

HOUSE No. 4650

The Commonwealth of Massachusetts



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April 16, 2020

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled “An Act to Mitigate Arbovirus in the Commonwealth.” The legislation would empower the State Reclamation and Mosquito Control Board (“SRB”) to engage in mosquito control activities across the Commonwealth, including in areas where there is no legislative authority to take action today, when the Commissioner of Public Health determines that an elevated risk of arbovirus exists. The purpose of the legislation is to allow the Commonwealth to effectively combat diseases transmitted by mosquitoes.

Worldwide, mosquitoes kill more people than any other animal. In Massachusetts, mosquitoes can transmit a variety of diseases to humans, including West Nile Virus and Eastern Equine Encephalitis (“EEE”). The prognosis for people who contract EEE is particularly grim: mortality rates range up to 50% and, for those who survive, 80% have serious, permanent neurological damage.

Last year, the Commonwealth experienced unprecedented levels of EEE prevalence, illness, and deaths. Past experience with this virus indicates that it spikes in three-year cycles. This summer will be the second year of the current cycle; we must take steps now to ensure the Commonwealth is prepared to respond to this virus.

Our current framework for mosquito control dates to the 1970s and does not allow for the sort of coordinated statewide efforts that are necessary to prevent and combat these viruses and the mosquitoes that carry them. Many cities and towns have not joined a mosquito control

project. In these parts of the Commonwealth, there is no entity—state, regional or local—that can engage in mosquito control.

While a town by town approach does allow for maximum local input into mosquito control, unfortunately mosquitos and viruses do not respect borders. The public health risks that mosquito borne viruses such as EEE present require a coordinated, statewide approach. This legislation authorizes that approach, allowing the experts at the Department of Public Health (“DPH”) and the SRB to work together proactively to protect public health. When DPH determines that there is an elevated arbovirus risk, the experts in mosquito control at the State Reclamation Board, either acting directly or through regional mosquito control projects, may take necessary actions to mitigate that risk.

The need for this legislation is immediate. Time is of the essence in authorizing a coordinated, statewide response.

I urge your prompt enactment of this legislation.

Respectfully submitted,

Charles D. Baker,
Governor

The Commonwealth of Massachusetts

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

An Act to mitigate arbovirus in the Commonwealth.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to make a certain change in law to allow the Commonwealth to immediately respond to the significant public health risks associated with the transmission of arbovirus from mosquitoes to humans, such change being immediately necessary to carry out to accomplish important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

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 inserting after
2 section 2 the following section:-

3 Section 2A. Notwithstanding any general or special law to the contrary and upon the
4 written determination of the commissioner of public health that an elevated risk of arbovirus
5 exists or may exist for the following year, the board, in consultation with the department of
6 public health, may engage in preventative and eradication methods as it deems necessary in any
7 area of the Commonwealth. In carrying out its authority under this section, the board may act
8 through any district or project duly organized under this chapter, other agencies of the
9 commonwealth, and may employ other professionals as the board deems necessary.

10 All actions taken under the authority of this section shall be designed to protect public
11 health while minimizing to the extent feasible any adverse impact to the environment.