

*AN ACT PROVIDING FOR THE PUBLIC HEALTH BY MANAGING MOSQUITOES IN THE
COMMONWEALTH (S.B. 495)*

Questions & Answers

Q: *What precipitated the filing of this bill?*

A: Existing mosquito control legislation, passed in 1918 and in the 1970's, is outdated. It addresses nuisance problems primarily and public health secondarily – and is not based on current scientific and technical knowledge that enables more effective disease control with less environmental impact. Current law fosters a lack of coordination between the state agencies, including the Departments of Public Health and Environmental Protection, and local boards of health. By increasing state oversight of mosquito control, including the Department of Public Health, implementing Best Management Practices, and documenting what works and what does not, both the environment and public health will benefit. There are legitimate concerns that with global warming, Massachusetts will see increased incidence of mosquito borne disease, making it important to update our mosquito management practices now.

Q: *What will this bill do?*

- A: Reforms M.G.L. Chapter 252 *Improvement of Low Land and Swamps* through the establishment of a broad state mosquito management board, with a seat for the Department of Public Health on that board. The Department of Public Health currently does NOT have a seat on the current State Reclamation and Mosquito Management Board, which is comprised of the Departments of Agricultural Resources, Conservation and Recreation, and Environmental Protection.
 - The state mosquito management board would oversee nine regional mosquito management councils. The councils would be the governing bodies of the mosquito districts, and comprised of at least five members each, all of who must work and live in the district. Councils include a member of boards of public health, conservation commissions, environmental protection, the municipality, and two citizens at large with relevant background.
- Leaves existing mosquito control projects, with their funding formulas, under the Executive Office of Energy and Environmental Affairs. Mosquito control projects *can remain intact*, but must implement Best Management Practices and meet criteria of the newly formed management council and state mosquito management board.
- Orders state sponsored public education on reducing health risk by avoiding contact with mosquitoes.
- Coordinates state and regional mosquito control functions, with protocols for interagency cooperation.
- Focuses on public health supported through scientifically developed Best Management Practices.
- Mandates that all regional mosquito control activities be part of a comprehensive plan, including Integrated Pest Management, presented at a public hearing and approved by the state mosquito management board.
- Incorporates the state's Eastern Equine Encephalitis and West Nile Virus emergency plan into the legal structure for mosquito management.
- Limits broad-scale aerial adulticide applications.
- Requires field investigations and record keeping to support continual improvement of strategies.
- Requires an annual report of mosquito control activities.
- Protects water supplies, wetlands, organic farms, apiaries, fish farms and wildlife.

Q: *Will this bill restrict Department of Public Health input into mosquito control?*

A: No. The bill *increases* Department of Public Health participation in mosquito control from the bottom up – giving them a seat on the mosquito management board that oversees both nuisance and public health mosquito control.

The bill states clearly: “The board shall be comprised of eleven members: the secretary of the executive office of administration and finance or a designee; the secretary of the executive office of environmental affairs, or a designee; ***the commissioner of the department of public health, or a designee***; the commissioner of the department of environmental protection or a designee; the commissioner of the department of conservation and recreation or a designee; the commissioner of the department of agricultural resources or a designee; the commissioner of the department of fish and game or a designee; one person representing an established statewide environmental

protection organization; one person either an organic farmer, a beekeeper, or a fish farmer; an entomologist; and an engineer with expertise and experience in hydrology and soil conservation; the latter four members to be designated by the governor of the commonwealth and serving conterminously with the governor.”

Q: *Will this bill address public notification of mosquito borne disease risk?*

A: Yes. The bill states that “Mosquito management programs shall be accompanied by a public education campaign emphasizing appropriate actions that individual citizens can take to reduce their personal risk by avoiding contact with mosquitoes.”

Q: *Will this bill restrict local mosquito control projects?*

A: No. The bill allows for mosquito control projects, and their funding mechanisms, to continue provided they meet criteria set by the newly formed state mosquito control board.

The bill state clearly: “By fulfilling the provisions of this section and obtaining certification of the board to that effect, the current mosquito control projects known by their identifying names as the Berkshire county mosquito control project, the Bristol county mosquito control project, the Cape Cod mosquito control project, the central Massachusetts mosquito control project, the east Middlesex mosquito control project, the Essex county mosquito control project, the Norfolk county mosquito control project, the Plymouth county mosquito control project, and the Suffolk county mosquito control project *may remain in existence* along with their funding mechanisms as provided for by their enabling acts, voluntary trusts, or other legal instruments. Commissioners of these projects and their employees may continue in their capacity under their existing terms of appointment, as members of the newly formed council, and may be reappointed as members of the council, provided they meet the criteria for membership established by this section.”

Q: *Will this bill restrict the ability of local communities to address local public health threats from mosquitoes?*

A: No. In fact, it will enhance assurances for municipalities that the money they are expending on mosquito control is used effectively. The program will become more focused on public health, and there will be greater accountability and transparency through the development of a comprehensive plan, operational standards, and annual reporting on activities and the results. The planning and accountability process established by the bill will *increase* opportunities for local input into the work of the districts.

Q: *If this bill is passed, what will happen to the mosquito control projects?*

A: Existing mosquito control projects, with their funding formulas, will remain managed at the regional level. Mosquito control projects *remain intact*, but must implement Best Management Practices and are under a newly formed state mosquito management board.

Q: *Will this bill create a new bureaucracy to further delay or obstruct mosquito control activities?*

A: No. This bill will improve oversight and consistency in mosquito control activities, which will result in better protection of public and environmental health.

Q: *How will this bill better protect wildlife, bees, and organic farms?*

A: This bill requires that mosquito management plans first and foremost incorporate Integrated Pest Management strategies, are reviewed by the Natural Heritage & Endangered Species Program, address concerns of pesticide runoff under the Ocean Sanctuary Act chapter 132A, sections 13 through 16 and 18, avoid impacts on ground and surface waters, and that one person on the mosquito management board either be a beekeeper, organic farmer, or fish farmer.

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