



Position Statement:

S.333 - An Act Relative to the Powers of the Department of Agriculture Filed by Sen. Stephen M. Brewer

The Green Industry Alliance of Massachusetts is comprised of the Massachusetts Arborists Association (MAA), the New England Pest Management Association (NEPMA), the Massachusetts Association of Landscape Professionals (MLP), the Massachusetts Association of Lawn Care Professionals (MALCP), the Irrigation Association of New England (IANE), and the Golf Course Superintendents Association of New England (CGSANE). Our mission is to promote awareness and educate the public and elected officials in the Commonwealth on best practices and professional standards in structural and landscape, pest control and integrated pest management.

The GIA supports the notion of giving the Department of Agricultural Resources exclusive authority over the issue of nutrient management and fertilizer guidelines in the Commonwealth. We feel it is important that citizens look to the authority of the State before attempting to enact a variety of local and municipal regulations, many of which are based upon information from the internet or other questionable sources and some of which do not even consider the climatologic conditions which exist in Massachusetts.

The Department currently has preemptive authority over pesticide use in the Commonwealth. We feel that it makes perfect sense to grant similar authority over commonly used fertilizer products.

Over the past few years we have read or heard, to our great chagrin, local advocates speak and write misleading information regarding nutrient levels in fertilizer and the impact such can have on water supplies. We are concerned that such claims go unquestioned and assumed true because information was found on the internet, and then incorporated into local rules, restrictions and even prohibitions. The GIA questions how many of these "policies" or "studies" have been formulated or even reviewed by university professors and Extension Agents who actually do the research in this field.

For small businesses, operating across municipal boundaries and having to comply with a myriad of varying regulations would be difficult, costly and inefficient, causing a loss of time and productivity. Without this exclusive authority, employers would have to remain aware of 351 city or town halls, boards of selectman or aldermen. They would also have to bear the cost of training their workforce to the different sets of rules and be liable for any errors resulting in fine violations or a suspension or revocation of their license. Certainly, a complicated mix of rules rather than statewide uniformity would be a difficult challenge and would likely result in job losses, let alone impact the health of turf throughout the Commonwealth.

We firmly believe that the Department of Agricultural Resources possesses the necessary expertise and executive branch jurisdiction to make policy, if necessary for limiting or restricting nutrient levels in fertilizers. We further believe that decisions such as these, made about issues that are easily subjected to politics, rhetoric and untruths must be based in science and not imagination, emotion or personal opinion. A few, vocal municipalities should not be able to set policy for the entire state but that is entirely possible without affirmatively placing the responsibility in the hands of the state.

In the process of developing this legislation, we faced a conundrum over how to provide the DAR with the preemptive and exclusive authority without requiring them to create regulations. After the bill had been filed, we continued our discussions and realized that as drafted, this legislation could take away from the mission of the UMASS, Amherst Extension Program to disseminate accurate educational materials. This is an unintended consequence and we would respectfully request the committee's assistance in developing an appropriate approach. We look forward to working with the committee chairmen, your staffs and members of the committee and ways to reach this goal.

The Green Industry Alliance thanks you for your continued cooperation and assistance on this and other matters of interest to our members. We are always willing to discuss our positions and perspective with committee members and their staff.

Please do not hesitate to contact our legislative agent, Stephen Boksanski with Shanley Fleming Boksanski and Cahill at 617-423-6600 to arrange any further discussions.

October 12, 2011