

Minutes for Mosquito Control Taskforce Meeting

September 2, 2020 at 3:30 p.m. via Zoom at <https://zoom.us/j/3627818382>

Dan Sieger called the meeting to order at 1:33 p.m. He requested that participants put their names and affiliation in the chat box. He introduced Kevin Cranston of the Massachusetts Department of Public Health (“DPH”), who serves as co-chair, and John Lebeaux from the Massachusetts Department of Agricultural Resources (“MDAR”) and reviewed the agenda (see attached). Mr. Sieger then introduced Kathleen Theoharides, Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs (“EEA”).

Secretary Theoharides thanked Mr. Sieger and other participants and welcomed all the appointees. She referred to last year’s historic number of Eastern Equine Encephalitis (“EEE”) cases and deaths and stated that our teams are taking every step to combat both EEE and West Nile Virus. She is looking forward to help from this task force in reviewing mosquito control in the Commonwealth to manage mosquitoes for the health of the people of Massachusetts. She thanked the task force members for their time and said she looks forward to seeing the work coming out of this task force.

Dan Sieger introduced Commissioner John Lebeaux of MDAR who then introduced Jessica Burgess from MDAR Legal to speak about the charge of the task force and the Open Meeting Law.

Mr. Sieger then turned to Commissioner Lebeaux for a summary of Mosquito Control in the Commonwealth. Commissioner Lebeaux introduced himself as Commissioner of MDAR and Chairman of the State Reclamation and Mosquito Control Board (SRMCB). Commissioner Lebeaux informed the task force that the State Reclamation and Mosquito Control Board (“SRMCB”) oversees mosquito control in Massachusetts under the authority provided in Chapter 252 of the Massachusetts General Laws. The 3-member Board sits within MDAR and represents the Commissioners of the state departments of Agricultural Resources, Environmental Protection (DEP) and Conservation & Recreation (DCR).

Commissioner Lebeaux further explained that the SRMCB has the following authority under M.G.L. c. 252: establish the process by which municipalities can petition to form or join an MCD; approve funding methods; certify budgets for the Massachusetts Department of Revenue (“DOR”) to make necessary cherry sheet deductions; appoint and remove commissioners of Mosquito Control Districts or Projects (“MCDs”); establish administrative and technical policy guidelines and best management practices to ensure MCDs operate according to federal, state, and local laws and perform the necessary functions under the statute; and, establish conditions under which mosquito control work may be performed.

Commissioner Lebeaux informed the task force that there are 11 MCDs throughout the state. Each regional district has its own boards and commissioners that oversee the day to day work of its district. 9 of the 11 MCDs were created through special enabling legislation, as amended, while the other 2 were established by the SRMCB under M.G.L. c. 252 which set forth the

funding mechanism: Cherry Sheet Assessments through local aid deductions based upon land valuation calculations done by DOR.

Commissioner Lebeaux also explained that a city or town that is not a member can vote to join the MCD in which it is already located through a lawfully binding mechanism such as a vote of the City Council or Annual or Special Town Meeting Vote. The municipality's certified vote is then presented to the SRMCB. The SRMCB needs to vote and officially approve the municipality's action for membership or withdrawal to/from an MCD. These MCDs are generally funded through voluntary contributions made directly to the MCDs trust account.

Additional information is available at <https://www.mass.gov/state-reclamation-and-mosquito-control-board-srmcb> and a copy of the presentation is available on the task force website <https://www.mass.gov/orgs/mosquito-control-for-the-twenty-first-century-task-force>.

Dan Sieger thanked Commissioner Lebeaux and asked if any taskforce members had questions for the Commissioner.

Heidi Ricci from Mass Audubon introduced herself and stated she hoped part of the analysis will be looking at the different districts so we can do a real analysis of what the best practices are so we can promote them system wide.

Brad Mitchell from MA Farm Bureau said we have a lot of salt marsh projects, and asked if there a consistent system for those? He said we do need some consistency in his opinion.

Dan Sieger thanked them and said they will talk about that more in future meetings.

Richard Robinson, of NOFA Mass said that here farmers can request roadside spraying, and then asked what is the authority for monitoring the spraying?

Commissioner Lebeaux and Jessica Burgess answered that the individual districts monitor, and MDAR's division of crop and pest services has jurisdiction.

Bob Mann asked what if mosquitoes with arbovirus are found outside of a place within a district?

Commissioner Lebeaux answered that there is only government mosquito control where this is a district or a project.

Dan Sieger next requested feedback on the workplan from members. We want to meet once per month on a recurring basis at the beginning of the month. We need to commission a study on spraying for arbovirus in 2020 and look to ensure the scope adheres to the spirit of the statute. We recommend putting out an RFR in November and then developing subcommittees for the group to meet the deadlines set forth for next October. The RFR needs to move quickly; once that is out we can start a conversation about subcommittees.

Jennifer Pederson asked what the task force will do about the other items mandated in the legislation?

Dan Sieger answered that it is important to move on the study so it can inform other task force actions and recommendations.

Heidi Ricci from Mass Audubon agreed, and hopes to get as much information as possible out of that report.

Julia Blatt from Mass Rivers stated she was wondering about the rest of the timeline; will the end of the work be crunched trying to finish this by the end of 2021?

Dan Sieger answered that he was not sure. He said in October and November we definitely need to be laying out the other plans for what we need to accomplish but for now starting with the study is best.

Derek Brindisi asked if the taskforce was charged with the opt-out process mentioned in the legislation?

Dan Sieger stated that the taskforce will need to talk about that, but we're not focused on that right now.

Heidi Ricci from Mass Audubon said that the legislation says there has to be at least one public listening session, and then raised ideas for additional task force engagement with the public, including public access of materials but also for the public to submit suggestions and ask questions of the task force. Ms. Ricci asked Mr. Sieger what his thoughts were about an email address.

Mr. Sieger said that an email address is an interesting concept and that we can come back with an updated plan at an upcoming meeting.

Mr. Sieger stated a monthly meeting will be scheduled and if we run into time issues we can pivot to additional meetings.

Commissioner Lebeaux the introduced Rob Monahan from MDAR Fiscal for an overview of procurement processes.

Mr. Monahan stated that all state agencies must follow the same steps when procuring anything. The state utilizes a portal where everything is done and best value procurements are the goal. Members of this team will be identified to hash out the requirements in the RFR. Once that document is finalized it will be posted to Commbuys and it will be advertised. The next step is to evaluate submittals and negotiate contracts to be signed. We follow up and make sure they are staying on schedule and tweak anything as we go if necessary.

Mr. Sieger thanked Mr. Monahan and stated that we will need to consider the RFR for our next meeting. There is no funding for a study so we will talk about the scope and budget of the study.

Heidi Ricci from Mass Audubon asked whether the taskforce can provide feedback on the 2019 and 2020 spray reports?

Commissioner Lebeaux said he will follow up at the next meeting.

Ms. Blatt of Mass Rivers asked to get materials sooner.

Mr. Sieger answered in the affirmative.

Dan Sieger said that once the recommendations are filed, legislators will need to consider if there is interest in drafting legislation.

Senator Comerford agreed.

Pine Dubois asked whether there will be somewhere where everything will be posted?

Mr. Sieger answered that there is a website where things will be posted.

The meeting was adjourned at 4:46 p.m.