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TOWN OF GREAT BARRINGTON MASSACHUSETTS

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BOARD OF HEALTH

2023

Pursuant to M.G.L c. 111, s31:

The Board of Health passes a local Regulation restricting the use of Glyphosate containing chemicals on Town owned and/or managed land.

Whereas, the Board of Health has determined that there is an increasing body of scientific evidence indicating that glyphosate poses harm to developing children, adult human gut biome, pollinators, animals, agriculture and our food systems, and the environment as a whole;

Whereas, in 2015 the World Health Organization and the International Agency for Research on Cancer published a report stating that glyphosate “was probably carcinogenic to humans” and found a strong association between exposure to glyphosate and gene toxicity and non-Hodgkin lymphoma and that glyphosate exposure caused DNA chromosomal damage in human cells as well as genotoxic, hormonal and enzymatic effects in humans;

Whereas, the Board of Health aims to act in the best interest of human health and this regulation aims to protect and promote the health of our ecological systems by restricting the use of glyphosate;

Whereas, the Board of Health seeks to be in alignment with the 2016 affirmative Town Meeting vote for the Resolution committing Great Barrington to a pollinator-friendly town;

Now, therefore, the BOH enacts the following regulation:

Section 1:

AUTHORITY

Pursuant to M.G.L c.111, s.31 Boards of Health have the authority to pass reasonable local regulations.

Section 2:

DEFINITIONS

- a. **Glyphosate** – A broad spectrum herbicide and crop desiccant. The compound is a phosphonate. The chemical compound is used to kill weeds, especially annual weeds and grasses.
- b. **Herbicide** – Chemicals used to manipulate or control undesirable vegetation.
- c. **Licensed Applicator** – An individual who has a current and valid “Pesticide Applicator License” from the Massachusetts Department of Agricultural Resources Program
- d. **Notice of Intent** – An application submitted to the Health Department/ Board of Health for review and approval. Referred to herein as “NOI.”
- e. **Town-Owned Property**– Any property that is owned by the Town of Great Barrington including but not limited to Public Parks, Roadways, Bodies of Water, Cemeteries, and Town-Owned Campuses.
- f. **Town-Managed Property** – Any property where the Town of Great Barrington is responsible for the care and maintenance of the property. Town-Managed Property could include, but is not limited to, recreational space, roadways, or town-owned and -managed development projects.
- g. **Town** – The municipality of Great Barrington. The Town of Great Barrington includes the village of Housatonic.

Section 3:

PROTOCOL

The Great Barrington Board of Health requires that any use of Glyphosate-containing herbicides on town-owned and/operated property must be conducted by a Massachusetts Licensed Pesticide/ Herbicide Applicator. Licensed Applicators must submit a Notice of Intent application to the Health Department for review. NOIs must be submitted no later than 30 days prior to scheduled work. The NOI application will be reviewed during a Board of Health meeting and open to public comment.

A NOI may include a site review by the Board of Health. The Board of Health reserves the right to deny any Notice of Intent application at any time. If NOI is denied by the Board of Health, the applicant will receive a letter via certified receipt.

Section 4:

SPECIAL CONDITIONS

After careful review of the proposed application, the Board of Health reserves the right to impose special conditions on the permit, to be carried out by the applicant or agent thereof. Potential Special Conditions that may be requested are but not limited to a plan for notifying abutters of the property, a plan for notifying any potential user of the public property, limitation on the hours herbicide can be applied (evening hours or days when weather is most conducive), and provide documentation that other organic methods have been tried and were unsuccessful.

Section 5:

ENFORCEMENT

If a person and/ or entity is found to be in violation of this Moratorium, the Board of Health has the authority to issue fines under M.G.L c.40, Section 21D. Fines can be issued up to \$300.00 per day the violation persists.

Section 6:

EXEMPTION

This regulation does not apply to private property located in the Town of Great Barrington.

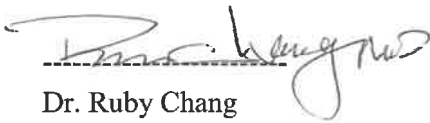
Section 7:

SEVERABILITY

If any section, statement, or provision of this regulation is declared invalid or unenforceable, the other sections of this regulation shall remain in full effect.

This regulation shall take effect on: **June 1, 2023**

Regulation enacted by the Great Barrington Board of Health at the June 1, 2023 Meeting:



Dr. Ruby Chang



Peter Stanton,
Vice Chair



Michael Lanoue,
Chair

