

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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 establishing an ecologically-based mosquito management program in the Commonwealth to protect public health.

PETITION OF:

NAME:

Joanne M. Comerford

DISTRICT/ADDRESS:

Hampshire, Franklin and Worcester

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 445 OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act establishing an ecologically-based mosquito management program in the Commonwealth to protect public health.

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. Chapter 252 of the General Laws is hereby amended by striking section 2,
2 as appearing in the 2022 Official Edition, and inserting in place thereof the following section:-

3 Section 2.(a) As used in this chapter, the following words shall, unless the context clearly
4 requires otherwise, have the following meanings:

5 “Adulticiding”, the use of pesticides intended to kill adult mosquitoes.

6 “Disease vector”, any species of mosquito which contributes to the amplification or
7 transmission of any disease, including Eastern Equine Encephalitis or West Nile Virus, among
8 human or non-human populations by injection of salivary gland fluid during biting.

9 “Larviciding”, the use of pesticides intended to kill larval or pupal mosquitoes.

10 “PFAS”, a class of fluorinated organic chemicals containing at least one fully fluorinated
11 carbon atom.

12 “Source reduction”, a method of managing mosquitoes that relies on reducing or
13 eliminating the ability of larval habitats to support the development of larvae, including removal
14 of artificial sources of standing, stagnant water or the restoration of natural flows and wetland
15 systems to improve access by predators, water quality and overall aquatic health.

16 (b) There shall be a Mosquito Management Board, in this chapter called the board, which
17 shall consist of:

18 (1) 1 employee of the department of environmental protection designated by its
19 commissioner who shall serve as chair; 1 employee of the department of agriculture designated
20 by its commissioner; 1 employee of the department of fish and game designated by its
21 commissioner; and 2 employees of the department of public health designated by its
22 commissioner, 1 of whom represents environmental health; and

23 (2) 5 members designated by the secretary of energy and environmental affairs including
24 1 person representing a statewide land conservation organization or a regional or statewide river
25 protection organization; 1 person representing beekeepers; 1 person representing a group that
26 works to protect native pollinators; 1 person who is an expert in pesticides and mosquito control
27 and 1 person who is an ecological risk assessor with a background in ecotoxicology. Each of the
28 5 members designated in this paragraph shall be designated for a term of 4 years, except for
29 persons designated to fill vacancies, who shall serve for the unexpired term. Any member
30 appointed under paragraph 2 of this subsection shall be eligible for reappointment, so long as no
31 specific member shall serve for more than 2 terms.

32 The designation of any member of said board may be revoked at any time, and in such
33 case or in case of the resignation or disability of any member their successor shall be designated
34 in the same manner as in the original designation. The board shall serve in the department of
35 food and agriculture, and the members thereof shall receive no additional compensation for
36 service on said board, but shall be entitled to their reasonable traveling and other expenses
37 incurred in the performance of their duties.

38 (c) The board shall regulate and oversee all disease vector mosquito management
39 activities in the commonwealth and prepare a science-based statewide Integrated Pest
40 Management mosquito-borne disease management plan, hereinafter called the plan. State
41 agencies and subdivisions including but not limited to mosquito control districts, mosquito
42 control projects and municipalities shall adhere to the plan when conducting mosquito
43 management activities.

44 The plan shall provide an ecologically sustainable approach to the management of
45 mosquito populations combining cultural, physical, biological and, when strictly necessary to
46 protect public health, least-toxic chemical control strategies. The plan shall include the
47 following:

48 (1) an emphasis on preventative measures to protect humans and livestock from
49 mosquito-borne diseases, including surveillance, monitoring and public education on eliminating
50 breeding sites and taking personal protective actions;

51 (2) source reduction, including removal of discarded tires and other rubbish, cleaning or
52 draining of artificial mosquito breeding sites and restoration of streams and wetlands to restore

53 natural flows and provide access to fish and other mosquito predators, shall be the preferred
54 management measures;

55 (3) larvicide use shall be limited to locations where disease-bearing mosquitoes are
56 present and source reduction has been implemented;

57 (4) adulticides shall only be applied to abate disease-bearing mosquitoes where all other
58 methods have been implemented and the disease risk is high or critical as determined by the
59 department of public health;

60 (5) aerial application of mosquito-control adulticides is prohibited;

61 (6) ground adulticide applications shall be limited to locations where mosquito-borne
62 disease is detected in the current year in mosquitoes, other animals or humans; and

63 (7) use of larvicides or adulticides containing PFAS or other fluorinated compounds is
64 prohibited.

65 The board shall post a public notice of availability of the draft plan in the environmental
66 monitor and provide a 60-day public comment period. The board shall duly consider and respond
67 to comments received and finalize the plan. The plan shall be updated every 3 years, or more
68 frequently, with public review. Annual operational plans and practices of any public entity
69 conducting mosquito management activities shall be consistent with the statewide plan and
70 revised annually based on efficacy data and mitigation of non-target impacts.

71 The board shall annually review and certify integrated pest management mosquito
72 management plans submitted by mosquito districts or projects, municipalities and any other
73 public agency conducting mosquito management activities; ensure consistency with the

74 statewide plan; create policies and oversee procedures for monitoring and responding to vector-
75 borne diseases; advise the governor when a public health emergency arises due to disease-
76 bearing mosquitoes imminently threatening to public health; authorize and carry out
77 investigations and keep records; and carry out disease-bearing mosquito management programs
78 when a significant area of the state is affected.

79 The board shall provide statewide education on mosquito borne diseases, best practices
80 for eliminating artificial standing water and personal protection measures to avoid mosquito
81 bites. The board shall ensure that all municipalities are provided with access to mosquito
82 surveillance upon request with payment of reasonable fees. Municipalities and landowners shall
83 have the right to opt out of larviciding or adulticiding except following a public health
84 emergency declared by the governor that includes a finding that disease-bearing mosquitoes are
85 present at high or critical risk levels determined by the department of public health in the
86 locations to be treated.

87 The board shall annually publish, on the commonwealth's website, activities and
88 expenditures of the board and mosquito control districts or projects and the efficacy and impacts
89 of the work.

90 SECTION 2. Section 5A of said chapter 252, as so appearing, is hereby amended by
91 striking out, in lines 82 and 88, in each instance, the following words:- state reclamation

92 SECTION 3. Section 5B of said chapter 252, as so appearing, is hereby amended by
93 striking out, in line 22, the following words:- state reclamation

94 SECTION 4. Said section 5B of said chapter 252, as so appearing, is hereby further
95 amended by striking out, in line 25, the following word:- reclamation

96 SECTION 5. Section 14C of said chapter 252, as so appearing, is hereby amended by
97 striking out, in lines 4 and 5, the following words:- state reclamation

98 SECTION 6. Section 24 of said chapter 252, as so appearing, is hereby amended by
99 striking out, in line 1, the words “state reclamation” and inserting in place thereof the following
100 words:- mosquito management