



THE GENERAL COURT OF MASSACHUSETTS  
STATE HOUSE, BOSTON 02133-1053

May 11, 2020

The Honorable John J. Mahoney  
House Chair, Joint Committee on Public Health  
State House Room 130

The Honorable Joanne M. Comerford  
Senate Chair, Joint Committee on Public Health  
State House Room 413C

Dear Chair Mahoney and Chair Comerford:

We write today to share our concerns relative to H.4650, *An Act to mitigate arbovirus in the Commonwealth*. The bill, filed by Governor Baker, is currently pending before your Committee.

We are concerned that H.4650 proposes to dramatically expand the authority of the State Reclamation and Mosquito Control Board beyond what's necessary to respond to imminent concerns of eastern equine encephalitis (EEE).

We understand that given the cyclical nature of EEE, the Commonwealth may face a second year of public health challenges related to mosquito-borne illness during summer and fall. This legislation, however, does not sunset after the EEE threat has passed. Instead, it grants broad and lasting powers to the SRMCB that would permanently change the way we manage mosquito control and pesticide spraying in Massachusetts. Specifically, the legislation authorizes the SRMCB to *engage in any control methods, including broad pesticide application, as it deems necessary in any area of the Commonwealth*. This dramatic expansion of authority, if deemed necessary in response to imminent threats, needs to be time-limited to ensure that it does not become a lasting policy change.

Additionally, the proposed legislation removes the current practice of local and regional oversight of pesticide applications. This is a significant change that cannot be considered lightly. At a minimum, the legislation must require advance notice to communities, appropriate municipal boards, and property owners who have received spraying exemptions. These audiences and the public should receive notice about the timing of imminent spraying as well as the type of chemical being sprayed and relevant product information. Spraying data should also be made available to municipalities and the public on an ongoing basis so that local impacts can be evaluated.

It's important to note that the broad use of pesticides contemplated under this legislation is not a sustainable, long-term solution to protecting the public health from mosquito-borne and arboviruses. A comprehensive and integrated strategy that includes surveillance monitoring for disease vectors is essential to a proactive and effective response. The addition of language requiring the department to design and implement a comprehensive arbovirus prevention and response program that engages local communities would better serve the long-term interests of the Commonwealth.

Included in any strategy to protect the public from arbovirus should also be a careful review of the types of pesticides that are appropriate for public health applications given potential health and ecological impacts. For example, some products contain chemicals that are suspected of toxicity to the immune and respiratory systems and can be damaging to the environment. A comprehensive arbovirus control program

would both limit the overall use of pesticides and restrict use to only those products which the Commonwealth has evaluated and endorses as protective of public health and the environment.

We respectfully request that should H.4650 advance from your Committee, it be redrafted to reflect the following changes:

- Establish a sunset date of for the legislation no later than December 31, 2020.
- Include clear notification requirements for appropriate local and regional boards, property owners who have opted out of spraying, and the public at least 48 hours prior to application. Such notices should be easily accessed online.
- Provide a full accounting of spraying that occurred under the emergency order, including but not limited to the areas that were sprayed, the number of applications, and the product(s) applied. This information should also be made publicly available online.

In addition, any legislation that advances should include the following provisions to minimize the presence of arbovirus in the community, protect the public health, and be environmentally sustainable over the long term:

- Require the development of a comprehensive, long-term arbovirus prevention and response program, in coordination with communities, that includes an emphasis on surveillance, public education, and the use of mosquito control approaches that are selected and applied in a manner that minimizes overall risks to human health, beneficial non-target organisms, and the environment. The plan should minimize the use of repeated, broad applications of pesticides via ground or aerial application.
- Enable communities to receive surveillance and educational services through SRMCB to monitor for and mitigate the prevalence of mosquitos and mosquito-borne diseases, without having to commit to participating in the pesticide program.

Thank you for your important work and your consideration of these concerns. Please don't hesitate to contact us with questions.

Sincerely,

Carolyn C. Dykema  
State Representative  
8<sup>th</sup> Middlesex District

Adam G. Hinds  
State Senator  
Berkshire, Hampshire, Franklin  
& Hampden District

James Arciero  
State Representative  
2<sup>nd</sup> Middlesex District

Christine P. Barber  
State Representative  
34<sup>th</sup> Middlesex District

Ruth B. Balsler  
State Representative  
12<sup>th</sup> Middlesex District

John Barrett, III  
State Representative  
1<sup>st</sup> Berkshire District

F. Jay Barrows  
State Representative  
1<sup>st</sup> Bristol District

Marjorie C. Decker  
State Representative  
25<sup>th</sup> Middlesex District

Natalie M. Blais  
State Representative  
1<sup>st</sup> Franklin District

Mindy Domb  
State Representative  
3<sup>rd</sup> Hampshire District

Linda Dean Campbell  
State Representative  
15<sup>th</sup> Essex District

Lori A. Ehrlich  
State Representative  
8<sup>th</sup> Essex District

Daniel R. Carey  
State Representative  
2<sup>nd</sup> Hampshire District

Nika C. Elugardo  
State Representative  
15<sup>th</sup> Suffolk District

Gerard J. Cassidy  
State Representative  
9<sup>th</sup> Plymouth District

Tricia Farley-Bouvier  
State Representative  
3<sup>rd</sup> Berkshire District

Michelle L. Ciccolo  
State Representative  
15<sup>th</sup> Middlesex District

Kimberly N. Ferguson  
State Representative  
1<sup>st</sup> Worcester District

Claire D. Cronin  
State Representative  
11<sup>th</sup> Plymouth District

Dylan A. Fernandes  
State Representative  
Barnstable, Dukes, & Nantucket District

Josh S. Cutler  
State Representative  
6<sup>th</sup> Plymouth District

William C. Galvin  
State Representative  
6<sup>th</sup> Norfolk District

Michael S. Day  
State Representative  
31<sup>st</sup> Middlesex District

Carmine L. Gentile  
State Representative  
13<sup>th</sup> Middlesex District

Susan W. Gifford  
State Representative  
2<sup>nd</sup> Plymouth District

Kevin G. Honan  
State Representative  
17<sup>th</sup> Suffolk District

Kenneth I. Gordon  
State Representative  
21<sup>st</sup> Middlesex District

Louis L. Kafka  
State Representative  
8<sup>th</sup> Norfolk District

Tami L. Gouveia  
State Representative  
14<sup>th</sup> Middlesex District

Mary S. Keefe  
State Representative  
15<sup>th</sup> Worcester District

Danielle W. Gregoire  
State Representative  
4<sup>th</sup> Middlesex District

James M. Kelcourse  
State Representative  
1<sup>st</sup> Essex District

Sheila C. Harrington  
State Representative  
1<sup>st</sup> Middlesex District

Kay Khan  
State Representative  
11<sup>th</sup> Middlesex District

James K. Hawkins  
State Representative  
2<sup>nd</sup> Bristol District

David H. A. LeBoeuf  
State Representative  
17<sup>th</sup> Worcester District

Natalie M. Higgins  
State Representative  
4<sup>th</sup> Worcester District

Jack P. Lewis  
State Representative  
7<sup>th</sup> Middlesex District

Bradford Hill  
State Representative  
4<sup>th</sup> Essex District

David P. Linsky  
State Representative  
5<sup>th</sup> Middlesex District

Kate Hogan  
State Representative  
3<sup>rd</sup> Middlesex District

Jay D. Livingstone  
State Representative  
8<sup>th</sup> Suffolk District

Adrian C. Madaro  
State Representative  
1<sup>st</sup> Suffolk District

Smitty Pignatelli  
State Representative  
4<sup>th</sup> Berkshire District

Paul W. Mark  
State Representative  
2<sup>nd</sup> Berkshire District

Denise Provost  
State Representative  
27<sup>th</sup> Middlesex District

Joan Meschino  
State Representative  
3<sup>rd</sup> Plymouth District

David Robertson  
State Representative  
19<sup>th</sup> Middlesex District

Christina A. Minicucci  
State Representative  
14<sup>th</sup> Essex District

Maria D. Robinson  
State Representative  
6<sup>th</sup> Middlesex District

Brian W. Murray  
State Representative  
10<sup>th</sup> Worcester District

David M. Rogers  
State Representative  
24<sup>th</sup> Middlesex District

Tram T. Nguyen  
State Representative  
18<sup>th</sup> Essex District

John H. Rogers  
State Representative  
12<sup>th</sup> Norfolk District

James J. O'Day  
State Representative  
14<sup>th</sup> Worcester District

Jeffrey N. Roy  
State Representative  
10<sup>th</sup> Norfolk District

Sarah K. Peake  
State Representative  
4<sup>th</sup> Barnstable District

Lindsay N. Sabadosa  
State Representative  
1<sup>st</sup> Hampshire District

Alice H. Peisch  
State Representative  
14<sup>th</sup> Norfolk District

Paul A. Schmid, III  
State Representative  
8<sup>th</sup> Bristol District

Thomas M. Stanley  
State Representative  
9<sup>th</sup> Middlesex District

Ryan C. Fattman  
State Senator  
Worcester & Norfolk District

Aaron Vega  
State Representative  
5<sup>th</sup> Hampden District

Anne M. Gobi  
State Senator  
Worcester, Hampden, Hampshire  
& Middlesex District

Tommy Vitolo  
State Representative  
15<sup>th</sup> Norfolk District

Patricia D. Jehlen  
State Senator  
2<sup>nd</sup> Middlesex District

Michael J. Barrett  
State Senator  
3<sup>rd</sup> Middlesex District

Jason M. Lewis  
State Senator  
5<sup>th</sup> Middlesex District

Michael D. Brady  
State Senator  
2<sup>nd</sup> Plymouth & Bristol District

Michael O. Moore  
State Senator  
2<sup>nd</sup> Worcester District

Harriette L. Chandler  
State Senator  
1<sup>st</sup> Worcester District

Patrick M. O'Connor  
State Senator  
Plymouth & Norfolk District

Cynthia S. Creem  
State Senator  
1<sup>st</sup> Middlesex & Norfolk District

Walter F. Timilty  
State Senator  
Norfolk, Bristol, & Plymouth District

Diana DiZoglio  
State Senator  
1<sup>st</sup> Essex District

CC:

Kathleen Theoharides, Secretary, Executive Office of Energy and Environmental Affairs  
Monica Bharel, Commissioner, Department of Public Health