

HOUSE No. 757

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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 relative to pesticide licensing and mosquito control.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/17/2013</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	

HOUSE No. 757

By Mr. Lewis of Winchester, a petition (accompanied by bill, House, No. 757) of Jason M. Lewis and Thomas J. Calter relative to pesticide licensing and mosquito control. Environment, Natural Resources and Agriculture.

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:

1 SECTION 1. Section 2 of chapter 132B of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by inserting after the definition of “Nematode,” the
3 following definition:-

4 “Permitted Catchbasin Larvicide Applicator”, an individual in the employ of a
5 governmental unit who is permitted under the provisions of section 10 to use dry formulation
6 mosquito larvicides that are approved by the department in storm drains and catchbasins. Each
7 governmental unit must employ or be in contact with a certified or licensed applicator to
8 supervise or consult with the permitted catchbasin larvicide applicators.

9 SECTION 2. Section 6A of said chapter 132B is hereby amended by striking out, in line
10 6, the words “or licensed” and inserting in place thereof the following:- , licensed or permitted.

11 SECTION 3. Said section 6A of said chapter 132B is hereby further amended by striking
12 out, in line 7, the words “or license” and inserting in place thereof the following words:- , license
13 or permit.

14 SECTION 4. Subsection (b) of section 6E of said chapter 132B is hereby amended by
15 inserting, in line 19, after the words “licensed applicator” the following words:- or permitted
16 catchbasin larvicide applicator.

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

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

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

32 The department may establish such categories and subcategories as it deems necessary to
33 restrict or condition the scope of pesticide use permitted within each classification. The
34 departments may establish such standards and criteria, take such action and impose such
35 requirements as it deems necessary to determine or re-determine levels of competence and
36 experience to qualify for each classification and each category and subcategory thereof.

37 Each applicant for a certification, license or permit shall annually file with the department
38 an application providing thereon-such information as the department may require.

39 Each applicant desiring to be certified, licensed or permitted shall annually pay such
40 application fee, not to exceed twenty dollars, as the department may by regulation require.

41 In the event that any 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 two events shall occur: ninety days have elapsed after the
45 certification, license or permit was scheduled to expire; or the department notifies the applicant
46 that the certification, license or permit has been renewed, modified or denied.

47 The department may issue a certification, license or permit to an applicant therefore 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 thus issue a certification; license or permit subject to such terms,
51 conditions, restrictions and requirements as it deems necessary. The department may require that
52 an applicant for a certification, license or permit has obtained and maintains in effect a contract
53 of liability insurance conforming to regulations established by the department.

54 The department shall prior to issuing a certificate, license or permit evaluate each
55 applicant to determine his competence with respect to the use and handling of pesticides, or to
56 the use and handling of the pesticides or class of pesticides covered or to be covered by said
57 individual's certification, license or permit. Said evaluation shall include such examinations as
58 the department may require. Examinations may be taken only upon payment of a fee; not to
59 exceed ten dollars for each examination given, as the department may require by regulation
60 approved by the board. Each examination shall include an evaluation of the applicant's
61 competence with respect to the use of integrated pest management.

62 The department may revoke, suspend, cancel or deny any certification, license or permit,
63 or any class thereof, at any time, if it believes: that the terms or conditions thereof are being
64 violated or are inadequate to avoid unreasonable adverse impacts on the environment, or that the
65 holder of or applicant for the certification, license or permit has violated any provision of this
66 chapter or FIFRA or any regulation, standard, order, license, certification or permit issued
67 thereunder or that the holder or applicant for said certification, license or permit is not competent
68 with respect to the use and handling of pesticides, or to the use and handling of the pesticides or
69 class of pesticides covered by said individual's certification, license or permit. Any person
70 whose certification, license or permit is suspended or revoked hereunder shall also be subject to
71 such other punishment, penalties, sanctions or liabilities as may be provided by law. As part of
72 its determination to refuse to grant, to revoke, or to suspend a certification, license or permit the
73 department may specify a period not to exceed two years, within which the applicant may not
74 reapply for a certification, license or permit. In the event that the department has refused to issue
75 or has revoked or suspended such a certification, license or permit and has specified a period for
76 non-application, the department may later, at its discretion, shorten or waive such period.

77 The department may, at its discretion, appropriately license, certify or permit any person
78 possessing a valid certification or license, or equivalent rating, issued by the pesticide control
79 agency of any other state or the federal government whose standards for the issuance of such
80 rating are not less stringent than those of the department, provided that the pesticide control
81 agency of that state extends similar privileges to persons so licensed, certified or permitted by the
82 commonwealth. Any person so licensed, certified or permitted shall be subject to the annual fee
83 requirements of this section.

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

86