

Local Engagement Subcommittee Final Meeting

This file presents the recommendations prepared and voted on by the MCTF Pesticide Selection Subcommittee and the voting results:

- LE-1: Online system for requesting property exclusions and property opt-outs
- LE-2: Marking methods for property exclusions and property opt-outs
- LE-3: Public engagement
- LE-4: Menu-based approach
- LE-4a: Alternative Menu-based Approach
- LE-5: Pilot evaluation of environmental impacts
- LE-5a: Comprehensive Evaluation Program
- LE-6: Increased sharing of pesticide application locations
- LE-7: Increased transparency on sensitive habitat/rare species exclusions

MCTF Local Engagement Subcommittee
Final Recommendations: February 24, 2022

1 **Directive:** *(ii) promoting public participation in mosquito management decisions*

2 **Recommendation LE-1:** Online system for requesting and tracking property exclusions and property opt-
3 outs

4 Background

5 Currently the subcommittee agrees there is little direct public engagement in the mosquito control
6 process in MA. While the public can attend District Commission meetings and town meetings where
7 residents vote on joining or withdrawing from a MCD, the public rarely attends the MCD meetings and
8 once a town votes to join a MCD there is little opportunity for the public to participate directly in
9 decisions regarding control.

10 Homeowners currently have two options for direct participation in mosquito control operations as it
11 pertains to the application of pesticides: requesting the MCD spray their parcel(s) or requesting their
12 parcel(s) not be sprayed. Landowners who want their parcel(s) treated can directly request this service
13 where it is offered by contacting their MCD by phone or email throughout the mosquito season.
14 Individuals who do not want their properties treated are required by regulation to submit their request
15 to be excluded from the wide area use of pesticides, including MCD spraying, to MDAR in accordance
16 with 333 CMR 13.03. A *Request For Exclusion of Wide Area Application of Pesticides* form must be mailed
17 directly to MDAR or applicants may use the online system that requires additional information (e.g.,
18 parcel numbers) that may result in landowners not completing the request. While the online system is
19 an improvement over the past, streamlining this service will increase its user friendliness and efficacy as
20 a service for those not wanting their properties treated leading to greater public participation. The
21 online request expires annually at the end of December requiring landowners to reenter data annually.
22 Providing a renewal option on the online system will facilitate greater landowner participation. In
23 particular, this will reduce effort for large landowners, including land trusts and other organizations,
24 which have multiple parcels.

25 Landowner opt out is the only direct option for public participation, especially for members of the public
26 that feel their voice or concerns have not been fully addressed or met through other channels and do
27 not want their properties treated. This recommendation streamlines the opt out process for individual
28 landowners who do not want their properties treated for mosquito control through a District (MCD) and
29 greater direct participation by the public in mosquito control.

30 *Note: This recommendation is also related to directive (iii) and touches on directive (viii)*

31 Recommendation

32 The Task Force recommends that the online opt out form be amended to include an option for renewal
33 that eliminates the need to reenter data annually and by town. The amended form should include, at a
34 minimum, the option for landowners to carry over previously submitted information. The system
35 should also allow addition or removal of parcels for users with multiple parcels. Funding should be
36 provided for the implementation and ongoing maintenance of the system. The system should be
37 implemented as soon as feasible once funding is secured. The option to submit a paper form should be
38 retained with no changes required.

39

MCTF Local Engagement Subcommittee
Final Recommendations: February 24, 2022

40

41 Considerations for Implementation

42 The regulations currently allow for exclusion requests on an annual basis, all exclusion requests expire
43 on December 31st of the year in which they were submitted. Any change to this annual requirement
44 would require an amendment to 333 CMR 13.03. This regulation was promulgated by MDAR under its
45 authority set forth in M.G.L. c. 132B. Any regulatory change would require both MDAR and Pesticide
46 Board approval, along with complying with the regulatory amendment process set forth in M.G.L. c. 30A.
47 Funding is needed in order to change the system that is currently used. Because MDAR is the agency
48 that currently has regulatory authority over exclusion requests under M.G.L. c. 132B, and 333 CMR
49 13.03, MDAR would need additional funds to update and change the current IT system available for this
50 recommended change. It is unclear if short term or long-term funds will be needed; depends on the
51 system.

52 Timing on implementation of the changes would be of concern in that it is unknown how long it will take
53 to establish a new system. MDAR would need to go through EEA IT to work to develop and implement
54 any IT system change.

55

56 Voting Results

57

- All four subcommittee members in attendance supported this recommendation.

MCTF Local Engagement Subcommittee
Final Recommendations: February 24, 2022

1 **Directive:** (ii) *promoting public participation in mosquito management decisions*

2 **Recommendation LE-2:** Marking methods for property exclusions and property opt-outs

3 Background

4 Currently the subcommittee agrees there is little direct public engagement in the mosquito control
5 process in MA. While the public can attend District Commission meetings and town meetings where
6 residents vote on joining or withdrawing from a MCD, the public rarely attends the MCD meetings and
7 once a town votes to join a MCD there is little opportunity for the public to participate directly in
8 decisions regarding control.

9 Homeowners currently have two options for direct participation in mosquito control operations as it
10 pertains to the application of pesticides: requesting the MCD apply pesticide to their parcel(s) or
11 requesting their parcel(s) be excluded from pesticide applications. Currently landowners requesting
12 exclusions from MCD pesticide application and opt outs from SRB pesticide application are required to
13 physically mark their property every 50 feet with markers approved by the Department as set forth in
14 333 CMR 13.03. This requirement is not practical for all but the smallest of parcels and is burdensome
15 for landowners with large acres and many miles of road frontage. Simplifying the marking requirement
16 will facilitate greater landowner participation.

17 Landowner opt out and exclusion is the only direct option for public participation, especially for
18 members of the public that feel their voice or concerns have not been fully addressed or met through
19 other channels and do not want their properties treated. This recommendation(s) streamlines the opt
20 out process for individual landowners who do not want their properties treated for mosquito control
21 through a District (MCD) and greater direct participation by the public in mosquito control.

22 Note: This recommendation is also related to directive (iii) and touches on directive (viii)

23 Recommendation

24 The Task Force recommends that the landowner opt out/exclusion process as articulated in 333 CMR
25 13.03 be amended to remove the physical marking requirement as required under 333 CMR, section
26 13.03 and make physical marking optional given GPS/GIS technology is used by all MCD and is readily
27 available to private property owners. Funding must be provided for any district that is not currently
28 capable of using GIS/GPS technology to manage pesticide applications. Funding to maintain these
29 systems should be provided on an ongoing basis. Suggested amendments are shown below, with **bold**
30 **italics** indicating additions to 333 CMR 13.03 and strikethrough indicating deletion. These changes are
31 intended only to apply to mosquito control operations and should be implemented as such.

32 “Marking Areas for Exclusion. All areas designated for exclusion from Wide Area Applications of
33 pesticides and mosquito control applications of pesticides approved by the State Reclamation and
34 Mosquito Control Board shall be marked as follows:

35 (a) Applications by Aircraft. The person requesting exclusion shall **provide GIS boundary data layer(s) or**
36 clearly mark boundaries or areas to be excluded using marking methods approved by the Department.

37 (b) Ground Applications. The person requesting exclusion shall **provide GIS boundary data layer(s) or**
38 mark the boundaries or areas to be excluded at least every 50 feet using marking methods approved by

MCTF Local Engagement Subcommittee
Final Recommendations: February 24, 2022

39 the Department which clearly defines the area of exclusion. ***If GIS boundary data layers are provided,***
40 ***the person requesting exclusion may mark the corners (i.e., start and end) of the area to be excluded***
41 ***and post markers at any intersection.*** Approved marking methods shall be listed on the Department's
42 website at www.mass.gov/eea/agencies/agr/pesticides/mosquito. ~~A mosquito control project or district~~
43 ~~may require a specific method from the approved list, which shall also be made available on its~~
44 ~~website."~~

45 Further, the legislation should be amended to require that applicators follow best practices to avoid
46 pesticide drift onto any excluded properties.

47 Considerations for implementation

48 The regulations currently allow marking methods to be determine by MDAR. Any change to this
49 requirement could be done by MDAR but would need to be considered carefully as 333 CMR 13.03
50 applies to the wide area application of pesticides by all in the Commonwealth, not just those conducted
51 for mosquito control operations. MDAR would need to update its guidance document for approved
52 marking methods. MDAR may want to propose these changes in draft form to the Pesticide Board under
53 M.G.L. c. 132B.

54 If the assumption is that MCD's have GIS/GPS capability, then we need to ensure that is the case. If not,
55 funding should be provided to the appropriate oversight agency (currently the SRB) to provide this
56 capability to the MCD's.

57

58 Voting Results

- 59
- All four subcommittee members in attendance supported this recommendation.

MCTF Local Engagement Subcommittee
Final Recommendations: February 24, 2022

1 **Directive:** *(ii) promoting public participation in mosquito management decisions*

2 **Recommendation LE-3:** Public engagement

3 Background

4 The public is not very engaged in mosquito management decisions and creative strategies are required
5 to improve public engagement.

6 Provide a process for meaningful public input into a mosquito-borne disease management plan and
7 regular updates. Under the current structure, input would be provided to the SRB during updates to the
8 Massachusetts Emergency Operations Response Plan for Mosquito-Borne Illness and to DPH on updates
9 to the Massachusetts Arbovirus Surveillance and Response Plan. The Local Engagement subcommittee
10 recognizes that the structure of mosquito control in the Commonwealth may change as a result of other
11 recommendations from this task force. In that case, public input should be provided to any agency
12 developing a mosquito or mosquito-borne disease management plan. It is expected that these plans will
13 be updated periodically and public input should be considered during any update process.

14 Public input is one of many sources of information to be considered by decision makers. The plan must
15 be based in science, but public input can contribute additional information and perspectives for
16 consideration

17 Recommendation

18 Improve outreach to the public and input from the public.

19 Outreach activities will include, at a minimum:

- 20
- 21 • The Department of Public Health will create and maintain public engagement resources for use
22 by municipal government entities, mosquito control projects/districts, individuals, and
23 nongovernmental organizations regarding mosquito control activities in Massachusetts. These
24 materials are to include:
 - 25 ○ Curriculum materials
 - 26 ○ Public education on source reduction and personal protection
 - 27 ○ Outreach plans for MCDs and municipalities.
 - 28 ○ Information explaining Integrated Pest Management (IPM). IPM is defined in statute.
29 DPH should utilize standard IPM materials, updated as appropriate, to avoid duplication
30 of effort and to avoid creating any conflicting information.
 - 31 • Surveying municipal governments and the public to understand municipal and public
32 understanding of and desires for the mosquito control process. The survey should be designed
33 and distributed to capture a range of opinions.
 - 34 • Information from mosquito control agencies:
 - 35 ○ Updates on planned mosquito control activities. Details on which activities are to be
36 announced, and when, will be included in the state mosquito control plan.
 - 37 ○ Summaries of mosquito management efforts and the effectiveness of these activities.
38 Details of what information is to be provided, including how to consider effectiveness of
39 mosquito management and outreach, should be included in mosquito management or
40 mosquito-borne disease management plan(s). This information should be provided as
soon as possible; at the latest, this information should be provided within two years of

MCTF Local Engagement Subcommittee
Final Recommendations: February 24, 2022

41 the date the activities were conducted. Alternatively, this data may be provided through
42 technology solutions (such as a “data dashboard”) instead of periodic reports. Any
43 technology solutions must be supported with funding, technical assistance, and
44 reporting to assess their effectiveness as outreach tools.

45 Public input activities will include, at a minimum:

- 46 • Providing opportunities for public comment during mosquito management or mosquito-borne
47 disease management plan development.
- 48 • To the extent allowed by other regulations and legislation, MCD board meetings should be open
49 to remote participation by constituents.

50 Considerations for implementation

51 Implementation of any aspects of this recommendation shall necessitate appropriate funding and
52 provision of other resources.

53 Voting Results

- 54 • Three subcommittee members supported this recommendation.
- 55 • One subcommittee member did not support this recommendation.

MCTF Local Engagement Subcommittee
Final Recommendations: February 24, 2022

1 **Directive:** *(iii) providing for local options regarding the use of pesticides.*

2 **Recommendation LE-4:** Menu-based approach

3 Background

4 Some municipalities do not want to receive or pay for all services offered by their local MCD. It is
5 expected that most municipalities would like to access education, surveillance, and habitat management
6 services. However, it is understood that not all municipalities want to receive pesticide applications, or
7 do not want to receive the full extent of pesticide applications engaged in by their local MCD. A menu-
8 based approach that shifts some responsibilities from districts to state-wide agencies will allow more
9 resource sharing, including expertise and equipment, throughout the Commonwealth, improving
10 efficiency of mosquito control operations.

11 This subcommittee is not proposing to extend the municipal opt-out process because it will be rendered
12 irrelevant under this “opt-in” menu-based approach.

13 Recommendation

14 Funding and resources shall be provided by the Commonwealth to perform surveillance and education
15 in all municipalities. This funding will be given to MCD/MCPs and municipalities, as appropriate, to
16 conduct these services. For municipalities that are members of MCDs, surveillance will be conducted by
17 the MCD. If the municipality is not a member of an MCD, surveillance will be conducted by DPH. Results
18 must be shared with municipal governments. Prior to each mosquito control season, funding and
19 staffing will be assessed and must be provided to DPH and MCDs as needed. DPH will provide the results
20 of its surveillance activities to the municipalities where the surveillance occurred. DPH will also create
21 and maintain a repository of educational and outreach materials for municipalities’ use. DPH will
22 develop education and outreach materials; education and outreach will be conducted by a municipal
23 agency or by an MCD on behalf of the municipality.

24 Municipalities may opt in to additional services including larviciding and adulticiding. Under the
25 Commonwealth’s current mosquito control structure, these services will continue to be provided by
26 MCDs. These services will be funded by municipalities receiving those services.

27 Another subcommittee under this task force recommends revisions to 252 and district enabling
28 legislations. That recommendation will allow novel funding approaches for MCD funding. Assuming that
29 recommendation is implemented, it is further recommended to allow a “menu-based approach” for
30 municipalities joining districts. This approach will allow municipalities to pick and choose which
31 mosquito control services they will receive (in addition to the standard surveillance, education, and
32 source reduction). Municipalities will only pay for services received. Municipalities must select services
33 at least one year in advance. The following issues will require further consideration:

- 34
- 35 • Consider whether this approach can be open to all municipalities, or only those that have not
36 yet joined an MCD.
 - 37 • Consider whether there are baseline services or a baseline fee for joining an MCD. For example,
38 can a town receive truck-based adulticiding without receiving MCD surveillance? How are costs
for fixed expenses (e.g., facilities) determined

MCTF Local Engagement Subcommittee
Final Recommendations: February 24, 2022

- 39 ○ Are any activities that may have high upfront costs but result in decreased need for
40 pesticides and costs in future years, such as habitat management or other projects,
41 incentivized in this structure?
42 ○ How is IPM mandated or incentivized in this structure? Are any services required to
43 ensure IPM is followed?
44 ● What will the funding mechanism be?
45 ○ Mosquito control districts require a certain level of funding and of year-to-year
46 consistency to operate effectively. This presents a risk if many towns choose not to opt
47 in, to opt in at a low level of services, or to change services from one year to the next.
48 Consider methods to stabilize funding.
49 ○ The experience of the Pioneer Valley district shows that even a small contribution for
50 basic services may be beyond municipalities' willingness to pay.
51 ● Are opt-in decisions one time when joining a district, annual choices, or choices that may be
52 reviewed and changed periodically?
53 ● How will surveillance locations be determined? Will every municipality have at least one trap
54 regardless of mosquito habitat?
55 ● Do any of these changes impact how private contractors should be regulated?
56 ● What level of control will municipalities have over these operations? For example, do
57 municipalities opt in to all adulticiding, or can they specify triggers or areas allowed to be
58 sprayed?
59 ○ Are municipalities equipped to make these decisions, which are currently made by
60 mosquito control districts that have more information and experience in mosquito
61 management?

62 Voting Results

- 63 ● Two subcommittee members supported this recommendation.
64 ● Two subcommittee members did not support this recommendation.

MCTF Local Engagement Subcommittee
Final Recommendations: February 24, 2022

1 **Directive:** *(iii) providing for local options regarding the use of pesticides.*

2 **Recommendation LE-4a:** Alternative Menu-based Approach

3 Background

4 A menu-based approach in which mosquito management services are selected or rejected by municipal
5 officials in the absence of data is contrary to a true IPM strategy and should not be prioritized. However,
6 access to the baseline services of education and mosquito surveillance and testing should not be
7 predicated on membership in an organized MCD. All residents and visitors should have equal access to
8 accurate, timely, and impactful education regarding mosquito-borne disease and personal protection
9 from mosquito bites. Likewise, routine and thorough mosquito surveillance and testing is critical for all
10 municipalities in the Commonwealth regardless of their membership status in an organized MCD.

11 Recommendation

12 Funding and resources for education and mosquito surveillance, including testing for pathogens that
13 cause mosquito-borne disease, shall be provided by the Commonwealth and conducted by an
14 appropriate state agency (DPH, MDAR) or a college or university on their behalf in areas not currently
15 served by a regional MCD. (Best Practices recommendation)

16 MCDs may choose to continue providing mosquito surveillance services within their municipalities and
17 will be reimbursed the costs associated with surveillance from the source of funding for trapping in
18 municipalities not part of an MCD.

19 For towns that are currently part of an organized MCD, no changes shall be made to the services provided
20 or for which they have previous agreements.

21 Currently, towns can withdraw from an MCD through a procedure available on the SRMCB website. With
22 notice to the SRMCB and Department of Revenue Division of Local Services of withdrawal, a municipality
23 will not lose access to education and mosquito surveillance and testing services but it will not be
24 conducted by the MCD.

25 If a municipality would like to join an MCD, there shall be a mechanism in place that allows for a
26 discussion between the municipality and MCD regarding services desired and provided. If deemed
27 appropriate and practicable, the MCD shall have the ability to admit the municipality to the MCD and
28 provide limited services, such as only conducting surveillance, source reduction, wetlands management,
29 and larvicide applications.

30 Voting Results

- 31
- One subcommittee member supported this recommendation.
 - Three subcommittee members did not support this recommendation.
- 32

MCTF Local Engagement Subcommittee
Final Recommendations: February 24, 2022

1 **Directive:** *(viii) providing for comprehensive annual evaluations of each season's mosquito*
2 *control process, including the effectiveness of the process in controlling arbovirus and any*
3 *effects of spraying on the environment, agriculture and wildlife*

4 **Recommendation LE-5:** Pilot evaluation of environmental impacts

5 Background

6 [Subcommittee did not develop a background statement]

7 Recommendation

8 Establish a program to conduct research to evaluate mosquito control. This program will provide funding
9 [and government/MCD support?] to independent organizations, such as universities, conservation
10 organizations, and others, to study impacts of mosquito control and innovative mosquito control
11 techniques in Massachusetts. This effort could take the form of a competitive grant process, with state
12 agency input. Leveraging of existing partnerships should be explored. Specific research topics should
13 include, but are not limited to, non-target impacts of pesticide applications and the effectiveness of
14 currently practiced and innovative mosquito control techniques.

15 Considerations for implementation

16 Implementation of any aspects of this recommendation shall necessitate appropriate funding and
17 provision of other resources.

- 18 • What organization is responsible for implementing this recommendation?
19 • Should the studies be limited to non-target impacts of chemical control, or more broad? Should
20 the research cover the full suite of mosquito control services?

21

22 Voting Results

- 23 • All four subcommittee members in attendance did not support this recommendation.

MCTF Local Engagement Subcommittee
Final Recommendations: February 24, 2022

1 **Directive:** *(viii) providing for comprehensive annual evaluations of each season’s mosquito*
2 *control process, including the effectiveness of the process in controlling arbovirus and any*
3 *effects of spraying on the environment, agriculture and wildlife*

4 **Recommendation LE-5a:** Comprehensive Evaluation Program

5 Background

6 [Subcommittee did not develop a background statement]

7 Recommendation

8 The new Mosquito Management Board should establish a committee to develop plans for the
9 comprehensive evaluation of mosquito control, including potential improvements in data gathering and
10 systematic analysis, identifying key data gaps, and supporting or promoting research to fill those gaps.
11 Specific research topics could include, but are not limited to, non-target impacts of pesticide
12 applications and the effectiveness of currently practiced and innovative mosquito control techniques.

13 The committee would make recommendations on the structure to coordinate research and identify
14 potential funding sources.

15 Voting Results

- 16 • Two subcommittee members supported this recommendation.
17 • Two subcommittee members did not support this recommendation.

MCTF Local Engagement Subcommittee
Final Recommendations: February 24, 2022

1 **Directive:** *(viii) providing for comprehensive annual evaluations of each season’s mosquito*
2 *control process, including the effectiveness of the process in controlling arbovirus and any*
3 *effects of spraying on the environment, agriculture and wildlife*

4 **Recommendation LE-6:** Increased sharing of pesticide application locations

5 Background

6 Currently, landowners/tenants and municipalities may not know whether their properties are actually
7 subject to pesticide applications by their MCD. MCDs track truck-based spray activities using GIS/GPS
8 systems. Providing information on areas treated is not expected to be a large burden to MCDs, provided
9 that data are only required to be provided as one map after the season’s end.

10 This recommendation is intended to improve transparency of the program, allowing the public to know
11 if their properties or other areas of interest were sprayed. This may also help the public and municipal
12 decision makers assess whether they want to opt out of spraying.

13 Recommendation

14 Prior to the end of each calendar year, require mosquito control districts to share map files of each
15 pesticide application from the prior season with the [Department of Agricultural Resources (MDAR)] and
16 require this information to be presented by MDAR to the public through MassGIS along with maps of the
17 Commonwealth’s pesticide spray events.

18 The data should include what areas were treated and how many times each area was treated.

19 Implementation of any aspect of this recommendation shall necessitate appropriate funding and
20 provision of other resources.

21 Recommendation components still under consideration:

22 Considerations for implementation

23 Implementation of any aspects of this recommendation shall necessitate appropriate funding and
24 provision of other resources.

- 25
- 26 • Does this include only spraying, or other applications (such as hand treatments of catch basins)
as well?
 - 27 • It would be burdensome for districts to map all treated catch basins. Are data on catch basin
28 locations available that could be shared with districts? Could statistics on hand applications
29 instead be shared at a summary level?

30 Voting Results

- 31
- Three subcommittee members in attendance supported this recommendation.
 - 32 • One subcommittee member did not support this recommendation.

MCTF Local Engagement Subcommittee
Final Recommendations: February 24, 2022

1 **Directive:** *(viii) providing for comprehensive annual evaluations of each season’s mosquito*
2 *control process, including the effectiveness of the process in controlling arbovirus and any*
3 *effects of spraying on the environment, agriculture and wildlife*

4 **Recommendation LE-7:** Increased transparency on sensitive habitat/rare species exclusions

5 Background

6 The National Heritage Program has guidelines on how rare species habitats are protected during routine
7 and emergency operations, and those should be part of the Mosquito Management Plan. The
8 subcommittee does not recommend any changes in MESA or MESA regulations.

9 Recommendation

10 The subcommittee is considering a process to increase transparency regarding areas that are excluded
11 from mosquito control pesticide applications due to the presence of rare species. To the extent possible
12 while maintaining secrecy for rare species locations, the mosquito control/arbovirus control plan should
13 include information on how exclusions for rare species are determined.

14 Considerations for implementation

15 Implementation of any aspects of this recommendation shall necessitate appropriate funding and
16 provision of other resources.

17 Voting Results

- 18 • Two subcommittee members supported this recommendation.
19 • Two subcommittee members did not support this recommendation.