

SENATE No. 2164

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting Massachusetts pollinators.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>6/19/2017</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>7/5/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>7/21/2017</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>7/21/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>7/21/2017</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>7/26/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>7/26/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>7/26/2017</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>7/26/2017</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>8/1/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>8/3/2017</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>	<i>8/3/2017</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>8/3/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>8/17/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>8/17/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>9/12/2017</i>

SENATE No. 2164

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 2164) (subject to Joint Rule 12) of James B. Eldridge, Carolyn C. Dykema, Jason M. Lewis, Julian Cyr and other members of the General Court for legislation to protect Massachusetts pollinators. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act protecting Massachusetts pollinators.

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, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after the definition of “Agricultural commodity”
3 the following definition:-

4 “Agricultural use”, the spraying, release, deposit or application of a neonicotinoid on land
5 which is in agricultural use, as defined in section 1 of chapter 61A.

6 SECTION 2. Said section 1 of said chapter 132B, as so appearing, is hereby further
7 amended by inserting after the definition of “Anti-microbial pesticide”, the following definition:-

8 “Blooming season,” the period of the calendar year in which blooming or flowering
9 plants are actively blooming, which shall include, at a minimum, the period between March 1
10 and October 31, provided, that the department may increase this period of time by regulation.

11 SECTION 3. Said section 1 of said chapter 132B, as so appearing, is hereby further
12 amended by inserting after the definition of “Fungi”, the following definition:-

13 “Horticultural use”, the spraying, release, deposit or application of a neonicotinoid on
14 land which is in horticultural use, as defined in section 2 of chapter 61A.

15 SECTION 4. Said section 1 of said chapter 132B, as so appearing, is hereby further
16 amended by inserting after the definition of “Nematode” the following definition:-

17 “Neonicotinoid,” a pesticide belonging to the neonicotinoid class of chemicals which act
18 selectively on nicotine acetylcholine receptors of organisms, including but not limited to,
19 imidacloprid, acetamiprid, clothianidin, dinotefuran, nithiazine, nitenpyram, thiacloprid, and
20 thiamethoxam and any other pesticide identified as a neonicotinoid by the United States
21 Environmental Protection Agency. Neonicotinoids are absorbed into plant tissue and can be
22 present in pollen and nectar, making them potentially toxic to pollinators.

23 SECTION 5. Section 6 of said chapter 132B, as so appearing, is hereby amended by
24 inserting after the second paragraph the following paragraph:-

25 No person shall distribute a neonicotinoid pesticide, or any substance containing a
26 neonicotinoid pesticide, for agricultural or horticultural use, excluding neonicotinoid-treated
27 nursery plants, to any person other than a certified commercial applicator, a certified private
28 applicator, or a licensed applicator.

29 SECTION 6. Said chapter 132B is hereby further amended by inserting after section 6K
30 the following section:-

31 Section 6L. (a) Neonicotinoids shall not be sprayed, released, deposited or applied on any
32 property within the commonwealth, except as follows:-

33 (1) During the blooming season, neonicotinoids shall be used for agricultural and
34 horticultural uses only.

35 (2) A neonicotinoid used during the blooming season for agricultural or horticultural uses
36 shall only be sprayed, released, deposited or applied by certified commercial applicator, certified
37 private applicator or licensed applicator who has received a certificate of training.

38 (3) On any date outside of the blooming season, neonicotinoids shall only be sprayed,
39 released, deposited or applied by a certified commercial applicator, a certified private applicator,
40 or a licensed applicator.

41 (b) Prior to spraying, releasing, depositing or applying any neonicotinoid in accordance
42 with subsection (a), a certified commercial applicator, certified private applicator or licensed
43 applicator shall provide the owner of the property on which the neonicotinoid is to be so used
44 with: (i) information on the risks associated with its use, including, but not limited to, its
45 potential effects on the central nervous system of pollinators and non-target organisms and an
46 overview of the effects of neonicotinoids on honeybees; (ii) a list of alternative non-
47 neonicotinoid products; and (iii) an acknowledgment signifying that the owner has received and
48 understands this information. The informational materials, list and acknowledgement required by
49 this subsection shall be in a form prescribed by the department. This subsection shall not apply to
50 any certified commercial applicator, certified private applicator, or licensed applicator so using a
51 neonicotinoid on property which he or she owns.

52 (c) No blooming or flowering plant, plant material or seed that has been treated with a
53 neonicotinoid shall be sold within the commonwealth unless it is clearly and conspicuously
54 labeled as having been treated with a neonicotinoid and includes a brief description of the risks
55 to pollinators and other non-target organisms associated with the use of neonicotinoids.

56 SECTION 7. Section 10 of said chapter 132B, as so appearing, is hereby amended by
57 inserting after the third paragraph, the following paragraph:-

58 The department shall require that any certified commercial applicator, certified private
59 applicator, or licensed applicator who will use neonicotinoids pursuant to paragraph (1) of
60 subsection (a) of section 6L satisfactorily completes training on the risks associated with the use
61 of neonicotinoids and the proper techniques to use in order to minimize those risks. The
62 department shall integrate said neonicotinoid training into the current licensing and certification
63 process to create a streamlined process for existing certified commercial applicators, certified
64 private applicators, or licensed applicators.

65 SECTION 8. Section 14 of said chapter 132B, as appearing in the 2014 Official Edition,
66 is hereby amended by inserting after the word “inclusive”, in line 9, the following words:-
67 ,section 6L.

68 SECTION 9. The department of agricultural resources shall work with The Center for
69 Agriculture, Food and the Environment at University of Massachusetts in Amherst in order to
70 develop the training required by section 4 within six months of the passage of this Act. Such
71 training may, if practicable, include the attendance of any existing courses, programs or
72 initiatives at said center.

73 SECTION 10. The Department of Transportation shall identify opportunities in the
74 Commonwealth for the replacement of non-native, cool-season turf grasses around solar energy
75 installations on department property with native plant communities that include flowers,
76 wildflowers, vegetables, weeds, herbs, ornamental plants, cover crops and legume species to
77 attract honey bees and other pollinators.

78 SECTION 11. The department shall develop the informational materials, list of
79 alternative products and acknowledgement form required by section 6 within six months of the
80 passage of this Act.

81 SECTION 12. Section 8 of this act shall take effect on January 1, 2018. No penalties
82 shall be assessed for a violation of the provisions of this act prior to such date.