

FAQ Pesticide Reduction Initiative

The Purpose of this Home Rule Petition is to protect the people, wildlife and environment of Orleans by reducing the most toxic of pesticides

What are Pesticides?

Pesticides include all Insecticides, Herbicides, Fungicides, and Rodenticides

Pesticide — Any substance or mixture of substances intended for—(i) preventing, destroying, repelling, or mitigating any pest; (ii) use as a plant regulator, defoliant, or desiccant; or (iii) use as a spray adjuvant such as a wetting agent or adhesive. The term ‘pesticide’ does not include cleaning products, other than those that contain pesticidal agents.

Why should we support this petition?

To Protect our people, waters, wildlife and environment.

Water and environment is what brings people here and makes us want to stay in this special place of ours. It is up to us to protect the waters we love. It is our most valuable environmental resource and our most valuable economic asset. It directly or indirectly affects every resident, homeowner, visitor, and businesses in Orleans. Orleans has 63 ponds/lakes and approximately 50+ miles of coastlines. Water is our lifeblood, and it is our responsibility to keep it healthy.

What do we need to do to help?

Pass a Home Rule Petition Article at Fall Town Meeting October 16, 2023.

What is a Home Rule Petition, and how does it differ from a bylaw?

A Home Rule Petition is a request (petition) from a city/town for a new type of power from the State Legislature. It asks to let the Town of Orleans have the power to make its own decision to reduce the application of Pesticides and toxic chemicals entering our environment, a right the State took away in 2014.

What is the Home Rule Petition Process (HRP)?

The HRP will be a warrant article at Town Meeting on October 16, 2023. Once passed, the Town will send the bill to its State Representatives and State Senators who seek to pass it in the legislature as a state law that would only affect the one municipality, Orleans, MA.

How long does it take?

Once approved at Town Meeting it moves to the state level and it could sit in legislative committee for up to two years after which, if not passed, it will expire and need to go through the process again.

Can the Home Rule Petition wording be changed throughout the process?

Yes, the Home Rule Petition Article has this wording included: “...and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage.”

When would this become effective?

Once approved at State level it would become a bylaw.

Why has the Orleans Select Board decided to act on this issue?

Local organizations mobilized in the 2000's creating advocacy and education campaigns that were immensely helpful in getting the town to put together some bylaws in 2014. But times have dramatically changed in the last few decades. We have more proven science, and attitudes in protecting our environment have never been stronger. Citizens feel there is an ongoing and significant increase in the application and use of pesticides in Orleans. The Select Board is listening to their concerns and moving forward to address them.

What can I do now to help protect our people, wildlife and environment?

Change how you manage your property. Stop using pesticides. If you use a service tell them to stop using toxic synthetic pesticides and herbicides. Despite what the services may tell you, you do not need them.

Let your voice be heard and vote in support of no application of toxic synthetic pesticides at Town Meeting.

Why are we not just stopping today when we know it harms people, wildlife and the environment?

Protecting the environment has had a long history of support in Orleans and Cape Cod. Many people have worked very hard to forward this issue through significant research, studies, and reports published by various groups both locally and globally. But it has not been enough. We are at a tipping point where awareness to protect our environment has never been higher and we need your participation. It is time to act.

Is this a new issue?

No, this is not a new issue. We have been studying pesticides for over half a century and the overall trend is that they continue to become more toxic and our environment becomes more polluted.

Why shouldn't I apply pesticides on my own property?

When pesticides are applied to property (lawns, gardens, flowers, shrubs, trees, etc.) they do disappear or stay on property. They run off from irrigation use, rain and storms. Air and water carry pesticides off your property long distances onto and through other people's properties until it reaches the nearest (shared) water source. It permeates through sandy soil polluting the single source aquifer we all share.

If water moves through our sandy soils at an estimated 1 foot per day and with an average Cape Cod aquifer depth estimated under 30 feet, within a month whatever is applied to the ground may be in our shared aquifer we drink from.

Barry Commoner's First Law of Ecology states that: "Everything is connected to everything else." What you do on your land will have a widespread impact beyond the boundaries of your property. In a sense, each and every one of us 'live on the water.' –OPC Blue Pages 2008

We already have policies, why are they not effective or enforced?

Our current policies are outdated and allow for continued use of pesticides on properties with no enforcement penalties, which in turn continues the cycle of polluting our environment. The current Select Board has committed to devoting resources to reasonably enforce this special legislation.

Why change?

Doing nothing will change nothing and the health of our people and environment will continue to be negatively affected. It is time we make the hard decisions to challenge ourselves to find solutions that protect and enhance a healthy environment and economy for everyone living and visiting our beloved town.

We cannot be fearful of change, we must grow and address our climate and all issues head on.

As we are all stewards of this land, we need to ask not what our waters and our environment can do for us but what we can do for our waters and our environment.

Why not just educate?

Education alone has proven not to work. We have been educating about the harmful effects of pesticides but the use of pesticides continues to increase. Education is a very important part of this and any process, but to be effective we need to combine it with clear, reasonable and enforceable regulations.

It has been mentioned that people arriving on the Cape may not understand the effects of pesticides. The negative effects of pesticides is a national/global issue and is also happening in the towns they come from and is consistently reported in the local and national press.

What methods can I use to treat for Termites, Carpenter Ants, Wasps, and Ants?

There are various articles on our town website educational webpage [Natural Remedies for Pests](#) that provide natural solutions that work.

What are the exceptions?

§6. Exceptions.

A. The application of the following Pesticides is allowed:

1. Indoor pest sprays and insect baits (excluding rodent baits)
2. Insect repellants for personal and household use
3. Pet: Flea and tick sprays, powders, and pet collars
4. Kitchen, laundry, and bath disinfectants and sanitizer
5. Products labeled primarily to kill mold and mildew
6. Usage for commercial farming and nurseries.

What pesticides would still be allowed?

- All non-synthetic (natural) materials are allowed except a very few on Department of Agriculture list 7 CFR 205.602
 - Any synthetic (man-made) materials that are on the Department of Agriculture list 7 CFR 205.601 are allowed.
 - 25b listed pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) are allowed
- These lists of minimal risk pesticides are on our website.

How are Pesticide applicators licensed?

Massachusetts law requires that all persons who apply pesticides in public areas and private places used for human occupation and habitation must be in possession of a valid pesticide license or certification issued by the Massachusetts Department of Agricultural Resources

Who enforces Pesticide regulations?

Massachusetts Pesticide Inspectors are assigned to regions.

Contact to file a complaint:

Chief Pesticide Inspector Michael W. McClean to Michael.Mcclean@mass.gov or (617) 626-1782
Pesticide Inspector in Plymouth, Bristol, Barnstable and Islands Mark.Herlihy@mass.gov
Enforcement Hotline: (617) 626-1782

The Pesticide Program enforces of all pesticide Regulations in the Commonwealth of Massachusetts. Pesticide Enforcement regulates the Massachusetts Pesticide Control Act and the regulations [333 CMR 1- 14](#).

Local enforcement:

§7. Enforcement.

The enforcement authority shall be the Town Manager, or any town officials as designated by the Select Board to oversee and enforce the provisions of this bylaw.

It is our expectation that if we have clear laws in the town of Orleans, the majority if not all people, will follow them.

Other laws that protect our health and the environments we have been able to successfully enforce: smoking (Orleans was a leader), plastic bags, plastic water bottles under one gallon.

What is the procedure in a potential health emergency?

If an emergency public health situation warrants the use of Pesticides, which would otherwise not be permitted under this bylaw, the Town Manager or authorized designee shall have the authority to grant a temporary waiver on a case-by-case basis after an evaluation of all alternative methods and materials.

How will this affect businesses?

The Select Board is strongly committed to working together and supporting solutions that benefit our local businesses and the whole community. American business is built on innovation and this is an opportunity to shift customers into safe alternative products and practices. It is a great opportunity to truly focus on our beautiful native drought tolerant grasses, plants, flowers, shrubs and trees (and pollinators). Also for our garden club and environmental organizations to use their expertise to help educate.

We understand our businesses have customers from surrounding towns. This does not restrict businesses from selling any pesticide they choose but only prohibits the application to property in Orleans. It is the homeowners’ responsibility what is put on their property.

Note: This is a living document. It will be updated and additional FAQs added as needed.

For more information please visit the Pesticide Home Rule Petition 2023 webpage on the Orleans town website: <https://www.town.orleans.ma.us/1335/Pesticide-Home-Rule-Petition-2023>



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