HOUSE DOCKET, NO. 2382 FILED ON: 1/19/2017

HOUSE . . . . . No. 2113

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 to protect Massachusetts pollinators.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Carolyn C. Dykema	*8th Middlesex*	*1/19/2017*
Denise Provost	*27th Middlesex*	*1/19/2017*
Shawn Dooley	*9th Norfolk*	*1/24/2017*
Robert M. Koczera	*11th Bristol*	*1/19/2017*
David M. Rogers	*24th Middlesex*	*1/19/2017*
James M. Cantwell	*4th Plymouth*	*1/19/2017*
Sean Garballey	*23rd Middlesex*	*1/19/2017*
Angelo J. Puppolo, Jr.	*12th Hampden*	*1/19/2017*
Chris Walsh	*6th Middlesex*	*1/19/2017*
Sarah K. Peake	*4th Barnstable*	*1/19/2017*
Leonard Mirra	*2nd Essex*	*1/19/2017*
Frank I. Smizik	*15th Norfolk*	*1/25/2017*
Jennifer E. Benson	*37th Middlesex*	*1/19/2017*
Kenneth I. Gordon	*21st Middlesex*	*1/19/2017*
Richard J. Ross	*Norfolk, Bristol and Middlesex*	*1/19/2017*
Jason M. Lewis	*Fifth Middlesex*	*1/19/2017*
Josh S. Cutler	*6th Plymouth*	*1/19/2017*
Daniel M. Donahue	*16th Worcester*	*1/19/2017*

Lori A. Ehrlich	*8th Essex*	*1/19/2017*
David Paul Linsky	*5th Middlesex*	*1/19/2017*
Marjorie C. Decker	*25th Middlesex*	*1/19/2017*
Paul McMurtry	*11th Norfolk*	*1/19/2017*
Jonathan Hecht	*29th Middlesex*	*1/19/2017*
Timothy R. Whelan	*1st Barnstable*	*1/19/2017*
John J. Lawn, Jr.	*10th Middlesex*	*1/19/2017*
Geoff Diehl	*7th Plymouth*	*1/19/2017*
Michael J. Finn	*6th Hampden*	*1/19/2017*
David F. DeCoste	*5th Plymouth*	*1/19/2017*
Susannah M. Whipps	*2nd Franklin*	*1/19/2017*
Barbara A. L'Italien	*Second Essex and Middlesex*	*1/19/2017*
James B. Eldridge	*Middlesex and Worcester*	*1/19/2017*
Peter J. Durant	*6th Worcester*	*1/19/2017*
Mathew Muratore	*1st Plymouth*	*1/19/2017*
Jay R. Kaufman	*15th Middlesex*	*1/19/2017*
Paul Tucker	*7th Essex*	*1/19/2017*
John W. Scibak	*2nd Hampshire*	*1/19/2017*
Carmine L. Gentile	*13th Middlesex*	*1/19/2017*
Thomas J. Calter	*12th Plymouth*	*1/19/2017*
Thomas M. McGee	*Third Essex*	*1/19/2017*
José F. Tosado	*9th Hampden*	*1/19/2017*
Kimberly N. Ferguson	*1st Worcester*	*1/19/2017*
Adrian Madaro	*1st Suffolk*	*1/19/2017*
Steven Ultrino	*33rd Middlesex*	*1/19/2017*
Kevin J. Kuros	*8th Worcester*	*1/19/2017*
Michael D. Brady	*Second Plymouth and Bristol*	*1/19/2017*
Brian M. Ashe	*2nd Hampden*	*1/19/2017*
Jack Lewis	*7th Middlesex*	*1/19/2017*
Kay Khan	*11th Middlesex*	*1/19/2017*
James J. Dwyer	*30th Middlesex*	*1/19/2017*
F. Jay Barrows	*1st Bristol*	*1/19/2017*
Natalie Higgins	*4th Worcester*	*1/19/2017*
Randy Hunt	*5th Barnstable*	*1/19/2017*
Bradley H. Jones, Jr.	*20th Middlesex*	*1/19/2017*
Angelo M. Scaccia	*14th Suffolk*	*1/19/2017*
Paul R. Heroux	*2nd Bristol*	*1/19/2017*
Elizabeth A. Poirier	*14th Bristol*	*1/19/2017*
Carlos González	*10th Hampden*	*1/19/2017*

Ruth B. Balser	*12th Middlesex*	*1/19/2017*
Thomas A. Golden, Jr.	*16th Middlesex*	*1/19/2017*
Paul W. Mark	*2nd Berkshire*	*1/19/2017*
Smitty Pignatelli	*4th Berkshire*	*1/19/2017*
Marc R. Pacheco	*First Plymouth and Bristol*	*1/19/2017*
Thomas P. Walsh	*12th Essex*	*1/19/2017*
Danielle W. Gregoire	*4th Middlesex*	*1/19/2017*
Paul Brodeur	*32nd Middlesex*	*1/19/2017*
Gerard Cassidy	*9th Plymouth*	*1/19/2017*
William C. Galvin	*6th Norfolk*	*1/19/2017*
Peter V. Kocot	*1st Hampshire*	*1/19/2017*
Michael F. Rush	*Norfolk and Suffolk*	*1/19/2017*
Michael S. Day	*31st Middlesex*	*1/19/2017*
Cynthia Stone Creem	*First Middlesex and Norfolk*	*1/19/2017*
Denise C. Garlick	*13th Norfolk*	*1/19/2017*
Kate Hogan	*3rd Middlesex*	*1/19/2017*
William L. Crocker, Jr.	*2nd Barnstable*	*1/19/2017*
Brian Murray	*10th Worcester*	*1/19/2017*
Joan B. Lovely	*Second Essex*	*1/19/2017*
Edward F. Coppinger	*10th Suffolk*	*1/19/2017*
Angelo L. D'Emilia	*8th Plymouth*	*1/19/2017*
Mary S. Keefe	*15th Worcester*	*1/19/2017*
Joseph W. McGonagle, Jr.	*28th Middlesex*	*1/19/2017*
Dylan Fernandes	*Barnstable, Dukes and Nantucket*	*1/19/2017*
Harold P. Naughton, Jr.	*12th Worcester*	*1/19/2017*
Thomas M. Stanley	*9th Middlesex*	*1/19/2017*
Sal N. DiDomenico	*Middlesex and Suffolk*	*1/19/2017*
Patrick M. O'Connor	*Plymouth and Norfolk*	*1/19/2017*
Gailanne M. Cariddi	*1st Berkshire*	*1/19/2017*
James Arciero	*2nd Middlesex*	*1/19/2017*
Colleen M. Garry	*36th Middlesex*	*1/19/2017*
David M. Nangle	*17th Middlesex*	*1/19/2017*
Brendan P. Crighton	*Third Essex*	*1/19/2017*
Christine P. Barber	*34th Middlesex*	*1/19/2017*
Jay D. Livingstone	*8th Suffolk*	*1/19/2017*
Patricia A. Haddad	*5th Bristol*	*1/19/2017*
Michael O. Moore	*Second Worcester*	*1/19/2017*
Evandro C. Carvalho	*5th Suffolk*	*1/19/2017*
Michelle M. DuBois	*10th Plymouth*	*1/19/2017*

John C. Velis	*4th Hampden*	*1/19/2017*
Jeffrey N. Roy	*10th Norfolk*	*1/19/2017*
James M. Murphy	*4th Norfolk*	*1/19/2017*
Carole A. Fiola	*6th Bristol*	*1/19/2017*
Daniel J. Hunt	*13th Suffolk*	*1/19/2017*
Daniel Cullinane	*12th Suffolk*	*1/19/2017*
Kate D. Campanale	*17th Worcester*	*1/19/2017*
Eileen M. Donoghue	*First Middlesex*	*1/19/2017*
Kevin G. Honan	*17th Suffolk*	*1/19/2017*
Susan Williams Gifford	*2nd Plymouth*	*1/19/2017*
Donald R. Berthiaume, Jr.	*5th Worcester*	*1/19/2017*
Louis L. Kafka	*8th Norfolk*	*1/19/2017*
Elizabeth A. Malia	*11th Suffolk*	*1/19/2017*
Shaunna L. O'Connell	*3rd Bristol*	*1/19/2017*
Joan Meschino	*3rd Plymouth*	*1/19/2017*
Marc T. Lombardo	*22nd Middlesex*	*1/19/2017*
Sheila C. Harrington	*1st Middlesex*	*1/19/2017*
Donald F. Humason, Jr.	*Second Hampden and Hampshire*	*1/19/2017*
James J. O'Day	*14th Worcester*	*1/19/2017*
Mark C. Montigny	*Second Bristol and Plymouth*	*1/19/2017*
Cory Atkins	*14th Middlesex*	*1/19/2017*
Sonia Chang-Diaz	*Second Suffolk*	*1/19/2017*
Donald H. Wong	*9th Essex*	*1/19/2017*
Paul K. Frost	*7th Worcester*	*1/19/2017*
Antonio F. D. Cabral	*13th Bristol*	*1/19/2017*
James R. Miceli	*19th Middlesex*	*1/19/2017*
William N. Brownsberger	*Second Suffolk and Middlesex*	*1/19/2017*
Eric P. Lesser	*First Hampden and Hampshire*	*1/19/2017*
Patricia D. Jehlen	*Second Middlesex*	*1/19/2017*
Todd M. Smola	*1st Hampden*	*1/19/2017*
Stephen Kulik	*1st Franklin*	*1/19/2017*
Mark J. Cusack	*5th Norfolk*	*1/19/2017*
Walter F. Timilty	*Norfolk, Bristol and Plymouth*	*1/19/2017*
Ryan C. Fattman	*Worcester and Norfolk*	*1/19/2017*
Byron Rushing	*9th Suffolk*	*1/19/2017*
David T. Vieira	*3rd Barnstable*	*1/19/2017*
Kathleen O'Connor Ives	*First Essex*	*1/19/2017*
Solomon Goldstein-Rose	*3rd Hampshire*	*1/19/2017*
Michael J. Barrett	*Third Middlesex*	*1/19/2017*

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HOUSE . . . . . No. 2113

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 2113) of Carolyn C. Dykema and others relative to the use and protection of pollinators by further regulating the spraying, release, deposit or application of a neonicotinoid on certain agricultural land. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act to protect 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:

SECTION 1. Section 1 of chapter 132B of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the definition of "Agricultural commodity" the following definition:-

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

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

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

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

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

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

“Neonicotinoid,” a pesticide belonging to the neonicotinoid class of chemicals which act selectively on nicotine acetylcholine receptors of organisms, including but not limited to, imidacloprid, acetamiprid, clothianidin, dinotefuran, nithiazine, nitenpyram, thiacloprid, and thiamethoxam and any other pesticide identified as a neonicotinoid by the United States Environmental Protection Agency. Neonicotinoids are absorbed into plant tissue and can be present in pollen and nectar, making them potentially toxic to pollinators.

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

No person shall distribute a neonicotinoid pesticide, or any substance containing a neonicotinoid pesticide, for agricultural or horticultural use, excluding neonicotinoid-treated nursery plants, to any person other than a certified commercial applicator, a certified private applicator, or a licensed applicator.

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

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

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

(2) A neonicotinoid used during the blooming season for agricultural or horticultural uses shall only be sprayed, released, deposited or applied by certified commercial applicator, certified private applicator or licensed applicator who has received a certificate of training.

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

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

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

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

The department shall require that any certified commercial applicator, certified private applicator, or licensed applicator who will use neonicotinoids pursuant to paragraph (1) of subsection (a) of section 6L satisfactorily completes training on the risks associated with the use of neonicotinoids and the proper techniques to use in order to minimize those risks. The department shall integrate said neonicotinoid training into the current licensing and certification process to create a streamlined process for existing certified commercial applicators, certified private applicators, or licensed applicators.

SECTION 8. Section 14 of said chapter 132B, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word “inclusive”, in line 9, the following words:- ,section 6L.

SECTION 9. The department of agricultural resources shall work with The Center for Agriculture, Food and the Environment at University of Massachusetts in Amherst in order to develop the training required by section 4 within six months of the passage of this Act. Such training may, if practicable, include the attendance of any existing courses, programs or initiatives at said center.

SECTION 10. The Department of Transportation shall identify opportunities in the Commonwealth for the replacement of non-native, cool-season turf grasses around solar energy installations on department property with native plant communities that include flowers, wildflowers, vegetables, weeds, herbs, ornamental plants, cover crops and legume species to attract honey bees and other pollinators.

SECTION 11. The department shall develop the informational materials, list of alternative products and acknowledgement form required by section 6 within six months of the passage of this Act.

SECTION 12. Section 8 of this act shall take effect on January 1, 2018. No penalties shall be assessed for a violation of the provisions of this act prior to such date.