

SENATE No. 499

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 the use of glyphosate on public lands.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/28/2019</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/28/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/29/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/29/2019</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>1/29/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/29/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/29/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/29/2019</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>1/29/2019</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>1/30/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/30/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/30/2019</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>1/30/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/31/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/1/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/1/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/1/2019</i>

<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2019</i>
<i>Carmin Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/1/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/1/2019</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/1/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2019</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>2/1/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/19/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>5/14/2019</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>6/20/2019</i>

SENATE No. 499

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 499) of Jason M. Lewis, Mike Connolly, Kenneth I. Gordon, Mary S. Keefe and other members of the General Court for legislation relative to the use of glyphosate on public lands. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the use of glyphosate on public lands.

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 is hereby amended by
2 adding the following definitions:-

3 “Glyphosate” or “glyphosate herbicides” includes all herbicides that contain glyphosate
4 as one of the active ingredients and tank mixes of herbicides containing glyphosate as one of the
5 active ingredients.”

6 “Public lands” for the purpose of this bill shall mean state parks, playgrounds, school
7 buildings, highway medians owned and maintained by the Commonwealth, and buildings owned
8 and operated by the State.

9 SECTION 2. Chapter 132B of the General Laws is hereby amended by adding the
10 following section:-

11 Section 17. No person shall:

- 12 (1) Use any pesticide in a manner inconsistent with its label;
- 13 (2) Use, store, transport, or discard any pesticide or pesticide container in any manner
14 which would have unreasonable adverse effects on the environment or public health;
- 15 (3) Use or apply restricted use pesticides unless the person is a certified pesticide
16 applicator or under the direct supervision of a certified pesticide applicator with a valid
17 certificate issued; provided that it shall be prohibited to use or apply a restricted use pesticide for
18 structural pest control uses for a fee or trading of services, unless the user or applicator is a pest
19 control operator or is employed by a pest control operator licensed under chapter 460J;
- 20 (4) Use or apply pesticides in any manner that has been suspended, canceled, or
21 restricted;
- 22 (5) Falsify any record or report required to be made or maintained by rules adopted
23 pursuant to this chapter;
- 24 (6) Fill with water, through a hose, pipe, or other similar transmission system, any tank,
25 implement, apparatus, or equipment used to disperse pesticides, unless the tank, implement,
26 apparatus, equipment, hose, pipe, or other similar transmission system is equipped with an air
27 gap or a reduced-pressure principle backflow device;
- 28 (7) After December 31, 2019, no person shall apply any glyphosate herbicide, on any
29 public lands owned or maintained by the Commonwealth without a:
- 30 (A) License issued by the State or any agency of the federal government to conduct
31 glyphosate research; or
- 32 (B) Permit issued by the State to apply any glyphosate herbicide because:

33 (i) The situation poses an immediate threat to human health and the environment; and

34 (ii) There is no viable alternative to the use of the proposed glyphosate herbicide."

35 SECTION 3. The department of food and agriculture shall adopt regulations within 1

36 year after the effective date of this act.