



Toxic-Free OC Response to AVCA’s December 2023 Pesticide Report

| # | Statements from AVCA Pesticide Report | Toxic-Free OC Refutation and/or Comments |
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| 1 | <p>Starting in July 2023, the Aliso Viejo Community Association (AVCA) Board received a handful of emails requesting the Board consider alternatives to the herbicides and pesticides currently used on AVCA slopes and parks.</p> | <p>AVCA has received at least dozens of requests about this issue. Since 2018 through 2020, another group of residents brought this issue to AVCA’s and Aliso Viejo (AV) City Council’s attention and the group was met with similar responses by AVCA (stating that going toxic-free with landscaping is too costly and continues to use these toxic, synthetic chemicals throughout the city).</p> <p>Since June 2023, AVCA has received dozens of emails/calls/requests concerning its use of toxic herbicides with requests to cease its use.</p> <ul style="list-style-type: none"> • Over 50 speeches about this topic have been given at the AVCA board meetings since August 2023. • Over 80 AV residents attended rallies in support of stopping toxic pesticides use in the city. • OC Supervisor Katrina Foley has even sent her district representative from AV to attend and speak at the AVCA board meeting to extend help to AV residents regarding this issue. In January 2024, TFOC met with the supervisor’s office and they will be contacting AVCA to discuss this public health issue: https://content.govdelivery.com/accounts/CAORANGE/bulletins/3854c24 • Toxic-Free OC (TFOC) has an ongoing petition with over 1,200 signatures requesting a moratorium on spraying toxic herbicides and pesticides in the city and supporting safer/organic landscaping in Aliso Viejo. |
| 2 | <p>The AVCA Board has a fiduciary duty to all AVCA members to maintain its landscaping at a reasonably high standard and make decisions only after conducting a thorough investigation in a fiscally responsible manner.</p> | <p>The AVCA’s CC&Rs state in Article VI, Section 6.01 under “Duties of Community Association” that landscaping should be maintained in a “safe and attractive condition”.</p> <p>AVCA’s website states that their “mission is to protect, preserve and maintain the Association’s twenty-one parks and slopes within the City of Aliso Viejo in an attractive and safe manner while striving to improve the recreational experience for AVCA dues paying members.”</p> <p>Spraying toxic chemicals at parks and residential slopes when residents are providing evidence of illness and disabilities to themselves, family members, or pets, is a violation of their CC&Rs and mission statement.</p> <p>AVCA has stated that they will act accordingly to “AVCA’s best interests.” However, the AVCA has a fiduciary duty to carry out the best interests of its members. Based on countless testimonies over the past 6 months, allowing the landscapers to continue spraying toxic pesticides and herbicides in the</p> |



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| | | city's public parks and residential slopes is not aligned with members' interests. |
| 3 | AVCA must also comply with state laws and its own governing documents. These regulations require setting assessments at an amount no higher than needed to pay for its current budgeted expenses and prohibit increasing assessments beyond a set amount. | <p>AVCA's 2024 budget has an + \$800K increase (7%) in assessments from 2023, with none of these funds going towards safer landscaping practices. The U.S. Federal Reserve expects inflation in 2024 to be below 2.5%. Therefore, a 7% budget increase does not make sense in this economic environment. (Insurance only increased by \$53,000.)</p> <p>This shows that the Board either does not have the capability to negotiate contracts, could be receiving incentives, or simply does not put forth efforts to keep costs low for its members. How can any HOA Board expect to receive support from its Delegates & members by raising costs ~3 times higher than the expected inflation rate?</p> |
| 4 | AVCA sprays sports fields a maximum of twice per year and only during maintenance closures. | <p>Based on 2023 Spray Schedules provided by AVCA, the majority of parks in Aliso Viejo were sprayed almost every month. In addition, many of these parks were sprayed with more than one toxic synthetic herbicide within one month.</p> <p>For example, Aliso Viejo Community Park, Pinewood Park, Brookline Park, and Argonaut Park were all sprayed with 7 different herbicides in both July and August 2023.</p> |
| 5 | Slopes are generally sprayed quarterly, AVCA has approximately 600 acres of slopes and just over 200 acres of parks. | <p>Based on 2023 Spray Schedules provided by AVCA, the majority of slopes in Aliso Viejo were sprayed every month, not quarterly. In addition, these slopes usually had more than one type of herbicide product applied within the month.</p> <p>For example, 10 different herbicide chemicals were applied to Aliso Viejo Parkway in July 2023. The slopes at Pacific Park Dr. were sprayed every month through 2023 and are being sprayed again in January 2024.</p> |
| 6 | With 800 acres the landscape companies are constantly rotating any applications to meet the landscape needs of the community. At times, preventive measures are needed for pests, those are based on need, i.e., grubs in the turf. | Based on the spray schedules provided by AVCA, this is not true. The majority of the herbicides are used continually month after month. Herbicide chemicals such as Lifeline, Cheetah Pro, MSO Gold, Harrell's SprayMax and Atrimmec were all used every single month in 2023 and were not rotated out. |
| 7 | The application rates of products that are currently being used are in diluted amounts to reduce harm to pets, humans, and the environment. | The synthetic, toxic chemicals are stored in a concentrated form and its dilution for use does not account for the total amount of products that are used in applications to treat a whole park/slope. AVCA and the city of Aliso Viejo does not conduct air, water or soil testing to monitor the harmful effects or environmental impact of the chronic spraying of these chemicals. |



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| | | <p>In addition, the impact to human health, pets, and the environment, of using multiple chemicals in a single location has not been tested for safety by AVCA or its landscapers. What has been tested is the residents living by these sprayed parks which show high levels of toxic herbicides and pesticides in their systems, resulting in serious adverse health effects to these residents.</p> |
| 8 | <p>Landscape vendors do not spray any products in wind over 10 mph to avoid drift and most applications are spot treatment with the application nozzle close to the ground, reducing drift and runoff.</p> | <p>Residents have witnessed landscapers spraying on the same day that it has rained and days where wind gusts were over 10mph. In addition, residents have witnessed spray techs loosely applying the spray from shoulder height, not close to the ground. Spray techs have also come within less than 10 feet of residents and pets and continue spraying without any warning to the residents. Spray techs have also been seen spraying large amounts of liquid from the application wand in a back-and-forth motion on all vegetation and dirt, covering entire slopes and areas in the chemicals. This is not considered spot treatment. All of these spray practices are counter to the manufacturers' guidelines for application.</p> |
| 9 | <p>Signal words are required by the EPA on most pesticide product labels, and they describe the acute (short term) toxicity of the formulated product. The order of the product labels is CAUTION, WARNING AND DANGER. AVCA primarily uses product labels with Caution signal words.</p> | <p>AVCA does not consider the Occupational Safety and Health Administration (OSHA) signal words, as these are provided by the herbicide manufacturer and require more extensive testing. The EPA signal words are less accurate and tend to understate the product's true toxicity levels.</p> <p>For example, RoundUp has an EPA signal word of CAUTION. It is widely known that RoundUp is synonymous with devastation of human health. Bayer, the manufacturer for RoundUp, has just lost 5 jury cases in 2023 due to people developing cancer from its use.</p> <p>The landscaping trucks that transport these herbicides display the OSHA signal word on the storage container as "DANGER".</p> |
| 10 | <p>Widely used organic products can have a strong pungent odor, be more toxic (higher rated signal words), require more frequent applications, and result in substantially more weed growth than the products AVCA currently uses.</p> | <p>Based on OSHA signal words, this is not true. The EPA's signal words carry much less credibility as their testing of these products is as not as transparent and extensive as OSHA's. The manufacturers have incentive to rate their products with the lowest signal word possible. However, the majority of these OSHA signal words have higher (more harmful) ratings than what the EPA claims.</p> <p>There is a select list of organic products that Toxic-Free OC has provided to AVCA which contains a short-list of safe organic products. The City of Irvine uses these safer products. The signal words either are either Warning, Caution, or N/A because there are no toxic chemicals in the organic product used. Organics biodegrade and pungent odors are temporary.</p> <p>AVCA's landscapers (Mission and O'Connell) use several synthetic chemicals that are rated as DANGER by OSHA, contain Proposition 65 chemicals, and hazard warnings that state the chemicals cause cancer, organ damage, damage to fertility, respiratory damage, and more. As the products are</p> |



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| | | synthetic, many chemicals do not biodegrade, and some the product sheets even state that they cause ecotoxicity and long-lasting environmental harm. |
| 11 | The Board received pricing from Mission and O’Connell (AVCA’s two current landscape contractors) to transition to organic treatments only in 2024. The proposed pricing is a combined \$1.3 million dollars over the 2024 annual landscaping budget, primarily due to a significantly increased amount of labor needed for trimming, weeding, and disposal fees. | <p>Mission and O’Connell currently do not track itemized costs for the majority of the landscape bill that AVCA (dues members) pays. Since both landscapers don’t keep track of costs, how is it possible for them to provide quotes on organic landscaping?</p> <p>In addition, \$1.3 million dollars is estimated to be \$9-10 a month for each member household. This is a small price to pay in exchange for toxic-free landscaping.</p> |
| 12 | Require both landscape vendors to provide additional signage at parks before and after the application of pesticides. | <p>(March update): Signs have finally been placed at some spray locations, such as some park entrances. Several park and trail entrances still do not have signs posted before, during, or after spraying. Signs are not posted at slopes that are sprayed.</p> <p>(January): Recently, Mission started putting up small pesticide application signs ONLY during application, which they remove after the application is finished. There is no indication that an area has been sprayed after application. In addition, no details about the type of spray is displayed on the small sign.</p> |
| 13 | Non-synthetic (<i>i.e.</i> , organic) chemical options are still pesticides because they are used to control pests. Scientifically sound data has shown that non-synthetic chemicals used to control weeds and pests in the type of landscaping on AVCA property are less effective and require more spraying than synthetic chemicals. | <p>Organics biodegrade and the synthetic chemicals used by AVCA’s landscapers are either petroleum-based, not biodegradable, and/or are highly toxic to humans, wildlife, and the environment.</p> <p>The City of Irvine has been successful at continuing with safer organic landscaping practices by testing effective organic products in conjunction with hiring landscapers to hand-pull or mechanically remove weeds. Removing the weed roots and maintaining this monthly highly reduces the frequency of weed growth.</p> <p>Please see Irvine’s latest 2022 Pest Management Report for details. Refer to pages 18-23 for a full list of products used and amounts used annually from 2018-2022:</p> <p>https://legacy.cityofirvine.org/civica/filebank/blobdload.asp?BlobID=34801</p> |
| 14 | Non-synthetic chemicals used to control weeds and pests can be more toxic than synthetic chemicals. Specifically, many of the products on the Organic Materials Review | This statement is highly misleading. Irvine has conducted extensive research and has found a short-list of organic products that are safe. See statements made above in #10 and see Irvine’s 2022 Pest Management Report cited above in #13. |



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| | <p>Institute (OMRI) product list have an active ingredient that is more toxic than many of the synthetic products AVCA currently uses.</p> | |
| 15 | <p>Organic product landscaping practices are not proven to maintain the landscaping standards that the AVCA community expects. Organic product landscaping practices would result in substantially more plant growth and weeds between maintenance rotations, requiring more labor to remove and more turf areas under repair. Hand-pulling weeds is extremely time-consuming and does not prevent weeds quickly growing back.</p> | <p>AVCA’s landscapers should consider the combined use of safer, biodegradable, organic products in conjunction with mechanical weed removal (such as hand-pulling, shoveling, use of weed tools, weed whacking, etc.) to protect public health.</p> <p>Removal of the weed’s roots will not result in substantially more plant growth, it will reduce it.</p> <p>Neighboring cities such as Ladera Ranch have piloted organics programs at several city parks to test organic products and mechanical weed removal. Why hasn’t AVCA’s landscapers considered this combination for a pilot program at a fixed cost? Why couldn’t the fixed landscaping cost include testing organic products and hiring a handful of landscapers to pull weeds full-time at test park locations?</p> |
| 16 | <p>Switching to organic product landscaping practices would mean an <u>increase</u> of at least \$1.3 million dollars in AVCA’s annual landscaping budget, due primarily to the significantly increased amount of labor needed for trimming and weeding, and disposal fees.</p> | <p>Why wouldn’t AVCA reach out to other landscape companies to receive quotes? Irvine’s organic landscaping is maintained by Merchants and BrightView; San Juan Capistrano’s (SJC) organic landscaping is maintained by BrightView.</p> <p>Chris Weaver, AVCA’s Parks and Landscape Director was a senior manager at BrightView and worked there for five years during the times both Irvine and SJC transitioned to organic practices. Why are these two large, well-established landscape companies not given opportunities to provide estimates for Aliso Viejo? These companies have already proven themselves in territories larger than AVCA’s (Irvine maintains over 1,700 acres of parks and slopes compared to just 600 acres for AVCA).</p> |
| 17 | <p>In addition to this \$1.3 million increase, many other landscaping practices needed to sustain healthy landscaping would have to be implemented, all of which would require additional costs that cannot be estimated at this time. These new practices would include making significant changes to soil composition to compensate for the long-term impact of not using synthetic chemicals, changing the community-wide plant palette that has been in place for more than</p> | <p>We understand that transitioning to organic for the entire ~800 acres that AVCA maintains is not an easy process. This is why numerous residents have suggested transition plans such as focusing on only high-traffic parks or using high-risk parks (such as Canyon View Park) as part of a pilot program.</p> <p>Other cities such as Ladera Ranch, which is a master HOA city like Aliso Viejo, have spent the past couple of years transitioning only 5 of their parks with help from Osborne Organics, hired as consultants.</p> |



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| | <p>forty years, changing the plant spacing on slopes, top-dressing grass areas more frequently, increasing use of mulch in bare areas, and improving water management practices. These greatly increased costs would unquestionably require increasing assessments for all AVCA members.</p> | |
| 18 | <p>There is a significant amount of landscaping within this boundary maintained by thousands of individual residential and commercial property owners, over 100 sub associations, and the cities of Aliso Viejo and Laguna Hills. <u>AVCA has no control over landscaping in these locations.</u> Changing AVCA's landscaping practices would not affect all landscaping within AVCA's boundary.</p> | <p>Since July 2023, many sub-HOA's have already completely eliminated spraying synthetic herbicides. Most of the sub-HOA boards quickly acknowledged the harmful health effects of these chemicals and stopped usage within days to weeks. This same situation has occurred across entire cities such as Irvine, San Juan Capistrano, Costa Mesa, San Clemente, Huntington Beach, and other OC cities.</p> <p>Toxic-Free OC will continue to bring awareness to residents, delegates, and sub-HOA's to aid in eliminating the use of these harmful, toxic, synthetic chemicals that are used for controlling weeds and are harming residents and pets.</p> |