

ARTICLE 24. HOME RULE PETITION FOR A PESTICIDE REDUCTION BYLAW

To see if the Town will vote to authorize and direct the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation, authorizing the Town to adopt a Pesticide Reduction Bylaw (the bylaw), the text of which is set forth below, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage; and vote to adopt the bylaw as follows:

CHAPTER ____ PESTICIDE REDUCTION BYLAW

§1. Purpose.

The purpose of this bylaw is to reduce toxic pesticide use in and on public and private property in the Town of Orleans in order to promote a healthy environment and to protect the public from the hazards of pesticides, and for implementation of sustainable land and building management practices on all public and private property.

§2. Findings.

- A. Scientific studies associate exposure to pesticides with asthma, cancer, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, reproductive impairment, birth defects, and disruption of the endocrine system.
- B. Infants, children, pregnant women, the elderly, and people with compromised immune systems and chemical sensitivities are especially vulnerable to pesticide effects and exposure.
- C. Pesticides are harmful to pets and wildlife, including threatened and endangered species, soil microbiology, plants, and natural ecosystems.
- D. Toxic runoff from chemical fertilizers and pesticides pollute streams, lakes, estuaries, and drinking water sources.
- E. The use of pesticides is not necessary to create and maintain green lawns and landscapes given the availability of viable alternatives practices and products.
- F. People have a right not to be involuntarily exposed to pesticides in the air, water or soil that inevitably result from chemical drift and contaminated runoff.
- G. Sustainable land and building management practices that emphasize non-chemical methods of pest prevention and management, and least-toxic pesticide use as a last resort, will eliminate the use of and exposure to pesticides while controlling pest populations.

- H. Sustainable land and building management practices complement other important goals of Orleans' maintenance and administration, such as energy conservation and security.
- I. Orleans embraces a precautionary approach to the use of pesticides in order to adequately protect people and the environment from the harmful effects of pesticides.
- J. Application of chemicals simply for aesthetic/cosmetic purposes has harmful consequences for our ecosystem, children and pets. Pollinators are directly harmed by applications particularly the indiscriminate (and long-term ineffective) spraying of pesticides.

§3. Authority.

This bylaw is adopted under authority granted by the Home Rule amendment to the Massachusetts Constitution and the provisions of any Special Legislation passed by the Legislature.

§4. Definitions.

For the purposes of this bylaw, the following definitions shall apply:

Allowed Materials List - The list of acceptable pesticides is limited to the following:

- 1) All non-synthetic (natural) materials, with the exception of prohibited non-synthetic materials under 7 CFR 205.602;
- 2) Any synthetic material listed at 7 CFR 205.601 that is labeled for turf uses, subject to discretionary authority to require disclosure of inert ingredients; and
- 3) 25b listed pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Inert ingredient - Any substance (or group of substances with similar chemical structures if designated by the Environmental Protection Agency) (EPA) other than an active ingredient that is intentionally included in any pesticide product (40 CFR 152.3(m)) [7 CFR 205.2 Terms defined.], and are not classified by the EPA Administrator as inserts of toxicological concern. [7 U.S.C. 6502(21) Definitions]

Non-synthetic (natural) materials - A substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Organic Foods Production Act. For the purposes of this part, 'non-synthetic' is used as a synonym for natural as the term is used in the regulations. [7 CFR 205.2 Terms defined.]

Pesticide — Any substance or mixture of substances intended for: (i) preventing, destroying, repelling, or mitigating any pest; (ii) use as a plant regulator, defoliant, or desiccant; or (iii) use as a spray adjuvant such as a wetting agent or adhesive. The term

'pesticide' includes insecticides, herbicides, fungicides, and rodenticides, but does not include cleaning products other than those that contain pesticidal agents.

Synthetic materials - A substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes. [7 U.S.C. 6502(21) Definitions]

§5. Prohibitions.

The application of any Pesticide that is not on the Allowed Material List is prohibited, except as permitted in this bylaw.

§6. Exceptions.

A. The application of the following Pesticides is allowed:

1. Indoor pest sprays and insect baits (excluding rodent baits)
2. Insect repellants for personal and household use
3. Pet: Flea and tick sprays, powders, and pet collars
4. Kitchen, laundry, and bath disinfectants and sanitizer
5. Products labeled primarily to kill mold and mildew
6. Usage for commercial farming and nurseries.

B. Pesticides for the treatment of invasive plants for ecological restoration (see Massachusetts Invasive Plant Advisory Group current lists of Invasive, Likely Invasive, and Potentially Invasive <https://www.massnrc.org/mipag/>) may be used upon the grant of a waiver by the Town Manager or authorized designee.

C. If an emergency public health situation warrants the use of Pesticides, which would otherwise not be permitted under this bylaw, the Town Manager or authorized designee shall have the authority to grant a temporary waiver on a case-by-case basis after an evaluation of all alternative methods and materials.

§7. Enforcement.

The enforcement authority shall be the Town Manager, or any town officials as designated by the Select Board to oversee and enforce the provisions of this bylaw.

§8. Penalties.

Any person who violates any provision of this bylaw shall be punished by a fine of one hundred dollars (\$100.00) for the first offense and three hundred dollars (\$300.00) for each offense thereafter. Each day or portion thereof during which a violation continues shall constitute a separate offense and a violation of each provision of the bylaw shall constitute a separate offense.

If the offender is a commercial applicator, the right to do business in Orleans may be revoked.

§9. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

Provided, that this bylaw is subject to the Town obtaining special legislation from the Great and General Court of the Commonwealth of Massachusetts authorizing the Pesticide Reduction Bylaw as aforesaid; or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

PROPOSED MOTION

I move this article be accepted and adopted as printed in the warrant and that the Select Board be authorized to petition the Great and General Court for special legislation as set forth therein and that the Pesticide Reduction Bylaw be adopted subject to the approval of the special legislation.

SUMMARY

The article authorizes the Select Board to file special legislation authorizing the adoption of the proposed bylaw as the application of pesticides in Orleans is currently primarily regulated by state and federal law. This article also proposes the adoption of a bylaw that seeks to reduce toxic pesticide use in and on public and private property in order to promote a healthy environment and to protect the public from the hazards of pesticide use. It does not prohibit businesses from selling products containing pesticides to anyone.

SB:	5 – YES	0 – NO	0 – ABSTAIN
FC:	3 – YES	3 – NO	1 – ABSTAIN

Protect our People, Waters and Environment

Pesticide Reduction, Home Rule Petition (HRP)

TRURO request to town citizens

Our natural environment is what brings people here and makes us want to stay in this special place. Now and in the future, it is our most valuable environmental resource and economic asset. It directly affects every resident, property owner, visitor, and business in Truro. This HRP costs the town and tax payers nothing.

The ask is for the Pesticide Reduction HRP be on the Truro town Warrant Spring 2025 for citizens to vote on it and have the opportunity to decide for themselves what they wish for their beautiful town.

The purpose of this Home Rule Petition (HRP) is to reduce outdoor toxic pesticide use in the Town of Truro in order to protect the public from the hazards of pesticides, promote a healthy environment for all, and safeguard our economy. **It is not a ban of pesticides but a reduction of the most harmful; outdoor pesticides. You can still apply pesticides of any kind on yourself, your family, your pets and inside your home.**

Pesticides were created with the intention to kill pests. Examples are: herbicides, insecticides, fungicides, rodenticides, **anything ending in 'cides' is made to kill the intended target and if it gets outside it travels.**

The problem with outdoor pesticide use is, it is not always fully absorbed by the target. It then could travel in the air, water and soil, scientists prove sometimes thousands of feet from the application site, up to a foot a day in sandy soil. Also, note our aquifer is on average 25 feet below us on Cape Cod, and sand is our soil.

People have the right not to be exposed to pesticides from other people's properties. Bees and ponds have a right to not be exposed to pesticides from other people's properties. Is it okay for people to harm resources? This is an opportunity to make a difference, to help preserve and protect resources needed daily here.

Many studies associate pesticides with serious negative health effects including leukemia, non-Hodgkin's lymphoma, Parkinson's, Alzheimer's, ADHD, autism and other autoimmune diseases, as well as birth defects. **Infants, children and the elderly are especially vulnerable to affects when exposed.** Pesticides are harmful to pets and wildlife, soil microbiology and natural ecosystems. It is not necessary to use pesticides to grow lawns.

Butterflies, bees and insects are the 'building blocks of the food chain'. Their numbers are declining rapidly. They keep our soils healthy and are the major food source for our birds and amphibians. Their importance in the environment cannot be understated. Did you know 99% of birds brought to WildCare in Eastham are laced with different types of rodenticides? **These are Unintended Consequences.** We intend to kill the mouse or rat, not the hawk or owl eating them. Unfortunately, it is occurring, and that is why this HRP is needed.

Many support this: Cape Cod Commission, Assembly of Delegates, County Commissioners, APCC, Sierra Club.

This HRP includes the pesticide **Mass. Allowable List from the State website.** Also, **there is a Waiver included** intended for emergency situations. This waiver will be at the Town Managers office. Note: any homeowner, business, golf course, cape cod mosquito control or project can fill it out. It will be up to the Town Manager and Select Board Members to decide if it will be exempt or not.

This HRP was crafted by Board members in Orleans with thoughtful intention to **safeguard our economy,** protect the public from the hazards of pesticides, and promote a healthier environment for all. It is now Bill

#H4481 at the Massachusetts State House. Having more towns join the mission will show our State Legislature we want this opportunity on Cape Cod at this time. Currently, we strive for this to become County-wide in Barnstable. Connecting with neighboring towns and having a united front on this effort is most helpful.

It is not necessary to use pesticides to grow lawns or maintain land. Companies can update their products and practices to handle 'pests' other ways since there are alternatives instead of man-made synthetic chemicals readily available when you seek them. Individually, we can have an immediate impact on protecting our family, neighbors, and environment by volunteering to change our behavior to using safe, effective products, and practices. There are many local businesses currently offering such services, reach out to them.

We cannot keep up this 'free-for-all' pace and believe our greatest economic assets around us will remain the same. Help preserve this special place we love by supporting the pesticide reduction HRP so we can send a strong message to State Legislature. It's up to voters to do the right thing for the future of residents, visitors and our environment. Please champion this along the way by sharing it with your neighbors and loved ones. Thank you for caring!

This is an opportunity for Truro citizens to do the right thing for their community, as other towns have: **Eastham** citizens passed this HRP by 75% May 2024. **Orleans** citizens passed this HRP by 68% October 2023. And **Wellfleet** citizens passed this HRP in May 2024 with a majority vote, as well.

The ask is for the same pesticide reduction HRP be on the Truro town Warrant Spring 2025 for citizens to vote on it and have the opportunity to decide for themselves what they wish for their beautiful town.

To see gathered information on this HRP: studies, FAQ's, support letters, presentations, etc, please visit:
<https://www.town.orleans.ma.us/1335/Pesticide-Home-Rule-Petition-2023>



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Also, Join Supporters 4,227 + signatures so far

