



THE GENERAL COURT OF MASSACHUSETTS  
STATE HOUSE, BOSTON 02133-1053

December 10, 2020

Michael Moore, Chair  
Pesticide Board Subcommittee  
Department of Public Health  
305 South Street  
Jamaica Plain, MA 02130

John Lebeaux, Commissioner  
Department of Agricultural Resources  
251 Causeway Street  
Boston, MA 02114

**Re: Scientific Review of the Impacts of Neonicotinoid Pesticides on Pollinators**

Dear Pesticide Subcommittee Chair Moore and Commissioner Lebeaux,

We write today to offer testimony on the Scientific Review of neonicotinoid pesticides and their impacts on pollinators and the environment as required by the legislature. Bee colony loss and pollinator declines have been a persistent threat for over a decade, with Massachusetts experiencing a dramatic 50% colony loss as recently as 2018, the most recent data reported by MDAR. We appreciate the diligent work that went into the Review and wish to especially thank Secretary Theoharides for her partnership in ensuring its completion.

As you are aware, under Chapter 41 of the Acts of 2019, the Legislature directed and provided funding to MDAR to complete a scientific review of the impacts of neonicotinoid pesticides on pollinators. The review was completed exactly one year ago, with clear and unambiguous findings, stating that ***“comprehensive reviews point to a large body of evidence documenting the ability of neonicotinoids to adversely affect pollinators”*** and that ***“it is clear that such compounds can adversely affect a range of pollinator species important to the Commonwealth of Massachusetts.”*** This comprehensive and well-documented review includes a thorough analysis of peer-reviewed scientific research and U.S. EPA product reviews, concluding that ***42 of 43 documents studying effects of these pesticides identified an adverse effect associated with neonicotinoid exposure.***

These conclusions, now 12 months old, clearly support decisive action by the Subcommittee and the Department to regulate these pesticides, consistent with the provisions of H.763, *An Act to protect Massachusetts pollinators*. Specifically, the review provides the scientific basis for restricting use of these pesticides to only licensed pesticide applicators.

At this time, we also offer comment on the process which has brought us to this point. We are troubled at the lack of urgency shown by the Subcommittee in completing this public hearing and finalizing recommendations by the statutory deadline of December 31, 2019. While we recognize that COVID-19 has impacted schedules across state government, the vast majority of agencies and the Legislature have continued to hold hearings by virtual means since last spring. The fact that it has taken the Department and the Subcommittee nine months to reschedule a public hearing required by legislative directive is extremely concerning.

Further, this delay continues a pattern of unresponsiveness by the Department and the Subcommittee with respect to these pesticides. The responsibilities of the Pesticide Subcommittee, as spelled out in 333 CMR 8.03, include *“The subcommittee shall individually review for registration and classification those pesticides with an active ingredient or use pattern which the Subcommittee determines may cause unreasonable adverse effect(s) on the environment when used in accordance with label directions.”* Despite concerns about neonicotinoids being brought to the Department’s attention repeatedly by the Attorney General’s office, legislators and others since 2014, the Subcommittee failed to initiate an independent review or take any consequential action until 2019, when legislatively required to do so. This inability or unwillingness to respond to concerns that clearly fall within its purview raises concerns about whether the Subcommittee is able to fulfill its charge under the law to regulate pesticides.

Limits on neonicotinoid use are supported by a broad range of stakeholders, including the Massachusetts Beekeepers Association and 11 county beekeepers’ associations across the Commonwealth; the Northeast Organic Farming Association; MassPIRG; Environment Massachusetts, Friends of the Earth, and Conservation Law Foundation; among others. Attorney General Maura Healey also supports limits on neonicotinoids, co-authoring H.763 as well as imposing a \$75,000 settlement on Bayer Crop Science for misleading consumers about risks to pollinators. Additionally, retailers have been compelled to act, with Home Depot, Lowe’s, Walmart, and BJ’s Wholesale Club announcing replacement of these products on their shelves with less harmful alternatives.

More than any stakeholder, the agricultural community faces the risks of inaction, given that the \$475 million Massachusetts agricultural sector is dependent on a healthy pollinator population. Limits on neonicotinoids are supported by Massachusetts Nursery and Landscape Association as well as the Massachusetts Flower Growers Association.

Other states, including Maryland, Vermont, and Connecticut, have already implemented similar restrictions, while Massachusetts, long a trailblazer in environmental protection, has yet to take action. With the review now complete and the scientific basis for limiting these pesticides now clearly established, we call on the Department and the Subcommittee to complete its process and implement restrictions without delay.

In conclusion, we strongly support the results of the scientific review and its unambiguous findings that limits on neonicotinoid pesticides are necessary. We urge the Subcommittee to act quickly in accordance with its authority and its legislative mandate to limit these products due to the threat they pose to pollinators and the environment. The science is clear and we ask the Subcommittee and the Department to fulfill their responsibilities to the public and take immediate action.

Sincerely,

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The Massachusetts Dept. of Agricultural Resources Pesticide Board Subcommittee