HOUSE . . . . . No. 3568

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 15, 2013.

The committee on Ways and Means, to whom was referred the Bill relative to pesticide licensing and mosquito control (House, No. 757, changed), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 3568).

For the committee,

BRIAN S. DEMPSEY.

HOUSE . . . . . No. 3568

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to pesticide licensing and mosquito control.

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

SECTION 1. Section 2 of chapter 132B of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the definition of "Nematode," the following definition:-

"Permitted catch basin applicator", an individual in the employ of the commonwealth or its political subdivisions who is permitted under section 10 to use pesticides in the form of dry formulation mosquito larvicides, approved by the department, in storm drains and catch basins. Each permitted catch basin applicator shall consult with or be supervised by a certified or licensed applicator.

SECTION 2. Section 6A of said chapter 132B, as so appearing, is hereby amended by striking out, in line 6, the words "or licensed" and inserting in place thereof the following words:- , licensed or permitted.

SECTION 3. Said section 6A of said chapter 132B, as so appearing, is hereby further amended by striking out, in line 7, the words "or license" and inserting in place thereof the following words:- , license or permit.

15 SECTION 4. Subsection (b) of section 6E of said chapter 132B, as so appearing, is hereby
16 amended by inserting, in line 19, after the words “licensed applicator,” the following words:-
17 permitted catch basin applicator.

18 SECTION 5. Chapter 132B is hereby amended by striking out section 10, as so appearing, and
19 inserting in place thereof the following section:-

20 Section 10. (a) Certifications, licenses and permits to use pesticides may be issued to
21 individuals by the department in accordance with the provisions, standards and procedures
22 contained in and established pursuant to this chapter. Each certification, license and permit
23 issued pursuant to this section shall be valid only for the individual to whom it is issued, may not
24 be transferred, and shall not continue in force and effect after the death of the individual to whom
25 it is issued. All certifications, licenses and permits shall be for a period not to exceed 1 year,
26 unless sooner, revoked or suspended.

27 (b) The department may authorize individuals to use pesticides in classifications as a
28 certified commercial applicator, a certified private applicator, a licensed applicator or a permitted
29 catch basin applicator; provided, however, that the department shall require that all persons who
30 are applicators of pesticides in public and private places used for human occupation and
31 habitation, except residential properties with 3 or less dwelling units, shall be so permitted,
32 licensed or certified with such special designation.

33 (c) The department may establish such categories and subcategories as it deems necessary
34 to restrict or condition the scope of pesticide use permitted within each classification. The
35 department may establish such standards and criteria, take such action and impose such

36 requirements as it deems necessary to determine or redetermine levels of competence and
37 experience to qualify for each classification and each category and subcategory thereof.

38 (d) Each applicant for a certification, license or permit shall annually file with the
39 department an application providing such information as the department may require and an
40 application fee, not to exceed $20, as set by the department.

41 In the event that an individual files with the department an application to renew a
42 certification, license or permit, which is in effect on the date of the application for renewal, and
43 pays the appropriate fee therewith, such certification, license or permit shall be deemed to be in
44 effect until the earlier of the following 2 events: 90 days have elapsed after the certification,
45 license or permit was scheduled to expire; or the department notifies the applicant that the
46 certification, license or permit has been renewed, modified or denied.

47 (e) The department may issue a certification, license or permit to an applicant if it
48 determines that the applicant satisfies the criteria established for that certification, license or
49 permit and the category or subcategory for which the certification, license or permit is sought.
50 The department may issue a certification; license or permit subject to such terms, conditions,
51 restrictions and requirements as it deems necessary. The department may require that an
52 applicant for a certification, license or permit obtains and maintains in effect a contract of
53 liability insurance conforming to regulations established by the department.

54 (f) The department shall, prior to issuing a certificate, license or permit, evaluate each
55 applicant to determine the applicant's competence with respect to the use and handling of
56 pesticides, or to the use and handling of the pesticides or class of pesticides covered or to be
57 covered by said individual's certification, license or permit. Said evaluation shall include such

58 examinations as the department may require. Examinations may be taken only upon payment of
59 a fee; not to exceed 10 dollars for each examination given, as the department may require by
60 regulation approved by the board. Each examination shall include an evaluation of the
61 applicant's competence with respect to the use of integrated pest management.

62 (g) The department may revoke, suspend, cancel or deny any certification, license or
63 permit, or any class thereof, at any time, if it finds that: (i) the terms or conditions thereof are
64 being violated or are inadequate to avoid unreasonable adverse impacts on the environment; (ii)
65 the holder of or applicant for the certification, license or permit has violated any provision of this
66 chapter, FIFRA or any regulation, standard, order, license, certification or permit issued
67 thereunder; or (iii) the holder or applicant for said certification, license or permit is not
68 competent with respect to the use and handling of pesticides, or to the use and handling of the
69 pesticides or class of pesticides covered by said individual's certification, license or permit. Any
70 person whose certification, license or permit is suspended or revoked hereunder shall also be
71 subject to such other punishment, penalties, sanctions or liabilities as may be provided by law.
72 As part of its determination to refuse to grant, revoke or suspend a certification, license or
73 permit, the department may specify a period, not to exceed 2 years, within which the applicant is
74 prohibited from reapplying for a certification, license or permit, which may be waived or
75 shortened at the discretion of the department.

76 (g) The department may appropriately license, certify or permit any person possessing a
77 valid certification or license, or equivalent rating, issued by the pesticide control agency of any
78 other state or the federal government, whose standards for the issuance of such rating are not less
79 stringent than those of the department, provided that the pesticide control agency of that state
80 extends similar privileges to persons so licensed, certified or permitted by the commonwealth.

81 Any person so licensed, certified or permitted shall be subject to the annual fee requirements of
82 this section.

83 SECTION 6. Section 13 of said chapter 132B, as so appearing, is hereby amended by striking
84 out, in line 4, the words “or license” and inserting in place thereof the following:- , license or
85 permit.