

HOUSE No. 655

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

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 protecting Massachusetts pollinators.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>

HOUSE No. 655

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 655) of Carolyn C. Dykema and others relative to the use and protection of pollinators. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act protecting Massachusetts pollinators.

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 1 of chapter 132B of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting after the definition of “Agricultural
3 commodity” the following definition:-

4 “Agricultural use”, the spraying, release, deposit or application of a neonicotinoid on land
5 which is in agricultural use, as defined in section 1 of chapter 61A.

6 SECTION 2. Said section 1 of said chapter 132B, as so appearing, is hereby further
7 amended by inserting after the definition of “Anti-microbial pesticide”, the following definition:-

8 “Blooming season,” the period of the calendar year in which blooming or flowering
9 plants are actively blooming, which shall include, at a minimum, the period between March 1
10 and October 31, provided, that the department may increase this period of time by regulation.

11 SECTION 3. Said section 1 of said chapter 132B, as so appearing, is hereby further
12 amended by inserting after the definition of “Fungi”, the following definition:-

13 “Horticultural use”, the spraying, release, deposit or application of a neonicotinoid on
14 land which is in horticultural use, as defined in section 2 of chapter 61A.

15 SECTION 4. Said section 1 of said chapter 132B, as so appearing, is hereby further
16 amended by inserting after the definition of “Nematode” the following definition:-

17 “Neonicotinoid,” a pesticide belonging to the neonicotinoid class of chemicals which act
18 selectively on nicotine acetylcholine receptors of organisms, including but not limited to,
19 imidacloprid, acetamiprid, clothianidin, dinotefuran, nithiazine, nitenpyram, thiacloprid, and
20 thiamethoxam and any other pesticide identified as a neonicotinoid by the United States
21 Environmental Protection Agency or designated as a neonicotinoid by the pesticide board
22 subcommittee, established pursuant to section 3A, in accordance with section 6L. Neonicotinoids
23 are absorbed into plant tissue and can be present in pollen and nectar, making them potentially
24 toxic to pollinators.

25 SECTION 5. Section 6 of said chapter 132B, as so appearing, is hereby amended by
26 inserting after the second paragraph the following paragraph:-

27 No person shall distribute a neonicotinoid , or any article or substance containing a
28 neonicotinoid, to any person other than a certified commercial applicator, a certified private
29 applicator, or a licensed applicator.

30 SECTION 6. Said chapter 132B is hereby further amended by inserting after section 6K
31 the following section:-

32 Section 6L. (a) Neonicotinoids shall not be sprayed, released, deposited or applied on any
33 property within the commonwealth, except as follows:-

34 (1) During the blooming season, neonicotinoids shall be used for agricultural and
35 horticultural uses only.

36 (2) A neonicotinoid used during the blooming season for agricultural or horticultural
37 uses shall only be sprayed, released, deposited or applied by certified commercial applicator,
38 certified private applicator or licensed applicator who has received a certificate of training
39 pursuant to the fourth paragraph of section 10

40 (3) On any date outside of the blooming season, neonicotinoids shall only be sprayed,
41 released, deposited or applied by a certified commercial applicator, a certified private applicator,
42 or a licensed applicator.

43 (b) Prior to spraying, releasing, depositing or applying any neonicotinoid in accordance
44 with subsection (a), a certified commercial applicator, certified private applicator or licensed
45 applicator shall provide the owner of the property on which the neonicotinoid is to be so used
46 with: (i) information on the risks associated with its use, including, but not limited to, its
47 potential effects on the central nervous system of pollinators and non-target organisms and an
48 overview of the effects of neonicotinoids on honeybees; (ii) a list of alternative non-
49 neonicotinoid products; and (iii) an acknowledgment signifying that the owner has received and
50 understands this information. The informational materials, list and acknowledgement required by
51 this subsection shall be in a form prescribed by the department. This subsection shall not apply
52 to any certified commercial applicator, certified private applicator, or licensed applicator so
53 using a neonicotinoid on property which he or she owns.

54 (c) No blooming or flowering plant, plant material or seed that has been treated with a
55 neonicotinoid shall be sold within the commonwealth unless it is clearly and conspicuously
56 labeled as having been treated with a neonicotinoid and includes a brief description of the risks
57 to pollinators and other non-target organisms associated with the use of neonicotinoids.

58 (d) The pesticide board subcommittee established pursuant to section 3A shall, at least
59 biannually (i) review the use of neonicotinoids within the commonwealth, (ii) research the
60 development of any new or previously misunderstood pesticides which may be properly
61 designated as neonicotinoids, and (iii) recommend ways to further limit the use of
62 neonicotinoids. Said subcommittee shall publish, at least annually, a list of any pesticides
63 designated as neonicotinoids.

64 SECTION 7. Section 10 of said chapter 132B, as so appearing, is hereby amended by
65 inserting after the third paragraph, the following paragraph:-

66 The department shall require that any certified commercial applicator, certified private
67 applicator, or licensed applicator who will use neonicotinoids pursuant to paragraph (1) of
68 subsection (a) of section 6L satisfactorily completes a training program on the risks associated
69 with the use of neonicotinoids and the proper techniques to use in order to minimize those risks.
70 Satisfactory completion of the training shall be evidenced by a unique certificate of training, in a
71 form prescribed by the department.

72 SECTION 8. Section 14 of said chapter 132B, as appearing in the 2010 Official Edition,
73 is hereby amended by inserting after the word “inclusive”, in line 9, the following words:-
74 ,section 6L.

75 SECTION 9. The department of agricultural resources shall work with The Center for
76 Agriculture, Food and the Environment at University of Massachusetts in Amherst in order to
77 develop the training program required by section 4 on or before January 1, 2015. Such training
78 program may, if practicable, include the attendance of any existing courses, programs or
79 initiatives at said center.

80 SECTION 6. The department shall develop the informational materials, list of alternative
81 products and acknowledgement form required by section 6 on or before March 1, 2015.

82 SECTION 7. Section 8 of this act shall take effect on January 1, 2016. No penalties shall
83 be assessed for a violation of the provisions of this act prior to such date.