

Dec. 20, 2021

Senator Rebecca L. Rausch and Representative Carolyn C. Dykema Chairs,
Joint Committee on Environment, Natural Resources and Agriculture (ENRA)
24 Beacon Street
Boston, MA 02113

Dear Chairs Rausch and Dykema and members of the Committee,

Climate Action Now, Western Massachusetts, is a grassroots organization dedicated to building a powerful climate movement. On December 14 our panel testified in support of three bills - **H.910/S.2551, H.926, and H.929/S.575**. We want to express our great appreciation for the leadership you have already taken to address the growing pesticide crisis, and thank you for your attention and patience during the hearing.

H.910/S.2551, An Act empowering towns and cities to protect residents and the environment from harmful pesticides.

Prior to 1978, local governments had the ability to restrict pesticides on all land within their jurisdictions. But with pressure from the pesticide industry, Massachusetts passed the [Massachusetts Pesticide Control Act in 1978](#), taking pesticide regulation away from local governments and giving that power to the newly-created [Massachusetts Pesticide Board](#) and [Pesticide Board Subcommittee](#) of the Department of Agricultural Resources. This was a very successful nationwide lobbying effort by the pesticide industry with more than 40 states eventually adopting some form of state law that preempts local governments' ability to regulate the use of pesticides.

Thus, cities and towns in the Commonwealth were no longer empowered to adopt local pesticide ordinances that were *more restrictive* than state regulations.

Unfortunately for public health and the health of the environment, the Pesticide Board Subcommittee has approved the use of dozens of toxic substances, one of the most egregious being glyphosate, the main ingredient in "Roundup." Back in 2015, glyphosate was deemed a probable carcinogen by the International Agency for Research on Cancer (IARC) and in recent years cancer victims in the U.S. have won hundreds of millions of dollars in lawsuits against the manufacturer of Roundup.' And yet this chemical is still widely used in Massachusetts in agriculture, on school grounds, and by homeowners.

But glyphosate is just one toxic chemical in a very long list of toxins that have been approved for use by the Massachusetts Pesticide Board Subcommittee. It has shown again and again that it is not up to the task of banning toxic chemicals. In fact, all too often, the Pesticide Board Subcommittee seems to be little more than a rubber stamp for the pesticide industry.

Let's return the right to regulate toxic chemicals to where it belongs: with our locally-elected officials. Our local officials should be permitted once again to safeguard our health, our children's health, and the health of our environment by being able to make regulations that are *more restrictive and protective* than those of the Massachusetts Pesticide Board and its Subcommittee.

H.926, An Act relative to improving pesticide protections for Massachusetts schoolchildren.

Are Massachusetts parents aware that their children are exposed to toxic pesticides at school? We certainly didn't know when our children were playing school sports. Now, many years have passed, so much more is known about the dangers posed by toxic pesticides, but Massachusetts law still permits a host of them, including two of the most dangerous: glyphosate and 2,4-D.

Other states, like our neighbors Connecticut and New York, have banned the use of toxic pesticides on school grounds. Why are Massachusetts children still exposed to pesticides at school when scientists have been pointing out for years that young children are especially vulnerable? In 2012, almost 10 years ago, the [American Academy of Pediatrics](#) stated that scientific evidence "demonstrates associations between early life exposure to pesticides and pediatric cancers, decreased cognitive function, and behavioral problems." The evidence of harm has only grown since then.

H.926 is a simple bill and provides an easy remedy. The bill allows only pesticides the EPA considers "minimum risk" or those certified for organic land-care, to be applied on school grounds, eliminating the health threat posed by toxic pesticides. Minimum risk pesticides are considered to be of such low toxicity that the products containing them don't have to go through the formal EPA registration process. Organic products undergo review as part of the organic certification process by an independent board of experts at the National Organic Standards Board, further considering health and safety. H.926 brings the list of pesticides eligible for outdoor use around schools in line with the latest science of the dangers pesticides pose to children.

In working with school committees to gain support for this bill these are a couple of concerns we heard:

- Ability to address emergency situations, such as a wasp infestation.
 - Schools can rest assured that the provisions in the current law dealing with emergencies will remain in place. Chapter 132B Section 6H will not be changed by H.926.
- Increased cost of organic management.
 - Evidence shows that after initial expenditures, organic management of fields not only promotes biodiversity and a healthy ecosystem, it results in overall savings. Organically managed soil is a living structure that reduces watering needs, and requires less frequent mowing and fertilization once established.

- We recommend that the Legislature add a funding mechanism for initial costs such as training and equipment. This would help ease the transition from dangerous pesticides.
- Most importantly, although we cannot account for the true health costs of exposing children to toxic pesticides, we believe it is much greater than the cost of transitioning to organic methods. We must place childrens' health above all else.

The increasing number of schools (see list below) that have already stopped using pesticides for lawn care demonstrates that toxic pesticides are not necessary for turf management. (In all likelihood there are more but MDAR has not compiled data to document which schools have transitioned away from toxic chemicals.)

Amherst, Ashland, Brookline, Cambridge, Chicopee, Conway, Eastham, Easthampton, East Longmeadow, Falmouth, Granby, Great Barrington, Greenfield, Hatfield, Hyannis, Lee, Lincoln, Marblehead, Newton, Pelham, Pittsfield, Somerville, Springfield, Truro, Wellesley, Wellfleet, Westhampton, Williamsburg, Winthrop.

If H.926 becomes law, school systems will have a clear understanding of which pesticides are allowed. Parents will be reassured that their children are not exposed to toxic pesticides while playing sports or on the playground in a neighboring school system. Eliminating pesticides would reduce the amount of paperwork for schools and MDAR, saving time and money. Schools that have already moved away from pesticides will be models for others as they make the change.

We must note that many schools who do not use pesticides for lawn care, including some listed above, do use a myriad of non-turf pesticides such as rodenticides and chemicals for stinging insects and mosquitoes. Under H.926, the use of these pesticides would come under the emergency provision contained in Chapter 132B, Section 6H. This would entail a process to ensure that integrated pest management principles are followed, and should not be overly burdensome for school departments.

The schoolchildren's pesticide protection bill was introduced in the previous legislative session as H.791 and had broad public and legislative support. The ENRA committee gave it a favorable report, but it died in the House Steering, Policy and Scheduling committee. Given the lack of transparency in the legislature we have no idea why this happened. It's hard to understand how a bill so important to children's health and with such broad support, would not have been brought to the floor for a vote. Did the pesticide lobby have more influence than public opinion and scientific evidence?

Every reduction in pesticide use is a win not only for human health, but for the climate and biodiversity as well. Healthy soil stores carbon from the atmosphere and is home to millions of microorganisms essential to plant, animal, and human health. Furthermore, chemical pesticides and fertilizers are derived from fossil fuels, and their continued manufacture, transportation, and application is causing grave harm to the planet.

H.929 and S.575 - An Act Governing the Use of Pesticides Containing the Herbicide Substance Glyphosate in the Commonwealth

We strongly support H.929/S.575 - An Act Governing the Use of Pesticides Containing the Herbicide Substance Glyphosate in the Commonwealth. We also support and encourage a merger of these bills with S.574 – An Act Relative to the Use of Glyphosate on Public Lands.

According to Stephen Frantz, a well-known pathobiologist and environmental health toxicologist, glyphosate is a broad-spectrum, non-selective herbicide that kills nearly any plant it contacts. It binds with minerals in soil, and reduces bioavailability of calcium, iron, manganese, and other necessary minerals in living tissues. It interferes with the functioning of critical enzymes in our bodies, in microbes populating our gut microbiome, in honeybees and other animals, in soil microbes and in plants. These dysfunctions reduce nutritional density in plants (including in our food), and increase soil breakdown, resulting in poor water retention, and impaired carbon sequestration, thus also contributing to the climate crisis.

While glyphosate seems effective at killing unwanted plants, its toxicity causes enormous amounts of collateral damage to all surrounding life forms. So *anything* that can be done to reduce or eliminate it from our environment is a worthwhile endeavor. In these bills, only licensed or authorized individuals will be able to purchase, handle and apply glyphosate-based herbicides (GBH), which essentially takes it out of the hands of the general public. However, allowing reclassification of glyphosate from “general” to “restricted” would add another layer of safety. That is, only certain groups could apply for use and each application would require written permission. S.574 eliminates GBH in/on state parks, playgrounds, school buildings, State-owned highway medians and buildings owned by the State, except by certain State/Federal permitted individuals. Further, we suggest removing the allowance for where “There is no viable alternative to the use of the proposed glyphosate herbicide.” Realistically, this situation is not likely to occur and so the clause is unnecessary and provides a potential loophole.

One note - [MDAR, on its information page about glyphosate](#), uses very outdated sources, as well as undated, unpublished memos from Monsanto and even a 32-year old interview with Monsanto to support the use of glyphosate. We suggest that this information should NOT be used in the current context and that this page be reviewed and updated with current science.

Glyphosate-based herbicides are being restricted or banned around the world, including in 14 Commonwealth municipalities. Massachusetts should take leadership on this issue. Please promote very restrictive measures on glyphosate to protect human and environmental health.

Conclusion

On December 14th, you heard testimony from scientists, physicians, other experts, and activists like us. Most people—and especially parents of young children— don’t have the time to research the health effects of chemicals used on lawns, gardens, or school

playing fields. That is one of the main reasons we rely on government officials to make a difference in our lives. You make it your business to inform yourselves and watch out for the health of your constituents.

We have seen that we can't depend on the chemical manufacturers to watch out for us. The desire for profits is too great. And of course advertisements for pesticides don't divulge that they are often poorly studied, kill pollinators as well as pests, or that organisms considered to be pests might be a lot less dangerous than the poison in that bottle of weed killer.

Given all that we now know, why would we continue to take a chance on exposing ourselves and our children to pesticides? So lawns can look greener? So playing fields look pristine? Our children cannot protect themselves so we must do it for them.

The legislation that Climate Action Now endorses provides the kind of protection we need. There is no time to delay meaningful action. We urge you to report these bills favorably out of committee along with other significant pesticide legislation!

Sincerely,

Lynne Man, Lunenburg; Carole Horowitz, Florence; Susan Garrett, Hadley, Darcy Sweeney; Florence