

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
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CERTIFICATION OF PUBLIC HEALTH HAZARD THAT REQUIRES PESTICIDE

APPLICATION TO PROTECT PUBLIC HEALTH

Public health surveillance information indicates an increased risk of eastern equine encephalitis (EEE) in humans in certain parts of Massachusetts. In response to this increased risk, the Department of Public Health has determined that aerial application of pesticides in certain areas is necessary to protect public health. In order to apply pesticides in certain legally protected areas, the certification below is necessary.

Property Owner Exclusions

The Massachusetts Pesticide Regulations prescribe the methods by which persons living in or legally in control of lands may designate such lands for exclusion from the application of pesticides (333 CMR 13.03). However, 333 CMR 13.03(3)(a) provides that requests for exclusion shall not be honored in those cases in which "The Commissioner of Public Health has certified that the application is to be made to protect the public health." The effect of this certification is that the applicators engaged in aerial pesticide applications are not required to honor designations for exclusion made by persons living in or legally in control of lands to which the pesticides may be applied.

Endangered Species

Division of Fisheries and Wildlife (DFW) regulations prohibit the taking of any state or federally listed animal or plant species, with limited exceptions (321 CMR 10.04(1)). One exception is to protect human health during the period and within the geographic area of a public health hazard as certified in writing by the Commissioner of Public Health (321 CMR 10.04(3)(e)). Under such circumstances, DFW may issue a permit to take endangered species if it has found that all reasonable efforts have been undertaken to avoid the removal, capture or destruction of such species.

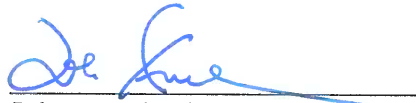
Commissioner Certification

I hereby certify, pursuant to 333 CMR 13.03(3)(a) and 321 CMR 10.04(3)(e), that a public health hazard exists in the areas of Massachusetts specified below and that application of pesticides by aerial spraying in areas known to harbor mosquitoes carrying the EEE virus is necessary to protect the public health.

The areas covered by this certification are high risk areas in Bristol and Plymouth Counties as determined by Department of Public Health surveillance data that warrant aerial pesticide application to protect public health. This certification shall remain in effect until September 30, 2012.

7/17/12

Date



John Auerbach
Commissioner