



The Commonwealth of Massachusetts  
Executive Office of Energy and Environmental Affairs  
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**DEPARTMENT OF AGRICULTURAL RESOURCES**  
**NOTICE OF RESCHEDULED PUBLIC HEARING**

Notice is hereby given that the Department of Agricultural Resources, under its authority pursuant to the Code of Massachusetts Regulations Title 333, and in accordance with M.G.L. c. 30A, will hold a public hearing on proposed amendments to the regulations at 333 CMR 9.00 and 333 CMR 14.00. 333 CMR 9.00, Licensing Pesticide Dealers, requires anyone selling a restricted use pesticide (RUP) to obtain a Pesticide Dealer License and contains record keeping requirements for all sales. 333 CMR 14.00, Protection of Children and Families from Harmful Pesticides, promotes the implementation of Integrated Pest Management (IPM) techniques and establishes standards, requirements, and procedures necessary to minimize the risk of unreasonable adverse effects on human health and environment regarding the use of pesticides within a school, daycare center or school age childcare program facility. This hearing was previously scheduled to be held on January 11, 2023.

The amendments to 333 CMR 9.00 will modify the regulations to ensure they meet new federal guidelines. In January 2017 the United States Environmental Protection Agency ("EPA") updated its Certification and Training Rule ("C&T Rule"), requiring State Lead Agencies to update and resubmit their State Plans, which address how the state regulates Restricted Use Pesticides ("RUPs"). The Department of Agricultural Resources must add a few additional elements to its current record keeping requirements at 333 CMR 9.00 to be compliant.

The amendments to 333 CMR 14.00 will modify the regulations to include an exemption from larvicide being added to the Integrated Pest Management ("IPM") plan when conducted by a Mosquito Control District or Project ("MCD") and place in catch basins or storm drains. This exemption is expected to improve mosquito control efforts on school property in Massachusetts.

A public hearing will be held on both 333 CMR 9.00 and 333 CMR 14.00 on the following date:  
**February 14, 2023, at 10:00 A.M. Eastern Time (PLEASE NOTE NEW DATE)**

**Please note this hearing will be held virtually via Zoom. To join the hearing, please use either the link or the call-in telephone number below:**

Topic: Regulations Implementing the Licensing Pesticide Dealers and Protection of Children and Families from Harmful Pesticides  
Time: 10:00 A.M. Eastern Time (US and Canada)

Zoom Information: <https://us06web.zoom.us/j/83568604840>

Phone: (309) 205-3325  
(835) 686-04840  
(312) 626-6799  
(835) 686-04840

Testimony may be presented orally at the virtual hearing or in writing. Written comments will be accepted until **February 17, 2023, at 5:00 P.M.** Written testimony must be submitted by e-mail to [Taryn.LaScola@mass.gov](mailto:Taryn.LaScola@mass.gov) or by mail to MDAR Division of Crop & Pest Services, 225 Turnpike Road, Southborough, MA 01772. When necessary, please indicate the regulation on which you are submitting written testimony.

The proposed regulations are available on the MDAR website at <https://www.mass.gov/doc/333cmr-900-draft-licensing-pesticide-dealers/download> and <https://www.mass.gov/doc/333-cmr-14-draft-protection-of-children-and-families-from-harmful-pesticides/download> or may be obtained by emailing Taryn LaScola-Miner at [Taryn.Lascola@mass.gov](mailto:Taryn.Lascola@mass.gov). For special accommodations for this event or to obtain this information in an alternative format, you may contact ADA and Diversity Manager, Gabriella Knight, at [Gabriella.Knight@mass.gov](mailto:Gabriella.Knight@mass.gov) or call 857-268-0629.

### Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 333 CMR 9.00

Estimate of the Number of Small Businesses Impacted by the Regulation: 1200 Approx.

Select Yes or No and Briefly Explain

Yes	No X	<p><u>Will small businesses have to create, file, or issue additional reports?</u></p> <p>No. Businesses already have methods relative to record keeping. The requirement will only require them to add a few additional elements.</p>
Yes	No X	<p><u>Will small businesses have to implement additional recordkeeping procedures?</u></p> <p>No. Businesses already have methods relative to record keeping. The requirement will only require them to add a few additional elements.</p>
Yes <input type="checkbox"/>	No X	<p><u>Will small businesses have to provide additional administrative oversight?</u></p> <p>No. Businesses already have methods relative to record keeping. The requirement will only require them to add a few additional elements.</p>
Yes <input type="checkbox"/>	No X	<p><u>Will small businesses have to hire additional employees in order to comply with the proposed regulation?</u></p> <p>No. Businesses already have methods relative to record keeping. The requirement will only require them to add a few additional elements.</p>
Yes <input type="checkbox"/>	No X	<p><u>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</u></p> <p>No. Businesses already have methods relative to record keeping. The requirement will only require them to add a few additional elements.</p>
Yes	No X	<p><u>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</u></p> <p>No. Businesses already have methods relative to record keeping. The requirement will only require them to add a few additional elements.</p>
Yes <input type="checkbox"/>	No X	<p>Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?</p> <p>No. Businesses already have methods relative to record keeping. The requirement will only require them to add a few additional elements.</p>
Yes <input type="checkbox"/>	No X	<p><u>Do any other regulations duplicate or conflict with the proposed regulation?</u></p> <p>No.</p>
Yes	No X	<p>Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?</p> <p>No, the industry is already subject to inspections and regulatory enforcement activity.</p>
Yes	No X	<p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</p> <p>No.</p>
Yes	No	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</p>

<input type="checkbox"/>	X	No. Businesses already have methods relative to record keeping. The requirement will only require them to add a few additional elements.
Yes	No X	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? No. Businesses already have methods relative to record keeping. The requirement will only require them to add a few additional elements.
Yes <input type="checkbox"/>	No X	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. Businesses already have methods relative to record keeping. The requirement will only require them to add a few additional elements.
Yes	No X	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No. Businesses already have methods relative to record keeping. The requirement will only require them to add a few additional elements.
Yes	No X	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No. Businesses already have methods relative to record keeping. The requirement will only require them to add a few additional elements.
Yes <input type="checkbox"/>	No X	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No. Businesses already have methods relative to record keeping. The requirement will only require them to add a few additional elements.
Yes <input type="checkbox"/>	No X	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. Businesses already have methods relative to record keeping. The requirement will only require them to add a few additional elements.

### SMALL BUSINESS IMPACT STATEMENT

*In order to accurately predict the impact the adoption, amendment, or repeal of a regulation will have on small businesses, the promulgating authority must conduct a thorough analysis that not only considers the potential effects of the action but also quantifies the costs, if any, associated with each. The questions below are designed to aid promulgating authorities in conducting their analysis.*

Agency Submitting Regulation: Department of Agricultural Resources

Subject Matter of Regulation: Updating Pesticide Regulations

Regulation No: 333 CMR 14.00

Statutory Authority: M.G.L. 128, Section 32-38

Other Agencies Affected: None

Other Regulations That May Duplicate or Conflict with the Regulation: None

Describe the Scope and Objectives of the Regulation: Allow for larvicide to be exempt from being listed on a Schools Integrated Pesticide Management Plan. Mosquito Control Districts have difficulty getting schools to list larvicide on their IPM plans which means that they cannot use them in catch basins found on their property. This leaves holes in mosquito control if a MCD cannot treat all areas as necessary. Larvicides are currently exempt from notification requirements in section 14.00 because of the minimal risk that is associated with their type of application.

Business Industry(ies) Affected by the Regulation: Does not affect business. It affects State Mosquito Control Districts and Schools

Types of Businesses Included in the Industry(ies): n/a

Total Number of Small Businesses Included in the Regulated Industry(ies): n/a

Number of Small Businesses Potentially Subject to the Proposed Regulation: n/a

Effective Date Used In Cost Estimate:

Yes	No	*Note: For each question, please answer "yes" or "no" and offer a brief explanation. Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.
Yes	No X	Will small businesses have to create, file, or issue additional reports?
Yes	No X	Will small businesses have to implement additional recordkeeping procedures?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight?

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? .
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design standards?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will the regulation have the effect of creating additional taxes and/or fees for small businesses?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can the regulation provide for less stringent compliance or reporting requirements for small businesses?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can the compliance or reporting requirements be consolidated or simplified for small businesses?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards? N/A
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Were any small businesses or small business organizations contacted during the preparation of this document? If so, please describe.