from wastewater treatment plant. Research is underway by Sustainability Commission members.
- Development of a Walkability and Safe Routes to School Master Plan to reduce traffic emissions. Award for the contract to support these activities from the Southern California Association of governments is expected by February 2020.
- Update the General Plan to reflect climate adaptation strategies. The contract for the General Plan update has been awarded.

In addition to these activities, the Sustainability Commission is also developing a draft ordinance that would require carbon-free electricity for certain commercial buildings and cannabis indoor cultivation facilities. Facilities could install solar or other renewable energy technologies or, more easily, continue to opt in to the 100% Carbon Free default rate plan offered by DCE. Assuming the Council is interested pursuing this type of ordinance, a draft ordinance will be presented to Council when DCE rates are finalized and financial impacts can be assessed.

The Solar and Green Building Committee of the Sustainability Commission worked with Sustainability staff to consider additional actions, although it is not recommending that they be pursued at this time. These potential actions are listed below along with the rationale for why they are not being recommended at this time. These actions were selected from among a variety of measures exceeding state requirements that have been adopted by other California cities and counties, which are summarized in **Attachment 4**. Sustainability staff and the Solar and Green Building Committee can conduct further research on these actions and bring them to Council for consideration, if so directed by Council.

Potential Action	**Analysis**
Require solar PV for new non-residential buildings and major renovations of residential and non-residential buildings.	There would be upfront costs for solar PV system, although the system is cost effective over its life cycle. Requires California Energy Commission approval.

Potential Action	Analysis
Require energy efficiency measures for major renovations of existing single-family and multi-family residential buildings.	There would be upfront costs for energy efficiency measures, although they are cost effective over their life cycle. Requires California Energy Commission approval.
Require new mixed-fuel buildings to be more energy efficient than all-electric buildings and/or be prewired for future electric cooking and heating.	There would be upfront costs for energy efficiency measures, although they are cost effective over their life cycle. Requires California Energy Commission approval. There would be potential opposition from Southern California Gas Company and local building industry.
Require an electric heat pump water heater or a solar thermal system for new pool construction, if the pool is to be heated.	Local market is more accustomed to gas-fueled pool heaters. Solar thermal systems work best in early spring and fall.
Require more stringent cool roofs for newly constructed buildings and alterations and additions to existing buildings, subject to specified exemptions.	There would be upfront costs for cool roofs, although they are cost effective over their life cycle. Requires California Energy Commission approval.
Require EV supply equipment for new residential and non-residential construction.	Sustainability staff is already working to expand the network of EV charging stations.

Another potential path to greenhouse gas reduction is to require all new homes and buildings to be electric only – eliminating natural gas as an option for heating and other uses. This idea was presented by a member of the public at the January 30th Council meeting and was also considered by Solar and Green Building Subcommittee. The City of Berkley has adopted such an ordinance. This electric-only approach has met with significant resistance in some communities – primarily due to interest in using gas for cooking in particular. If the Council is interested in pursuing some type of electric requirements in new construction, Staff recommends that the Sustainability Commission investigate hybrid options that would ensure that all new construction is electric ready but still provides people with options to install gas as well.

It is important to note that although the City has been moving forward with efforts to reduce GHG emissions, it does not have a climate adaptation strategy that looks more broadly at specific climate impacts and corresponding actions. Our two biggest potential impacts are, of course, drought and increasing temperatures. We continue to work with DWA on water use reduction strategies such as turf buy backs and have implemented program such as expanded cooling center hours to address climate impacts on vulnerable populations. However, the City has not assessed or taken action to address other potential impacts.

Given current and planned activities, City staff is seeking Council input on the following:

- Whether to continue to develop a draft ordinance that would require carbon-free electricity for certain commercial buildings and cannabis indoor cultivation facilities.
- Whether to develop a draft ordinance on requiring electric for new construction and cool roofs for new construction and alterations and additions to existing buildings.
- Whether there are any other areas the City should be exploring to further reduce GHG emissions at this time.
- What other actions the City should consider related to research, education, outreach, or community engagement on this topic.
- Whether a formal climate emergency resolution or declaration is warranted if it would add value to the City's current and planned efforts. Examples from a few cities are included as **Attachment 5.**

FISCAL ANALYSIS:
The table below includes a brief overview of cost impacts from current or planned activities.

Action	**Fiscal Impact**
Promote adoption of the 100% carbon- free option as the default for rate payers under DCE.	Cost for public outreach is primarily covered by DCE staff and contracts. Some staff time will also be needed to assist with communication and outreach efforts. The rates for the 100% carbon-free option will be 10% - 11% above what most residents and businesses currently pay.
Implement changes in the California Energy Code and Green Building Standards Code effective January 1, 2020.	Costs for these additional requirements have been analyzed by the state and will vary greatly from project to project. They are all cost-effective over their life cycle.
Require electric for new construction and cool roofs for new construction and alterations and additions to existing buildings.	Costs for these additional requirements have been analyzed by the state and will vary greatly from project to project. They are all cost-effective over their life cycle.
Expand the network of City-installed EV charging stations.	The City has received up to $83,000 in grant funding, but will need to pay an estimated $250,000 in infrastructure costs to support implementation. Additional grant funds are being sought. Details on costs are being finalized.
Update information packet required by AB 1236 (2015) creating expedited and streamlined permitting process for EV charging stations.	Staff time to review updated information packet drafted by Solar and Green Building Committee.

Action	Fiscal Impact
Implement new incentive program for home energy assessments.	$10,000 has been set aside in the Sustainability budget to provide these incentives.
Promote reusable food ware to reduce waste from disposables.	Cost impacts will vary by business. However, studies have shown that the switch to reusable food ware saves businesses money after initial costs are covered.
Expand cooling center services for the homeless to address climate change impacts on vulnerable populations.	The cost of operating the cooling center is $25,000 per month.
Develop ordinance to require carbon-free electricity for certain commercial buildings and cannabis indoor cultivation facilities.	Cost impacts will be developed when DCE rates are determined and will be presented to Council along with the draft ordinance.
Implement new organics waste management requirements.	The costs associated with this will be significant but will be refined when the regulations are finalized. City staff are currently working with Palm Springs Disposal to develop cost estimates and assess impacts on rate increases.
Investigate capture technologies for GHG emissions from wastewater treatment plant.	To be determined based on additional research.
Development of a Walkability and Safe Routes to School Master Plan to reduce traffic emissions.	Contractor services are being paid for by SCAG ($200,000). Estimates for projects will be developed and presented to Council on a project-specific basis.
Update the General Plan to reflect climate adaptation strategies.	Costs for the contractor support for the general plan have already been approved by Council. Sustainability Staff are working to identify any additional costs that may be associated with a more robust GHG inventory to meet our more immediate needs.

ENVIRONMENTAL IMPACT:

There is no City Council action being considered at this time. It is likely that any such ordinance, if developed, would be exempt from the requirements of the California Environmental Quality Act (CEQA). (*See* 14 CCR Section 15061(b)(3); *see also* 14 CCR Sections 15307 and 15308.)

SUBMITTED:

Patrick Tallarico, LEED AP, CPF
Manager, Office of Sustainability

Marcus Fuller, PE, PLS
Assistant City Manager

David H. Ready, Esq., Ph.D.
City Manager

ATTACHMENTS:

1. Climate Action Roadmap – January 2020
2. Excerpt from Palm Springs Sustainability Plan
3. 2013 Climate Action Plan Summary of Potential Savings Measures
4. 2019 Code Cycle - Locally Adopted Energy Ordinances
5. Examples of Climate Emergency Resolutions or Declarations

February 2020

City of Palm Springs, California

OFFICE OF SUSTAINABILITY

Climate Action Roadmap

Introduction

On October 15, 2019, the Palm Springs Sustainability Commission met to discuss how to move forward with discussions and potential further actions to address climate change. At that meeting, the group agreed that the City should develop a roadmap to acknowledge the seriousness of our current climate crisis, describe what the City has already done and plans to do to address climate change, and identify potential additional actions.

This document responds to that request and is intended to serve as a focus for further discussions among the Commission and the City Council. It may also serve as an initial step in developing a broader climate strategy to include in a future iteration of the City's Sustainability Plan.

1. Acknowledgement of the Current Climate Crisis

The City of Palm Springs recognizes that climate change is real and is having a dramatic impact on our environment, our economy, and our way of life. Globally, we know that sea levels are rising, polar ice is retreating, permafrost is melting, and fires are increasing. Here in the Coachella Valley, climate change is and will continue to manifest itself in the form of longer periods of drought; more frequent, above-average storm events; longer summers; and higher temperatures. We also know that changes in climate are having a significant impact on our local habitat. Staff at the Coachella Valley Association of Governments has indicated that populations of mammals and arthropods nearly crashed during recent droughts and dry spells. Although we experience some rebounds during wetter weather, we know that further change is inevitable and could be irreversible.[1] National scientists have also noted that the nearby iconic Joshua trees are threatened and may not last through this century.[2]

Our weather and environment are a key factor in why people come to Palm Springs and other Desert Cities to live, work, and play. Changes in our environment will have a significant impact on our economy and quality of life. The City recognizes that we need to redouble our efforts to strategically address our contribution to climate change and mitigate the impacts we are already seeing and expect to see in the future.

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[1] Email from Kathleen Brundige at Coachella Valley Association of Governments. September 25, 2019.

[2] Iconic Joshua trees may disappear—but scientists are fighting back. National Geographic. October 15, 2018. https://www.nationalgeographic.com/environment/2018/10/joshua-trees-moths-threatened-climate-change-scientists-seek-solutions/

2. Existing Goals and Plans

The City's current Climate Change & Resilience goal as stated in the **Sustainability Plan** is to **reduce greenhouse gas emissions to 1990 levels by 2020, 80% below 1990 by 2050, and achieve carbon neutrality for municipal emissions by 2030**. This is consistent with the target identified by the state in AB 32 – California Global Warming Solutions Act. When the City conducted a baseline greenhouse gas inventory for 2010 (published in 2013), the results indicated that we had already achieved that level of emissions. The City has experienced significant growth since that time, and these emissions may have increased. The City has not done another inventory since that time to assess progress.

The 2016 Sustainability Plan also outlined some high-level actions such as monitoring and reporting greenhouse gas emissions; developing strategies based on the Climate Action Plan to reach the 1990 levels by 2020; and improving community resiliency to the potential impacts of climate change, including determining what these impacts will be.

The **Climate Action Plan** (Issued in 2013) does not include any additional goals, but rather outlines specific actions that the City could take to reduce its emissions. These actions are organized into the following sectors:

- Residential (where we live)
- Business (where we work)
- Building (how we build)
- Transportation (how we get around)
- Municipal (how we govern)
- Hospitality and Recreation (where we visit and play)
- Education (how we teach and learn)

Although the City is planning to update its Sustainability Plan in 2021, it has not done regular progress reports on the Sustainability Plan or the Climate Action Plan in the past several years. As a result, we do not have a clear picture of how we stand today in relation to our stated goals or identified actions.

It is also important to note that the City does not have a climate adaptation strategy that would include an assessment of climate impacts and identification of actions to address these anticipated impacts. The City's focus has primarily focused on reduction of greenhouse gas emissions and not the broader concept of resiliency and adaptation.

3. Past and Ongoing Activities

The City of Palm Springs has always taken climate change seriously. As early as 2008, the City endorsed the U.S. Conference of Mayors Climate Protection Agreement and issued its own Path to Sustainability. Some of the efforts that have already helped the City achieve reductions in greenhouse gas emissions – the primary contributor to climate change – are listed below.

- Launched the Co-generation Facility in 2015 to help offset energy use at City facilities.
- Installed solar arrays at its Wastewater Treatment Plant and at the Convention Center. The Convention Center is able to offset over 60% of its energy use from its solar output.
- Administer commuter incentive programs for rideshare and alternative vehicle to reduce greenhouse gas emissions from employee commuting.
- Implemented LED and energy efficient lighting retrofit projects at City facilities and at street lights.
- Implemented ban on gas-powered leaf blowers and replaced over 500 gas-powered units with electric.

- Implemented a mobile home energy retrofit program that resulted in a reduction of nearly 92,000 pounds of CO2e.
- Developed a solar zoning policy and now ordinance to facilitate the installation of solar on residential and commercial properties.
- Installed a network of 36 electric vehicle charging stations to help support EV adoption.

4. Roadmap of Future Actions to Address Climate Change and Its Impacts

Near-term Actions

The Office of Sustainability, in coordination with the Sustainability Commission, has identified the following near-term actions to position the City to make additional reductions in greenhouse gas emissions and address the impacts of anticipated climate change.

- **Update the City's greenhouse gas emissions inventory report.** The Office of Sustainability had planned to conduct a greenhouse gas inventory internally in 2019, but we were not able to complete this with limited staff resources. Funds will be moved around in the Sustainability Budget to hire a consultant early in 2020. This is a critical first step in understanding where we are with our stated goals and to identify the highest priority areas to address. The inventory update will focus on 2018, because it is unlikely that all of 2019 data will be available until later in the year. It is hoped that we can complete the inventory by the end of May 2020. The results will help inform priority areas for action and determine what additional steps will be needed to meet our stated goals. (Spring 2020)
- **Promote adoption of the 100% Carbon free option as the default for rate payers under Desert Community Energy (DCE).** The launch of DCE has been moved up to April 2020. In 2010, the largest percentage of emissions – over 41% - came from the electricity used to power homes in the City. The City's decision to shift to carbon-free energy as the default for all residents and businesses will have a significant impact on the City's greenhouse gas emissions. The City will work closely with DCE staff to communicate the importance of sticking with the carbon-free energy option. (Spring 2020)
- **Implement Changes in the State Energy Code and Green Building codes effective in January 2020.** The changes in the building codes that will be in effect in January 2020 have several new energy efficiency and clean energy requirements for residential and commercial construction projects. As the Council knows, one of these requirements is that all new residential projects are required to install solar panels. These requirements along with improved energy efficiency and building envelope requirements should have a significant impact on reducing greenhouse gas emissions from new residential and commercial buildings moving forward. (Spring 2020)
- **Expand the network of EV charging stations.** The market for electric vehicles increased significantly over the past several years since the Climate Action Plan was developed. The City has not needed to promote electric and hybrid alternatives as was described in the Plan. This may be changing as people seem to be reverting to sport utility vehicles, but car manufacturers are also responding with electric and hybrid options. This is leading to an increased need for EV charging stations – something the Office of Sustainability has been working on with Engineering for the past several months. City Staff will continue to work with SCE and an approved vendor to identify the infrastructure needed to support this expansion. The City will install the units starting in summer 2020. (Summer-Fall 2020)

- **Implement New Incentive Program for Home Energy Assessments.** The Sustainability Commission has approved a new program to provide rebates to residents that conduct a home energy assessment as part of an approved home energy labeling program. This program will begin in 2020. It is hoped that providing homeowners with information about how they can reduce their home energy costs will help boost the energy efficiency of existing housing stock. If the program is successful, it is recommended that DCE continue it as one of their energy efficiency programs for homeowners. (Spring 2020)
- **Promote reusable food ware to reduce emissions from discarded disposables.** City staff have been working with the Sustainability Commission to develop an ordinance to reduce disposable food ware. This is one of our primary contributors to our municipal solid waste and a key contributor to greenhouse gas emissions. The draft ordinance will go before the City Council early in 2020. (Summer 2020)
- **Expand cooling center services for the homeless.** The City has expanded its programs for cooling centers and services for the homeless to address the impacts of higher summer temperatures. These centers now offer overnight accommodations because temperatures often do not fall below 90 degrees. (Summer 2020)
- **World Environment Day – Climate Action focus.** The Sustainability Commission is currently planning to have climate action as the focus for this year's World Environment Day event. (Summer 2020)

Longer-term Actions

The City is also researching additional potential additional actions to reduce greenhouse gas emissions and address climate change impacts, including the following:

- **Develop ordinance to require carbon-free energy for commercial buildings.** The Sustainability Commission is researching whether and how to require carbon-free energy for commercial buildings. This research can only proceed when DCE sets its rates. Staying in the DCE default 100% Carbon Free plan would be the most expedient path for any business to comply with such an ordinance. The draft ordinance will be will be presented to the Commission and Council when DCE rates are finalized and financial impacts can be assessed. (Spring 2020)
- **Develop ordinance to require building electrification and cool roofs.** The Sustainability Commission is researching a variety of measures exceeding state building requirements that have been adopted by other California cities and counties. These measures have upfront costs but are all cost-effective over their life cycle. Pending direction from Council, the measures can be further researched, and a draft ordinance presented to the Commission and Council. (Spring 2020)
- **Investigate capture technologies for greenhouse gas emissions from wastewater treatment plant.** Wastewater treatment plant emissions were the single largest municipal emissions source in the 2010 GHG Inventory. The City may be able to further reduce its direct greenhouse gas emissions by incorporating emissions control technologies that capture emissions from the wastewater treatment process for use as fuel. The Sustainability Commission is working with the water treatment plant operators to investigate whether this idea is feasible. Although the City had pursued similar options in the past, there were legal, technological, and fiscal barriers that prevented implementation. (Spring 2020)
- **Update the General Plan to reflect climate adaptation strategies.** The City is starting the process of updating its General Plan to include climate adaptation strategies. As part of this update, the General

Plan will include a greenhouse gas emissions analysis and forecast. This may help the city strategize on new areas to address based on anticipated growth and other changes. (Fall 2020)

- **Development of a Walkability and Safe Routes to School Master Plan.** The Master Plan will help promote pedestrian safety and increase pedestrian traffic to reduce transportation-related emissions. (2020-2021)
- **Implement new organics waste management requirements.** One of the challenges that the state continues to have in managing greenhouse gas emissions broadly is managing emissions from landfills – much of which is generated by organic waste. The State is working on a new law – SB 1383 – that is designed to reduce the amount of organics going to landfills. The City is currently working with PSDS to anticipate and respond to this new law. This will help the city reduce its greenhouse gas emissions by reducing the amount of waste sent to landfills. (2021-2022)

5. Next Steps

The Sustainability Commission and City staff continue to identify opportunities to reduce greenhouse gas emissions and adapt to climate impacts and looks forward to additional discussions with Council, especially following the results of the emissions inventory.

CITY OF PALM SPRINGS

Office of Sustainability
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

EXCERPTS OF MINUTES

At the Sustainability Commission meeting of the City of Palm Springs held February 19, 2019, the Commission took the following action:

D. OLD BUSINESS

7. "MOTION: The Sustainability Commission supports in principal, concept, intent, and purpose the 'Clean Indoor Air and Health Protection' ordinance of January 2019". Motion by Commissioner Baker, Seconded by Commissioner Santora.

AYES: 6
NOES: 3
ABSTENTIONS: 1

Commission members noted the following concerns or suggested changes:

- Add a reference to "elder care facilities" in addition to child care facilities in the "Place of Employment" definition and in Section C.4.
- The ordinance still needs further coordination with the City's cannabis regulations, which are in both the Municipal Code and the Zoning Code. For example, cannabis is defined in PSMC Section 5.55.050 and the tobacco ordinance should not have a different definition. Any uses permitted for Cannabis Lounge Facilities under the Zoning Code should be permitted under the "Clean Indoor Air and Health Protection" ordinance.
- The ordinance still needs to be reviewed for internal consistency. For example, certain definitions such as "tobacco vending machine" and "vendor assisted" are not used in the text.
- Edit the Human Rights Commission ordinance text as follows to ensure accuracy:
    - Page 1, Section 1, Findings, first "Whereas", Bullet 2: Smoking has been linked to diseases of nearly all organs of the body. In the United States, smoking is responsible for 87 percent of lung cancer deaths, 32 percent of coronary artery deaths, and 79 percent of all cases of chronic obstructive pulmonary disease;[2] and
    - Page 1, Section 1, Findings, second "Whereas", Bullet 3: The California Environmental Protection Agency (EPA) concluded that scientific research on environmental tobacco smoke clearly indicates that second hand smoke can: 1) harm the development of the fetus such as in low birth weight and prematurity; 2) infants may be at risk for Sudden Infant Death Syndrome;

and 3) Children may become especially susceptible to illnesses such as asthma, bronchitis, and other respiratory and middle ear infections;[6] and

I, Patrick M. Tallarico, Staff Liaison of the Sustainability Commission of the City of Palm Springs, hereby certify that the above action took place at a regular meeting of the Commission held on the 19th day of February, 2019, was approved by a vote of 6 to 3 with 1 abstention.

Patrick Tallarico
Manager, Office of Sustainability

CLEAN INDOOR AIR AND HEALTH PROTECTION

Sections:

Title.

Definitions.

City-owned vehicles and facilities.

Prohibition of smoking in public places, places of employment, and certain other areas.

Nonsmoking buffer zones.

Smoking restrictions in new units of multi-unit residences.

Nonsmoking designations for existing units of a common interest complex.

Nonsmoking designations for existing units of a rental complex.

Required and implied lease terms for all new and existing units in rental complexes.

Additional duties of a landlord of a rental complex with less than 100 percent nonsmoking units.

Procedures and requirements for mandated submissions.

Smoking prohibited by law in units and common areas.

Smoking and smoke generally.

Other requirements and prohibitions.

Smoking prohibitions, violations and penalties.

Other applicable laws.

Public education.

Governmental agency cooperation.

~~Licensing of tobacco retailers and tobacco sale restrictions.~~

Title.

This chapter shall be known as the indoor air and health protection regulations.

Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

A. “Bar” means an area which is devoted to the serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term “bar” shall not include the restaurant dining area.

B. “Business” means any sole proprietorship, joint venture, corporation or other business entity formed for profit making purposes.

C. “Cannabis” means a dried preparation of the flowering tops or other parts of the cannabis plant, or a resinous extract of it (cannabis resin), typically smoked, transdermal administration and/or orally consumed.

C. “City” shall mean the City of Palm Springs, California.

D. “Common area” means every area of a multi-unit residence that residents of more than one unit of that multi-unit residence are entitled to enter or use, including, for example, halls and paths, lobbies and courtyards, elevators and stairs, community rooms and playgrounds, gym facilities and swimming pools, parking garages and parking lots, shared restrooms, shared laundry rooms, shared cooking areas, and shared eating areas.

E. “Common interest complex” means a multi-unit residence that is a condominium project, a community apartment project, a stock cooperative, or a planned development as defined by California Civil Code Section 1351.

F. “Dining area” means any area, including streets and sidewalks, which is available to or customarily used by the general public or an employee, and which is designed, established, or regularly used for consuming food or drink.

G. “Electronic smoking device” means an electronic device which can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately (a/k/a “vape” and/or “vaping”).

H. “Employee” means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity.

I. “Employer” means any person, partnership, corporation, including a municipal corporation, or nonprofit entity, which employs the services of one or more individual persons or utilizes volunteers.

J. “Enclosed area” means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passageways) which extend from the floor to the ceiling, including all space therein screened by portions which do not extend to the ceiling or are not solid, such as “office landscaping” or similar structures.

K. “Landlord” means any person who owns property let for residential use, any person who lets residential property, and any person who manages such property, except that “landlord” does not include a master tenant who sublets a unit as long as the master tenant sublets only a single unit of a multi-unit residence.

L. “Minor” shall mean any individual who is less than 18 years old.

M. “Multi-unit common area” means any indoor or outdoor area of a multi-unit residence, multi-unit commercial facilities, senior citizen residences and nursing homes accessible to and usable by residents of different small units and/or members of the public, including but not limited to halls and paths, lobbies, laundry rooms, common areas, outdoor eating areas, play areas, tennis courts and swimming pools.

N. “Multi-unit residence” means property containing two or more units, including, for example, rental complexes, common interest complexes, senior citizen residences, nursing homes, and marinas or ports. “Multi-unit residence” does not include the following specifically excluded types of housing:

1. A hotel or motel that meets the requirements set forth in California Civil Code Section 1940(b)(2);

2. A mobile home park;

3. A campground;

4. A single-family home; and

5. A single-family home with a detached or attached in-law or second unit when permitted pursuant to California Government Code Sections 65852.1, 65852.150, and 65852.

O. “New unit” means a unit that is issued a certificate of occupancy/final inspection more than ___ days after _____, and also means a unit that is let for residential use for the first time more than ___ days after _____.

P. “Nonprofit entity” means any corporation, unincorporated association or other entity created for charitable, philanthropic, educational, character-building, political, social, religious or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A public agency is not a “nonprofit entity” within the meaning of this section.

Q. “No Smoking sign” means a sign containing the words “No Smoking” or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette in a red circle or red heart with a red bar across it).

R. “Openings” shall include main entrances, exits, operable windows and ventilation intake systems.

S. “Person” shall mean any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

T. “Place of employment” means any area under the legal or de facto control of an employer that an employee or the general public may have cause to enter in the normal course of operation, regardless of the hours of operation, including, but not limited to, indoor and outdoor work areas, construction sites, vehicles used in employment or for business purposes, taxis, employee lounges and restrooms, conference and banquet rooms, employee cafeterias, warehouses, long-term health care facilities, and lobbies and hallways. A private residence is not a “place of employment” unless it is used as a child care or health care facility.

U. “Premises” means a piece of land and any improvements upon it such as is usually described in a deed, deed of trust or mortgage, and includes legally separate but contiguous pieces of land that are owned by the same natural person or by legal persons under common control.

V. “Public place” means any place, publicly or privately owned, which is open to the general public regardless of any fee or age requirement.

W. “Reasonable distance” means a distance of 25 feet in any direction from an area in which smoking is prohibited.

X. “Recreational area” means any area that is publicly or privately owned and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “recreational area” includes but is not limited to parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, horseback riding trails, swimming pools, roller- and ice-skating rinks, skateboard parks, amusement parks, and tennis courts.

Y. Rental complex” means a multi-unit residence for which 50 percent or more of units are let by or on behalf of the same landlord.

Z. “Retail tobacco store” means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

AA. “Self-service merchandising” means open display of tobacco products and point-of-sale tobacco promotional products to which the public has access without the intervention of an employee.

BB. “Service area” means any publicly or privately owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more persons to wait for or receive a service or make a transaction, whether or not such service or transaction involves the exchange of money. The term “service area” includes but is not limited to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, transit shelters, mobile vendor lines or cab stands.

CC. “Smoke” means the gases and particles released into the air by combustion when the apparent or usual purpose of the combustion is human inhalation of the resulting combustion products, such as, for example, tobacco smoke and marijuana smoke, except when the combusting material contains no tobacco and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense.

DD. “Smoking” means engaging in an act that generates smoke, such as, for example: possessing a lighted cigar, a lighted cigarette of any kind, a lighted pipe, or a lighted hookah pipe; or lighting a pipe, a hookah pipe, a cigar, or a cigarette of any kind. Smoking includes the consumption of both tobacco and cannabis.

EE. “Smoking Lounge” means a licensed commercial business establishment, open to the public, or paid membership wherein the consumption of tobacco and/or cannabis is permitted by adults pursuant to Palm Springs Municipal Code Title 5: Business Regulations *et seq.*

EE. “Sports arena” means enclosed or unenclosed sports pavilions, gymnasiums, health spas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

FF. “Tobacco paraphernalia” means cigarette papers or wrappers, pipes, holders of smoking materials of all types (including “bongs”), cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products.

GG. “Tobacco product” means:

1. Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, liquid electronic smoking device solution, or any other preparation of tobacco;

2. Any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body by inhalation; but does not include any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence; and

3. Any electronic smoking device as defined herein.

HH. “Tobacco retailer” means any person who sells, offers for sale, or does or offers to exchange for any form of consideration tobacco, tobacco products, or tobacco paraphernalia. “Tobacco retailing” shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco products or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

II. “Tobacco vending machine” means any machine, appliance, or other mechanical device operated by currency, token, debit card, credit card, or any other form of payment that is designed or used for vending purposes, including, but not limited to, machines or devices that use remote control locking mechanisms.

JJ. “Unenclosed area” means any area that is not an enclosed area.

KK. “Unit” means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use enclosed area or unenclosed area, such as, for example, a private balcony, porch, deck, or patio. “Unit” includes but is not limited to an apartment; a condominium; a townhouse; a room in a long-term health care facility, assisted living facility, or hospital; a hotel or motel room; a room in a single room occupancy (“SRO”) facility; a room in a homeless shelter; a mobile home; a camper vehicle or tent; a boat, vessel or houseboat; a single-family home; and an in-law, second unit or accessory dwelling unit.

LL. “Vendor-assisted” means only a store employee has access to the tobacco product and assists the customer to supply the product. The customer does not take possession of the product until it is purchased.

City-owned vehicles and facilities.

All City-owned vehicles, including jitneys and buses and other means of public transit under the authority of the City, and all enclosed facilities owned and controlled by the City, including jails or holding facilities, and any board, council, commission and agency of the City shall be subject to the provisions of this chapter.

Prohibition of smoking in public places, places of employment, and certain other areas.

A. Enclosed Areas. Smoking shall be prohibited in the following enclosed areas within the City of Palm Springs except in places listed in subsection C of this section, and except in such places in which smoking is already prohibited by State or Federal law, in which case the State or Federal law applies:

1. Places of employment.

2. Public places.

3. Recreational areas.

4. Common areas.

B. Unenclosed Areas. Smoking shall be prohibited in the following unenclosed areas within the City of Palm Springs except in such places in which smoking is already prohibited by State or Federal law, in which case the State or Federal law applies:

1. Places of employment.

2. Recreational areas.

3. Service areas.

4. Dining areas.

5. Common areas; provided, that a person with legal control over a common area may designate a portion of the unenclosed area of the common area as a designated smoking area if the area meets all of the following criteria:

a. The area must be located a reasonable distance from any unit or enclosed area where smoking is prohibited by this chapter or other law; by binding agreement relating to the ownership, occupancy, or use of real property; or by designation of a person with legal control over the property. In the case of a nonsmoking area created by agreement or designation, this provision does not apply unless the person designating the smoking area has actual knowledge of, or has been given notice of, the agreement or designation. A designated smoking area may require modification or elimination as laws change, as binding agreements are created, and as nonsmoking areas on neighboring property are established;

b. The area must not include, and must be a reasonable distance from, unenclosed areas primarily used by children and unenclosed areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, swimming pools, and school campuses;

c. The area must be no more than 10 percent of the total unenclosed area of the multi-unit residence for which it is designated;

d. The area must have a clearly marked perimeter;

e. The area must be identified by conspicuous signs;

f. The area must be completely within an unenclosed area; and

g. The area must not overlap with any enclosed or unenclosed area in which smoking is otherwise prohibited by this chapter or other provisions of this code, State law, or Federal law.

6. Other public places when being used for a public event, including a farmers' market, parade, craft fair, festival, or any other event which may be attended by the general public; provided, that smoking is permitted on streets and sidewalks being used in a traditional capacity as pedestrian or vehicular thoroughfares, unless otherwise prohibited by this chapter or other law.

C. Unless otherwise prohibited by law, smoking is not prohibited in the following enclosed areas:

1. Smoking is not prohibited in up to 20 percent of guestroom accommodations in a hotel, motel, bed and breakfast or similar transient lodging establishment if the hotel or motel permanently designates particular guestrooms as nonsmoking rooms such that 80 percent or more of guestrooms are permanently nonsmoking and ashtrays and matches are permanently removed from such nonsmoking rooms. Permanent no smoking signage shall be posted in nonsmoking guestrooms.

2. Smoking at theatrical production sites is not prohibited by this subsection if smoking is an integral part of the story and the use of a fake, prop, or special effect cannot reasonably convey the idea of smoking in an effective way to a reasonable member of the anticipated audience.

3. Smoking inside a retail tobacco store and/or Smoking Lounge is not prohibited if:

a. The retail tobacco store and/or Smoking Lounge ~~retail tobacco store~~ does not sell edible products, including, for example, food, water, or drinks, or allow such products to be consumed on

the business premises (eatable and/or liquid variations of cannabis shall are not to be considered 'edible products' under this section;

b. The retail tobacco store and/or Smoking Lounge~~retail tobacco~~ store prohibits minors from entering the store at all times; and

c. The premises of the retail tobacco store and/or Smoking Lounge are an independent freestanding building unattached to any other structure or use.

4. Smoking inside a detached, single-family home is not prohibited, except those used as a child care or health care facility subject to licensing requirements.

D. Notwithstanding any other provisions of this section, nothing in this chapter prohibits any person, landlord, employer, or nonprofit entity with legal control over any property or facility from declaring the entire property or facility as nonsmoking and prohibiting smoking on any part of such property or facility, even if smoking is not otherwise prohibited in that area.

Nonsmoking buffer zones.

A. Smoking in all unenclosed areas shall be prohibited within a reasonable distance from any doorway, window, opening, crack, or vent into an enclosed area in which smoking is prohibited, except while actively passing on the way to another destination and provided smoke does not enter any enclosed area in which smoking is prohibited.

B. Smoking in unenclosed areas shall be prohibited within a reasonable distance from any unenclosed areas in which smoking is prohibited under PS Municipal Code _____, except while actively passing on the way to another destination and provided smoke does not enter any unenclosed area in which smoking is prohibited.

C. The prohibitions in subsections A and B of this section shall not apply to unenclosed areas of private residential properties that are not multi-unit residences.

D. Smoking is prohibited in unenclosed areas of a multi-unit residence, including balconies, porches, decks, and patios, within a reasonable distance from any doorway, window, opening, or other vent into an enclosed area where smoking is prohibited by this chapter or other law; by binding agreement relating to the ownership, occupancy, or use of real property; or by designation of a person with legal control over the property.

Smoking restrictions in new units of multi-unit residences.

A. All new units of a multi-unit residence are hereby designated nonsmoking units, including any associated exclusive-use enclosed areas or unenclosed areas, such as, for example, a private balcony, porch, deck, or patio; and including without limitation new units in a rental complex and new units in a common interest complex.

B. Smoking in a designated nonsmoking unit is a violation of this chapter.

Nonsmoking designations for existing units of a common interest complex.

A. All units of a common interest complex that are not new units, including any associated exclusive-use enclosed areas or unenclosed areas, such as, for example, a private balcony, porch, deck, or patio, are hereby designated nonsmoking units as of _____[date]; provided, however, that a lesser percentage of units may be designated nonsmoking units if a common interest complex fully complies with subsection C of this section.

B. Smoking in a designated nonsmoking unit is a violation of this chapter.

C. By a vote of the membership as provided in subsection (C)(1) of this section, a common interest complex may choose to designate fewer than 100 percent of existing units as nonsmoking units by fully complying with the requirements stated in subsections (C)(1) through (4) of this section. Otherwise, subsection A of this section shall apply.

1. A vote by the membership on the threshold question of allowing less than 100 percent of units to be designated nonsmoking units must take place before _____[date].

2. Up to 100 percent, but no less than 80 percent, of units that are not new units, including, for example, any associated exclusive-use enclosed areas or unenclosed areas, such as, for example, a private balcony, porch, deck, or patio, shall be permanently designated as nonsmoking units.

3. Where possible, best efforts shall be made to group nonsmoking units together, both horizontally and vertically, and physically separate them from units where smoking may be allowed.

4. No later than _____ [date], the final designations must be made and the following must be submitted:

a. A description of each designated nonsmoking unit sufficient to readily identify the unit; and

b. A diagram depicting the location of the designated nonsmoking units in relation to all other units.

Nonsmoking designations for existing units of a rental complex.

A. All units of a rental complex that are not new units, including any associated exclusive-use enclosed areas or unenclosed areas, such as, for example, a private balcony, porch, deck, or patio, are hereby designated nonsmoking units as of _____ [date]; provided, however, that a lesser percentage of units may be designated nonsmoking units if a landlord fully complies with subsection D of this section.

B. Smoking in a designated nonsmoking unit is a violation of this chapter.

C. Except if a landlord fully complies with subsection D of this section, at least 60 days before _____ [date], the landlord shall provide each tenant with:

1. A written notice clearly stating that all units, including the tenant's unit, are designated nonsmoking units and that smoking in a unit will be illegal as of _____ [date], as specified in this section; and

2. A copy of this chapter.

D. A landlord may choose to designate fewer than 100 percent of existing units that are not new units of a rental complex as nonsmoking units by fully complying with the requirements stated in subsections (D)(1) through (7) of this section. However, subsection A of this section shall apply whenever a landlord takes no action or only partially complies with the requirements of this subsection.

1. The landlord shall permanently designate up to 100 percent of units, but no less than 80 percent of units, including, for example, any associated exclusive-use enclosed areas or unenclosed areas, such as, for example, a private balcony, porch, deck, or patio, as nonsmoking units.

2. To the maximum extent practicable, nonsmoking units must be grouped together both horizontally and vertically and physically separated from units where smoking may be allowed. Where possible, all units where smoking may be allowed shall be in a single building of a multibuilding multi-unit residence.

3. No later than _____ [date], a landlord who chooses to designate fewer than 100 percent of the units of a multi-unit residence as nonsmoking shall submit the following:

a. A description of each designated nonsmoking unit sufficient to identify the unit; and

b. A diagram depicting the location of the designated nonsmoking units in relation to all other units.

4. At least 60 days before submitting the nonsmoking unit designations required by subsection (D)(3) of this section, the landlord shall provide each tenant with:

a. A written notice of the proposed designations, clearly stating that smoking in a unit which is designated as a nonsmoking unit will be illegal as of _____ [date], and inviting comments on the proposed designations of nonsmoking units within the requisite timeline;

b. A diagram depicting the location of the designated nonsmoking units in relation to all other units; and

c. A copy of this chapter.

5. A landlord may modify the proposed designations based upon comments received from tenants.

6. At least 30 days before submitting the final designations of nonsmoking units required by subsection (D)(3) of this section, the landlord shall provide all tenants written notice of the final designations clearly stating that smoking in a designated nonsmoking unit will be illegal as of _____ [date], as specified in PS Municipal Code _____, and a copy of the final documents that will be submitted. These final designations may differ from the proposed designations on which tenants were invited to comment.

7. A unit in a rental complex for which a landlord is required to submit information pursuant to this section but for which such information, for any reason, is not fully and timely submitted is hereby designated as a nonsmoking unit as of _____ [date].

Required and implied lease terms for all new and existing units in rental complexes.

A. Every lease or other rental agreement for the occupancy of a unit in a rental complex, including, for example, new units and existing units, entered into, renewed, or continued month to month after _____ [date], shall include the provisions set forth in subsection B of this section on the earliest possible date when such an amendment is allowable by law when providing the minimum legal notice.

B. Every lease or other rental agreement for the occupancy of a unit in a rental complex, including, for example, new units and existing units, entered into, renewed, or continued month to month after _____ [date], shall be amended to include the following provisions:

1. A clause providing that as of _____ [date], it is a material breach of the agreement to allow or engage in smoking in the unit unless the landlord has supplied written notice that the unit has not been designated a nonsmoking unit and no other prohibition against smoking applies. Such a clause might state:

It is a material breach of this agreement for tenant or any other person subject to the control of the tenant or present by invitation or permission of the tenant to engage in smoking in the unit as of _____ [date] unless landlord has provided written notice that the unit has not been designated a nonsmoking unit and smoking in the unit is not otherwise prohibited by this agreement, other agreements, or by law.

2. A clause providing that it is a material breach of the agreement for tenant or any other person subject to the control of the tenant or present by invitation or permission of the tenant to engage in smoking in any common area of the property other than a designated smoking area. Such a clause might state:

It is a material breach of this agreement for tenant or any other person subject to the control of the tenant or present by invitation or permission of the tenant to engage in smoking in any common area of the property, except in an outdoor designated smoking area, if one exists.

3. A clause providing that it is a material breach of the agreement for tenant or any other person subject to the control of the tenant or present by invitation or permission of the tenant to violate any law regulating smoking while anywhere on the property. Such a clause might state:

It is a material breach of this agreement for tenant or any other person subject to the control of the tenant or present by invitation or permission of the tenant to violate any law regulating smoking while anywhere on the property.

4. A clause expressly conveying third-party beneficiary status to all occupants of the rental complex as to the smoking provisions of the agreement. Such a clause might state:

Other occupants of the property are express third-party beneficiaries of those provisions in this agreement that concern smoking. As such, other occupants of the property may seek to enforce such provisions by any lawful means, including by bringing a civil action in a court of law.

C. Whether or not a landlord complies with subsections A and B of this section, the clauses required by those subsections shall be implied and incorporated by law into every agreement to which subsection A or B of this

section applies and shall become effective as of the earliest possible date on which the landlord could have made the insertions pursuant to subsection A or B of this section.

D. A tenant who breaches a smoking provision of a lease or other rental agreement for the occupancy of a unit in a rental complex, or who knowingly permits any other person subject to the control of the tenant or present by invitation or permission of the tenant, shall be liable for the breach to:

1. The landlord; and

2. Any occupant of the rental complex who is exposed to smoke or who suffers damages as a result of the breach.

E. This chapter shall not create additional liability in a landlord to any person for a tenant's breach of any smoking provision in a lease or other rental agreement for the occupancy of a unit in a rental complex if the landlord has fully complied with this section and PS Municipal Code _____.

F. Failure to enforce any smoking provision required by this chapter shall not affect the right to enforce such provision in the future, nor shall a waiver of any breach constitute a waiver of any subsequent breach or a waiver of the provision itself.

Additional duties of a landlord of a rental complex with less than 100 percent nonsmoking units.

A landlord of a rental complex with less than 100 percent nonsmoking units shall provide to every prospective tenant, prior to entering into a new lease or other rental agreement for the occupancy of a unit in a rental complex, a copy of the designation documents required pursuant to PS Municipal Code _____ describing each designated nonsmoking unit with an accompanying diagram depicting the location of nonsmoking units in relation to all other units and any designated smoking areas.

Procedures and requirements for mandated submissions.

A. Documents maintained pursuant to this chapter must include all material and information required by this chapter as well as other materials and information as the City Manager or his or her designee deems necessary for the administration and enforcement of this chapter.

B. All documents maintained pursuant to this chapter shall be available for the City Manager or his or her designee to access and review during regular business hours or upon 24 hours' written notice.

C. All materials and information maintained pursuant to this chapter and requested by the City Manager or his or her designee shall constitute disclosable public records and are not private or confidential.

Smoking prohibited by law in units and common areas.

A. Smoking in a common area, on or after _____ [date], other than in a designated smoking area established pursuant to PS Municipal Code _____ is a violation of this chapter.

B. Smoking in a new unit, on or after _____ [date], is a violation of this chapter.

C. Smoking in a designated nonsmoking unit, on or after _____ [date] , is a violation of this chapter.

Smoking and smoke generally.

A. The provisions of this chapter are restrictive only and establish no new rights for a person who engages in smoking. Notwithstanding (1) any provision of this chapter or other provisions of this code, (2) any failure by any person to restrict smoking under this chapter, or (3) any explicit or implicit provision of this code that allows smoking in any place, nothing in this code shall be interpreted to limit any person's legal rights under other laws with regard to smoking, including, for example, rights in nuisance, trespass, property damage, and personal injury or other legal or equitable principles.

B. Notwithstanding any other provision of this chapter, smoking marijuana for medical purposes as permitted by California Health and Safety Code Section 11362.7 et seq. in any unit of a multi-unit residence is not prohibited by this chapter; provided, that the marijuana smoke is not reasonably detectable. The City shall only enforce this section if:

1. A complaint is made by a resident of the multi-unit building that the marijuana smoke is detectable to him or her; and

2. The marijuana smoke is also detectable to law or code enforcement personnel. If the marijuana smoke is not detectable by the law or code enforcement personnel, this subsection does not preclude the resident from taking private enforcement action as provided in subsection C of this section.

Notwithstanding the foregoing, such use of marijuana may be prohibited by other provisions of this code, State law, or Federal law.

C. For all purposes within the jurisdiction of the City, nonconsensual exposure to smoke occurring on or drifting into residential property is a nuisance, and the uninvited presence of smoke on residential property is a

nuisance and a trespass. Any person bringing a civil action to enforce the nuisance provision contained in this section need not prove an injury different in kind or in degree from injury to others to prove a violation of this chapter.

Other requirements and prohibitions.

A. No person, landlord, employer, or nonprofit entity shall knowingly permit smoking in an area which is under the legal or de facto control of the person, employer or nonprofit entity and in which smoking is prohibited by this chapter, unless otherwise required by State or Federal law.

B. No person, landlord, employer, or nonprofit entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ashtrays or ash cans, within an area under the legal or de facto control of the person, landlord, employer or nonprofit entity and in which smoking is prohibited by law, including, without limitation, within a reasonable distance required by this chapter from any area in which smoking is prohibited. Notwithstanding the foregoing, the presence of ash receptacles in violation of this subsection shall not be a defense to a charge of smoking in violation of any provision of this chapter.

C. No person shall dispose of used smoking or tobacco product waste within the boundaries of an area in which smoking is prohibited, including inside the perimeter of any reasonable distance required by this chapter.

D. A person, landlord, employer, or nonprofit entity that has legal or de facto control of an area in which smoking is prohibited by this chapter shall post a clear, conspicuous and unambiguous “No Smoking” or “Smoke-Free” sign at each point of ingress to the area, and in at least one other conspicuous point within the area. No smoking signs are not required inside or at doorways of designated nonsmoking units. The signs shall have letters of no less than one inch in height and shall include the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). Signs posted on the exterior of buildings to comply with this section shall include the reasonable distance requirement set forth in PS Municipal Code _____. At least one sign with a toll-free phone number where complaints can be directed must be conspicuously posted in each place in which smoking is prohibited. For purposes of this section, the City Manager or his/her designee shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the City. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of smoking in violation of any other provision of this chapter.

E. No person, landlord, employer, or nonprofit entity shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this chapter.

Moreover, no person shall intentionally or recklessly expose another person to smoke in response to that person's effort to achieve compliance with this chapter.

F. Each instance of smoking in violation of this chapter shall constitute a separate violation. For violations other than for smoking, each day of a continuing violation of this chapter shall constitute a separate violation.

Smoking prohibitions, violations and penalties.

A. The remedies provided by this chapter are not intended to preclude any other remedy available at law or in equity. Remedies may be sought independently or cumulatively.

B. It is unlawful to cause, permit, aid, abet, or conceal a violation of any provision of this chapter.

C. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to refuse to comply with any of its provisions, or to permit any employee or patron to violate this chapter.

D. It shall be unlawful for any person to smoke in any area where smoking is prohibited under this chapter.

E. It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with any of its provisions.

F. Any person, business, tobacco retailer, or owner who violates provisions in PS Municipal Code _____ shall be deemed guilty of an infraction, punishable by the administrative penalties as regulated in PS Municipal Code _____.

Other applicable laws.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Public education.

The City of Pam Springs shall engage in a continuing program to explain and clarify the purposes and requirements of this chapter to citizens affected by it, and to guide individuals, landlords, employers, and nonprofit entities in their compliance with it. Such program may include publication of a brochure for affected individuals, landlords, employers, and/or nonprofit entities explaining the provisions of this chapter.

Governmental agency cooperation.

The City of Palm Springs shall annually request other governmental and educational agencies having facilities within the City to establish local operating procedures in cooperation and compliance with this chapter. This includes urging all Federal, State, County and school district agencies to update their existing tobacco control regulations to be consistent with current health findings regarding environmental tobacco smoke.

"ROUND-UP BAN"

1. The Problem: Bees are one of the most important members of our global ecosystem to humans. They pollinate 75 percent of the fruits, nuts and vegetables grown in the United States and are responsible for one out of every four bites of food people take. But they're being killed off at an alarming rate, along with other important Pollinators including the Monarch Butterfly, (according to a recent population count announced on KQED January 30, 2020 (California used to have millions of Western Monarch Butterflies now only 29,000), with potentially devastating consequences for biodiversity and human health. And what scientists now call "colony collapse disorder" threatens family farms and small businesses all over the country. Millions of dollars are being spent in the USA and Mexico trying to protect the Monarchs migration path and habitat while we continue to undermine any progress by continuing to allow the use of these highly toxic and dangerously designed modern man-made poisons.

Neonics are 10,000 times more toxic to bees than other pesticides—able to reduce a native bee colony by as much as 55% and contributing to the Rusty Patched Bumble Bee becoming our first endangered bumble bee. So why would we allow them in iconic places like the Chincoteague National Wildlife Refuge in Virginia, the Glacial Ridge National Wildlife Refuge in Minnesota, the Hakalau Forest in Hawaii or the desert resort community Palm Springs, California? Particularly when emerging research suggests that human exposure to neonics in the womb or during a child's early years could be linked to developmental defects, muscle tremors, and more?

While there are a variety of factors leading to bee deaths, one of the leading causes is a widely used, highly toxic class of pesticides known as neonicotinoids. Currently among the most widely used crop sprays in the U.S., these "neonic" pesticides also kill birds, harm butterflies—and end up in some of the foods we eat and impacting other insects, birds, wildlife, pets, pregnant women, and children in particular. Even at low doses, the neurotoxic pesticides can harm kids' brains! We need to get this chemical out of our retail stores, even though the current EPA has refused to step in. As a concerned community we can take this fight straight to your local gardening, hardware and even grocery stores.

Pyrethroids are the second most popular class of insecticides used in the world, with people mainly exposed through residues on food (such as fruits and vegetables) and through dust in homes when these pesticides are used indoors. New research from University of Iowa has some sobering findings on the impacts of exposure to pyrethroids. The study found that people with the highest exposure to the widely used pesticides were three times more likely to die from cardiovascular disease — and 56% more likely to die from any cause within the study's follow-up period — than those with low or no exposure.

In a cycle that has been repeated for decades, this class of pesticides was touted as a much "safer" alternative when it was introduced. These findings are especially worrying because of the correlation identified between exposure to pyrethroids and death. Also concerning? In addition to widespread commercial agricultural use, pyrethroids constitute the majority of household insecticide use as well. Which means exposure is likely very widespread. Though this study did not measure how subjects were exposed to pyrethroids, the study's lead author, Wei Bao, **says that previous studies suggest the majority of pyrethroid exposures are through food**. Additional exposure is possible through residential use of pyrethroids to control pests in homes, yards, and gardens.

Who's most at risk? Bao's study draws from a nationally representative sample of U.S. adults. Researchers measured exposure to two common pyrethroids via breakdown products in human urine

samples collected between 1999 and 2002 by the National Health and Nutrition Examination Survey (NHANES), a program of Center for Disease Control and Prevention.

The fact that this study draws from a national sample of adults means Bao's findings are relevant to all of us. We don't know, however, how pyrethroid exposure could differentially impact populations such as farmers, agricultural workers and their communities, or children. Further, the results of this study indicate a link, but additional research is needed to replicate findings and further investigate exposure outcomes within various populations.

2. The Solution: Banning the classifications of pesticides that are killing off the most important pollinators in the world, (and ending up in some the foods we eat and the water we drink & bathe in). Sold at retail to the public and all wholesale distribution under various Trademarks/Logos including but not limited to: Roundup, etc etc…..We are supporting legislation to ban the sale & use of all toxic "neonic" pesticides, and endeavor to do all we can in our community to protect our precious Pollinators, Wildlife, Pets & Small Animals, Children, and our renowned unique & fragile Desert Eco-System that continues to draw international visitors, residents, businesses and events to Palm Springs. Help our community continue to be a leader in the Coachella Valley and in our great State of California by eliminating/banning these dangerous poisons form our environment.

3. Sustainability Commission Suggestion(s) for the Palm Springs City Council Members: Ban the selling/distribution and all use of these poisons.

*Notes On How Other Cities & Countries Are Handling These Poisons:

California: Last year, Governor Gavin Newsom's administration decided to cancel registration of the brain-harming pesticide chlorpyrifos in California. And the plan is in motion — by February 2020, sales of the chemical will be prohibited.

Along with the decision to ban the pesticide, a work group was formed for finding alternatives to chlorpyrifos for pest management. This is a key opportunity to move the state away from hazardous pesticides that harm our communities.

Tell the Department of Pesticide Regulation (DPR) that we need safe, non-chemical alternatives to chlorpyrifos in California.

The agrichemical industry is already hard at work exerting pressure on the state to fast-track registration of chemical replacements for chlorpyrifos. The bait-and-switch technique of swapping one harmful chemical for another would be a missed opportunity — and a waste of funding and resources committed to this alternatives work.

It's time to move California toward a radically different way of farming that doesn't depend on chemical inputs, and the work group now has the opportunity to develop and adopt lower-risk pest management approaches. Farmers, pest control advisers, farmworkers and communities agree: funding and resources need to be allocated toward research and support for safe chlorpyrifos alternatives.

Other States: So far, bills to ban glyphosate have been introduced in five states: **California**, **Hawaii**, **Massachusetts**, **New York** and **Vermont**.

Other Countries: Dozens of countries including Austria, Costa Rica, France and Mexico are taking action on banning glyphosate.

Malibu California: ***Malibu's New Wildlife Ordinance.***
"It's about controlling the issue without using poisons that have an effect on all the things else," Wilmar Mejia, a pest control agent, stated. "That hawk flying round, that's what we're defending."

If the town of Malibu will get its means, Mejia's strategies will quickly be the rule. Earlier this month, the Metropolis Council authorized a sweeping chemical ban that might pave the way in which for different coastal cities seeking to defend wildlife by limiting toxicants. "We handed a ban not simply on rodenticides however on all pesticides," stated Malibu Mayor Pro Tem Mikke Pierson. "After all, the Division of Pesticide Regulation stated completely we are able to do it."

California is one among greater than 40 states that limit how native governments can regulate pesticides. For many years, the state's meals and agriculture code has preempted municipalities like Malibu from limiting their use in nearly any means. "We imagine [Malibu's] motion exceeds their authority and the proposed ordinance could be preempted," state Division of Pesticide Regulation spokeswoman Charlotte Fadipe wrote in an e-mail.

However, Malibu officers say their ban skirts that legislation in a bureaucratic *pas de deux* with the Coastal Fee, a state company not topic to preemption. The fee is predicted to approve the anti-pesticide measure as a modification to Malibu's native coastal program early subsequent 12 months. If profitable, it might be a mannequin for scores of different cities within the fee's space of duty.

"We're basing our native coastal program modification on what [unincorporated L.A.] County did in 2014," stated activist Joel Schulman of Poison Free Malibu, the group that spearheaded the initiative. "I truly went to the Coastal Fee assembly and requested them to assist unfold the identical form of prohibitions up and down the coastal zone."

Activists say pesticides of all sorts threaten California's wildlife, from the enduring monarch butterfly to the endangered San Joaquin fox. However, the combat in opposition to brodifacoum and different comparable rat poisons introduced their motion mainstream — notably after they had been linked to the deaths of native mountain lions. "This 12 months we had two grownup males, huge grownup males who simply dropped lifeless in the midst of Topanga Canyon State Park," stated Dr. Seth Riley, a wildlife ecologist with the Nationwide Park Service. "[One] had 5 liters of blood in his belly cavity."

These substances — often called second technology anticoagulant rodenticides — work by inhibiting vitamin Ok, a micronutrient vital for blood clotting; without it even a small harm could cause a large hemorrhage. Different rat poisons kill wildlife, too, however brodifacoum and its ilk are singularly lethal as a result of they continue to be potent for months. Vitamin D3 can kill a mouse inside hours, however, can't kill a cat that eats that mouse, regardless that it's extremely poisonous to cats, specialists stated. Brodifacoum, in contrast, can kill a mountain lion that eats the liver of a coyote that's spent weeks consuming rats that gorged themselves on the anticoagulant for days earlier than they began to hemorrhage. "The very first thing they do is go for organs just like the liver, and the liver is the place this stuff gets saved," Riley stated. "A mountain lion that eats a coyote might get an enormous dose of those toxicants abruptly."
The poison's deadly climb up the meals chain is what led the Environmental Safety Company to limit its use to skilled exterminators in 2011. These restrictions have led to a surge in pet poisonings with different, fast-acting rodenticides nonetheless obtainable at huge field and residential enhancement shops, lots of which could be tougher to deal with.

"We've seen an incredible spike," stated Dr. Ahna Brutlag, senior veterinary toxicologist on the nationwide Pet Poison Helpline. "There was superb security information on anticoagulant rodenticide,"

which is simple to detect and simple to deal with vitamin Ok. “However, bromethalin [a neurotoxin] might be an issue.”

On the identical time, new legal guidelines have accomplished little to stem the movement of anticoagulants into the wild. Assemblyman Richard Bloom (D-Santa Monica) sponsored a bill that might have banned the toxins throughout California, but it surely stalled within the Senate appropriations committee this fall. “Anticoagulant rodenticides are only one factor of the bigger downside of long-lasting poisons launched to our coastal setting that place organic assets and delicate habitats in danger,” state Sen. Henry Stern (D-Canoga Park) wrote in a letter supporting the Malibu ordinance. “I … encourage you to take the required steps to guard our cherished pure habitats and wildlife.”

“Vector borne illness management is essential to safeguard public well-being,” a Los Angeles County Division of Well-being spokesman wrote in an e-mail. “If wanted, rodenticides could be efficient at controlling rodents that may unfold ailments like flea-borne typhus or plague when utilized by licensed pest management operators.”

However, Mejia, the exterminator, stated there have been higher methods to guard public well-being in locations like Malibu. “Consider me, we have to hold the inhabitants of those vermin underneath management, by all means,” Mejia stated. “However, there are alternate options to poison, as a result of poison is killing all the things else.”

Source: The Union Journal Dec.29, 2019

Malibu, California passes Pesticide Ban In A Win For Local Wildlife

In a hard-earned win, the city of Malibu, California collaborated with the Coastal Commission to ban toxic pesticide use in their community. While the city had already voted to **ban all toxic pesticides back in 2016**, the state’s pesticide law **preempts**, or prohibits, a municipality from restricting private use of pesticides more stringently than the state. However, the Coastal Commission, as a state agency that establishes agreements with municipalities—known as a “Local Coastal Program” or “LCP”—circumvents the preemption issue. The municipal agreement document codifies regulations that are set up between the Coastal Commission and a local jurisdiction.

On December 9, 2019, Malibu City Council unanimously voted to amend Malibu LCP to ban the use of toxic pesticides. Many advocates gave **passionate testimony** at the voting session, including environmental experts and attorneys that spoke to the legality of the move and the legal protection from predicted pesticide industry backlash.

Activist Joel Schulman of Poison Free Malibu said about the ban, “We’re basing our local coastal program amendment on what [unincorporated L.A.] County did in 2014.” That year, L.A. County and the Coastal Commission banned anticoagulant rodenticides and some toxic pesticides in the unincorporated Santa Monica Mountains Coastal Zone LCP.
In September 2017, a Superior Court rejected a lawsuit challenging the decision and reaffirmed the ability of the Coastal Commission to work with municipalities to restrict pesticide use. “I actually went to the Coastal Commission meeting and asked them to help spread the same kind of prohibitions up and down the coastal zone,” said Mr. Schulman.

While there has **been debate** on their legal authority, Malibu’s local lawmakers have largely been supportive of promoting this ban. “This has to happen,” said Mayor Pro Tem Mikke Pierson. “If it ends up in some sort of lawsuit we’ll go there. This means everything.”

California's Department of Pesticide Regulation rejects the new pesticide ban. Spokeswoman Charolette Fadipe wrote in an email to the Los Angeles Times, "We believe [Malibu's] action exceeds their authority and the proposed ordinance would be preempted."

Californian advocates have been motivated to act on pesticide reform, particularly regarding rodenticides, to protect wildlife and children. The poisoning of charismatic big cats such as **P-22** sparked awareness about the risks of rodenticides. Wildlife are at high risk of secondary poisoning from eating contaminated animals.

"Anticoagulant rodenticides are just one element of the larger problem of long-lasting poisons introduced to our coastal environment that place biological resources and sensitive habitats at risk," state Senator Henry Stern noted in a letter of support for the Malibu ordinance. "I … encourage you to take the necessary steps to protect our cherished natural habitats and wildlife."

Even as advocates celebrated this local win, Mayor Karen Farrer called for advocates to keep up pressure regarding state bill **AB-1788**, to ban virulent, second-generation anticoagulants (SGARs) from both nonagricultural private and public use across the state. Vigilant lobbying by pest control companies caused the bill to stall in committee **in August**. The bill has been extended a year for further work.

Other groups are in the statewide fight: environmental advocacy group Center for Biological Diversity has sent in **an intent to sue California pesticide regulators** on some toxic rodenticides and their threat to endangered species such as San Joaquin kit foxes and California condors.

For more information on managing rodent problems without toxic, "**super-predator**" rodenticides, see **Beyond Pesticides ManageSafe webpage**. And to promote on-farm reduction of anti-coagulant rodenticides, support **organic agriculture,** which doesn't allow this type of rodent poison and requires any measure addressing rodent pests be guided by a pre-determined organic systems plan.

Source: Beyond Pesticides January 3, 2020

Study Finds Neonics Result in the Silent Demise of Songbirds

The poisonous farm fields migratory birds forage on during their journey reduce their weight, delay their travel, and ultimately jeopardize their survival, according to new research published in the journal ***Science.*** Like their effects on pollinator populations, neonicotinoid insecticides generally are not killing migratory songbirds outright, but instead precipitating a cascade of sublethal impacts that reduces their fitness in the wild. As the authors told **Environmental Health News**, the study is a call not simply to ban neonics or one class of chemical, but to change the entire farming system toward more sustainable bird and bee-friendly practices.

Using new technology, this study was not only able to dose wild-caught songbirds (white-crowned sparrows), but also track their migration route using automated telemetry. Apart from the control group that received no pesticide exposure, sparrows were treated at levels well below the median lethal dose (3% of the lethal dose in the 'low' exposure group and 10% within the 'high' exposure group), and permitted to continue on their migratory path. These are exposure amounts similar to a songbird accidentally ingesting a few treated seeds, according to the study.

Within six hours, both the 'low' and 'high' exposure group showed a significant reduction in body mass (3% and 6%, respectively) after a single dose of the neonicotinoid imidacloprid. The 'low' exposure group ate 8% less than the control group after dosing, while the 'high' exposure group reduced its

intake by a staggering 70%. This is an important impact because body weight and fat storage are critical during songbird migration. Birds rest at stopover sites to refuel, and return to flight, but birds in the experiment dosed with imidacloprid stayed on average 3.5 days longer than the unexposed control group. Authors suspect that this was the result of weight reduction and reduced feeding. “Extended stopovers while intoxicated and in reduced body condition could lower survival by increasing susceptibility to predation or inclement weather,” the study indicates. In addition, “Birds that are delayed during migration and arrive later at breeding grounds have been reported to obtain poorer-quality territories, breed later, and produce fewer offspring in worse condition than those of early arrivals, reducing the probability of their offspring recruitment to the population.”

Neonicotinoids are in use throughout the migratory path of these songbirds, indicating a risk that accumulates over time, given that avoidance of treated seeds appears to be a learned, rather than innate bird behavior.

Indeed, there is prior evidence that birds are already feeling the effects of neonicotoinoid use. **A 2017 study** by the same set of researchers found similar impacts on songbird weight and effects on migration orientation. Research conducted by Canadian scientists **in 2018** found turkeys that feed on agricultural fields to be widely contaminated with neonicotinoids, indicating a potential link between exposure and poor reproductive output noted by hunters in the region. Studies from Spanish researchers (**1**, and **2**) also indicate partridges exposed to neonic-treated seeds can reduce fecundity and impact the health of their offspring.

Risks to songbirds are also not limited to agricultural settings. In a **report published earlier this year** by California’s Department of Fish and Wildlife, a soil drench application of the neonicotinoid imidacloprid was implicated as causing a die-off of goldfinches in the area.

Ultimately, the authors indicate that although neonics are of particular concern, simply eliminating their use will not address the problems being observed. As co-author Christy Morrissey, PhD, told Environmental Health News, there are “already replacement for neonics—and they’re just as toxic as neonics, they’re just a different name.” To fix the problem focus should be on the “need to change the whole system to make it more resilient.”
“Monoculture, single crop agriculture is heavily reliant on chemicals for production, unfortunately, that’s just not conducive to life and biodiversity,” she told Environmental Health News. “We should incentivize farmers to diversify systems rather than substituting one chemical for another.”

Beyond Pesticides wholeheartedly agrees with Dr. Morrissey’s assessment, and has long called for a broadscale transition to organic systems. This approach focuses on soil health, and aims to work with, rather than against nature in the management of pests and weeds. Focus is placed on alleviating the root causes of pests and weeds through good nutrition, proper watering, and other cultural practices such as cover crops and crop rotation. As the success of organic farming has shown, this approach can feed the world while protecting the environment. Without this changeover the future is certain to bring more and more silent declines, building towards the Silent Spring Rachel Carson warned could occur.

Source: Beyond Pesticides September 17, 2019

Study Finds Syngerism Between Neoicotinoids and Parasite Leads to 70% Declines in Honey Bee Survival

A **study** finds that the interaction of a common honey bee parasite with neonicotinoid insecticides causes 70% reductions in overwintering honey bee survival. These results help to explain the unsustainable honey bee colony losses observed in recent decades.

Neonicotinoids (neonics) are a class of insecticides that share a common mode of action that affect the central nervous system of insects. Studies show that neonicotinic residues accumulate in pollen and nectar of treated plants, and, given their widespread use and known toxic effects, there is major concern that neonics play a major contributing role in pollinator declines.

In the early 2000s, Colony Collapse Disorder (CCD) brought national attention to increased honey bee colony losses. During the same period that CCD and colony losses spiked, neonic prevalence skyrocketed, in large part due to the introduction of seed-delivered technologies. As of 2011, 34-44% of soybeans and 79-100% of maize hectares were preemptively treated with neonics. While CCD prevalence has decreased, colony loss rates (and systemic insecticide use) remain high. A **2018 national survey** indicates that U.S. beekeepers currently experience an average annual colony mortality rate of 30.7%, double the pre-CCD baseline of 15% losses.

In the present study, researchers at the University of Bern underwent an investigation into potential mechanisms for these unprecedented and continued high colony losses. Specifically, the study authors sought to better understand the hazards wrought by co-exposures to the common parasitic mite, *Varroa destructor*, and ubiquitous systemic neonicotinoid insecticides. Using field-relevant concentrations of frequently occurring neonicotinoids, scientists exposed experimental honey bee colonies to the insecticides for a period of 42 days in the spring, when bees typically experience the highest pesticide exposures. Since most managed honey bee colonies are already co-habited by *V. destructor,* the scientists did not have to manipulate infestation. Instead, researchers looked for differences in response to neonicotinoid exposure depending on individual bees' status – whether or not they were harboring mites – which varied naturally among individuals in each colony.

The authors were not only interested in observing immediate effects, but also in uncovering how this common combination might contribute to changes in long-term survival, of individuals and ultimately of whole colonies. To investigate long-term effects, researchers continued to monitor bees through the autumn following exposure, to capture effects on emerging winter bees.
What authors found validated their attention to long-term, co-exposure impacts. While neonicotinoid treatment alone did not produce a strong effect on worker body mass or survival, when combined with *V. destructor* parasitism, neonicotinoids did cause significantly reduced body weight and survival, compared to sole exposure to either stressor. However, these effects were not as pronounced in the summer immediately following spring exposure as they were in the autumn, when winter bees are reared. By the time autumn collections were completed, combined exposure to neonicotinoids and *V. destructor* were found to cause an astounding 70% reduction in survival, significantly surpassing the effects of either exposure alone. These results have strong implications for overall colony survival.

Honey bees born in the winter typically live longer than those born in the spring, and this longer-term survival is critical to the survival of the entire colony through to the next spring season. The majority of honey bee colony losses occur during this period of overwintering, when colonies are exposed to stressors that require a large population to buffer against. Colonies must have a strong population and sufficient stores of honey to survive the winter. When temperatures drop below the colony's comfort zone, they rely on the vibration of thousands of clustered bee bodies to keep the hive temperature warm enough to survive. At the colony scale, the survival effects uncovered in the present study would destabilize these natural mechanisms for winter survival of the whole collective body.

Neonicotinoids by themselves already present an unacceptable hazard to bees. Multiple studies have confirmed that the levels of neonicotinoid pesticides that bees encounter in the environment are toxic enough to impair foraging, navigational, and learning behaviors, as well as suppress immune responses. These individual impacts are compounded at the level of social colonies, weakening

collective resistance to common parasites, pathogens other pesticides, and thus leading to colony losses and mass population declines. In 2018, more than two hundred scientists co-authored a “Call to restrict neonicotinoids” on the basis of the bulk of evidence implicating neonicotinoids in mass pollinator and beneficial insect declines.

Native pollinators are similarly threatened by increased use of systemic insecticides. Recent studies of wild and managed pollinators in the field have shown significant colony and population declines as a direct result of neonicotinoid crop treatment and intensified pesticide use. A 2008-2013 study of wild bee populations across various land types in the US found the greatest declines in regions of concentrated corn production, concomitant with the tripling of neonicotinoid use in maize. Wild bee populations are declining by more than 30% in the US corn-belt, where neonicotinoid use is by now ubiquitous. A 23% decline in California butterfly species documented over the last few decades began sharply following the introduction of neonicotinoids to the state in 1995.

These newest findings add to the litany of harms wrought by neonicotinoids and other systemic insecticides and help to explain the mass colony losses that began just as neonicotinoids came to prevalence. Beyond Pesticides holds the position that nothing short of a complete transformation to organic, least-toxic practices can begin to reverse the damage wrought by decades of unchecked poisoning. Stay abreast of new public health findings by reading Beyond Pesticides’ **Daily News Blog** and **Pesticide-Induced Diseases Database**. Join the movement to end destructive pesticide use by engaging at the local, state and federal levels to transform our agricultural system.

Source: Beyond Pesticides June 24, 2019

Be a Hero for Pollinators: Ask Your US Rep to Co-Sponsor the Saving America’s Pollinators Act

With the ongoing saga that is the pollinator crisis, we know who the villains of this story are: Bayer, Syngenta, Croplife America, and other multi-national companies that produce, promote, and protect pollinator-toxic pesticides.

But where are the heroes?

Pollinator Week should be a week-long celebration of pollinators and the benefits they provide for people and the environment. Unfortunately, we must point out that the wrongdoers are running the show, and our fluttering friends are disappearing.
Chemical corporations use this week to greenwash their products by sponsoring outreach events that completely ignore their role in unprecedented pollinator declines. *Don’t be fooled by their disguise*.

We know that real solutions won’t come from a masked crusader. It won’t be a singular superhero that saves the day. In order to fight the fiendish forces behind the global insect apocalypse, we need a mass mobilization of everyday heroes. Heroes like you can inspire good in your elected officials.

By introducing this critical piece of legislation, U.S. Representatives Earl Blumenauer (D-OR) and Jim McGovern (D-MA) have begun the fight to protect pollinators in the face of the vested economic interests of chemical companies, chemical service industry, and an unresponsive U.S. Environmental Protection Agency (EPA).

The **Saving America’s Pollinators Act** (**H.R.1337**) will not only cancel specific bee-toxic pesticides, it will reshape the EPA process for permitting pesticides to be used in our communities and homes in the first place. Current law is filled with language that allows chemical lobbyists to unduly influence EPA

decisions and loopholes that favor pesticide dependency instead of incentivizing alternatives like organic practices and products.

Under SAPA, pesticides that pose risks to pollinators will undergo a higher level of review by a board of unbiased pollinator experts. If these experts, who will not have conflicts of interest with the chemical industry, determine a pesticide is too toxic, then it will be removed or never allowed on the market in the first place.

SAPA creates a sustainable model for pollinator protection, including an annual, ongoing review on the health of pollinator populations. In the face of an EPA captured by chemical company corruption, SAPA will become an important tool to prevent ongoing chemical crimes against pollinators and the environment.

During Pollinator Week, starting June 17, ask your elected representative in Congress to support pollinators by co-sponsoring Saving America's Pollinators Act (SAPA). If they are already a cosponsor, use the occasion to thank them for their leadership on this critical issue.

Source: Beyond Pesticides June 17, 2019

If Chlorpyrifos is Out, What is In?

This week marks the end of chlorpyrifos sales in California. After the exhausting saga of pesticide industry influence and ignored science that resulted in EPA reversing the planned national ban of the brain-harming chemical in 2017, this concrete step forward for California is momentous. It's also having **ripple effects across the country**. Several states have chlorpyrifos ban bills moving forward this session, and just today Corteva (formerly Dow) announced **it will stop producing chlorpyrifos** by the end of the year. Corteva is the largest producer of this pesticide worldwide. But when a dangerous chemical like chlorpyrifos that has been widely used for pest management is eliminated, what takes its place? Following the decision to cancel chlorpyrifos in California, a Work Group was convened to identify alternatives.

The California Department of Pesticide Regulation (DPR), the California Department of Food and Agriculture (CDFA), and the California Environmental Protection Agency (CalEPA) convened this 20 member Work Group to identify short-and long-term chlorpyrifos alternatives. PAN Senior Scientist Margaret Reeves and our partner Central California Environmental Justice Network's Nayamin Martinez are participating in the group, advocating on behalf of communities and for public health. The group recently pulled together their preliminary recommendations for how to replace chlorpyrifos, and three listening sessions were then held in Fresno, Sacramento and Oxnard to elicit comments from the public.

The listening sessions were a good-faith effort on the administration's part to hear the concerns of the community — translation was provided and the sessions were scheduled around regular working hours. Our partners at Californians For Pesticide Reform (CPR) organized fiercely to ensure good turnout; over one hundred community members were present at the Fresno listening session.

The majority of community members expressed concerns about the high public health cost of using chlorpyrifos; we know we can't just substitute one dangerous pesticide for another. But the pesticide industry was also there in full force, pushing their tired talking points around GMOs as the solution to reducing pesticide use.

Thankfully, advocates and scientists were quick to point out the fallacy of these industry arguments, and the need for the government to step up and support growers in transitioning toward safer alternatives. A shift to agroecological practices is the best solution for growers, the community and the environment.

These talking points were underscored last week by the submission of 1,278 comments to the administration collected by PAN and CPR from folks all across California. The key message? It's time to move California toward farming that isn't chemical intensive, and the Work Group now has the opportunity to develop and adopt lower-risk pest management approaches.

Over the next couple of months, the Work Group will discuss and apply public comments to their draft recommendations and continue to develop a five-year action plan to be completed by April 2020. In the meantime, it's comforting to know that chlorpyrifos sales — aside from granular forms — have now stopped in California, and we're looking forward to December of this year when use will be completely prohibited.

Source: PAN - Pesticide Action Network, February 5, 2020

DICAMBA'S Day In Court

Each year since Monsanto's dicamba-resistant Xtend seeds hit the market, farmers and rural communities have braced for record levels of damaging pesticide drift. And **each year, it's happened**. Long before the these genetically engineered seeds were developed, dicamba was well known to farmers as a highly volatile chemical. Dicamba simply doesn't stay put, no matter how it's applied.

That's why Bill Bader of Bader Farms, a peach farmer in Missouri, is taking a stand in a **precedent-setting lawsuit** against Bayer (which purchased Monsanto in 2018) and BASF, the developers of dicamba.

What Monsanto & Co knew about dicamba drift

Bader's peach trees were damaged by dicamba drift — and his lawsuit alleges the corporations knew their products would cause damage to farmers who were not using their dicamba-resistant seeds. The trial has unearthed **internal documents** showing Monsanto knew dicamba would drift, and expected thousands of complaints from farmers.

Monsanto developed dicamba-resistant seeds in response to the explosion of glyphosate-resistant weeds, now infesting close to 100 million U.S. farm acres. The resistance is directly linked to the spray-all approach pioneered with Roundup, Monsanto's (later acquired by Bayer) flagship herbicide-resistant seed and chemical duo. The corporation's response to herbicide resistance? Seeds engineered to withstand more and different herbicides — this time, dicamba.

Bill Bader is hardly alone in his experience of dicamba drift. From its inception, the Xtend crop system was bound to cause problems for all kinds of farmers. From soybeans and cotton without the dicamba-resistant trait, to specialty crops like peaches and broccoli, drifting dicamba has created a far-reaching crisis.

Unfortunately, recent national dicamba drift data is no longer being collected, and statewide data is spotty and difficult to locate. Even so, evidence of harm is clear. As of September 2019, the Illinois

State Department of Agriculture had received 590 dicamba drift reports, up from 330 last year. Indiana had 140 reports, and, in Arkansas, nearly 200 were reported. Though this sampling of numbers is just **a snapshot from a few locations**, we know these numbers are high and on the rise, and that pesticide drift often goes unreported.

While farmers like Bill who don't plant dicamba-resistant crops are hit with crop damage and yield loss from the drifting herbicide, Bayer is reaping financial gains from increases acres planted in dicamba-resistant soybeans. It's a lose-lose for farmers, and a win-win for dicamba's corporate developers.

The fact is, our federal regulatory agencies failed to prevent this dicamba drift crisis from the start. The U.S. Department of Agriculture swiftly approved Xtend seeds that were genetically engineered to withstand both glyphosate and dicamba application back in 2015. And in 2016, EPA approved the use of dicamba on these seeds, ignoring evidence that even the "improved" formulation of the herbicide is drift-prone, and toxic to conventional soybeans, fruits, vegetables, trees and many other plants.

In response to our public agencies' failure to defend the public interest, PAN filed a lawsuit against EPA in 2017, challenging the decision to approve the dicamba formulation Xtendimax (this lawsuit is ongoing).

And we know action is possible at the **state level**, too. Illinois, Arkansas, Minnesota, South Dakota, and North Dakota are among several states that have implemented stricter cutoff dates or other restrictions on dicamba applications in an effort to prevent drift.

Though Bill's peach farm was harmed by dicamba drift, we know it doesn't have to be this way. Stay tuned, we'll be keeping a close eye on this case against Bayer and BASF in the days ahead!

Source: PAN - Pesticide Action Network February 5, 2020

- FIN -

CITY OF PALM SPRINGS OFFICE OF SUSTAINABILITY Healthy Planet, Healthy You.	**COMMITTEE REPORT**
PRESENTED FOR COMMISSION MEETING DATE: 02/18/20	**SUBMITTED BY: David Freedman**
COMMITTEE NAME: Standing Committee on Solar and Green Building	**SUBMITTED DATE: 02/12/20**
COMMITTEE MEETING DATE: 02/11/20	**NEXT COMMITTEE MEETING DATE: 03/03/20, 10 am**

Committee Meeting Goals:

A. Council Meeting Agenda Items
   1. Palm Springs Solar Zoning Ordinance Administrative Regulations
   2. Solar Policy Repeal Resolution
   3. Co-Gen Plant Contract with ENGIE
   4. Climate Action Roadmap Discussion
B. Climate Action Plan Implementation
   1. Renewable Energy for Commercial Buildings Ordinance
   2. Home Energy Audit Program
C. EV chargers
   1. City Installation Project Update
   2. AB 1236 Compliance
D. Historic Site Preservation Board Coordination
E. Agenda Items for February Sustainability Commission Meeting

Summary:

A. Council Meeting Agenda Items

1. Palm Springs Solar Zoning Ordinance Administrative Regulations

Manager Tallarico is working with the Building and Safety and Planning Services Departments on an update to the Building Department's list of Code requirements for solar PV systems. The update will reflect the Solar Zoning Ordinance recently adopted by Council as well as standards to reduce glare from solar panels installed on hillside homes.

2. Solar Policy Repeal Resolution

Commissioner Freedman noted that at its January 30 meeting, Council repealed the 2018 solar policy resolution, which has been superseded by the 2019 California Energy Code requirement for solar PV systems on all new residential construction.

3. Co-Gen Plant Contract with ENGIE

At its January 30 meeting, Council also approved a multi-year agreement with ENGIE Services to provide operation and maintenance services for the City's Municipal Co-Generation Plant located at City Hall. The services include continuous monitoring of the co-gen plant to ensure compliance

with AQMD emissions standards. Manager Tallarico will follow up with the Facilities Department on the operational status of the co-gen plant and its place in the City's GHG reduction objectives.

4. Climate Action Roadmap Discussion

Manager Tallarico is working with the City's consultant on the GHG inventory update, which is one of the key objectives of the Climate Acton Roadmap. Manager Tallarico will ask the City Manager to schedule the Climate Action Roadmap discussion for the Council's March 12 meeting. Manager Tallarico has added a paragraph on climate adaptation. Commissioner Freedman will provide language on building electrification and cool roof measures adopted by other California cities. The updated Climate Acton Roadmap will be included in the agenda packet for the Commission's February 18 meeting.

B. Climate Action Plan Implementation

1. Renewable Energy for Commercial Buildings Ordinance

Commissioner Freedman is working with CVAG to obtain cost data for commercial buildings following launch of DCE in April, reflecting the DCE Board's approval of revised electricity rates at its February 11 meeting. Commissioners Flanigan and Freedman discussed building energy usage and agreed that the ordinance implementation schedule should be based on building energy usage and not size, as CVAG has usage data from DCE's energy consultant and the City does not have building size data. Commissioner Freedman and Manager Tallarico will schedule a call with CVAG to discuss the cost and usage data, with the objective of having a revised ordinance for discussion at the March Committee and Commission meetings.

2. Home Energy Audit Program

Manager Tallarico presented a draft of the rebate form for the home energy assessment rebate pilot program, which will be launched in the coming weeks. Information on the authorized service providers and energy efficiency measures will be posted on the Office of Sustainability website. Rebate recipients will be asked to inform the Office of Sustainability if they took any energy efficiency measures.

C. EV chargers

1. City Installation Project Update

Manager Tallarico is continuing to meet with ChargePoint and Southern California Edison on EV charger installation locations, which must comply with federal accessibility requirements. Manager Tallarico has applied for a state grant for two more Level 3 chargers, and ChargePoint has advised that funds may be available later this year from SCE under its ChargeReady program.

2. AB 1236 Compliance

Commissioner Freedman drafted language on zoning best practices for EV chargers that is included in the annual Zoning Code update to be considered by the Planning Commission at its February 12 meeting. Commissioner Freedman will draft suggested language for the Building and Safety Department's EV charger information packet required under AB 1236.

D. Historic Site Preservation Board Coordination

Manager Tallarico met with Historic Preservation Officer Ken Lyon to discuss architectural salvage of demolition debris. Manager Tallarico will research what building deconstruction services are available in the Coachella Valley. Manager Tallarico will also check with Mr. Lyon on whether the HSPB is interested in having a presentation on sustainability for historic resources as part of the annual HSPB Symposium this spring.

E. Agenda items for February Sustainability Commission meeting

Manager Tallarico and Commissioner Freedman divided the topics they will each present at the February 18 Commission meeting, reflecting the matters discussed above. A presentation by GRID Alternatives on its program to install solar PV systems on homes of income-eligible residents will be scheduled for a future Commission meeting.

Recommendation/Request:

Continuing working on energy-related GHG reduction measures to further goals in Climate Action Roadmap.

ACTION ITEMS REQUEST TO COMMISSION	Approve Climate Action Roadmap and draft ordinance setting GHG-free energy requirements for commercial buildings.
ACTION ITEMS REQUEST TO OFFICE OF SUSTAINABILITY	Work with the Building and Safety and Planning Services Departments on an update to the Building Department's list of Code requirements for solar PV systems. Work with CVAG on launch of DCE in April 2020. Implement EV charger deployment and home energy assessment rebate pilot program.
POTENTIAL FISCAL IMPACT/REQUEST IF ANY:	The cost to the City for the EV charger program will be approximately $250,000, in addition to the $80,000 that will be covered by grants. Additional grant money is being sought to reduce this cost. The Commission budgeted $10,000 in FY 19-20 for the home energy assessment rebate pilot program.

CITY OF PALM SPRINGS OFFICE OF SUSTAINABILITY Healthy Planet, Healthy You.	**Subcommittee Report**
PRESENTED FOR COMMISSION MEETING DATE: February 18, 2020	**SUBMITTED BY: Patrick Tallarico**
SUBCOMMITTEE NAME: Standing SubCommittee on Waste Reduction (SSCoWR)	**SUBMITTED DATE: February 12, 2020**
LAST SUBCOMMITTEE MEETING DATE: February 6, 2020	**NEXT SUBCOMMITTEE MEETING DATE: March 5, 2020**

Subcommittee Goal:

Divert 90% of waste generated by the City of Palm Springs from landfill by 2030.

Summary:

1. Reducing Single-use Plastic Food Ware and Plastic Straws by Food Service Establishments.
   - Manager Tallarico met with Council Member Holstege and the City Manager on January 15th to determine next steps for presenting the draft to Council. At that meeting, it was decided that the draft would be presented to Council at a Study Session to ensure that they were supportive of the content before reaching out to businesses to discuss specific elements. The Study session has tentatively been planned for April 2nd. Manager Tallarico will coordinate with the City Manager to discuss format for this session.

2. Battery Recycling Project
   - City staff continue to collect used batteries from the various locations around the city. To date, we have recycled over 700 pounds of various types of batteries.
   - City staff initiated some discussions with Call2Recycle and Riverside County to explore a more robust commercial battery recycling program to accept electric lawn equipment batteries.

3. Toward a Public Spaces Recycling Program for the City of Palm Springs.
   - City maintenance staff continue to install the new downtown trash and recycling containers. Manager Tallarico suggested that the Subcommittee may want to conduct another assessment of downtown trash cans and recycling bins to identify what is being put into each container now that there are distinct recycling and trash containers.
   - At the February 6th Subcommittee meeting, Manager Tallarico showed the Subcommittee members the new lids for temporary recycling containers that were purchased by PSDS for use at outdoor events such as Village Fest. This will help promote recycling during these events. Manager Tallarico is also coordinating with PSDS to add food waste containers for the ONE-PS picnic in addition to better labeled recycling containers and trash containers.
   - At the February 6th Subcommittee meeting, Commissioner McCann requested input from the Subcommittee on how to proceed with the next phase of data collection for the Desert Learning Academy Project. Most of the materials in waste containers has been food-related and not recyclable. One of the key questions is how much waste material is tossed into recycling containers when new recycling containers are paired with the trash containers. The question that was asked to Subcommittee members was whether blue containers placed without any signage or whether the containers should include full signage. The group agreed that the students should proceed with only placing a blue recycling container without any signage or messaging.
   - Commissioner McCann met with Manager Tallarico on January 22nd to discuss how to move forward with signage and containers in the parks. They conducted a container audit in Ruth Hardy Park on January 27th to start to develop a plan to add or convert containers where necessary.

4. Outreach

- Manager Tallarico met with PSDS staff and discussed outreach efforts. He will coordinate with them on developing a presentation on recycling and in-house waste management so there would be a common set of information to work from. He will work with PSDS to draft a presentation for the next meeting.
- The City will plan to send out some communication material to residents in April that will focus on a range of issues that they need to know. This will definitely include how to recycle right, what not to put down their drains, the importance of moving to reusables, etc.
- Manager Tallarico also suggested doing some videos to reinforce key concepts. He will investigate options for video production.
- Manager Tallarico also suggested doing some messaging targeted at tourists this summer so that it would be ready in the Fall.
- PSDS continues to update their website and point people to it as a key resource. Commissioner Clark suggested that we have a computer with the PSDS website and the Sustainability website accessible in real time at the Farmer's Market.

5. Non-compliance with Commercial Recycling and Organics Requirements

- No updates were provided this month. PSDS continues to follow up with those businesses that are not in compliance. There are still a significant number of businesses that have not signed waivers related to organics management requirements.

6. Cultural Center Pilot

- No new update. Manager Tallarico will work with Commissioner Clark to schedule another meeting with Cultural Center staff now that the new Food and Beverage Manager has been hired.

7. Wastewater Treatment Plant (WWTP)

- Donn Uyeno, Engineering, provided an update on the latest analysis of potential capital improvements at the WWTP. This is the next phase of work to address anticipated regulatory changes and other needs. The first phase of work between 2009 and 2020 addressed computer systems, water treatment, and air emissions issues (such as odors), although work still needs to be done in all of these areas. The new analysis looks at WWTP needs through 2035 in response to anticipated regulations as well as expected maintenance and replacement needs. The consultant, Stantec, was asked to list potential capital improvements without regard to cost, and the City will prioritize projects. There may be a sewer rate hike to pay for the implementation of selected projects. The flare, in particular, must be upgraded to address air quality issues before the end of 2021. He indicated that past studies indicated that there was not enough gas being produced to make it viable to produce energy. The City also investigated building a pipe to feed into Southern California Gas, but the distance was too great. The City also investigated use of methane in fleet trucks, but there were not enough trucks, and the filling time is lengthy. There was also a plan to convert the gas to energy and offer it back to Southern California Edison through a Feed-in Tariff (FIT) program, but SCE ended the FIT program. This triggered a law suit that was settled in 2019, which may mean that the City could proceed with this program again. The City Council will discuss Capital Improvements and a potential rate increase at a Study Session. This discussion would also include a discussion of the sewer ordinance that requires businesses to divert grease and other procedures to reduce impact on the sewer system. Given that there are new drivers for reducing greenhouse gas emissions, it is important that the City understands the potential options for addressing greenhouse gas emissions from a financial, legal, and technological perspective. Manager Tallarico will meet with Mr. Uyeno to discuss the scope of inquiry that we need to address from a sustainability perspective, and to determine how this can be done before the Study Session.
- Commissioner Miller shared some information developed by the American Biogas Council that showed the tremendous potential for biogas generation in California. The Department of Energy has a publication that includes criteria for a WWTP to be a candidate for converting biogas to energy. Our WWTP seems to meet many of these criteria.
- Manager Tallarico secured membership with the National Stewardship Action Council at the $1000 level per the direction from the Commission at the January 21st meeting. Manger Tallarico will now receive updates on NSAC activities and the efforts to pass a law regulating labeling of "flushable" wipes.

8. Neighborhood Earth Day Challenge

- Manager Tallarico met with representatives from ONE-PS neighborhoods on January 30th to discuss project ideas for the Neighborhood Earth Day challenge. The group suggested some changes to the draft list of projects and suggested that the "reuse" pledge be expanded to be a personal environmental pledge. They also suggested providing "how to" information to make it easier for neighborhoods to implement.

Recommendation/Request

Subcommittee members will continue to conduct research and refine products to improving recycling rates and report on progress at future Commission meetings.

ACTION ITEMS REQUEST TO COMMISSION	N/A
ACTION ITEMS REQUEST TO OFFICE OF SUSTAINABILITY	Coordinate with Engineering to discuss how to structure the request to Stantec to do additional WWTP analysis. Finalize signage graphics. Work with PSDS to develop a draft presentation for a "roadshow." Look into video production capabilities. Get stickers for temporary recycling contaners.
POTENTIAL FISCAL IMPACT/REQUEST IF ANY:	N/A