HOUSE DOCKET, NO. 4713 FILED ON: 5/15/2025

HOUSE . . . . . No. 4191

The Commonwealth of Massachusetts

PRESENTED BY:

Hadley Luddy and Julian Cyr

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 authorizing the town of Wellfleet to enact a pesticide reduction bylaw.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Hadley Luddy	*4th Barnstable*	*5/15/2025*
Julian Cyr	*Cape and Islands*	*5/15/2025*

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By Representative Luddy of Orleans and Senator Cyr, a joint petition (accompanied by bill, House, No. 4191) of Hadley Luddy and Julian Cyr (by vote of the town) for legislation to authorize the town of Wellfleet to enact a pesticide reduction bylaw. Environment and Natural Resources. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2939* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act authorizing the town of Wellfleet to enact a pesticide reduction bylaw.

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. Purpose.

The purpose of this bylaw is to reduce toxic pesticide use in and on public and private property in the Town of Wellfleet in order to promote a healthy environment and to protect the public from the hazards of pesticides, and for implementation of sustainable land and building management practices on all public and private property.

SECTION 2. Findings.

(a) Scientific studies associate exposure to pesticides with asthma, cancer, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, reproductive impairment, birth defects, and disruption of the endocrine system.

(b) Infants, children, pregnant women, the elderly, and people with compromised immune systems and chemical sensitivities are especially vulnerable to pesticide effects and exposure.

(c) Pesticides are harmful to pets and wildlife, including threatened and endangered species, soil microbiology, plants, and natural ecosystems.

(d) Toxic runoff from chemical fertilizers and pesticides pollute streams, lakes, estuaries, and drinking water sources.

(e) The use of pesticides is not necessary to create and maintain green lawns and landscapes given the availability of viable alternatives practices and products.

(f) People have a right not to be involuntarily exposed to pesticides in the air, water or soil that inevitably result from chemical drift and contaminated runoff.

(g) Sustainable land and building management practices that emphasize non-chemical methods of pest prevention and management, and least-toxic pesticide use as a last resort, will eliminate the use of and exposure to pesticides while controlling pest populations.

(h) Sustainable land and building management practices complement other important goals of Wellfleet's maintenance and administration, such as energy conservation and security.

(i) Wellfleet embraces a precautionary approach to the use of pesticides in order to adequately protect people and the environment from the harmful effects of pesticides.

(j) Application of chemicals simply for aesthetic/cosmetic purposes has harmful consequences for our ecosystem, children and pets. Pollinators are directly harmed by applications particularly the indiscriminate (and long-term ineffective) spraying of pesticides.

SECTION 3. Authority.

This bylaw is adopted under authority granted by the Home Rule amendment to the Massachusetts Constitution and the provisions of any Special Legislation passed by the Legislature.

SECTION 4. Definitions.

For the purposes of this bylaw, the following definitions shall apply:

Allowed Materials List - The list of acceptable pesticides is limited to the following:

(a) All non-synthetic (natural) materials, with the exception of prohibited non-synthetic materials under 7 CFR 205.602;

(b) Any synthetic material listed at 7 CFR 205.601 that is labeled for turf uses, subject to discretionary authority to require disclosure of inert ingredients; and

(c) 25b listed pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Inert ingredient - Any substance (or group of substances with similar chemical structures if designated by the Environmental Protection Agency) (EPA) other than an active ingredient that is intentionally included in any pesticide product (40 CFR 152.3(m)) [7 CFR 205.2 Terms

defined.], and are not classified by the EPA Administrator as inserts of toxicological concern. [7 U.S.C. 6502(21) Definitions]

Non-synthetic (natural) materials - A substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Organic Foods Production Act. For the purposes of this part, 'non-synthetic' is used as a synonym for natural as the term is used in the regulations. [7 CFR 205.2 Terms defined.]

Pesticide - Any substance or mixture of substances intended for: (i) preventing, destroying, repelling, or mitigating any pest; (ii) use as a plant regulator, defoliant, or desiccant; or (iii) use as a spray adjuvant such as a wetting agent or adhesive. The term 'pesticide' includes insecticides, herbicides, fungicides, and rodenticides, but does not include cleaning products other than those that contain pesticidal agents.

Synthetic materials - A substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes. [7 U.S.C. 6502(21) Definitions]

SECTION 5. Prohibitions.

The application of any Pesticide that is not on the Allowed Material List is prohibited, except as permitted in this bylaw.

SECTION 6. Exceptions.

(a) The application of the following Pesticides is allowed:

(1) Indoor pest sprays and insect baits (excluding rodent baits)

(2) Insect repellants for personal and household use

(3) Pet: Flea and tick sprays, powders, and pet collars

(4) Kitchen, laundry, and bath disinfectants and sanitizer

(5) Products labeled primarily to kill mold and mildew

(6) Usage for commercial farming and nurseries.

(b) Pesticides for the treatment of invasive plants for ecological restoration (see Massachusetts Invasive Plant Advisory Group current lists of Invasive, Likely Invasive, and Potentially Invasive https://www.massnrc.org/mipag/ may be used upon the grant of a waiver by the Town Manager or authorized designee.

(c) If an emergency public health situation warrants the use of Pesticides, which would otherwise not be permitted under this bylaw, the Town Manager or authorized designee shall have the authority to grant a temporary waiver on a case-by-case basis after an evaluation of all alternative methods and materials.

SECTION 7. Enforcement.

The enforcement authority shall be the Town Manager, or any town officials as designated by the Select Board to oversee and enforce the provisions of this bylaw.

SECTION 8. Penalties.

Any person who violates any provision of this bylaw shall be punished by a fine of one hundred dollars ($100.00) for the first offense and three hundred dollars ($300.00) for each offense thereafter. Each day or portion thereof during which a violation continues shall constitute

a separate offense and a violation of each provision of the bylaw shall constitute a separate offense.

If the offender is a commercial applicator, the right to do business in Wellfleet may be revoked.

SECTION 9. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

Provided, that this bylaw is subject to the Town obtaining special legislation from the Great and General Court of the Commonwealth of Massachusetts authorizing the Pesticide Reduction Bylaw as aforesaid; or to take any other action relative thereto.