

# **GREEN INDUSTRY ALLIANCE**

## **Goals & Objectives for the 2009-2010 Legislative Session**

(Updated – June 30, 2009)

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### **Asian Longhorned Beetle**

- While there is no official legislation pending regarding this serious situation in Worcester and surrounding communities, we want legislators to be aware of the issue and to become engaged participants – to do this we need ongoing dialogue. Included in the final FY2010 budget was language directing the Department of Conservation and Recreation to conduct an environmental study in the city of Worcester and in certain other towns within the county of Worcester to determine the long-term effects due to the eradication process for the permanent removal of the Asian Longhorned Beetle (ALB). The DCR is required to file its report, with any suggestions for legislation, with the Legislature no later than December 31, 2009. The latest ALB information can be found on the MAA website <http://www.massarbor.org/sections/alert1.php> or through the City of Worcester at <http://www.ci.worcester.ma.us/cmo/beetles.htm>.

### **E-Licensing**

- The GIA was successful in securing funding within the DAR budget for the establishment of an electronic licensing system for applicators. The program is set for implementation and is expected to be running soon. We will continue to monitor the progress made and keep pushing until the system is operational.

### **IPM**

- The FY10 budget funded this item at \$287,945, which is slightly below funding from the previous two years at \$300,000.

### **Irrigation Legislation**

- Legislation establishing a system for the registration of professional irrigation contractors (S.107) was filed by Sen. Stephen M. Brewer (D-Barre) and had a public hearing before the Joint Committee on Consumer Protection and Professional Licensure on May 19, 2009. Members of the IANE testified in support of the bill and answered questions, mostly from Senate Chairman Michael W. Morrissey (D-Quincy). We have met with committee staff to discuss potential changes that may help the bill move forward.

### **Landscape Sprinkler Systems**

- Two bills relative to this subject (H.4013, S.1396) have been filed by Rep. John P. Quinn (D-Dartmouth) and Sen. Stephen M. Brewer (D-Barre). These bills have not

yet had a public hearing before the Joint Committee on State Administration. The GIA will submit testimony in support of the concept of the bill but pointed out that some technical changes were necessary to make the bill more effective. The same language is found within S.107 filed by Sen. Brewer.

### **Lawn Care**

- Legislation that adds seeks to give towns the authority to regulate organic content in newly constructed or renovated lawns (H.754) was filed by Rep. Louis Kafka (D-Sharon) and has been referred to the Joint Committee on Environment, Natural Resources but has not yet had a public hearing.
- Legislation (S.410) banning the use of compost or fertilizer containing sewage sludge or products derived from sewage sludge was filed by Sen. Mark Montigny (D-New Bedford) and has been referred to the Joint Committee on Environment, Natural Resources but has not yet had a public hearing.

### **Nutrient Levels & Organic Content**

- Legislation (S.380) to give the DAR authority to regulate and publish information, create and maintain public outreach efforts and develop educational materials relative to nutrient management and fertilizer guidelines, was re-filed by Sen. Stephen M. Brewer (D-Barre). This bill has been referred to the Joint Committee on Environment, Natural Resources but has not yet had a public hearing.

### **Pesticides**

- Rep. Garrett J. Bradley (D-Hingham) re-filed this bill, which allows certain schools and day care centers to opt out of certain provisions of Chapter 132B, also known as the Children and Families Protection Act (H.700). This bill has been referred to the Joint Committee on Environment, Natural Resources and Agriculture but a public hearing has not yet been scheduled. In January 2009, the DAR issued a new policy on standard written notification that allows for electronic notification to be accepted and for greater flexibility for schools to comply. This action essentially makes our bill a moot point but we should educate the committee on this policy at the time of a hearing.
- Rep. James H. Fagan (D-Taunton) filed legislation (H.722) that would allow for “standard written notification” under the Pesticide Control Act (Ch. 132B) to be done electronically. ). This bill has been referred to the Joint Committee on Environment, Natural Resources and Agriculture. A public hearing has not yet been scheduled.
- Rep. Jay Kaufman (D-Lexington) re-filed legislation (H.755) that establishes a pesticide advisory committee and authorizes them to develop a priority toxic pesticide list and ban the use of products on said list. The bill also calls for the establishment of a pesticide use reporting system that would include new reporting requirements for applicators. The bill also increases the penalties for violations of the provisions of Chapter 132B. ). This bill has been referred to the Joint

Committee on Environment, Natural Resources and Agriculture but a public hearing has not yet been scheduled.

### **Safer Alternatives to Toxic Chemicals**

- Two bills have been filed and are pending before the Joint Committee on Environment, Natural Resources and Agriculture but have not yet had a public hearing. H.757 by Rep. Jay Kafuman (D-Lexington) and S.442 by Sen. Steven Tolman (D-Brighton) represent a disturbing twist on the bills from last session as they incorporate a new title and new language to suggest this legislation is about promoting economic development. The bills allow for \$6 million in new fees to be paid by manufacturers, wholesalers and distributors of certain chemicals, require new reporting requirements for chemical users, give expanded authority to the advisory council, and direct the Toxic Use Reduction Institute to assess virtually any chemical and develop a plan for prohibiting or limiting its use and requiring the use of an alternative.

### **Water Management & Quality**

- H.749 by Rep. Brad Hill (R-Ipswich) and S.436 by Sen. Bruce Tarr (R-Gloucester) direct the Department of Environmental Management to establish a water conservation and water resources protection program that includes a variety of specific areas such as the “implementation of landscape practices that eliminate or significantly reduce outdoor water use”, and the preparation of model municipal bylaws/ordinances for, among other things, “landscape and recreational facility design and irrigation and water conservation”. The bill also establishes a new position within the Executive Office of Environmental Affairs, to coordinate all related programs and establishes the Water Resources Research Center of the University of Massachusetts. Although these bills are the same, one has had a hearing (H.749 on April 21, 2009) before the Joint Committee on Environment, Natural Resources and Agriculture while the other has not had a hearing.
- H.834 by Rep. Frank Smizik (D-Brookline) allows the DEP to develop regulations for restoring and maintaining stream flows, water levels and hydrologic regimes that protect natural aquatic life and ensure a balance among competing water withdrawals, uses, and preservation. It allows cities, towns, and water and sewer commissions to collect a fee to offset the impacts of water withdrawals and sustain the quantity, quality, and integrity of waters in the Commonwealth. This bill has been referred to the Joint Committee on Environment, Natural Resources and Agriculture but a public hearing has not yet been scheduled.
- In 2008 the DEP established a goal of allowing only 65 gallons per household per day to be regulated through water withdrawal permits. This includes outdoor use and is well below the national average of indoor use alone. This goal is a root cause of concern for industry as it makes outdoor watering an easy target as cities, towns, and water purveyors are being restricted in acquiring withdrawal permits.