

By Mr. Angelo of Saugus, petition of Steven Angelo and Christopher J. Hodgkins for legislation to amend the Pesticide Control Law. Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT REVISING AND IMPROVING THE MASSACHUSETTS PESTICIDE CONTROL ACT.

*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  
2 is hereby amended by adding after the first sentence thereof the  
3 following new sentences; — The intent of this Act is to protect  
4 the environment and the health, safety and welfare of the citizens  
5 of the Commonwealth. To carry out the purposes of this Act and  
6 to ensure that, when used, pesticides perform their intended  
7 function without significant adverse effects on the environment,  
8 the commissioner is hereby authorized and directed to develop  
9 and implement, whenever possible or practical, statewide  
10 acceptance and utilization of integrated pest management  
11 techniques, new application technology, non-chemical pest  
12 control methods and improved applicator training in order to  
13 achieve significant reductions in pesticide use both in agricultural  
14 and non-agricultural sectors.

1 SECTION 2. Section 2 of Chapter 132B of the General Laws  
2 is hereby amended by striking out the definition of "Licensed  
3 Applicator" and replacing it with the following new definition; —  
4 Any person required to be licensed or certified pursuant to  
5 section 10 or 10A of this chapter including any person who uses  
6 restricted-use pesticides under the supervision of a commercial  
7 applicator, or who uses or supervises the use of general-use  
8 pesticides on the land of another for hire, or on public lands, or

9 in housing units owned by him which are rented or otherwise  
10 occupied by others, except owner-occupied housing of three units  
11 or less.

1 SECTION 3. Section 7 of Chapter 132B of the General Laws  
2 as appearing in Section 3 of Chapter 3 of the Acts of 1978 is hereby  
3 amended by striking out the third paragraph of said section.

1 SECTION 4. Chapter 132B of the General Laws is hereby  
2 amended by inserting after Section 7 of the following section; —

3 Section 7A. An applicant desiring to register or re-register a  
4 pesticide shall pay such registration fee, not to exceed one hundred  
5 dollars (\$100), as the department by regulation may require. All  
6 fees received for pesticide product registration shall be credited  
7 on the books of the Commonwealth to a fund to be known as  
8 the Pesticide Research and Risk Management Fund. Said fund,  
9 subject to appropriation, shall be used only as follows:

10 1. To support pesticide research related to the environmental  
11 fate and human exposure of pesticides used in Massachusetts. 2.  
12 To support environmental monitoring and survey activities of  
13 pesticides used in Massachusetts in soil, water and air, as they  
14 relate to the pesticide registration decision making process. 3. To  
15 support comprehensive risk/benefit analysis necessary for the  
16 formulation of regulatory positions, which ultimately affect  
17 product registrations. 4. To support the development and  
18 implementation of Integrated Pest Management Programs. 5. To  
19 support training and educational programs related to ensuring  
20 environmentally sound pesticide use, storage and disposal.

21 All unexpended balances remaining in said fund at the end of  
22 each fiscal year shall be appropriated only for the purposes of  
23 development and assessment of information necessary to evaluate  
24 pesticide product registrations, for the development and  
25 implementation of integrated pest management programs and  
26 such other projects related to ensuring environmentally sound  
27 regulation of pesticide use.

1 SECTION 5. Chapter 132B of the General Laws is amended  
2 by adding after Section 10 the following new section; —

3 Section 10A. The Department may in accordance with the

4 provisions, standards and procedures contained in and established  
5 pursuant to this chapter, issue a registration to any person or  
6 company engaged in the application of pesticides for hire or who  
7 employs any person licensed or certified as a pesticide applicator  
8 by the department and any person or company in the sale or  
9 distribution of restricted pesticides, or general use pesticide, or  
10 employing a person licensed as a pesticide dealer by the  
11 department.

12 No person or company shall engage in the application of  
13 pesticides for hire or engage in the sale or distribution of restricted  
14 pesticides unless such person holds a valid registration.

15 All persons or companies registered pursuant to this section  
16 shall maintain and make available to the department at reasonable  
17 times and upon reasonable notice such records and evidence of  
18 insurance coverage as the department may by regulation require  
19 and further, shall furnish proof of such insurance coverage to the  
20 department as a precondition of registration.

21 Each registration issued pursuant to this section shall be valid  
22 for a period of three years unless sooner revoked or suspended  
23 by the department.

24 Each registrant shall within ten days notify the department of  
25 any change in address, change in employment of persons described  
26 in the first paragraph, bankruptcy or any other change affecting  
27 its ability to conduct business.

28 Each registered person shall pay a fee not to exceed three  
29 hundred dollars as the department may by regulation require.

1 SECTION 6. Section 14 of Chapter 132B of the General Laws,  
2 as appearing in Chapter 3 of the Acts of 1978 is hereby amended  
3 by striking out said Section 14 in its entirety and inserting in place  
4 thereof the following new section; —

5 Any person who violates any provision of section six shall be  
6 punished by a fine of not more than twenty-five thousand dollars  
7 or by imprisonment for not more than one year, or both, for each  
8 such violation, knowingly committed or shall be subject to a civil  
9 penalty not to exceed fifteen thousand dollars for each such  
10 violation which may be assessed in an action brought on behalf  
11 of the Commonwealth in any court of competent jurisdiction.  
12 Each day of violation shall constitute a separate offense.

13 Any person who violates any provision of Section 6A or 6B,  
14 or who violates any valid regulation adopted under the provisions  
15 of this chapter shall be punished by a fine of not more than fifteen  
16 thousand dollars, or by imprisonment for not more than six  
17 months, or both, for the second and each subsequent offense,  
18 knowingly committed, shall be subject to a civil penalty not to  
19 exceed ten thousand dollars for any offense, which may be  
20 assessed in an action brought on behalf of the Commonwealth  
21 in any court of competent jurisdiction. Each day of violation shall  
22 constitute a separate offense.

23 Any person who violates any order issued under the provisions  
24 of this chapter shall be punished by a fine of not more than fifty  
25 thousand dollars or imprisonment for not more than one year,  
26 or both, for each violation knowingly committed, or shall be  
27 subject to a civil penalty not to exceed twenty-five thousand  
28 dollars for each violation which may be assessed in an action  
29 brought on behalf of the commonwealth in any court of competent  
30 jurisdiction. Each day of violation shall constitute a separate  
31 offense.

32 The superior court shall have jurisdiction to enjoin violations  
33 of, or grant such relief as it deems necessary or appropriate to  
34 secure compliance with any provision of this chapter, or the terms  
35 of an order, license, certification, registration, permit or  
36 regulation adopted or issued thereunder.