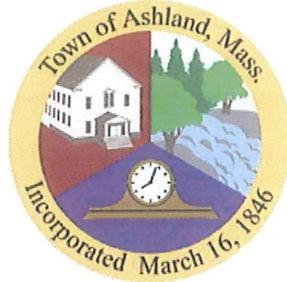


**TOWN OF ASHLAND, MASSACHUSETTS
BOARD OF HEALTH
ORGANIC PEST MANAGEMENT REGULATIONS**



EFFECTIVE DATE: JANUARY 1, 2016

SECTION I – FINDINGS & PURPOSE

The Town of Ashland Board of Health agrees with the U.S. Environmental Protection Agency (EPA) that “all pesticides are toxic to some degree..., and the commonplace, widespread use of pesticides is both a major environmental problem and a public health issue.”

That all citizens, and in particular children, as well as other inhabitants of our natural environment, have a right to protection from exposure to hazardous chemicals and pesticides in particular; and

A balanced and healthy ecosystem is vital to the health of the town and its citizens; and as such is also in need of protection from exposure to hazardous chemicals and pesticides; and

When an activity raises threats of harm to the environment or human health, precautionary measures should be taken, even if some cause and effect relationships are not yet fully established; and

It is in the best interest of public health to eliminate the use of toxic pesticides on Town-owned land, ponds and waterways; to encourage the reduction and elimination of the use of toxic pesticides on private property; and to continually adjust and evolve pest management practices, as needed, to introduce and promote natural, organic cultural and management practices to prevent and, when necessary, control pest problems on Town-owned land.

Accordingly, the Board of Health finds and declares that the purposes of these Organic Pest Management Regulations are:

- (1) to protect the public health by restricting the use of hazardous chemicals and pesticides on Town-owned land,
- (2) to guarantee the right of the residents of the town of Ashland the safe use of public land,
- (3) to prohibit the use of EPA designated Toxicity Category I and Toxicity Category II pesticides on all public school properties and playgrounds,
- (4) to prohibit the use of EPA designated Toxicity Category I and Toxicity Category II pesticides on all private school and all child care center properties and playgrounds, when such use is for purely aesthetic reasons. (MGL Ch 132B, Sec 6G)
- (5) to encourage the reduction and elimination of the use of toxic hazardous chemicals and pesticides on all private property.

SECTION II – AUTHORITY

These Organic Pest Management Regulations are promulgated under the authority granted to the Ashland Board of Health under Massachusetts General Laws Chapter 111, Section 31 providing that Boards of Health may make reasonable health regulations and under the authority granted to the Ashland Board of Health under Massachusetts General Laws Chapter 111, Section 122 to make regulations for the public health and safety relative nuisances and causes of sickness.

SECTION III – DEFINITIONS

The following words and phrases, whenever used in these Organic Pest Management Regulations, shall be construed as defined in this section:

Banned Pesticides are those that are classified as known, likely, or probable human carcinogens or probable endocrine disruptors, or those pesticides that meet the criteria for Toxicity Category I or Toxicity Category II, as defined by the United States Environmental Protection Act (EPA) in section 156.10 of Part 156 of Title 40 of the Code of Federal Regulations, and are subject to these Regulations. A list of the pesticides in the EPA's Toxicity Categories I and II will be periodically updated and maintained at the offices of the Town of Ashland Board of Health.

Child Care Center are facilities as defined in Section 2, Chapter 132B Massachusetts Pesticide Control Act, of the General Laws of Massachusetts

Essential OPM practices include, but are not limited to:

regular soil testing; addition of approved soil amendments as necessitated by soil test results, following, but not limited to, the recommendations of NOFA/Mass (Northeast Organic Farmers' Association/Mass) and/or the Organic Material Review Institute of Eugene, Oregon; selection of plantings using criteria of hardiness; suitability to native conditions; drought, disease and pest-resistance; and ease of maintenance; modification of outdoor management practices to comply with organic horticultural science, including scouting, monitoring, watering, mowing, pruning, proper spacing, and mulching; the use of physical controls, including hand-weeding and over-seeding; the use of biological controls, including the introduction of natural predators, and enhancement of the environment of a pest's natural enemies; through observation, determining the most effective treatment time, based on pest biology and other variables, such as weather and local conditions; and eliminating pest habitats and conditions supportive of pest population increases.

Organic Pest Management (OPM) is a problem-solving strategy that prioritizes a natural, organic approach to turf grass and landscape management without the use of toxic pesticides. It mandates the use of natural, organic cultural practices that promote healthy soil and plant life as a preventative measure against the onset of turf and landscape pest problems.

Pests are and may be known as undesirable plants, insects, fungi, bacteria, and rodents, birds and other animals. Common examples in turf grass and the landscape can be, but are not limited to, crabgrass, knotweed, poison ivy, chinch bugs, grubs, and a variety of plant pathogens.

Pesticides are defined by the Massachusetts Department of Food and Agriculture Pesticide Bureau as "substances or mixtures of substances that prevent, destroy, repel, or mitigate pests, or defoliate, desiccate, or regulate plants." Pesticides are poisonous substances that can have an adverse effect on the environment or impair human health. Herbicides, fungicides, insecticides, miticides, avicides and rodenticides are all considered pesticides.

SECTION IV – PROHIBITION

The use and application of all chemical pesticides, by Town of Ashland employees and/or by private contractors, designated as banned chemical pesticides is prohibited on all Town-owned lands. The use and application of all above mentioned banned chemical pesticides on all privately owned school, preschool, and licensed day care playgrounds and play areas, when that application is for purely aesthetic reasons, is also prohibited.

SECTION V – CONTROL OF POTENTIAL PEST PROBLEMS

Organic Pest Management practices, i.e. natural, organic turf and landscape cultural practices and maintenance, shall be the method of choice to understand, prevent, and control potential pest problems.

Control products used under the terms of this Regulation shall be those products on the approved list of NOFA/Mass. (Northeast Organic Farmers' Association/Mass.) and/or the Organic Materials Review Institute of Eugene, Oregon, or such other lists or products as may be approved by the Director or by the Board of Health from time to time.

SECTION VI – INVENTORY OF PESTICIDES

A. A registry of all pesticides currently stored in or on Town-owned premises shall be compiled by the Director of Public Health who may have authority to order the disposal of any such products that the Director deems unnecessary to be stored within the Town, such disposal to be through the Town's Hazardous Wastes Collection program or otherwise.

B. A listing of all Town owned lands affected by this policy will be made available to the public.

SECTION VII – EXEMPTIONS

Ashland-owned land shall be subject to these Regulations, except as follows:

(1). Pesticides otherwise lawfully used for the purpose of maintaining a safe drinking water supply at drinking water treatment plants and at wastewater treatment plants and related collection, distribution, and treatment facilities.

(2). Pesticides classified by the United States Environmental Protection Agency as exempt materials under 40CRF 152.25, or those pesticides of a character not requiring FIFRA regulation.

(3). The use of chemical controls, in accordance with MGL Chapter 132B, Section 6H, and as approved in advance and in writing by the Director of Public Health or by the Ashland Board of Health in the event of a public emergency as determined by the Director or by the Board of Health; provided, however, that such authority to grant a temporary waiver shall be limited to a period of thirty days. Any waiver in excess of thirty days as to any one emergency may be extended for an additional period not to exceed six months but only by a vote of the Board of Health. All waivers granted by the Director shall be reported to all members of the Board of Health no later than one business day following the issuance of the waiver. Notice of all such waivers shall be posted, in the manner provided for notice of public meetings, within two business days following the issuance of the waiver. Any waiver granting the use of pesticides on Town land shall require the use of Integrated Pest Management protocol and shall specify the use of a specific pesticide(s) determined to be the least toxic material for the specific application. The Board of Health shall determine if such a waiver is warranted based on the following criteria:

- a) the pest situation poses a threat to human or animal health and/or environmental quality;
- b) reasonable OPM efforts, if any, have been attempted; and
- c) viable alternatives consistent with this Regulation do not exist.

Any Town department or contractor granted a waiver hereunder shall comply with all applicable laws, rules and regulations of the Commonwealth of Massachusetts including, but not limited to those requiring notification to site users, abutters, and the proper method for storage, application, and posting.

SECTION VIII: TRAINING AND EDUCATION

All Town of Ashland personnel involved in the evaluation, approval, or implementation of organic turf and landscape maintenance and/or outdoor pest control should receive training and education in natural, organic cultural and technical methods.

SECTION XI - OTHER APPLICABLE LAWS

These Organic Pest Management Regulations shall not be interpreted or construed to permit the application or use of pesticides or other hazardous materials where such use or application is restricted by other applicable health, environmental, safety or fire codes, regulations or statutes.

SECTION XII – SEVERABILITY

If any provision, clause, sentence or paragraph of these Organic Pest Management Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions of these Organic Pest Management Regulations that can be given effect without the invalid provision, clause, sentence, or paragraph, and to this end the provisions are declared to be severable.

SECTION XIII: EFFECTIVE DATE

These regulations shall be effective upon publication.

Adopted: December 15, 2015

By the Board of Health of the Town of Ashland

Mary F. Mortensen, Chairwoman Mary F. Mortensen
Charles L. Legassey, Vice Chairman Charles L. Legassey
Judith Margulies, Clerk Judith Margulies
Koduvayur G. Narayana, Member Koduvayur G. Narayana
Edward P. Hart, Member Edward P. Hart
Mark Oram, Director of Public Health Mark Oram