

333 CMR: PESTICIDE BOARD

333 CMR 4.00: PESTICIDE ADVISORY COUNCILS

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4.01: Purpose

333 CMR 4.00 establishes the Advisory Councils to the Pesticide Board and sets forth the procedures whereby their advice shall be sought incident to the development of policy or the adoption, amendment or repeal of regulations.

4.02: Definitions

For the purposes of 333 CMR 4.00, the definitions set forth in 333 CMR 2.00 apply, unless the context or subject matter requires a different interpretation.

4.03: Councils

There shall be the following Pesticide Advisory Councils.

(1) Applicator Councils.

(a) Private Applicator Council Members shall be appointed from among those who are certified by the Commonwealth as private applicators.

(b) Commercial Applicator Councils

1. There shall be an advisory council for each category of commercial applicator created by the federal government in 40 CFR Section 171.3. Members of each council shall be appointed from among those who are certified by the Commonwealth as commercial applicators in their respective category.

2. There shall be an Advisory Council for each additional category of commercial applicator created by the Commonwealth. Members of each council shall be appointed from among those who are certified by the Commonwealth as commercial applicators in their respective category.

3. There shall be an Aerial Applicators Council. Members of this council shall be appointed from among those who are certified by the Commonwealth as commercial applicators and who apply pesticides by aerial means.

(2) Dealer Council. Members shall be appointed from among those who are licensed by the Commonwealth as pesticide dealers.

(3) Manufacturer Council. Members shall be appointed from among those who manufacture or formulate pesticides.

(4) Conservationist Council. Members shall be appointed from among those who are experienced in the conservation and protection of the environment.

(5) Professional Council. Members shall be appointed from among those who are employed as epidemiologists, chemists, physicians, veterinarians, pharmacists, toxicologists, entomologists, biologists, or other related technical fields in public health.

(6) Other. There will be additional councils created and members appointed as the Department with the approval of the Board from time to time deems necessary.

4.04: Council Members

The Department with the approval of the Board shall appoint members to each Advisory Council from submitted applications. The Commissioner shall annually designate a member to serve as chairman of each Council. Each Council member shall serve for a term of three years. No member shall serve more than three consecutive terms. If there are more than three members on an Advisory Council, the terms of members shall be staggered to insure at least one member's term expires each year. The members of each Council shall serve without compensation and shall not be reimbursed for any expenses incurred by them in the performance of their duties.

4.05: Advisory Procedures

- (1) Each Advisory Council shall be regarded as representative of the interests of their respective constituency and shall represent those interests before the Board.
- (2) Each Advisory Council shall meet at the call of its chairman or at the written request of two members. They shall conduct business at the time, place and according to procedures they agree upon.
- (3) The Board shall notify the chairman of each Advisory Council of the agenda of Board meetings and hearings and provide copies of the minutes.
- (4) The Advisory Councils shall consult with and advise the Board.
- (5) The Advisory Councils shall review the programs and policies of the Board and make recommendations to the Board in regard thereto.
- (6) The Advisory Councils may review proposed regulations and legislation and make recommendations to the Board in regard thereto.
- (7) As they deem necessary, the Advisory Councils shall suggest new regulations to the Board. They shall also suggest the amendment or repeal of current regulations.

REGULATORY AUTHORITY

333 CMR 4.00: M.G.L. c. 132B, § 5.