An Act providing for the public health by establishing an ecologically based mosquito management program in the Commonwealth
Senate bill 445 / House bill 845

MOSQUITO MANAGEMENT FOR THE 21ST CENTURY

❖ Recommendations from the Task Force created the framework for legislation to establish an ecologically based mosquito management program which will provide human health and environmental protection.

Policy Structure
- Moving supervising agency to be MassDEP
- Revising structure and funding to be more inclusive of risk evaluation, including human health and the environment
  ❖ Repeal and replace/revise c. 252
  ❖ This updates the “spray with chemicals” approach from the 1950’s and moves the programs into the current scientific approach to mosquito management.
- Consistency in the implementation of IPM
- Establishes a mosquito management office within the EOEE to be administered by the Secretary.
- Tasks Board with preparing an ecologically based mosquito management plan. Requires hearing prior to adoption of the plan. Plan must prioritize preventative measures.
  ❖ Provides process for which Board may issue written notice to councils that conduct management activity not permitted by the ecologically based mosquito management plan.
- Allows prosecution in district court, to be conducted by attorney general.
- Requires Board to establish process through which residents may file complaints alleging violations of this chapter.

Best Practices
- Requires Board to carry out field investigations on mosquito management and impacts of management measures.
- Requires Board to provide menu of services with reasonable fees for municipalities not part of mosquito control districts.
- Permits municipalities to opt in to any of the services
- Strengthens Task Force Pesticide recommendations, BMPs and Local Engagement recommendations.
- Requires creation, within 6 months of enactment, of an emergency arbovirus response plan in the event of an ongoing arbovirus public health emergency. Prohibits emergency use of aerial pesticides.

Pesticide Selection
- Task Force recommended prohibiting aerial applications of adulticides – we recommend eliminating all aerial applications.
- Strengthens Task Force Pesticide recommendations, BMPs and Local Engagement recommendations.
- Requires Board to work with wetland/wildlife ecologist and other experts on effectiveness of mosquito program over the past year and publish a report that is to be made publicly accessible.
- Addresses process for establishing a greenhead fly management plan within a mosquito control district.
- Prohibits use of any pesticide containing PFAS as part of mosquito management activities.

Local Engagement
- Notes that nothing in this Chapter prohibits resident mosquito management on an individual’s private property.
- Provides for any two municipalities to become a mosquito management district.
- Allows current Mosquito Control Districts to continue work as part of newly formed mosquito management councils.
- Established councils to be declared corporate authority of the district.
- Strengthens Task Force Pesticide recommendations, BMPs and Local Engagement recommendations.
- Provides allowance for parties aggrieved by council or Board determinations to request adjudication.
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Mosquito habitat reduction harmonizes with good water management practices in your community, and additional science-based info is available at https://www.oars3rivers.org/reduce-mosquito-habitats

Maintenance prior to mosquito breeding season is vital to protecting the public health and the environment. Removing standing, stagnant water; cleaning stormwater catch basins of detritus that creates mosquito breeding sites; and protecting Massachusetts natural water resources that provide free ecological services protecting human health from mosquito borne disease will be guided by the S.445/H.845 legislation.

The Center for Disease Control and the Environmental Protection Agency acknowledge “State and local government agencies play a critical role in protecting public health from mosquito-borne diseases. They serve on the front line, providing information through their outreach programs to the medical and environmental surveillance networks that first identify possible outbreaks. They also manage the mosquito control programs that carry out prevention, public education and vector population management.” Joint Statement on Mosquito Control in the United States | US EPA

For stormwater, communities should update their land use rules to require all stormwater to be managed with Low Impact Development techniques, as these do not create mosquito breeding habitat.

- Traditional closed drainage systems with catch basins, pipes, and large open detention basins that retain water create mosquito breeding habitat. That can be minimized by frequent cleaning of catch basins, but it’s better if we can avoid creating new mosquito habitat that needs to be constantly checked and cleaned out or treated with larvicides that have other impacts on downstream resources.
- Catch basins are also death traps for amphibians like frogs and salamanders (which eat mosquito larvae in natural settings). In urban areas that already have a lot of catch basins, they should be cleaned out in the spring.
- Decaying leaves and trash in stagnant water is a great breeding spot for mosquitoes that carry West Nile Virus.
- The stormwater MS4 permit requires communities to clean out catch basins, so every community with a municipal storm drainage system should be doing that.
- Separate local rules may be needed to require owners of large commercial properties to clean their systems. There is guidance to advise on stormwater management and mosquito control, including from the EPA Stormwater Structures & Mosquitos (epa.gov).