

By Mr. Cerasoli of Quincy, petition of Robert A. Cerasoli for legislation to clarify the pesticide control laws. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT FURTHER CLARIFYING 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 2 of chapter 132B is hereby amended by
2 inserting the following definitions.

3 "abutter" means the owner, rentee, leasee, or occupant of any
4 land within one hundred (100) yards of the point of herbicide
5 application.

6 "application" means dispersal into the environment of any her-
7 bicide as defined in this section.

8 "basal application" means application of any herbicide to bark
9 within twenty-four (24) inches of the ground or root soil of any
10 individual plant.

11 "direct injection" means application of any herbicide directly
12 given into any plant without exposure of that herbicide to the air or
13 environment.

14 "herbicide" means any substance or mixture of substances in-
15 tended for use as a plant regulator, defoliant, or desiccant as
16 defined in this section.

17 "plant" means any tree, shrub, bush, grass, weed or other vegeta-
18 tion.

1 SECTION 2. Chapter 132B of the Massachusetts General Laws
2 is hereby amended by inserting after section 6A the following
3 sections:

4 6B. No person shall make application of any herbicide upon any
5 property from an airplane, helicopter or other airbourne object.

6 No application of herbicide shall be allowed by the board until
7 all abutters have been properly notified and each of the abutters
8 have given their written consent to the herbicide application.

9 No written consent or notification shall be required if the board
10 has determined that the herbicide is not carcinogenic, mutagenic,
11 teratogenic, or fetaltoxic and does not contain measurable
12 amounts of any dioxin compound.

13 Any basal application or direct injection of herbicide shall not
14 require notification or written permission of the abutters.

15 6C. No person shall direct, supervise or administer any herbicide
16 application without first submitting an application to the board.
17 Upon submission of such application, the board shall conduct a
18 public hearing at which the applicant or his representative shall be
19 present.

20 The board shall notify in writing all abutters, members of the
21 board of selectmen, city council and mayor of each city or town
22 within which the herbicide application is proposed to take place.
23 This notification shall be given at least thirty (30) days prior to the
24 public hearing and shall include the date, location and time of the
25 proposed herbicide application; the chemical name; brand name;
26 active ingredients; and potential dangers of the herbicides to be
27 used; the location of all bodies of water, equifers, or other abutting
28 publicly used land; and atmospheric conditions under which herbi-
29 cide application will take place.

30 No herbicide application shall be allowed for any substance,
31 chemical, or compound which contains measurable amounts of
32 dioxin.

1 SECTION 3. Chapter 132B of the Massachusetts General Laws
2 is hereby amended by inserting after the second paragraph of
3 section 10 the following sentence:

4 All persons employed in making herbicide applications shall be
: certified or licensed in one of the preceding classifications.

1 SECTION 4. Chapter 132B of the Massachusetts General Laws
2 is hereby amended by inserting after the second paragraph of
3 section 14 the following paragraph:

4 Any person who violates any provision of section 6B or 6C shall
5 be punishable by a fine of not more than five thousand (\$5,000)
6 dollars, or imprisonment for not more than two (2) years, or both
7 for each offense. Each day of violation shall constitute a separate
8 offense.

1 SECTION 5. Section 7A of Chapter 214 of the Massachusetts
2 General Laws is hereby amended by inserting after the words
3 "pesticide pollution" in the second sentence the following words:
4 "herbicide pollution".

