

**HOUSE . . . . . No. 4481**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Sarah K. Peake and Julian Cyr*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Orleans to adopt a pesticide reduction bylaw.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>3/6/2024</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>3/6/2024</i>

**HOUSE . . . . . No. 4481**

By Representative Peake of Provincetown and Senator Cyr, a joint petition (accompanied by bill, House, No. 4481) of Sarah K. Peake and Julian Cyr (by vote of the town) that the town of Orleans be authorized to adopt a pesticide reduction bylaw in said town. Environment and Natural Resources. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act authorizing the town of Orleans to adopt a pesticide reduction bylaw.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Notwithstanding any general or special law to the contrary, the town of  
2 Orleans may adopt a pesticide reduction bylaw.

3 SECTION 2. The purpose of this bylaw is to reduce toxic pesticide use in and on public  
4 and private property in the town of Orleans in order to promote a healthy environment and to  
5 protect the public from the hazards of pesticides, and for implementation of sustainable land and  
6 building management practices on all public and private property.

7 SECTION 3.

8 A. Scientific studies associate exposure to pesticides with asthma, cancer, developmental  
9 and learning disabilities, nerve and immune system damage, liver or kidney damage,  
10 reproductive impairment, birth defects, and disruption of the endocrine system.

11           B. Infants, children, pregnant women, the elderly, and people with compromised  
12 immune systems and chemical sensitivities are especially vulnerable to pesticide effects and  
13 exposure.

14           C. Pesticides are harmful to pets and wildlife, including threatened and endangered  
15 species, soil microbiology, plants, and natural ecosystems.

16           D. Toxic runoff from chemical fertilizers and pesticides pollute streams, lakes, estuaries,  
17 and drinking water sources.

18           E. The use of pesticides is not necessary to create and maintain green lawns and  
19 landscapes given the availability of viable alternatives practices and products.

20           F. People have a right not to be involuntarily exposed to pesticides in the air, water or  
21 soil that inevitably result from chemical drift and contaminated runoff.

22           G. Sustainable land and building management practices that emphasize non-chemical  
23 methods of pest prevention and management, and least-toxic pesticide use as a last resort, will  
24 eliminate the use of and exposure to pesticides while controlling pest populations.

25           H. Sustainable land and building management practices complement other important  
26 goals of Orleans' maintenance and administration, such as energy conservation and security.

27           I. Orleans embraces a precautionary approach to the use of pesticides in order to  
28 adequately protect people and the environment from the harmful effects of pesticides.

29           J. Application of chemicals simply for aesthetic/cosmetic purposes has harmful  
30 consequences for our ecosystem, children and pets. Pollinators are directly harmed by  
31 applications particularly the indiscriminate (and long-term ineffective) spraying of pesticides.

32 SECTION 4. This bylaw is adopted under authority granted by the home rule  
33 amendment to the Massachusetts constitution and the provisions of any special legislation passed  
34 by the legislature.

35 SECTION 5. For the purposes of this bylaw, the following definitions shall apply:

36 "Allowed materials list". The list of acceptable pesticides is limited to the following:

37 1) All non-synthetic (natural) materials, with the exception of prohibited non-synthetic  
38 materials under 7 CFR 205.602;

39 2) Any synthetic material listed at 7 CFR 205.601 that is labeled for turf uses, subject to  
40 discretionary authority to require disclosure of inert ingredients; and

41 3) 25b listed pesticides under the federal insecticide, fungicide and rodenticide act  
42 (FIFRA).

43 "Inert ingredient". Any substance (or group of substances with similar chemical  
44 structures if designated by the environmental protection agency (EPA)) other than an active  
45 ingredient that is intentionally included in any pesticide product (40 CFR 152.3(m)) [7 CFR  
46 205.2 Terms defined.], and are not classified by the EPA administrator as inserts of toxicological  
47 concern. [7 U.S.C. 6502(21) Definitions]

48 "Non-synthetic (natural) materials". A substance that is derived from mineral, plant, or  
49 animal matter and does not undergo a synthetic process as defined in section 6502(21) of the  
50 organic foods production act. For the purposes of this part, 'non-synthetic' is used as a synonym  
51 for natural as the term is used in the regulations. [7 CFR 205.2 Terms defined.]

52 "Pesticide". Any substance or mixture of substances intended for: (i) preventing,  
53 destroying, repelling, or mitigating any pest; (ii) use as a plant regulator, defoliant, or desiccant;  
54 or (iii) use as a spray adjuvant such as a wetting agent or adhesive. The term 'pesticide' includes  
55 insecticides, herbicides, fungicides, and rodenticides, but does not include cleaning products  
56 other than those that contain pesticidal agents.

57 "Synthetic materials". A substance that is formulated or manufactured by a chemical  
58 process or by a process that chemically changes a substance extracted from naturally occurring  
59 plant, animal, or mineral sources, except that such term shall not apply to substances created by  
60 naturally occurring biological processes. [7 U.S.C. 6502(21) Definitions]

61 SECTION 6. The application of any pesticide that is not on the allowed material list is  
62 prohibited, except as permitted in this bylaw.

63 SECTION 7.

64 A. The application of the following Pesticides is allowed:

- 65 1. Indoor pest sprays and insect baits (excluding rodent baits)
- 66 2. Insect repellants for personal and household use
- 67 3. Pet: Flea and tick sprays, powders, and pet collars
- 68 4. Kitchen, laundry, and bath disinfectants and sanitizer
- 69 5. Products labeled primarily to kill mold and mildew
- 70 6. Usage for commercial farming and nurseries.

71 B. Pesticides for the treatment of invasive plants for ecological restoration (see  
72 Massachusetts invasive plant advisory group current lists of invasive, likely invasive, and  
73 potentially invasive may be used upon the grant of a waiver by the town manager or authorized  
74 designee.

75 C. If an emergency public health situation warrants the use of pesticides, which would  
76 otherwise not be permitted under this bylaw, the town manager or authorized designee shall have  
77 the authority to grant a temporary waiver on a case-by-case basis after an evaluation of all  
78 alternative methods and materials.

79 SECTION 8. The enforcement authority shall be the town manager, or any town officials  
80 as designated by the select board to oversee and enforce the provisions of this bylaw.

81 SECTION 9. Any person who violates any provision of this bylaw shall be punished by  
82 a fine of one hundred dollars (\$100.00) for the first offense and three hundred dollars (\$300.00)  
83 for each offense thereafter. Each day or portion thereof during which a violation continues shall  
84 constitute a separate offense and a violation of each provision of the bylaw shall constitute a  
85 separate offense. If the offender is a commercial applicator, the right to do business in the town  
86 of Orleans may be revoked.

87 SECTION 10. The provisions of this bylaw are hereby declared to be severable. If any  
88 provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person,  
89 establishment, or circumstances shall be held invalid, such invalidity shall not affect the other  
90 provisions or application of this bylaw.

91 SECTION 11. This act shall take effect upon passage.