◉ MASSACHUSETTS PESTICIDE CONTROL ACT *(AERIAL APPLICATORS)*

STATUTORY CITATION: Mass. Gen. Laws Ch. 132B, §§ 1 – 16

RELATED REGULATIONS: 333 Mass. Code Regs. 13.04

GENERAL SUMMARY: Under authority of the Pesticide Control Act, the agriculture department has adopted regulatory standards related explicitly to application of pesticides from the air.

SPECIFIC TERMS AND CONDITIONS

CERTIFICATION OF AERIAL APPLICATORS — No one is authorized to apply pesticides by aircraft unless specifically certified by the state as an aerial applicator.

AERIAL APPLICATION PERMITS — Before any airplane or other fixed-wing aircraft may be used to apply pesticides to a particular field, a permit must be obtained from the state enforcement agency at least 21 days prior to the application, authorizing treatment of the field. The state agency will not issue such a permit until it can be determined that aerial application will not, among other things, be likely to cause injury to humans.

POSTING — Agricultural fields that are within 500 feet of a protected area (such as a school, hospital, residence or other building where people gather) and that are targeted for treatment by pesticides from the air must be posted with warning signs between 2 and 24 hours before the application. The signs must remain in place at least 48 hours after the field is treated and be removed no sooner than the expiration of the product's restricted entry interval. Each sign — at least 14 inches by 16 inches in size, and in at least one-inch lettering — must include the words "Danger," "Pesticides," "Keep Out," and the corresponding terms in Spanish.

APPLICATION CONDITIONS — Among other restrictions, aerial agricultural applications are prohibited when there is visible drift to non-target areas, and pilots are generally forbidden to make turns over protected areas and bodies of water.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Pesticide Enforcement, Division of Crop and Pest Services, Massachusetts Department of Agricultural Resources, Boston, Massachusetts 02114 (617-626-1781).* Inspectors and other authorized representatives of the Department have the right to enter any premises, at reasonable times and with a properly executed search warrant, for the purpose of investigating specific complaints or suspected violations of the Pesticide Control Act. Both civil money penalties and criminal fines and imprisonment may be imposed on persons found to have violated any provision of the Act.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*