

## **S.2591 – GIA Selected Amendments**

### **Amendment 129 - Commission to protect pollinators**

Mr. Lewis moves that the proposed new text be amended by adding the following new section:-

SECTION X. There shall be a special commission established to study statewide opportunities for improving pollinator health by increasing and enhancing native pollinator habitat.

The commission shall focus on identifying statewide opportunities for enhancing and expanding pollinator habitat in both developed and natural areas such as farm field borders, forest borders, residential areas, parks, urban areas, industrial areas, energy transmission corridors, energy generating facilities and transportation corridors.

The commission shall consider enhancing and expanding pollinator habitat for a broad range of native and managed pollinators including but not limited to wild and managed bees, butterflies, moths, beetles, ants, bats and birds.

The commission shall report its findings, including any proposed legislation, to the house and senate committees on ways and means, the joint committee on environment, natural resources and agriculture no later than December 31, 2018.

The commission shall consist of: 1 member of the senate appointed by the senate president; 1 member of the house of representatives appointed by the speaker of the house; 1 member of the senate appointed by the minority leader of the senate; 1 member of the house of representatives appointed by the minority leader of the house of representatives; the commissioner of the division of fisheries and wildlife, or a designee, who shall serve as a co-chair; the commissioner of the department of agricultural resources, or a designee, who shall serve as a co-chair; 9 people to be appointed by the governor, 1 of whom shall be a University of Massachusetts faculty member specializing in the science of pollinator health, 1 of whom shall be a University of Massachusetts faculty member specializing in native wildlife ecology, 1 of whom shall represent an advocacy group for farmers, 1 of whom shall represent an advocacy group for organic farmers, 1 of whom shall be a commercial beekeeper, 1 of whom shall represent the Massachusetts Beekeepers Association, 1 of whom shall be a beekeeper representing the county beekeeping associations, 1 of whom shall represent the Massachusetts Nursery and Landscape Association, and 1 of whom shall represent a membership based non-profit advocacy group dedicated to land protection.

The special commission shall examine issues relevant to pollinator health, including: (i) studying public education and outreach plans regarding pollinator habitat that have been successful in other states; (ii) identifying adequacy of funding for efforts to promote or protect pollinator habitat; (iii) evaluating existing best management practices for promoting pollinator health through foraging and proper food source diversity; (vi) studying the use of agricultural and nonagricultural lands, such as transportation corridors, energy transmission corridors, parks, and working forests, and how they may be used to provide pollinator forage and unique opportunities to increase pollinator populations; (vii) research and identify ways to expand and coordinate public education programs outlining steps individuals and businesses can take to help address the loss of pollinator habitat.

### **Amendment 176 - High-Efficiency Irrigation System**

Mr. Crighton moves that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- "; provided further, that \$1,800,000 shall be expended for the procurement and installation of a high-efficiency irrigation system to promote water conservation at the Gannon Municipal Golf Course in the City of Lynn."

### **Amendment 183 - Pesticide Enforcement**

Ms. Gobi moves that the proposed new text be amended by adding the following 2 new sections:-

SECTION XX. Section 14A of chapter 132B of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

(a) Notwithstanding any other section in this chapter, the department may assess a civil administrative penalty, not to exceed \$1,000 per violation, on any person who violates any provision of this chapter or any regulations promulgated under this chapter, provided that such assessment shall not occur within a one year period until after such person has received one warning for the same violation from the department. Each day a violation continues shall constitute a separate violation.

(b) The remedies provided in this section are available in addition to, and without limiting, any other penalties or remedies provided by law or equity. The department may adopt and promulgate such regulations as may be necessary to effectuate the purposes of this section.

SECTION XX. Subsection (c) of said section 14A of said chapter 132B, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

This penalty shall be assessed in addition to any other civil penalty otherwise provided for by law. Notice of assessment of a penalty pursuant to this section shall be made by service in hand, or by certified mail, return receipt requested, and shall state the amount of the administrative penalty, the date the penalty shall be due, a statement of the violator's right to an adjudicatory hearing pursuant to chapter 30A regarding the assessment, a statement of the actions the person may take in order to avoid assessment of additional penalties or to avoid waiving the right to a hearing relative to the penalty, and the manner of acceptable payment if an election to waive a hearing is made.

#### **Amendment 211 - Pollinator Protection**

Mr. Eldridge, Ms. O'Connor Ives, Ms. L'Italien, Messrs. Pacheco, Hinds and Rush move that the proposed new text be amended by adding the following new sections:

SECTION XX. Section 2 of chapter 132B of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the definition of "Agricultural commodity" the following definition:-  
"Agricultural use", the spraying, release, deposit or application of a neonicotinoid on land in agricultural use, as defined in section 1 of chapter 61A.

SECTION XX. Said section 2 of said chapter 132B, as so appearing, is hereby further amended by inserting after the definition of , "Beneficial insects" the following definition:-  
"Blooming season," the period of the calendar year during which blooming or flowering plants are actively blooming, which shall include, at a minimum, the period between March 1 and October 31, provided, that the department may increase the period of time by regulation.

SECTION XX. Said section 2 of said chapter 132B, as so appearing, is hereby further amended by inserting after the definition of "Fungi", the following definition:-  
"Horticultural use", the spraying, release, deposit or application of a neonicotinoid on land in horticultural use, as defined in section 2 of chapter 61A.

SECTION XX. Said section 2 of said chapter 132B, as so appearing, is hereby further amended by inserting after the definition of "Nematode" the following definition:-  
"Neonicotinoid," a pesticide belonging to the neonicotinoid class of chemicals which act selectively on nicotine acetylcholine receptors of organisms and are absorbed into plant tissue and can be present in

pollen and nectar, including but not limited to, imidacloprid, acetamiprid, clothianidin, dinotefuran, nithiazine, nitenpyram, thiacloprid, and thiamethoxam and any other pesticide identified as a neonicotinoid by the United States Environmental Protection Agency.

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

No person shall distribute a neonicotinoid, or any substance containing a neonicotinoid, for agricultural use or horticultural use, except a neonicotinoid-treated nursery plant, to any person except a certified commercial applicator, a certified private applicator, or a licensed applicator.

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

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

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

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

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

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

(c) The subsections (a) and (b) shall not apply to the following products: (i) pet care products used to mitigate fleas, mites, ticks, heartworms, or other animals that are harmful to the health of a domesticated animal; (ii) personal care products used to mitigate lice and bedbugs; (iii) indoor pest control products used to mitigate insects indoors, including ant bait and (iv) any products used by licensed or certified applicators for use in industrial, institutional, structural and health related pest control, as defined in 333 CMR 10.03.7.

The department of agricultural resources shall develop the informational materials, list of alternative products and acknowledgement form required by this section within 6 months of the passage of this act.

SECTION XX. Subsection (c) of section 10 of said chapter 132B, as so appearing, is hereby amended by adding the following paragraph:-

The department shall require that any certified commercial applicator, certified private applicator, or licensed applicator using neonicotinoids pursuant to paragraph (2) of subsection (a) of section 6L satisfactorily completes training regarding the risks associated with the use of neonicotinoids and the proper techniques to minimize said risks. The department shall include the neonicotinoid training in the

licensing and certification process for certified commercial applicators, certified private applicators, or licensed applicators.

SECTION XX. The department of agricultural resources shall work with the center for agriculture, food and the environment at University of Massachusetts at Amherst in order to develop the training required by section 4 within six months of the passage of this Act. Such training may, if practicable, include the attendance of any existing courses, programs or initiatives at said center.

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

SECTION XX. The department of agricultural resources shall develop the informational materials, list of alternative products and acknowledgement form required by section 6L of Chapter 132B within 6 months of the effective date of this act.

SECTION YY. Section 14 of said chapter 132B, as so appearing, is hereby amended by inserting after the word "inclusive", in lines 9 and 10, the following words:- , section 6L

SECTION XX. Section YY of this act shall take effect on January 1, 2019.

**Amendment 274 - Trees in the City**

Mr. Collins moves that the proposed new text be amended in section 2, in item 2000-7061 by adding the following language:- "provided further that not less than \$1,000,000 be provided to the city of Boston for the planting of new trees in the South Boston, Dorchester, Mattapan, and Hyde Park sections of the city, and the creation of a Geographic Information System, geo-coded inventory, and condition assessment of the City of Boston's trees by a licensed Arborist", and by striking the figure "\$10,000,000" and inserting in place thereof the following figures:- "\$11,000,000".