



## Legislative Affairs

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Testimony on:

*An Act Providing for the Public Health by Managing Mosquitoes in the Commonwealth (S.B. 495)*

Sponsored by: Senator Robert S. Creedon, Jr.

Before the Joint Committee on Environment, Natural Resources and Agriculture

May 7, 2007

Mass Audubon thanks the Joint Committee on Environment, Natural Resources and Agriculture for providing the opportunity to comment on *An Act Providing for the Public Health by Managing Mosquitoes in the Commonwealth (S.B. 495)*. Mass Audubon supports this bill as a sensible piece of legislation that promotes coordination and implementation of standards, including coordination between state environmental agencies, the Department of Public Health, and local mosquito projects, boards of health, municipal officials, and conservation commissions. The bill also supports annual review and refinement of strategies to reduce human health risks of mosquito borne disease, including public education and promotion of personal protection measures, source reduction, and targeted larvicide and adulticide in conjunction with monitoring for efficacy and environmental impacts for humans and wildlife.

Existing mosquito control legislation, passed in 1918 and in the 1970's, is outdated.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 now enables more effective disease control with less environmental impact. Current law fosters a lack of coordination between the state agencies, including the State Reclamation Board and the Departments of Public Health, Environmental Protection, and local boards of health and other municipal officials. By increasing state oversight of mosquito control by the state environmental agencies and Department of Public Health, implementing Best Management Practices, improving public education, and documenting what works and what does not, both the environment and public health will benefit.

Massachusetts has nine separate mosquito control districts, each of which operates relatively independently and are overseen by the State Reclamation and Mosquito Control Board (M.G.L. Ch. 252: Section 2). The Reclamation Board has three seats - Department of Environmental Protection, Department of Agricultural Resources as chair, and the Department of Conservation and Recreation. The state Department of Public Health does not have a seat on the Reclamation Board, and the lines of authority for managing mosquito borne diseases are not clearly defined by statute. This is of particular concern in regards to standards to manage mosquitoes and mosquito borne diseases early in the season prior to any declaration of public health emergency. Each district is professionally staffed, but there are no statewide standards or priorities for Best Management Practices (BMPs) to be employed throughout the year. Records of mosquito control operations and results are kept separately by each district. Yet, mosquito borne diseases are a concern at a larger landscape scale.

There is a need for an integrated, computerized (integrated with GIS) system enabling compilation and analysis of information on a regional or statewide basis without the barriers encountered with separate district based systems. Despite a 1998 Secretary of Environmental Affairs Certificate on the Generic Environmental Impact Report (GEIR) calling for development of BMPs to be applied by all districts, the Reclamation Board has not filed any of the required annual updates to the GEIR in the past eight years. Lack of money has been cited as reasons for delays in progress on BMPs and mosquito control related research. Integration of all mosquito control programs into one unified system with a centralized database of information would result in greater efficiencies and improved protection of public health and the environment.

West Nile Virus (WNV) is now endemic across most of the state, and while individual cases tend to be somewhat less severe than Eastern Equine Encephalitis (EEE), WNV can also be deadly or cause lifelong disability. There are proven methodologies for effectively protecting the public from WNV without harming the environment.

Mass Audubon supports annual review and refinement of strategies to reduce human health risks of mosquito borne disease. We recommend that this include: public education and promotion of personal protection measures, source reduction, and targeted larvacide and adulticide in conjunction with monitoring for efficacy and environmental impacts – for humans and wildlife.

This legislation reforms the state's mosquito control system to better protect public and environmental health through integrating state and local departments of public health with mosquito control programs, state environmental agencies, and other local boards and experts.

- 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 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 the 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.

This bill will improve oversight and consistency in mosquito control activities, include defined roles for the Department of Public Health and local boards of health, improve public education about mosquito borne disease, and will result in better protection of public and environmental health.

Thank you again for providing the opportunity to make these comments.

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*Mass Audubon works to protect the nature of Massachusetts for people and wildlife. Together with more than 100,000 members, we care for 32,000 acres of conservation land, provide educational programs for 200,000 children and adults annually, and advocate for sound environmental policies at local, state, and federal levels. Mass Audubon's mission and actions have expanded since our beginning in 1896 when our founders set out to stop the slaughter of birds for use on women's fashions. Today we are the largest conservation organization in New England. Our statewide network of 43 wildlife sanctuaries welcomes visitors of all ages and serves as the base for our conservation, education, and advocacy work. To support these important efforts, call 800-AUDUBON (283-8266) or visit [www.massaudubon.org](http://www.massaudubon.org).*