



Sudbury Valley Trustees

May 8, 2020

***Via Electronic Mail***

Senator Joanne M. Comerford, Chair  
Joint Committee on Public Health  
24 Beacon Street, Room 413-C  
Boston, MA 02133

RE: Opposition to H.4650 “An Act to Mitigate Arbovirus in the Commonwealth”

Dear Senator Comerford:

I am writing to offer comments from Sudbury Valley Trustees (SVT) on a bill filed by Governor Baker on April 16, 2020, H.4650 “An Act to Mitigate Arbovirus in the Commonwealth.” SVT is a regional land trust that works to protect natural areas and farms in 36 communities that surround the Sudbury, Assabet, and Concord Rivers.

The Governor filed this bill to “empower the State Reclamation and Mosquito Control Board to engage in mosquito control activities across the Commonwealth, even 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.” Sudbury Valley Trustees (SVT) opposes this legislation as written because it has broad overreach, does not provide for coordination with other agencies, lacks notification to impacted municipalities, and also lacks a sunset provision.

- **This legislation is overly broad.** H.4650 essentially gives *carte blanche* to the State Reclamation and Mosquito Control Board whenever the Commissioner of Public Health determines that an elevated risk of arbovirus exists or may exist in a future year. The *carte blanche* has no end date. The lack of oversight and transparency in this bill is a throwback to the 1950’s when more chemical usage and draining of swamps were believed to be a good thing. As written, there will be no input from MassDEP, Fish & Wildlife, local boards of health, or the environmental community about the chemicals the State Reclamation and Mosquito Control Board plans to use, the frequency of chemical usage, or potential impacts to the environment.

The bill overrides all other existing statutes including the Pesticide Control Act (MGL Ch. 132B) and the Wetlands Protection Act (MGL Ch. 131 S. 40). While the Reclamation Board is already exempt from the Wetlands Protection Act, this would extend that exemption to municipalities that have voted not to participate in mosquito districts. Among protections that would be removed are the rights of communities to decide to not join or to withdraw from a mosquito district and the rights of landowners to have their properties excluded from pesticide applications. The state already can step in and overrule those rights by declaring public health emergencies, but this bill would greatly expand those powers to include any time when the Department of Public Health thinks there might be an elevated risk of mosquito disease in the next year. There is no sunset clause in this bill.

- **Notifications should be required before spraying.** It is absolutely essential that prior to use of “mosquito control activities”, the State Reclamation and Mosquito Control Board should notify municipalities and the public to minimize exposure to these chemicals. Currently, this bill does not have any notification requirements to residents, municipalities, public water supplies, farmers, and other landowners. As a result, there could be increased exposure to chemicals by residents throughout the Commonwealth. Municipalities and landowners should retain their current rights to “opt out” of spraying except in cases where the state declares that an actual public health emergency exists.
- **There is no transparency on the decision-making process.** There is no discussion about the “triggers” for requiring spraying and there is little evidence of the effectiveness of the spraying in previous years for minimizing EEE risk. In addition, there is no documentation on the potential impacts to other species or public health as a result of the spraying. Checks and balances on the State Reclamation and Mosquito Control Board are needed but are completely absent in this bill.
- **Inadvertent impacts from spraying are not considered.** There is no information on whether widespread spraying is effective at stopping the spread of arbovirus. There is no consideration of the negative impacts to pollinators and other beneficial species.

Many people grow their own food, with an increasing emphasis on organic methods. Landowners should not be subjected to pesticides sprayed on their homes and gardens without their knowledge or consent. Chemicals used for adult mosquito control are also highly toxic to fish. Furthermore, these chemicals also present public health risks. People with respiratory illnesses such as asthma, as well as the elderly and young children, are particularly susceptible to adverse reactions from such chemicals.

The State Reclamation and Mosquito Control Board should be required to confirm that the pesticides used for mosquito control activities do not contain per- and polyfluoroalkyl (PFAS) compounds, chemicals that are being detected in more and more Massachusetts’ water supplies every year. PFAS compounds may be included in the “inert ingredients” used in pesticides to aid in dispersal. The State Reclamation and Mosquito Control Board should be required to confirm that the chemicals used to combat arbovirus will not contain PFAS compounds. Without oversight, transparency or coordination with other agencies, this bill could do more harm than good.

SVT opposes the bill as written to allow for a more considered response to the public health threat.

A revised bill must include the following:

- Provide checks and balances to this bill by adding the Department of Public Health and Department of Fish and Game to the Reclamation Board;
- Add 48-hour notification to communities (and to a state website) prior to spraying for mosquitoes;
- Provide transparency in this process by requiring annual reporting of mosquito control plans, programs, and results and an annual public review process;
- Require the use of an Integrated Pest Management Plan that includes an emphasis on surveillance, public education, and ecologically-based strategies, instead of repeated, broad applications of pesticides via ground or aerial application;
- Enable communities to receive surveillance services to monitor for mosquito-borne diseases without having to sign up for pesticide applications. The inability or unwillingness of some mosquito districts to tailor services to the desires of local communities is why many communities are not members of existing districts. Rather than overriding these valid local concerns, the Legislature should implement a solution that provides services that communities actually want

and need; and

- Provide a sunset clause for one year following the end of the COVID-19 state of emergency.

Thank you for your time and consideration of these important issues that have great impact on the health of citizens and our environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Vernegaard". The signature is fluid and cursive, with the first name being the most prominent.

Lisa Vernegaard  
Executive Director

cc: Senator Nick Collins, Vice Chair Joint Committee on Public Health  
Representative John J. Mahoney, Chair Joint Committee on Public Health  
Representative Chynah Tyler, Vice Chair Joint Committee on Public Health