PESTICIDE EXCLUSION INFORMATION – 333CMR: PESTICIDE BOARD

The Exclusion Program was implemented by the Department of Food and Agriculture to allow land owners to exclude their property from public area-wide applications of pesticides (see 333 CMR 13.03 - Exclusions for Application). This reads in part::

Designations for exclusions may be made by supplying the clerk of the municipality in which such lands lie with a certified letter providing the name, address and telephone number (if any), names of all abutters, and defining programs from which exclusion is requested.

Designations may be made prior to March 1 of each year and shall be effective from April 1 of that year to March 31 of the following year.
(333 CMR 13.03, paragraphs 1b & 1c)

Ground Applications: The person requesting exclusion shall mark the boundaries or areas to be excluded at least every 50 feet with orange surveyor's tape or another Department-approved marking device which clearly defines the area of exclusion. These markings shall be made known to the Contracting Entity, who shall be responsible for communicating the details of their marking to those who will carry out the application. (333 CMR 13.03 - paragraph 2b)

This program began in 1983 in response to public concerns about pesticide exposure through public area-wide applications. Generally, the only pesticide application programs affected by this exclusion program are those for the gypsy moth and the mosquito.

Requests for exclusion shall not be honored in those cases which:

1) The Commissioner of Public Health has certified that the application is made to protect the public health.

2) the Commissioner of Environmental Management has certified that the application is necessary to contain an infestation of a recently introduced pest.

3) The Commissioner of Food and Agriculture has certified that an application is necessary to contain an infestation of a pest which is a significant threat to agriculture.

(from 333 CMR 13.03 - paragraphs 3a, 3b & 3c)

The full text of this regulation may be found on the Internet at **http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/300-399cmr/333cmr.html**

Please feel free to contact our office if you have any questions, and please access our website at **http://www.cmmcp.org** for more information on the Central Massachusetts Mosquito Control Project.

For more information on these regulations please contact Lee Corte-Real, Director, at the Massachusetts Pesticide Bureau at **(617) 626-1776** or **Lee.Corte-Real@state.ma.us**.