



October 17, 2017

Senator Anne Gobi, Senate Chair
Joint Committee on Environment, Natural Resources and Agriculture
Room 513, State House
Boston, MA 02133

Andrew Gottlieb
Executive Director

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Joint Committee on Environment, Natural Resources and Agriculture
Room 473F, State House
Boston, MA 02133

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RE: Support for: S.409, *An Act Relative to Vegetation Management*
S.412, *An Act relative to the Pesticide Board*
H.3927, *An Act Empowering Towns to Protect Their Environment and Residents from Harmful Pesticides*

Maureen O'Shea
Clerk

Elliott Carr

Robert Ciolek

Dear Chairwoman Gobi and Chairman Pignatelli:

Michael Corrigan

DeeDee Holt

The Association to Preserve Cape Cod (APCC) strongly supports three bills under consideration by the Joint Committee on Environment, Natural Resources and Agriculture—S.409, S.412 and H.3927—and urges the committee to report these bills out with a favorable recommendation.

Thomas Huettner

Pat Hughes

Cheryl Lubin

Founded in 1968, APCC is the Cape Cod region's leading nonprofit environment advocacy and education organization, working for the adoption of laws, policies and programs that protect and enhance Cape Cod's natural resources and quality of life. Central to APCC's mission—and to the health of Cape Cod's residents and environment—is the protection of the region's groundwater. As a sole source aquifer, Cape Cod's groundwater is the source of the Cape's drinking water, it feeds our one thousand ponds and drains into our many marine estuaries and bays. In many areas, groundwater is located close to the surface of the Cape's sandy, highly permeable soils, thereby making the Cape's water resources extremely vulnerable to the introduction of contaminants, including pesticides that are known to be, or suspected of being, harmful to human health and the environment.

Blue Magruder

Eliza McClennen

Donald Palladino

Kris Ramsay

S.409, S.412 and H.3927 would provide communities on Cape Cod, as well as other cities and towns across the Commonwealth, with the necessary tools and options to protect public health and fragile environmental resources.

S.409, *An Act Relative to Vegetation Management*, requires a public utility, state agency or other authority that maintains a right-of-way through a municipality or property under the control of a water district to offer a "no-spray" vegetation management agreement if the municipality or water district desires a pesticide-free alternative. The agreement would be reached through negotiation as provided in the legislation, and the public utility retains the right to apply pesticides if an agreement cannot be reached. S.409 provides a reasonable

482 Main Street | Dennis, MA 02638

Tel: 508-619-3185 | info@apcc.org | www.apcc.org

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process for utilities and municipalities to work together to achieve the vegetation management objectives of the utility while respecting the desire of a community to avoid large-scale use of pesticides in areas where its use may not be appropriate.

S.412, An Act Relative to the Pesticide Board, would require the commissioner of the Department of Agricultural Resources to consult with the commissioners of the Department of Environmental Protection and the Department of Public Health when making a decision about the use of pesticides relative to the protection of groundwater sources of drinking water. This provision inserts a reasonable and beneficial safety measure to help ensure that decisions of pesticide use take into account the potential risks to public health from groundwater contamination and it enables DEP and DPH to weigh in with their expertise.

H.3927, An Act Empowering Towns to Protect Their Environment and Residents from Harmful Pesticides, affirms the state's authority to regulate the labeling, distribution, sale, storage, transportation, use and application, and disposal of pesticides in the Commonwealth. However, H.3927 specifies that the regulations established by the state for the use and application and disposal of pesticides shall be minimum standards and restrictions, and provides cities and towns with a local option to adopt more stringent standards and restrictions for the use and application and disposal of pesticides.

Just as local authority is currently given to municipalities to adopt more stringent standards for public health and wetland protection, H.3927 recognizes that each community is unique and many health and environmental issues related to pesticide use are best handled by local officials familiar with local conditions. Soil types, the use of groundwater for public and private drinking water, proximity of schools, hospitals, residential areas, sensitive natural resource areas, rare species habitat, surface waters and wetlands, and other uniquely local characteristics create different situations in different communities. A one-size-fits-all approach to regulating how pesticides are used in the Commonwealth's many communities does not adequately address all local conditions or interests. Municipalities should be afforded the ability to determine where, when and to what extent pesticides are to be used within their own borders. H.3927 provides that missing local authority.

S.409, S.412 and H.3927 set in place reasonable measures to help ensure that public health and the environment are not compromised by the improper use of pesticides based on unique local conditions. APCC respectfully requests the Joint Committee on Environment, Natural Resources and Agriculture to move these bills forward with a favorable recommendation.

APCC thanks the chairs and the members of the committee for your attention to this issue and your consideration of this written testimony.

Sincerely,



Andrew Gottlieb
Executive Director

cc:	Sen. Julian Cyr	Rep. Timothy Whelan
	Rep. Dylan Fernandes	Rep. William Crocker
	Sen. Viriato deMacedo	Rep. David Vieira
	Rep. Sarah Peake	Rep. Randy Hunt