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CONFIDENTIAL MEMORANDUM

TO: Terry Hayden, Sherwood Greens Road Maintenance and Improvement District
FROM: Elisabeth C. Goodman, Esq. Cain, Hibbard & Myers PC
RE: Mosquito Spraying
DATE: February 21, 2022

Since the summer of 2016, the Sherwood Greens Road District (the "District") has received services from the Berkshire County Mosquito Control Project ("BCMCP"). During the summer of 2021, there were some questions raised regarding the spraying by the Town of Becket. This memorandum documents the conclusions and results of the questions. I spoke with Jessica Burgess, Esq., the MDAR general counsel for the State Board about these issues.

1. Individual Property Owners Can Exclude Their Property From Spraying.

Even though the BCMCP provides spraying to control mosquitos along the roads in the District, individual property owners may exclude their property from mosquito control applications by filling out an on-line form on the Massachusetts Department of Agricultural Resources ("MDAR") website. See 333 CMR 13:03. BCMCP is one of a number of county projects under the MDAR State Reclamation and Mosquito Control Board ("State Board"). Once the on-line form is submitted, Chris Horton the manager of the BCMCP is notified and he can control the spraying to exclude specific properties.

2. The District Can Participate in the BCMCP.

Last year, the Board of Health in Becket questioned whether the District was entitled to join the BCMCP on its own when the Town of Becket was not a member. When the District joined the BCMCP in 2016, the MDAR reviewed the Special Act that created the District, and the District vote and appropriation, and decided that the District was a separate governmental entity entitled to join the BCMCP. Other taxing districts in the Commonwealth of MA have joined other mosquito control projects. **We were informed that during a meeting of the Board of Selectmen of the Town of Becket in May, 2021 Becket Town Counsel advised that Becket could opt out of spraying for Town properties, but Town Counsel could find no court precedent to prohibit the Road Districts from spraying.** In my phone call with Jessica Burgess, Esq., **she confirmed that she agreed that the District was eligible for membership in the BCMCP. The District is listed as a member on the BCMCP website.** See our memo to the District dated July 14, 2017 regarding the legal authority of the District to join the BCMCP.

3. No PFAS.¹ in the Spray.

Last year the Board of Health in Becket raised a number of questions about whether the spraying caused contamination by PFAS. Jessica Burgess, Esq. MDAR Counsel, explained that MDAR had tested the pesticides used by the mosquito projects in Massachusetts and determined that these chemicals did not include PFAS. There were questions raised as to whether the storage containers for the pesticides contained PFAS and that could contaminate the chemicals sprayed. She said that the MDAR determined what containers had PFAS and those are no longer in use. She was certain that the chemicals sprayed by BCMCP and other mosquito projects in MA are not contaminated by PFAS either directly or by the storage containers.

4. Public Notice is Required for Certain Applications.

The General Law that established the mosquito control boards and the regulations thereunder require that certain notice be given in the case of some types of spraying. Area wide spraying requires public notice. The BCMCP gives the required notice so everyone is aware if this type of spraying will be done.

¹ Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a large group of chemicals used in industry and consumer products since the 1950s. Exposure to PFAS has been determined to cause cancer, liver damage and other problems.

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CONFIDENTIAL MEMORANDUM

TO: Terry Hayden, Board of Sherwood Greens Road Improvement and Maintenance District in the Town of Becket
FROM: Cain, Hibbard & Myers, PC (JAM and ECG)
RE: Overview of District's Authority to Join the Berkshire County Mosquito Control Project
DATE: July 14, 2017

I. Introduction

You asked us to explain the stages by which the Sherwood Greens Road Improvement and Maintenance District (the "District") established the legal authority to join the Berkshire County Mosquito Control Project (BCMCP) and obtain its offered services.

II. Mosquito Control Project in Berkshire County

Mosquito control in Massachusetts is conducted through eleven mosquito control districts/projects, created by the legislature, which contain almost 200 member communities. Berkshire County's district/project, BCMCP was established in 1945. The State Reclamation and Mosquito Control Board (SRMCB), which oversees these districts/projects, is housed within the Department of Agricultural Resources (DAR). Among its responsibilities, the SRMCB establishes best management practices to ensure that mosquito control programs are effective and safe.

One important public health priority in mosquito control is the detection of disease threats to the public. The SRMCB and mosquito control districts/projects coordinate with the Department of Public Health to create an early detection, warning, and response system. Using an approach known as Integrated Pest Management, mosquito control districts/projects provide mosquito control that is tailored to the community. The type of mosquito control used is determined upon a number of factors, including but not limited to: standard surveillance information, public health data, local ecology and topography, costs, local and regional values/needs, and weather conditions. One approach to control high mosquito densities and suppress mosquito-borne disease threats is the use of highly specialized truck-mounted equipment to target treatments to roadside areas.

III. Overview of Stages and District's Authority to Join the Project

At the request of the Prudential Committee, in late May 2016, we contacted Chris Horton, Superintendent of the BCMCP and Jessica Burgess, Legal Counsel for DAR concerning the possibility of the District joining the BCMCP. It was determined that the District would need to demonstrate that it had the legal authority to join and obtain these services. The District

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presented documentation supporting this authority to the SRMCB consisting of 1) the special act which established the District and defined the scope of its authority ("An Act Establishing the Sherwood Greens Road Improvement and Maintenance District in the Town of Becket"; 2) the amendment to this special act for the District which indicates land areas in the ownership of the District; and 3) approval by vote of the District proprietors to join the Project.

A. An Act Establishing the Sherwood Greens Road Improvement and Maintenance District in the Town of Becket (the "Act")

The provisions defining District powers in the Act relevant to its authority to join the BCMCP read:

SECTION 2. The district, upon establishment in the manner hereafter set forth, shall have the following powers:

(a) to upgrade, repair and maintain, including snow and ice removal, the streets or ways within the district, or such portions thereof, as the district shall determine in accordance with this act;

(f) to make and enter into all contracts and agreements necessary or incidental to the accomplishment of its purposes subject to appropriation by the district; and

(p) to do all acts necessary or convenient to carry out the powers expressly or by necessary implication conferred upon the district by this act.

Thus, the District has the power to maintain the streets and ways within the District's ownership, to make and enter contract and agreements necessary or incidental to accomplishing this maintenance, and is authorized to accomplish this maintenance through acts both expressly defined and necessarily implied. Coordinating with a government agency to put a roadside-grass mosquito spray program into effect is maintenance authorized under the Act.

B. Approval of District Membership by Majority Vote

In June 2016, the District held its annual meeting, at which its proprietors were asked to vote on an article in the warrant which read:

Article 3: To see if the district will vote to authorize the District Prudential Committee to enter into an agreement with the Berkshire Mosquito Control District to proceed with mosquito control measures at the estimated cost of \$1,800.00 throughout the Greens for the prevention of mosquito borne diseases.

Proprietors of the District approved this article by an overwhelming majority.

C. SRMCB Deems District Eligible and Votes to Approve the District Joining BCMCP

After reviewing the enabling legislation and receiving the District Clerk's certification of the proprietors' majority vote to join the BCMCP, Ms. Burgess recommended that the SRMCB deem the District eligible to join the BCMCP. On July 12, 2016, the SRMCB voted to approve the District joining BCMCP. Subsequently, the BCMCP also voted to approve the application of the District to join the BCMCP. The BCMCP has been providing the District with mosquito control services since 2016.

Sherwood Greens Road District

Mosquito Control Update – June 2022

Submitted by Terry Hayden

Introduction

Please see official documentation below from the 2019 community meeting for that year's report (prepared by Emily Pfeiffer), which thoroughly explains the Berkshire County Mosquito Control project, and provides research around treatments, and the mosquitoes themselves. The goal of this report is to continue to outline the history of the mosquito control effort over the previous years, and to help all interested parties get very clear on the factual realities of the situation so that they can make an informed decision together that reflects the wishes of the majority.

Treatments in Sherwood Greens for the 2022 Season

- No treatments occurred in Sherwood Greens for 2021.
- The community's vote at the yearly meeting in 2021 to continue to fully participate in the Berkshire County Mosquito Control Program (BCMCP) was challenged by resident(s) by way of using the Selectmen for the Town of Becket. The challenge focused on the Town's earlier decision to cease mosquito control in Becket. Sherwood Greens Road Improvement and Maintenance District has been a participant in the BMCP since 2016. It was later determined by Town's Counsel that the decision to cease the Massachusetts State program only applied to Town properties and did **not apply to Districts or individual properties**.
- While early season larvicide treatments continued, mosquito spraying did not proceed as another challenge was raised by resident(s) to the Becket Board of Health. PFA contamination of Duet by way of the containers used to transport the chemical was raised as a concern. Despite the YES vote of Dr. Gale Labelle (BOH) and the correspondence from the Director of Pesticides, the BOH voted NO on August 11, 2021 to lift the moratorium. Since the season for treatment was over, the Prudential Committee asked our District Counsel to seek a review and approval from the State. **On February 18, 2022 Sherwood Greens received confirmation that as a District, it had the authority to employ mosquito control and received the notice of approval from the State to provide services.**
- The spray happens only as needed, based on mosquito populations (because more mosquitoes, especially of vector species, increases disease risk) and on results of disease testing (when mosquitoes test positive, spraying is recommended in particular).
- Spraying usually occurs very early in the morning **(4-5:30am)**.
- Early season larvicide treatments have continued, beginning in early April. They help reduce the population that is available to continue to breed over the course of the season.
- Spraying will only happen if/when traps within the Greens show either a high population of mosquitoes (which increases the likelihood of mosquito-borne illness becoming present) or trapped mosquitoes test positive for those illnesses (such as Eastern Equine Encephalitis or West Nile Virus).
- The BCMCP also provides clearing of ditches to help alleviate standing water where mosquitoes breed. However, this is an additional service and we do not currently budget for it with them.

Notification of Treatments and Opting Out

- As a courtesy, Chris Horton of the BCMCP, alerts Terry Hayden, who sends an email via the unofficial Google group email for the Greens. Please contact Terry if you are a property owner in

the Greens and would like to be added to that group. This is not an official board communication.

- Any resident that does not wish to have their property sprayed, may opt out, at this link: <https://www.mass.gov/forms/request-for-exclusion-from-wide-area-application-of-pesticides>
- Any resident that wishes to expressly have their property treated at the time of any spraying, my contact Chris Horton at chris@berkshiresmosquito.org and request so.

Sherwood Greens Road District

Mosquito Control Update – June 2021

Submitted by Emily Pfeiffer

Introduction

Please see official documentation below from the 2019 community meeting for that year's report, which thoroughly explains the Berkshire Mosquito Control project, and provides research around treatments, and the mosquitoes themselves. The goal of this report is to outline the history of this effort over the previous year, and to help all interested parties get very clear on the factual realities of the situation so that they can make an informed decision together that reflects the wishes of the majority.

Treatments in Sherwood Greens for the 2021 Season

- The community voted at the yearly meeting in 2020 to continue to fully participate in the Berkshire Mosquito Control Program, which includes spraying as appropriate.
- The community made the same decision the previous year, in 2019.
- Unlike 2018, when the community did not fully participate in these mitigation strategies, there were no diseased mosquitoes found during the 2019 or 2020 season.
- Spraying only occurred once in 2020, on July 8, as a result of testing. The specific results and recommendation were:
 - The CO2 baited CDC light trap at SGRMD yielded 253 Cq. perturbans mosquitoes on the night of 6/29/20. These mosquitoes are now emerging from cattail areas. This species is a potential vector for WNV and EEE. I would recommend a ULV treatment which we could perform 7/8/20, weather permitting.
- The spray happens only as needed, based on mosquito populations (because more mosquitoes, especially of vector species, increases disease risk) and on results of disease testing (when mosquitoes test positive, spraying is recommended in particular).
- Spraying usually occurs very early in the morning (4-5:30am).
- Early season larvicide treatments have continued, beginning in early April. They help reduce the population that is available to continue to breed over the course of the season.
- Spraying will only happen if/when traps within the Greens show either a high population of mosquitoes (which increases the likelihood of mosquito-borne illness becoming present) or trapped mosquitoes test positive for those illnesses (such as Eastern Equine Encephalitis or West Nile Virus).
- The BMCP also provides clearing of ditches to help alleviate standing water where mosquitoes breed. However, this is an additional service and we do not currently budget for it with them.

Notification of Treatments and Opting Out

- As a courtesy, Chris Horton of the BMCP, alerts Terry Hayden, who sends an email via the unofficial Google group for the Greens. Please contact Terry if you are a property owner in the Greens and would like to be added to that group. This is not an official board communication.

- Any resident that does not wish to have their property sprayed, may opt out, at this link: <https://www.mass.gov/forms/request-for-exclusion-from-wide-area-application-of-pesticides>
- Any resident that wishes to expressly have their property treated at the time of any spraying, my contact Chris Horton at chris@berkshiresmosquito.org and request so.

Sherwood Greens Road District

Mosquito Control Update – June 2019

Submitted by Emily Pfeiffer

Resources:

Chris Horton

Superintendent of the Berkshire County Mosquito Control Program

Matthew Osborne, MPH

Zoonotic Project Coordinator & Arbovirus Surveillance Program Manager
Division of Epidemiology and Immunization, Massachusetts Department of Public Health

Juan Carlos Gutierrez

Massachusetts State Reclamation and Mosquito Control Board Program Coordinator

Introduction

The question of whether to treat to reduce the mosquito population is a hotly contested topic within our community, and there are people who feel very strongly in opposing positions. The goal of this report is to help all interested parties get very clear on the factual realities of the situation so that we can make an informed decision together that reflects the wishes of the majority.

West Nile Positive Results within Sherwood Greens & End of Season Update

On 8/30/18 the Becket Board of Health announced that there was a positive result for West Nile Virus found in mosquitoes in Becket.

Notice came from Chris Horton shortly before that announcement that the positive result was in the Sherwood Greens community. He recommended spraying at that time. The board reviewed this report at the next meeting and voted to delay any spraying. The season came to an end.

About the Berkshire County Mosquito Control Program, and our participation in it:

1. The Massachusetts Mosquito Control Program has 12 districts in MA, and ours is the Berkshire district. Chris Horton is the superintended of this district.
2. It is important to understand that Chris has very limited help, with just two field technicians, running the entire Berkshire region for this program. Most districts have multiple people, administrators who can answer calls and emails, and sometimes even scientists who can speak to specific questions about the treatments used. But the Berkshire district is very underfunded, we primarily have Chris, and he is the one checking the traps and doing the majority of the field work, which takes him out on the road most days and limits the amount of time he is available

to communicate or even support these efforts. The funds we pay for this service are especially minimal. It is not ideal, but it's the reality, so keeping communications organized and through a single channel is very much preferred, especially considering our financial contribution to the effort. Emily Pfeiffer was designated as the official contact from the SGRD board.

3. The program uses the Integrated Mosquito Management system, which informs mosquito control methods. It is not a "willy nilly" approach, but its guidelines dictate best practices based on findings, so response adjusts to data. The system's goals are source reduction, larval control, and adult control (spray), and it includes monitoring mosquito populations for disease.
4. Most of what we know about modern practice for insecticide use comes from the 100 years or so of mosquito population management and research. This is a large and well-funded effort.
5. Until last August, there have not been positive findings for mosquito borne disease in our community, but spraying had been occurring, and the program works to keep mosquito populations in control to mitigate the risk of developing and amplifying infection in the mosquito and bird populations. This effort calls for the use of adulticides at some point.
6. Last season included larvicide treatments and did not show large breeding events, but there was a seasonal emergence of Cq. Perturbans (a particular mosquito species) that would have warranted adult control in late June or early July per the program's standards, if we had not opted out.
7. It costs \$1800 to participate each year. We are currently paid through July of 2019.
8. Sherwood Greens is the only non-town entity in Massachusetts that participates in this program.
9. The program includes trapping to monitor the mosquito population and test for diseases, and treatment that is designed to reduce the mosquito population within the community.
10. Whether or not we pay to participate, the testing would continue. This is important for research, and so that we have current data if we decide to begin again, but especially considering the activity in our area, this would not stop. It may become less frequent.
11. However, the collection and trap data for our community has been sparse. Even now, there are as many data sets for us in 2018's entire year as some areas have in a week. This is likely a factor of Chris' time being stretched so thin, and the relatively tiny size of our community vs. larger towns that participate, but it makes it harder to have complete data to evaluate.

About the pesticide used for adult spray:

1. The commercial name is Duet. It is made by Clarke, and there is extensive information about it on their website.
2. The spray is administered using an Ultra Low Volume sprayer, from a truck driving on roads. It comes out in extremely small droplets that are adequate to kill small, flying insects.
3. It is a combination of:
 - a. Prallethrin, which agitates the mosquitoes in case they are in a resting state to get them in flight so they can be hit.
 - b. Sumethrin, which is a synthetic pyrethroid. Highly effective, breaks down rapidly.
 - c. PBO (Piperonyl Butoxide) is a synergist, which keeps the chemicals a little more stable until it kills the insects.

4. The insecticide still breaks down very rapidly in sunlight, and all claims made about the product are in reference to the full, combined ingredients in their relative volumes.
5. More from the EPA on these types of pesticides:
<https://www.epa.gov/mosquitocontrol/permethrin-resmethrin-d-phenothrin-sumithrinr-synthetic-pyrethroids-mosquito-control>

Testing positive for WNV in our results:

1. There has been a huge increase in West Nile activity in MA. In Matt Osborne's 15 years doing this, 2018 was the worst year he's seen. WNV has been consistent and prominent in all of the adjacent communities to Becket. Nowhere in the state had zero WNV and there was even a positive finding announced from Martha's Vineyard for the first time.
2. Each community handles it differently and there is no dictated, or even recommended, approach. Some avoid spraying at all costs and residents just manage it for themselves on their own properties. Others spray the entire town at the first positive finding. Often, communities with these differing views border each other, and their practices will affect each other.
3. To be clear, the fact that West Nile Virus was found in our community is not a surprise. It was in every surrounding community, including Otis. Lanesboro had just joined the project as well, and if more towns participate, their increased funding might improve the resources we have but for now, we just have to assume that the virus had already been here for at least a month and the positive result only came in then because the trapping and testing are not foolproof.
4. When mosquitoes are trapped, they are counted, and then they are all combined together and tested – so when there is a positive result, it is unclear whether it was one mosquito in a trap, all of them, or something in between. Subsequently, seeing a single positive doesn't mean it was just one insect and in fact, given the highly contagious nature of WNV, it almost certainly was not only one.
5. The fact that we found any positive for WNV means that it is pervasive. Of the millions flying around, we caught fewer than 100, and it tested positive.
6. There are different types of traps because there are many species of mosquitoes, and they have different habits. 14 species spread WNV but there are 2-3 main players and about 5 others related that spread it – and most of these are container breeding species. That means that the larvicide, which is effective for mainly wetland breeders, is not as effective at knocking down WNV carrying species.
7. By the time of the positive reading, larvicides would have been almost useless. That time of year, most breeding is container, not wetland. (The earlier season treatments were more for nuisance species and those that carry Eastern Equine Encephalitis.) The EEE and WNV species have different types of traps and we have historically gathered more data for the EEE ones. Last year was more even. Larvicides might still have helped, but they would have had no effect on the current adult population.
8. The good news is that container breeding species are most effectively managed by the residents themselves. Even half a cup of standing water – a small puddle in a tarp for instance – is enough to form a mosquito breeding ground for these species. Mosquitoes also don't travel far (about 200 yards in their lives) so if someone's property has a high number of mosquitoes it means they are likely breeding on that property. (It's the birds that transport the disease so far.) But note that container breeding species can also move into swampy areas with pockets of standing water (so container elimination isn't 100% effective, but it does make a big impact).

9. The virus starts from a bird, though, and then goes back and forth from birds to mosquitoes and back again – and birds can fly hundreds of miles in a day. So while a mosquito doesn't go far, the virus does.

About site selection for testing:

1. There are many factors considered, including where it's least likely to be vandalized, and where it will get the best access to the mosquito population.
2. They take samples, do test runs, and make sure it's the right type of habitat. They should also use gis and aerial mapping, and rotate if it seems necessary.
3. In our community, there is one site with 2 traps. They moved it to a location that will capture as many insects as possible. Having found a better site may be why they got a positive result.
4. Having a single site is good for year over year comparisons in data, but it is a limited set.
5. One trap is general and attracts any species that would bite a mammal by releasing carbon dioxide, which is what they're attracted to.
6. The other trap captures mainly WNV mosquitoes, which will have already bitten a mammal, and are trying to lay eggs in the trap.
7. There are also about 15-20 sites within our community that are treated with larvicide, at least 4 times each, earlier in the season. (There are 600 similar sites all around the Berkshires in participating communities, so it's impossible to hit every one whenever it rains a lot.)

The Decision – To Spray or Not to Spray

1. This is a decision we need to make as a community. There is no right answer.
2. Spray is generally effective, but the factors that limit its effectiveness are:
 - a. Mosquitoes need to be in flight and directly hit to be killed.
 - b. Trees and underbrush significantly diminish the efficacy and limit the coverage area. Best case, it goes into the treeline up to 300 feet, but it could be only 50 feet in dense cover. (In a wide open field, depending on wind and other factors, it can drift much farther.)
 - c. Spraying happens from a vehicle so without excellent road penetration, it is further limited, as in our community.
 - d. If many residents opt out, coverage will be spotty for the remaining area.
 - e. The larvicide has a good kill ratio with very little non-target activity (it's great at killing mosquitoes without killing other things) but the spray is less effective, with more risk.
 - f. When temperatures dip below 55 degrees, spraying is forbidden (mosquitoes don't fly).
3. It is an exceedingly small droplet size and only 0.4 to 0.65 ounces are used per acre of coverage, but it doesn't take much to be effective IF it hits mosquitoes in flight.
4. The risk of WNV:
 - a. Please see separate MA Dept of Public Health statement on WNV.
 - b. The virus can be very dangerous, especially in the elderly.
 - c. About 1 in 150 succumb to the disease, and it can be very serious if acquired, with a 10% mortality rate for those who contract serious illness related to WNV.
 - d. Statistically, the risk was extremely high last year for acquiring WNV, and that may be repeated this year.
5. The harm of the spray:
 - a. It is an insecticide and it will kill insects it comes into contact with.

- b. Some bigger insects may survive a single contact, but not cumulative.
- c. It does degrade in sunlight, and time of day is selected to minimize impact on other types of insects, but there are non-targets affected, for sure.
- d. At this volume, with this application method, risk to humans is not really a consideration according to official statements.

The Decision Not to Spray Last Year

The Integrated Mosquito Management program is effective in limiting (but not eliminating) the mosquito population in participating communities. It had been decided earlier in the season to delay spraying, so we did not fully participate in the program.

The reasons for the decision not to spray after the positive finding were:

- 1. The above items that would limit the effectiveness of the spray.
- 2. The trap levels were not finding massive numbers of insects in general.
- 3. Earlier treatments would have limited this population so that even a less effective treatment at that time might have been enough to have a significant impact, but without the earlier treatments, it would have had less impact.
- 4. Treating then would not eliminate the mosquito population or the threat, nor would it prevent further breeding and spreading of WNV in our community that season.
- 5. The season was almost over, and we knew we'd have the community gathered to consider all of the details for the annual meeting. We agreed to make the decision as a community to fully participate or not in 2019.

Other options for controlling the problem on our own properties:

- 1. Controlling breeding
 - a. The mosquitoes that are spreading the disease in particular, are associated with human activity. They are mainly breeding on residents' properties.
 - b. Empty anything that holds even the smallest amount of standing water and keep it empty. That is where they are breeding. A single mosquito can lay 150 eggs in a dish of water the size of an ash tray.
 - c. This will not control the adults who were already out there.
- 2. Controlling adults
 - a. Every resident has the option to treat their own property, if they choose. There are a number of commercially available products – but note they should not be used where they can readily enter the lakes.
 - b. The most effective way to prevent people from getting WNV from mosquitoes is to dress and treat each person appropriately. DEET is a very effective repellent, and clothing that fits loosely, and has good coverage (long legs/sleeves) is best. Clothing and shoes can also be treated with Permethrin, which is very effective (can be purchased this way or treated later).

Subject Fw: Use of Duet HD
From Chris Horton
<chris@berkshiremosquito.org>
To: Terry Hayden <haydent1@yahoo.com>
Date Jul 15, 2021 at 8:26 AM

From: LaScola, Taryn (AGR) <taryn.lascola@mass.gov>
Sent: Thursday, July 15, 2021 7:54 AM
To: Horton, Christopher (AGR)
<christopher.horton@state.ma.us>
Cc: Bouchard, Alisha (AGR)
<alisha.bouchard@state.ma.us>; Forman-Orth, Jennifer
(AGR) <jennifer.forman-orth@state.ma.us>
Subject: Use of Duet HD

Hi Chris,

The Berkshire MCD Duet stock in 30-gallon metal drums and 2.5-gallon HDPE containers is same formulation as previously tested and found not to contain quantifiable PFAS. These are also non-fluorinated container types. These containers are the same as those used for other formulations sampled under the joint MassDEP-DAR testing program and found not to contain quantifiable levels of PFAS. As USEPA identified fluorinated containers as the likely source of PFAS detected in some pesticide formulations, and the Duet formulation was previously tested, DAR communicated, and MassDEP concurred, that use of the Berkshire DUET in these nonfluorinated 2.5-gallon HDPE and 30-gallon metal containers would not present a PFAS issue and could therefore be used. 🙋

Be well and stay safe.

Taryn

Taryn LaScola-Miner
Director
Crop and Pest Services Division

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Elisabeth C. Goodman

April 20, 2021

Board of Selectmen
Town of Becket

Re: Mosquito Control Program in Sherwood Greens

Dear Board:

This firm represents the Sherwood Greens Road Maintenance District. I am writing regarding the following item listed on your agenda for April 21, 2021: Discussion and potential vote re: Overview of process by which municipalities can submit an alternative mosquito management plan, required for municipality to opt-out of spraying conducted by the State Reclamation and Mosquito Control Board.

In June 2016, the District held its annual meeting, at which its proprietors were asked to vote on an article in the warrant which read:

Article 3: To see if the district will vote to authorize the District Prudential Committee to enter into an agreement with the Berkshire Mosquito Control District to proceed with mosquito control measures at the estimated cost of \$1,800.00 throughout the Greens for the prevention of mosquito borne diseases.

Proprietors of the District approved this article by an overwhelming majority.

After reviewing the enabling legislation and receiving the District Clerk's certification of the proprietors' majority vote to join the Berkshire County Mosquito Control Project, legal counsel for the Department of Agriculture, Attorney Jessica Burgess recommended that the State Reclamation and Mosquito Control Board find the District eligible to join the Berkshire County Mosquito Control Project. On July 12, 2016, the SRMCB voted to approve the District joining BCMCP. Subsequently, the BCMCP also voted to approve the application of the District to join the BCMCP. The BCMCP has been providing the District with mosquito control services since 2016.

April 20, 2021

Page 2

Elisabeth C. Goodman

The proprietors of the Sherwood Greens District would like to continue to have these services provided by the BCMCP.

One important public health priority in mosquito control is the detection of disease threats to the public. The SRMCB and mosquito control districts/projects coordinate with the Department of Public Health to create an early detection, warning, and response system. Using an approach known as Integrated Pest Management, mosquito control districts/projects provide mosquito control that is tailored to the community. This type of mosquito control provides mapping, surveillance to monitor breeding sites, treatment including reducing the standing water that breeds mosquitos, and if source reduction cannot be obtained, treatment with BTI (*Bacillus thuringiensis*, a bacteria) in standing water. Finally, the BCMCP provides surveillance including trapping of adult mosquitos.

West Nile Virus and Eastern Equine Encephalitis are two mosquito borne illnesses that have been identified in mosquitos in the area. It is important to the residents of Sherwood Greens who want the option to continue to use the services of the BCMCP not to put obstacles in the way of the provision of these services. Individuals who want to request to be excluded from wide area truck mounted pesticide application can file an exclusion request with the BCMCP.

If you have any questions about the contract between the BCMCP and Sherwood Greens Road Maintenance District, please do not hesitate to contact me.

Very truly yours,



Elisabeth C. Goodman

SELECT BOARD MEETING MINUTES

7:00pm, May 05, 2021

Town Hall, 557 Main Street, Becket

Attendees

Select Board (SB): William Elovirta (BE), *Chair*; Michael Lavery (ML), *Vice Chair*; Chris Swindlehurst (CS), *Clerk*

Staff: William Caldwell (BC), *Town Administrator*; Beverly Gilbert (BG), *Administrative Assistant*

Others: Bob Ronzio, *Planning Board Chair* **Remote participation:** Terri Hayden, *Dean Lagrotteria*, Shelby Macri (*Country Journal*), Meredyth Babcock, Amy Perlmutter, Kirsten Miller, Marc Schultz, Michael Rhein & Michael Thomas: both from Crystal Pond Homeowners Association

1. **Call to order**
BE called the meeting to order at 7:00pm. He indicated that the SB was recording the meeting.
2. **Pledge of Allegiance**
BE led the Pledge of Allegiance.
3. **Board to discuss and possibly vote on Crystal Pond road closure options.**
Michael Rhein, President of the Crystal Pond Homeowners Association, explained Crystal Pond's road closure request. Years ago, the town authorized Crystal Pond to close Big Bass Lane from through traffic at the intersection of Wade Inn Road annually. Crystal Pond has been using a chain connected to two barrels to close the road and Crystal Pond furnished chain cutters to the public safety departments. To date they have expended 2/3 of their 2021 budgeted funding allotted for road repair. Mr. Rhein pointed out that Crystal Pond's privately maintained roads are unpaved. Because some of the drivers have knocked over the barrels with their trucks to get through and in order to reduce damage to their roads, Crystal Pond would like permission to substitute the barrels with two Jersey Barriers (to connect the chain) at the intersection at Wade Inn and Big Bass Lane year-round. When funding becomes available, Crystal Pond would like permission to replace the Jersey Barrier/chain system with a swinging lockable metal gate. BC indicated that the Police and Ambulance Departments are amenable to this request. Before voting on this matter, the SB wants to receive comment from the Fire Department and Planning Board and they agree with Bob Ronzio's suggestion that approval of this request would be contingent upon Crystal Pond's creating a hammerhead turnaround on Big Bass Lane. Bob Ronzio will place this matter on the Planning Board's agenda. ML moved for the SB to table this matter for May 19, 2021: CS 2nd: unanimous.
4. **Broadband Update and Select Board to discuss and possibly vote on policies and decisions relating to the Broadband Project**
Municipal Light Plant Manager Bob Gross had submitted the following written update to the SB:

2021.05.05 Select Board Meeting Minutes

Page 1 of 5

For SGRD issue
Pls see article
#7!
Terry Hayden

1. Construction is moving along. The first FSA, 02, has been tested by the contractor. Westfield is in the process of confirming that it can be turned over to the town and does not expect any problems.
 2. We expect FSA02 to be turned over to the town next Monday/Tuesday.
 3. Whip City Fiber will begin scheduling the beta testers and have them connected the end of next week or the following week.
 4. Working on connecting Town Hall to the network ahead of schedule since it is next door.
 5. A pod will be used by TriWire and we will determine the location shortly. It will possibly be next to the shed behind town hall.
 6. Expect to receive one last check from a homeowner this week and can then arrange for the utility poles to be installed on William Holmes Road and Becket West Road.
 7. Still waiting to arrange to get a flagger to do the CSX work.
 8. Homeowner at 240 High Street is arranging to have a utility pole removed and run the network and his drop underground. Any extra costs are his responsibility.
 9. The billing process, handled by Whip City Fiber, can be confusing. We are writing up an explanation of the process to minimize confusion.
 10. The network design includes the town connecting its fiber with both Washington and Otis. The details are being worked out.
 11. Becket Woods is in the process of finalizing the second phase of its project and should know shortly when the work will start.
5. **Approval of the 4/21/21 Meeting Minutes**
ML moved to approve the 4/21/21 minutes, CS 2nd: unanimous.
6. **Public Input (limited to 3 minutes per person, 20 minutes total for this agenda item).**
 None.
7. **To discuss and potential vote re: whether to opt-out of the mosquito control spraying program conducted by SRMCB under MGL Chapter 252 Section 2A through calendar year 2021, and listen to public comments.**
 BE read BC's e-mail message regarding BC's conversation with Attorney Joel Bard (Town Counsel) regarding mosquito spraying:
 "He will have something more formal in the coming days but is having difficulty finding the court case that better makes a determination. His current opinion is that the Town can vote remain opted-out of a spraying district, however, that does not stop a private owner whether it is one's house or a district from choosing to spray."
- We have the two articles from previous ATMs in 2010 and 2012 that had us opt out and also refuse to rejoin.
- Essentially, with a vote to opt-out there will be no change in how things currently operate."

The SB received comments at tonight's meeting:

- The SB agreed with Dean Lagrotteria's request for the Town to look into whether Sherwood Greens has the legal authority to join the Berkshire County Mosquito Control Project. He questions whether paying for Mosquito Control falls under the powers granted to SG under legislation.
- ML spoke as a resident of Sherwood Greens to convey he favors opting out. ML referenced the July 12, 2016 Meeting minutes of the State Reclamation and Mosquito Control Board (SRB) which shows discussion and the SRB's vote to allow Sherwood Greens to join the Berkshire County Mosquito Control Project. He would like this to be forwarded to Town Counsel.
- Meredyth Babcock favors banning spraying throughout the town. Scientific documentation supports that spray travels, its toxins cannot be contained and endangers the environment.
- Amy Perlmutter supports opting out due to environmental concerns. She had provided information to the SB about the opt out process. She will test the PFAS levels in her well. ML will send her information on the free water testing program.
- The SB fielded Marc Shultz's questions re: opt out and its process (which is for spraying only and requires submitting a plan for alternative mosquito control along with the application by May 15, 2021). Marc Shultz indicated that the Sherwood Greens Road District Prudential Committee is concerned about the safety of the community and protecting the environment.
- At the Select Board's April 21, 2021 meeting, ML relayed that the Board of Health voted to prohibit Mosquito control spraying due concern about PFAS (Perfluoroalkyl substances).

ML moved to opt-out of the mosquito control spraying program conducted by SRMCB under M.G.L. c. 252 § 2A through calendar year 2021 and submit the application with alternative methods of control for the Town of Becket. CS 2nd. unanimous.

8. BOS to approve the award of Assessing Services contract to Regional Resource Group pending negotiation.

BC advised that the town received one response for the Assessing Services Contract Request for Proposal. Per BC's recommendation, ML moved to award Regional Resources Group the contract for Assessing Services pending negotiations. CS 2nd. unanimous.

9. Select Board to review Departmental Reports

♦ TBA

The SB reviewed the Highway Department's April 2021 Report and the Berkshire County Sheriff's Office Call Analysis through March 2021 (Police Chief).

10. Town Administrator's Report

Below is an update of several items that BC has been working on:

- Complete Streets – Tier 2 - prioritization plan – BC anticipates receiving the list of projects/pricing from the engineers. Complete Streets will not cover projects along Route 8.
- ADA Grant – will be going through all town buildings
- Lease with Camp Greylock – draft received
- American Recovery Act – BC awaits guidance from the state
 - 502k to Becket in direct and county funds
 - Will see what is required
- Grow Boys – Tanglewood Circle – HCA. BC sent draft. No response yet
- Vacation carryover – 7 days? – Due to COVID-19, the SB agreed to allow employees to carryover 7 vacation days.
- Werden Rd Culvert Grant – received an extension until 12/22
- BE and BC will attend tomorrow's Mass Highway Annual Meeting, West Boylston, MA
- Library – BC indicated that the library budget listed on the ATM Warrant should have been \$248 higher. BC will provide a letter to the library indicating that the town supports a 2.5 percent increase in the library's budget.
- Town Hall reopening – The SB agreed that effective 7/6/2021, Town Hall will return to full-time hours (Monday through Friday – 8:30am till 4:30pm) and Meetings for Town of Becket Committees/Boards may occur in person. The SB agreed that effective 8/1/2021, outside groups (Road/Lake Districts, Homeowners Associations) may use the Town Hall meeting rooms. In the future, the SB will discuss remote attendance of town board/committee meetings.
- Andrus – received a quote. Need to get two more 32K for generator 60kw
- 44 Pleasant Street (apothecary): Owner looking to donate to town or will be given a raze order. Because the Building Inspector intends to issue a raze order due to the building's dilapidated condition, the SB Members are not interested in acquiring this property. BC will advise the Historical Commission.
- ATM – 5/8 at BW School
- ATE – 5/15 12-4 Community Room – voting reduced hours

11. Select Board's Comments and Announcements

CS inquired about the Road Assessment Study and stated that his preference is to fix one or fewer roads rather than fix small sections of many roads.

CS recommends investigating purchase of speed feedback signs to move around in various locations in town including Werden, Quarry and Algeria Roads.

ML advised on the status of the Esau Trail Grant application. Conservation Commission conducted a site visit: RDA is not required.

BE inquired about Memorial Day. BC advised due to COVID-19, Bill Mulholland will arrange for a ceremony only.

12. Any other business to come before the Board

BE moved to approve the Town Administrator's recommendation to appoint Trevor Clemons Assistant Electrical Inspector effective 5/5/2021 through 6/30/2022: ML 2nd: unanimous.

The SB signed a letter of appreciation to David Weiler who retired from the USPS. For the past thirty years, David was the Postal Carrier for the Becket-Washington community.

13. Correspondence:

♦ tba

The SB did not have correspondence items at tonight's meeting.

14. Select Board to review and sign payable warrants.

The Select Board reviewed and signed payable warrants.

15. Select Board to adjourn the Meeting

CS moved to adjourn: ML 2nd: unanimous. BE adjourned the meeting at 8:27pm

Respectfully submitted,
Beverly Gilbert, Administrative Assistant

Signed by:

 / May 19, 2021
William Elovirta, Chairperson Date Approved

Documents discussed at this meeting:

- ✦ Agenda Item 4: 2021.05.05 e-mail MLP Manager's update
- ✦ Agenda Item 5: 2021.04.21 Select Board Minutes
- ✦ Agenda Item 7: July 12, 2016 Meeting minutes of the State Reclamation and Mosquito Control Board
- ✦ Agenda Item 7: 2021.04.21 Dr. Joan Boccino e-mail re: mosquito spraying
- ✦ Agenda Item 7: 2021.04.08 e-mail from Michael Lavery re Mosquito Control opt-out of spraying; e-mail Re Becket MA mosquito control opt out (Sent by Fran Fortino ffortino79@gmail.com); 2021.09.18 SB Minutes - page 2 Mosquito discussion section. application-for-municipality-opt-out-of-srmcb-spraying
- ✦ Agenda Item 7: 2021-04-30 e-mail Amy Perlmutter Re Opt out of state mosquito spraying in Becket; 2021-04-13 e-mail Kirsten Miller; 2021.05.03 e-mail Mary Stucklen, Becket Conservation Agent; ATM Minutes (May 8, 2010 and May 12, 2012) sections re: Mosquito Control
- ✦ Agenda Item 12: SB Letter of Appreciation to David Weiler re: retirement from USPS
- ✦ Agenda Item 9: Highway Department's April 2021 Report; Berkshire County Sheriff's Office Call Analysis through March 2021 (Police Chief).
- ✦ Agenda Item 10: 2021.05.21 Town Administrator's Report



**TOWN OF BECKET
SELECT BOARD**
557 Main Street, Becket, MA 01223
TOWN HALL – (413) 623-8934
FAX – (413) 623-6036

April 6, 2022


Gale Labelle, Board of Health Chair
Town of Becket
557 Main Street
Becket, MA 01223

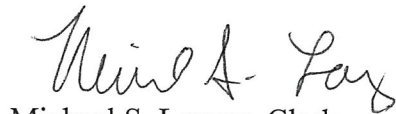
Dear Chairperson Labelle and other members of the Board of Health:

On March 16, 2022, the Select Board voted to reaffirm the Board of Health's decision rendered on August 11, 2021 to not allow Berkshire Mosquito Control Project to resume DUET mosquito spraying in the Town of Becket.

Sincerely,


William H. Elovirta, Chairperson


Chris Swindlehurst, Vice Chairperson


Michael S. Lavery, Clerk

Encs: Board of Health 8/11/2021 Meeting Minutes, Select Board 3/16/2022 Meeting Minutes

Cc w/ Encs: ✓ Terry Hayden, President - Sherwood Greens Road District
Chris Horton, Superintendent - Mosquito Control Project



**TOWN OF BECKET
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April 6, 2022


Gale Labelle, Board of Health Chair
Town of Becket
557 Main Street
Becket, MA 01223

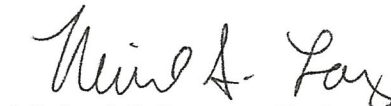
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Sincerely,


William H. Elovirta, Chairperson


Chris Swindlehurst, Vice Chairperson


Michael S. Lavery, Clerk

Encs: Board of Health 8/11/2021 Meeting Minutes, Select Board 3/16/2022 Meeting Minutes

Cc w/ Encs: ✓ Terry Hayden, President - Sherwood Greens Road District
Chris Horton, Superintendent - Mosquito Control Project

SELECT BOARD MEETING MINUTES
7:00pm, March 16, 2022
Town Hall, 557 Main Street, Becket

Attendees

Select Board (SB): William Elovirta (BE), *Chair*; Chris Swindlehurst (CS), *Vice Chairperson*; Michael Lavery (ML), *Clerk*

Staff: William Caldwell (BC), *Town Administrator*; Beverly Gilbert (BG), *Administrative Assistant*;

Staff via Zoom: William Girard, *Building Inspector / Zoning Enforcement Officer*

Others: Health Agent Charlie J. Kaniecki, Charlie D. Kaniecki, Paul Greene, Daniel Lavery

Other via Zoom: Shaw Israel Izikson - Editor of the Country Journal, June Wolfe – Housing Director of Construct Inc., Barbara Wacholder, Janet Stander, Kathy Dickinson, Laurie Thomas, Robin (last name not listed), Dean Lagrotteria, Unknown Individual, Al Blake, David (last name not listed), Linda (last name not listed)

1. Call to order

BE called the meeting to order at 7:00pm. He indicated that the SB was recording the meeting.

2. Pledge of Allegiance

BE led the Pledge of Allegiance.

3. Broadband Update and Select Board to discuss and possibly vote on policies and decisions relating to the Broadband Project

BC read the MLP Manager Bob Gross' update:

1. Project is on schedule. The next FSA07, part of Sherwood Forest, should be released by Sertex to Westfield 3/30. Two weeks later we can start scheduling installs.
2. We adopted a policy to distinguish between residential and business service. The sole criterion is the subscriber's intent to distribute their bandwidth. Since we are promoting the service to everyone with no data caps, we did not consider usage.
3. I am working with Bill Ennen and expect to complete the reimbursement from the State for allowable MakeReady expenses. The State has been very generous in this matter. The drop subsidy (\$500/premise up to 70% of the town's premises) will be dealt with next fiscal year.
4. Waiting on Eversource to schedule the last phase of the work in Becket Woods.
5. We were surprised to hear from Joe Parda, project manager, that his contract with Westfield, as of now, is not being renewed and will end the end of the month. I will call Westfield to see if we can keep him on our project until it is complete. According to Joe, Tom Broderick, whom we have worked with a lot, is to take over his role and he is very knowledgeable and easy to work with. Will keep you posted.

4. SB to discuss and potentially vote on Town Administrator's recommendation for the Building Inspector / Zoning Enforcement Officer

BC advised that Bill Girard who is Becket's Building Inspector / Zoning Enforcement Officer (ZEO), and he reviewed applications and interviewed several candidates for the Building Inspector / ZEO position. BC advised it is their recommendation to appoint Paul Greene who has Massachusetts Building Code Enforcement Certification and works as a part-time Building Inspector / ZEO in Sheffield, Hinsdale, Washington, and Sandisfield and as the Assistant Building Inspector in Stockbridge and West Stockbridge. Mr. Greene proposed that he would spend four hours a week in the Becket Town Hall Office, work remotely and conduct inspections as needed. He indicated that this method of operating has worked very well for his other towns. BC indicated that Bill Girard has

been operating in this fashion and it has served the town's needs. Mr. Greene fielded the SB's questions. He believes he has sufficient time to cover the Town of Becket and he employs a secretary to assist him with communications and various paperwork. Mr. Greene indicated that he is available by mobile phone. As for addressing zoning violations, when he receives a complaint, his objective is to avoid the courtroom: he first tries to resolve the matter with the property owner and complainant. Mr. Greene requires a \$37,000 annual salary without benefits nor mileage. April 1st through April 10th, Assistant Building Inspector Gary Danko will cover for him while he is away for a previously scheduled vacation. He stated that while he is out of town, he will check his messages and he will need coverage for inspections. Mr. Greene stated that the SB may elect to end his services if they determine this method is not in the town's best interest. CS moved to accept the Town Administrator's recommendation to appoint Paul Greene Building Inspector / Zoning Enforcement Officer starting March 25, 2021 through June 30, 2022, ML seconded. Motion carried unanimously.

5. Wylie Goodman, M.R.P., Senior Planner – Economic Development of Berkshire Regional Planning Commission (BRPC), to discuss BRPC's upcoming update to its five-year Comprehensive Economic Development Strategy (CEDS) report.

Wylie Goodman gave a presentation on the Comprehensive Economic Development Strategy (CEDS) planning process, "an ongoing regional economic development effort focused on identifying regional economic goals and priorities, identifying strategies for and facilitating implementation, and measuring progress in the region. The result of this ongoing planning process is the development of a 5-year Comprehensive Economic Development Strategy for the region and accompanying annual progress reports, which are sent to the Economic Development Administration (EDA), in order to maintain the region's eligibility for EDA investments." Wylie concluded the presentation by asking the SB to provide a response to four questions relating to weaknesses/opportunities facing the town, economic resiliency (town), recovery-related concerns for town/county and potential solutions to a list of concerns. She will forward these questions to BC and is hoping the SB will submit the answers within a month.

ML initiated discussion about creating a commercial zone in Becket as a mechanism to promote economic development. Wylie indicated that the SB may reach out to Tom Matusko or other BRPC planners who work on Master Plans. Wylie stated that as more individuals work (remotely) from home, it is important to consider zoning (possibly hybrid models) that will not discourage home-based commercial ventures.

6. Approval of the March 2, 2022 Meeting Minutes

ML moved to accept the minutes for the March 2, 2022 meeting. CS 2nd. Motion carried unanimously.

7. Public Input (limited to 3 minutes per person, 20 minutes total for this agenda item).

Laurie Thomas, President of the Indian Lakes Homeowners Association, advised that her community was offended by an elected official's remarks they regard as dismissive, divisive and labelling which were directed toward 2nd homeowners at the March 9, 2022 Planning Board Meeting. Moreover, they were distressed by the "us (Becket residents) vs. them (2nd homeowners)" vibe and on behalf of Indian Lakes, she stated that the 2nd homeowners are most certainly a contributing part of the Becket Community. During discussion, BE asked Laurie to not name the public official because that person would have the right to be notified in advance of a discussion. BE advised that the SB has no jurisdiction over the Planning Board and the mechanism to remove an elected official involves recall. Laurie advised that Indian Lakes does not wish to take action that could divide the town. Rather, it is their hope that this can begin a conversation to bring the community together. All three SB members affirmed their appreciation and support for the 2nd homeowner community. ML brought up

that the SB had signed the NOT in Our County (Stop Hate Together) Multicultural Bridge pledge. The SB directed BC to draft a letter to the Planning Board to facilitate awareness that will bring about using language that fosters inclusion. The SB will review the letter on April 6th.

Al Blake stated that he enjoyed Wylie Goodman's presentation (agenda item 5) and he hopes the SB would try to have the topic of creation of a Commercial Zone (part of master plan) on an agenda in the near future.

8. SB to revisit discussion and potential vote re: 50 Dawn Drive, a property in Receivership

Special Health Agent Charlie Kaniecki and June Wolfe provided information and fielded questions about the 50 Dawn Drive property and receivership program.

BE moved to reconsider the vote of March 2, 2022 regarding 50 Dawn Drive, ML 2nd. Motion carried unanimously. CS moved that the Chairperson will write a letter of support of Construct, Inc. applying for an Affordable Housing Grant for 50 Dawn Drive, ML 2nd. Motion carried unanimously. June Wolf will e-mail BC a sample letter.

9. Possible SB nomination of Madelaine Elovirta to continue as the Inspector of Animals (Appointment period 5/1/22 through 4/30 2023)

ML moved to nominate Madelaine Elovirta to continue as the Inspector of Animals effective 5/1/2022 through 4/30/2023. CS 2nd. Motion carried with BE recusing himself from discussion and votes due to that Madelaine is his wife.

10. Select Board to review Departmental Reports

Building inspector – do not know where others are – not a lot going on

• TBA

The SB reviewed the Building Inspector's February 2022 report.

11. Town Administrator's Report

Here is an update of several items that I have been working on:

- MVP – Master Plan w/Climate resilience focus next year
- MassWorks
McNerney Rd
- USDA Grant – Covid health funds
Mid - March
- USDA Grant – Cruiser
- AFG Grant
Awards before May usually
- ARPA funds
~504k – broadband
Recommends using all for broadband, repurpose borrowing for roads.
- Budget and Capital
Staffing – 2.5%, 4.5% ambulance
- Pre-qualification – Carter/Brooker Hill Ch 90
Approved. Will move forward with advertising
- EMD position – Kris McDonough has advised that due to that his time will be split between Otis and Becket, he will soon resign this position in order for the town to appoint another individual to serve as EMD.

- Interim Town Clerk/caucus update. BC will meet with Allison Mikaniewicz on Saturday, 3/19/2022, her first day. The SB directed BC to ask Town Counsel for language for an ATM Warrant article to eliminate the caucus.
- TA resignation and search committee
BE read BC's letter of resignation into the record. The SB agreed to hold an executive session next week for contract negotiations with a potential candidate to serve as Interim Town Administrator. The SB will create a Town Administrator Search/Screening Committee. The SB agreed to try recruitment without use of an Executive Search firm. BC will arrange to advertise the position next week. BE moved to accept William Caldwell's resignation. ML 2nd: Motion carried unanimously. The SB members all wished BC good luck.
- The SB will have a joint meeting with the Finance Committee at 6pm on April 6, 2022 to discuss/vote on the budget and ATM Warrant. BC will arrange to mail a post card to announce the ATM.

12. Select Board's Comments and Announcements

ML discussed installing kiosk signs at the Esau Heel's trail. BC will arrange for the town to remove a tree. BE brought up changing the direction of the road signs at this trail so that they will be more visible from cars travelling in both directions on Route 20. He suggested posting other signs back-to-back with use of a 4' x 4'. ML mentioned there will be a grand opening event during the spring.

13. Any other business to come before the Board

None.

14. Correspondence:

- 2022.02.28 e-mail from Michael Lavery re: Duet Pesticide Application within the Town of Becket
- 2022.03.03 Planning Board Notice of public hearing scheduled on April 13, 2022 re: Special Permit Application submitted by Hit the Road RV, LLC c/o Lunch Scrimo to re-establish a glamping facility at 1342 County Road, Assessors' Map/Lots: 401/3 and 4.
- 2022.02.17 MassDOT notification to certify that pending final passage of the bond authorization, letter to certify Chapter 90 apportionment for Fiscal Year 2023 is \$234,215.00.
- 2022.03.09 Received Citizens' Petition for Warrant Article re: Resolution in Support of the Fair Share Amendment

The SB discussed ML's e-mail regarding Duet Pesticide Application within the Town of Becket. ML provided copies of the BOH's August 4th and 11th 2021 meeting minutes, both which contain discussions related to this matter. BC awaits Town Counsel's opinion. ML moved to send a letter to the Board of Health stating that the Select Board reaffirms the Board of Health's decision rendered on August 11, 2021 to not allow DUET to resume mosquito spraying. CS 2nd: Motion carried unanimously. Dean Lagrotteria stated that he supports the SB's motion which honors the voters' wishes.

ML indicated that Tommie Hutto Blake had wanted to discuss the Citizen's Petition with the SB. BE clarified that if the Town Clerk certifies that at least ten signatures are registered voters, the Citizen's Petition will appear as an article on the ATM Warrant.

The SB commented on a petition circulating in the community to nix Hit the Road RV, LLC's (c/o Lunch Scrimo) special permit application's proposal to establish a glamping facility at 1342 County Road, Assessors' Map/Lots: 401/3 and 4. The consensus of the SB

relating to this Special Permit Application is that before forming an opinion, they would like the applicant to have a fair chance to present the facts and be heard. BE referenced Mark Hanford's letter to the editor (Berkshire Eagle 3/16/2022) challenging the list of the grievances outlined in the petition. This included, "On any given summer night, the Dream Away would have more than 75 cars or more on the property. The campground will be no worse."

15. Select Board to review and sign payable warrants

The SB reviewed and signed payable warrants.

16. Select Board to adjourn the Meeting

CS moved to adjourn, ML 2nd: Motion carried unanimously. At 8:38pm, BE adjourned the meeting.

Respectfully submitted,
Beverly Gilbert, *Administrative Assistant*

Signed by:


William H. Elovirta, *Chair*

April 6, 2022
Date Approved

Documents discussed at this meeting:

- ✚ 2022.03.16 Select Board Agenda
- ✚ Agenda Item 3. 2022.03.16 MLP Manager's Broadband email update
- ✚ Agenda Item 4. Amended Payrate – Building Inspector (new hire)
- ✚ Agenda Item 5 BRPC Presentation handout
- ✚ Agenda Item 6. 2022.03.02 Select Board Minutes
- ✚ Agenda Item 9. 2022.03.07 Letter from Dept. of Agricultural Resources – Division of Animal Health re: Nomination of Inspector of Animals
- ✚ Agenda Item 10. Building Inspector's February 2022 report.
- ✚ Agenda Item 11. 2022.03.16 Town Administrator's report, Bill Caldwell's letter of resignation, FY 2023 Operating Budget (proposed), Capital Request listing (proposed)
- ✚ Agenda Item 14. Correspondence as listed plus Board of Health Minutes for the August 4th and August 11, 2021 Meetings

**Town of Becket
Board of Health
557 Main Street
Becket, Massachusetts 01223
(413) 623-8934 ext. 122 fax (413) 623-6036**

Meeting Minutes for August 11, 2021

Board Members Present: Gale Labelle, Robert Ronzio , Laurel Burgwardt
Board Member via Zoom: none
Board Member Absent: none
Clerk of Committee: Tess Lundberg
Public Present: Terry Hayden, Chris Horton, Dean Lagrotteria, Kevin O'Connell, Robert O'Brien,
Public via Zoom: David Colpitts, Michael Valenti

Items will be kept in the order of the agenda for easier reference.

1. Call to order:

Ms. Labelle calls the meeting to order at 5:04 PM. Ms. Labelle introduces the Board members present and reads the rules of the meeting. Ms. Hayden indicates she is making an audio recording of the meeting.

2. Mosquito Spraying : Ms. Labelle invites Ms. Hayden to speak. Ms. Hayden states she is chairperson for the Prudential Committee of Sherwood Greens and seeks Board of Health approval for Sherwood Greens to conduct mosquito spraying. Ms. Hayden states the initial issue was the presence of PFAs in the transport containers. Ms. Hayden states that the issue was also brought up to the Select Board. Ms. Hayden states the Town of Becket has no authority over private land. Ms. Hayden states she has received an email stating that Duet and the containers have been approved by the state, and has provided that information to the Board of Health. Ms. Hayden says she wants to know the reasoning behind the Board of Health prohibiting mosquito spraying.

Ms. LaBelle states that Pittsfield has opted out of all mosquito spraying over concerns for the health of residents. Ms. LaBelle asks Mr. Horton to explain the data provided that states 80% of the containers had non-quantifiable PFA levels, what about the levels found in the remaining. Mr. Horton states that the ingredients of the product used are proprietary and the EPA will not provide the information.

Mr. Ronzio states that on August 10 the EPA found that fluorinates were leaching PFAs into properties. Mr. Ronzio states the EPA is testing not just product but also containers, and had asked the state to discontinue use of the containers and PFAs.

Ms. Hayden asks if the Board was able to speak with the Director of Crop & Pesticide Services Taryn Lascola. Ms. LaBelle states that Ms. Lascola did not return her call, neither did the Department of Health.

Mr. Ronzio states he is concerned about the impact of how long the product is sitting in the container.

**Town of Becket
Board of Health
557 Main Street
Becket, Massachusetts 01223
(413) 623-8934 ext. 122 fax (413) 623-6036**

Meeting Minutes for August 11, 2021

Mr. Horton states that his company complied with a mandatory recall of product and containers, and that new high density containers were approved.

Mr. Ronzio asks for a written copy of the EPA decision, asking if the product was in containers were the containers tested to see if PFAs were present?

Mr. Horton says they did not get the report on container testing, only the report on product.

Mr. Ronzio states that Mr. Horton should be able to provide the test results.

Mr. Horton states the test results came from Mass DEP.

Mr. Ronzio states he is concerned that PFAs are cumulative chemicals that do not go away once they are in the environment

Ms. LaBelle states we have a healthy town but there is a high rate of cancer and we don't know why.

Ms. Hayden asks if the Board is concerned about mosquito borne disease. Ms. Hayden states that she provided the board with the letter from the Director of Pesticides that stated containers and Duet were approved.

Mr. Horton states that Massachusetts tested a full range of products and containers, each one was approved.

Ms. LaBelle reads from the Taryn Lascola email *"The Berkshire MCD Duet stock in 30-gallon metal drums and 2.5-gallon HDPE containers is same formulation as previously tested and found not to contain quantifiable PFAS. These are also non-fluorinated container types. These containers are the same as those used for other formulations sampled under the joint Mass DEP-DAR testing program and found not to contain quantifiable levels of PFAS. As USEPA identified fluorinated containers as the likely source of PFAS detected in some pesticide formulations, and the Duet formulation was previously tested, DAR communicated, and MassDEP concurred, that use of the Berkshire DUET in these nonfluorinated 2.5-gallon HDPE and 30-gallon metal containers would not present a PFAS issue and could therefore be used."*

Mr. Ronzio states non-quantifiable does not mean zero. PFAs are in other sources besides mosquito spray, it is the cumulative effect that is the problem. The mosquito spraying is getting into ditches, on the ground, run off into the lakes, and those Sherwood Greens contaminants could be showing up in shallow wells. We are now testing up to 600 deep wells in becket because of potential PFAs.

Ms. Hayden states that her opinion is that people are getting their property sprayed by outside vendors, and if Sherwood Greens has Mr. Horton spraying we have controls over when the spraying is done and residents can opt out.

Mr. Lagrotteria asks if they are spraying grass or ditches.

Ms. LaBelle states that the memo provided by Ms. Hayden, from Cain Hibbard and Myers attorneys states that the contract agreement is to spray roadside grass and ditches.

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Ms. Hayden agrees,

Mr. Ronzio asks Mr. Horton to explain what has been sprayed in the last five years.

Mr. Horton states they try to minimize breed habitat with larvicide. The spray applied in low volume in an air column from a truck, effective for 300 feet, kills any mosquito that comes in contact with it.

Mr. Ronzio asks so the spray is not confined to the roadway?

Mr. Horton answers yes.

Mr. Ronzio states the Cain Hibbard & Myers opinion says the control measures are supposed to be restricted to the roads, not on private property, Mr. Ronzio states the Sherwood Greens District is not allowed to enter or work on private property and the opinion restricts it to the roadway. Mr. Ronzio states the approval by the district membership is spending public dollars on private property.

Ms. Hayden states the residents of The Greens voted to spend their tax dollars on spraying. Ms. Hayden states the Board of Health's responsibility is public health, and we are presenting information that this is not a public health issue.

Ms. LaBelle states we have a map of the west Nile Virus and EEE reported in Massachusetts as of today there were no reports in this part of the state. Ms. LaBelle states for public health we got rid of the spraying because it still does add up and accumulate. Ms. LaBelle states her job is to look at the evidence on hand being that Becket opted out of mosquito spraying, Mr. Horton states it is safe, and the Sherwood Greens lawyers state it can be done. Ms. LaBelle states the Board cannot stop private homeowners from spraying and people still need to protect themselves using personal mosquito repellent spray. Ms. LaBelle states the only current reports of west Nile Virus or EEE are in Suffolk County. Ms. LaBelle states that the Board needs to look out for the health and rights of town residents.

Ms. Hayden asks if the board is also considering the homeowners.

Mr. Ronzio states there are 200 property owners in Sherwood Greens, but the district meeting was attended by only 28 people, and 23 of them voted in favor of spraying.

Mr. Horton states that although the Mass DEP map indicates there is no West Nile Virus or EEE, his company does mosquito surveillance in Sherwood Greens and has found west Nile Virus in mosquitoes. Mr. Ronzio asks if the data was sent to Mass DEP. Mr. Horton states that he has submitted a vial of mosquitoes and the presence of West Nile Virus was confirmed. Mr. Horton states the entire Berkshire County has been at high risk for west Nile Virus since 2018.

Ms. LaBelle asks Mr. Horton how many more times he expects to spray.

Mr. Horton states it depends on temperatures, conditions, mosquito evidence.

Mr. Ronzio discusses an August 11, 2021 extract from the state of Massachusetts Arbovirus Update that reported the current risk level for West Nile Virus as "low", and for Eastern Equine Encephalitis as "remote". Mr. Ronzio cites a WAMC Northeast Public Radio report that the city of Pittsfield has opted out of Berkshire County Mosquito Control Project's truck mounted mosquito spraying over health concerns about the chemicals

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used. Mr. Ronzio states the Pittsfield City Council changed their minds on spraying after listening to Mr. Horton say it was safe even when evidence shows that is not truthful. Mr. Ronzio asks Mr. Horton to respond to the charge that he was not being truthful.

Mr. Horton states that he denies the claims. Mr. Horton states there is probably not going to be any significance given the level of PFAs. Mr. Horton states that he relies on the EPA to determine safety and efficacy. Mr. Horton states he is confident the products can be used with no risk to the safety of the public.

Ms. Burgwardt states the town has voted, as a town, that they don't want spraying. Ms. Burgwardt states that with 200 property owners in Sherwood Greens only 23 said they wanted spraying. Ms. Burgwardt states those other property owners should have a voice, only the 23 property owners that voted in favor should be getting sprayed.

Ms. LaBelle makes a motion to lift the moratorium put in place by the Board of Health, based on evidence provided that DUET and the containers do not contain quantifiable levels of PFAs, and the Sherwood Greens Road Maintenance and Improvement District be allowed to resume mosquito spraying. Mr. Ronzio seconds the motion. Ms. LaBelle asks if there is any discussion. Mr. Ronzio states he does not believe they have proved to his satisfaction that PFAs are not in DUET. Ms. Burgwardt states she agrees with Mr. Ronzio. Ms. LaBelle calls for a vote. Ms. LaBelle votes yes. Mr. Ronzio votes no. Ms. Burgwardt votes no. **Motion does not pass.**

3. **Public Input**

4.

5. **Any other business to come before the board.**

a. **Septic Installer Permit-** P&R Construction. Ms. LaBelle makes a motion to approve the Septic Installer Permit application for P & R Construction contingent on receiving a current DCDOHA certificate. Ms. Burgwardt seconds the motion. Ms. LaBelle votes in favor. Mr. Ronzio votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

b. **Kevin O'Connell-** Ms. LaBelle invites Mr. O'Connell to speak. Mr. O'Connell states he has a pending offer on a 10 acre property on Leonhardt Road. He hopes to build an "off grid" home with no electricity, a hand drilled well, no septic, detached from public resources. He has spoken already to the Zoning Board and was directed to speak to the Board of Health. He would like to know what, if any, regulations would be stipulated by the town beyond the state regulations.

Mr. Ronzio suggests that the purchase of the property be made contingent on Board of Health approval for a composting toilet. Mr. Ronzio stated that the requirements are almost as stringent as the septic system requirements and almost as costly. Mr. Ronzio states that the town approved well regulations in 2017 that discourage shallow wells, as they are contaminated much more frequently than deep wells. Mr.

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Ronzio states the Board might require annual water testing if a shallow well is approved.

Ms. Burgwardt adds that she knows of a local resident that has an "off grid" home but they still have a septic system and a deep well.

Mr. O'Connell asks if there is any guidance on composting toilets. Mr. Ronzio cites state regulations 310 CMR 15.000: THE STATE ENVIRONMENTAL CODE, TITLE 5. Mr. O'Connell states his reading on the regulations is there is the ability to have solid waste buried on site or removed. Mr. Ronzio states the Board would need to see evidence of what you would be doing, it would still need to go through an engineer for design and the Board would still have to review and approve it. The plan has to be done by a registered engineer and the land has to be perc tested. Mr. Ronzio states there is no option to not have a well with potable water and a system to handle waste.

Ms. Burgwardt states the rule of thumb has been if you can put in a septic system you should put in a septic system.

- c. **Septic Installer Permit- Windsor Land Clearing:** Ms. Burgwardt makes a motion to approve the Septic Installer Permit for Windsor Land Clearing. Mr. Ronzio seconds the motion. Ms. LaBelle votes in favor. Mr. Ronzio votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

d.

- e. **David Colpitts-** Mr. Colpitts lives at 191 King Richard and is concerned about a difficult or compromised septic system at 173 King Richard. Mr. Colpitts states an excavator was on the location 2 weeks ago, and as of a week ago there was still an old, open, unpumped septic tank. Mr. Ronzio states the old tank is supposed to be pumped, crushed and filled with suitable material. Mr. Ronzio states the Board will take a look at 173 King Richard and issue a stop work order if needed. Mr. Colpitts states he is also concerned about the new septic design being submitted for 285-286-287 King Richard. He believes several septic systems in the neighborhood have failed and is asking what sort of approval does a new system require. Mr. Ronzio states the design must be done by an engineer to current standards, and the well must meet the 2017 town well regulations, and a boundary survey will be required by the Board.

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5. Adjournment : Next Board meeting will be on September 1, 2021 at 5:00 PM.

Mr. Ronzio makes a motion to adjourn. Ms. Burgwardt seconds the motion. Mr. Ronzio votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

Meeting is adjourned at 6:55 PM.

Meeting Minutes reviewed and approved on September 1, 2021 by:


Gale LaBelle, Chair


Robert Ronzio, Clerk

Laurel Burgwardt, Vice Chair



DUET®

Dual-Action Adulticide

For use only by federal, state, tribal, or local government officials responsible for public health or vector control, or by persons certified in the appropriate category or otherwise authorized by the state or tribal lead pesticide regulatory agency to perform adult mosquito control applications, or by persons under their direct supervision.

A Quick Knockdown, Oil Soluble Synergized Synthetic Pyrethroid for Effective Control of Adult Mosquitoes, Gnats, Biting and Non-Biting Midges, and Blackflies in Outdoor Residential and Recreational Areas.

ACTIVE INGREDIENTS:

Prallethrin: (RS)-2-methyl-4-oxo-3-(2-propynyl) cyclopent-2-enyl-(1RS)-cis, trans-chrysanthemate	1.00%
Sumithrin®: 3-Phenoxybenzyl-(1RS, 3RS, 1RS, 3SR)-2,2-dimethyl-3-(2-methylprop-1-enyl) cyclopropanecarboxylate	5.00%
* Piperonyl Butoxide	5.00%
** OTHER INGREDIENTS	89.00%
	100.00%

Contains 0.0717 pounds of Prallethrin/Gallon, 0.359 pounds of Sumithrin®/Gallon and 0.359 pounds of Piperonyl Butoxide (PBO)/Gallon

*(butylcarbityl)(6-propylpiperonyl) ether and related compounds

**Contains petroleum distillate

KEEP OUT OF REACH OF CHILDREN

CAUTION

PRECAUCION AL USUARIO: Si usted no lee ingles, no use este producto hasta que la etiqueta haya sido explicado ampliamente

FIRST AID

IF SWALLOWED:

- Immediately call a poison control center or doctor.
- Do not induce vomiting unless told to do so by a poison control center or a doctor.
- Do not give any liquid to the person.
- Do not give anything by mouth to an unconscious person.

NOTE TO PHYSICIAN: Contains petroleum distillates - vomiting may cause aspiration pneumonia.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For information regarding medical emergencies or pesticide incidents, call 1-888-740-8712.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE): Mixers, loaders, applicators, and other handlers must wear the following: long-sleeved shirt, long pants, shoes and socks. See engineering controls for additional requirements.

USER SAFETY REQUIREMENTS: Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing and other absorbent material that have been drenched or heavily contaminated with the product's concentrate. Do not reuse them.

USER SAFETY RECOMMENDATIONS: Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. As soon as possible, wash thoroughly and change into clean clothing.

ENGINEERING CONTROLS: Pilots must use an enclosed cockpit that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(6)]. Human flagging is prohibited. Flagging to support aerial applications is limited to the use of the Global Positioning System (GPS) or mechanical flaggers.

ENVIRONMENTAL HAZARDS

This pesticide is highly toxic to aquatic organisms, including fish and aquatic invertebrates. Runoff from treated areas or deposition of spray droplets into a body of water may be hazardous to fish and aquatic invertebrates. Before making the first application in a season, it is advisable to consult with the state or tribal agency with primary responsibility for pesticide regulation to determine if other regulatory requirements exist. Do not apply over bodies of water (lakes, rivers, permanent streams, natural ponds, commercial fish ponds, swamps, marshes or estuaries), except when necessary to target areas where adult mosquitoes are present, and weather conditions will facilitate movement of applied material away from the water in order to minimize incidental deposition into the water body. Do not contaminate bodies of water when disposing of equipment rinsate or washwaters.

This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not

apply to or allow drift onto blooming crops or weeds when bees are foraging in the treatment area, except when applications are made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS

For use only by federal, state, tribal, or local government officials responsible for public health or vector control, or by persons certified in the appropriate category or otherwise authorized by the state or tribal lead pesticide regulatory agency to perform adult mosquito control applications, or by persons under their direct supervision.

IN CALIFORNIA: This product is to be applied by County Health Department, State Department of Health Services, Mosquito and Vector Control or Mosquito Abatement District personnel only.

IN FLORIDA: Aerial applications of this product require trained personnel to perform industry accepted assays to monitor resistance formation in targeted mosquitoes.

Do not treat a site with more than 0.0036 lb. of each a.i., Sumithrin and piperonyl butoxide and 0.00072 lbs. prallethrin per acre in a single application or in any 24-hour period. Do not apply more than 0.0108 lb. each of Sumithrin and piperonyl butoxide and 0.0022 lb. prallethrin to the same treatment area in a 7 day period. Do not apply more than 0.0216 lb. each of Sumithrin and piperonyl butoxide and 0.0043 lb. prallethrin to the same treatment area in 1 month. Do not exceed 0.1 lb. of Sumithrin or piperonyl butoxide or 0.02 lb. prallethrin per acre in any site in one year. More frequent applications may be made to prevent or control a threat to public and/or animal health determined by a state, tribal, or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort.

NOTE: When rotating products with other insecticides containing piperonyl butoxide, do not exceed 2 lbs. PBO per acre per year.

Not for use in outdoor residential misting systems. Not for use in metered release systems.

DUET cannot be diluted in water. Dilute this product with light mineral oil if dilution is preferred.

USE INFORMATION

DUET is approved for application as a thermal aerosol and as an Ultra Low Volume (ULV) nonthermal aerosol (cold fog) in mosquito adulticiding programs involving outdoor residential, urban, industrial, and recreational areas where adult mosquitoes are present in annoying numbers, and in vegetation surrounding parks, woodlands, swamps, marshes, overgrown areas and golf courses.

DUET may be applied over crops or to areas favoring drift over crops, including row, tree, fruit, citrus, pasture and other areas where agricultural enterprises take place.

SPRAY DROPLET SIZE DETERMINATION

Ground-based, wide area mosquito abatement application: Spray equipment must be adjusted so that the volume median diameter (VMD) is less than 30 microns (Dv 0.5 < 30 um) and that 90% of the spray is contained in droplets smaller than 50 microns (Dv 0.9 < 50 um). Directions from the equipment manufacturer or vendor, pesticide registrant, or a test facility using a laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

Aerial Equipment, wide area mosquito abatement application: Spray equipment must be adjusted so that the volume median diameter produced is less than 60 microns (Dv 0.5 < 60 um) and that 90% of the spray is contained in droplets smaller than 115 microns (Dv 0.9 < 115 um). The effects of flight speed and, for non-rotary atomizers, nozzle angle on the droplet size spectrum must be considered. Directions from the equipment manufacturer or vendor, pesticide registrant, or a test facility using a wind tunnel and laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

GROUND ULV APPLICATION

To control Mosquitoes and other listed insects, apply DUET at a flow rate of 2.6 to 7.8 fluid ounces per minute at an average vehicle speed of 10 mph using a swath width of 300 feet for acreage calculations (see chart below). For best results, apply when mosquitoes are most active and meteorological conditions are conducive to keeping the spray cloud close to the ground. Certain mosquito species such as *Aedes aegypti* and *Aedes albopictus*, are most active during the day. Application in calm air conditions is to be avoided. Apply only when ground wind speed is greater than or equal to 1 mph. All types of applications should be conducted at temperatures above 50 °F. Under normal residential conditions a flow rate of 4.8 fluid ounces per minute at an average vehicle speed of 10 mph is recommended. If a different vehicle speed is used, adjust rate accordingly. These rates are equivalent to 0.00024 to 0.00072 pounds of Prallethrin and 0.0012 to 0.0036 pounds of Sumithrin® and Piperonyl Butoxide per acre. Vary flow rate according to vegetation density and mosquito population. Use higher flow rate

in heavy vegetation or when populations are high. DUET may also be diluted with a suitable solvent such as mineral oil and applied by GROUND ULV equipment so long as 1.28 fluid ounces per acre of DUET is not exceeded. Refer to the dilution tables on this label for flow rate calculations for diluted end-use formulations of DUET. Use the following tables to calculate application rates:

Pounds a.i./Acre			DUET Fl.oz./Acre	Flow Rates in fluid oz./minute at truck speeds of:			
Prallethrin	Sumithrin®	PBO		5 MPH	10 MPH	15 MPH	20 MPH
0.00072	0.0036	0.0036	1.28	3.9	7.8	11.7	15.6
0.00044	0.0022	0.0022	0.79	2.4	4.8	7.1	9.5
0.00036	0.0018	0.0018	0.64	1.9	3.9	5.8	7.8
0.00024	0.0012	0.0012	0.43	1.3	2.6	3.9	5.2

DUET may be applied through truck mounted thermal fogging equipment. Do not exceed the maximum rates listed above. May be applied at speeds of 5 to 20 mph. To reduce oil requirement and sludge buildup in equipment, use a 60-100-second viscosity mineral "fog" oil or other fuel-type oil. Use a clean, well-maintained and properly calibrated fogger. Do not wet foliage since oil base formulations may be phytotoxic.

Urban ULV Mosquito Control: DUET may be applied for control of resting or flying adult mosquitoes in urban and industrial areas such as utility tunnels, pipe chases, underground basements, underground passages, parking decks, open parking garages, abandoned warehouses, crawl spaces, uninhabited buildings, rail yards, waste yards, junkyards, tire dumps, and other areas where adult mosquitoes may be found. Apply using mechanical-foggers, or truck-mounted ULV equipment, or other spray equipment suitable for this application. Apply at rates up to but not exceeding 0.0036 lb of each a.i., Sumithrin and piperonyl butoxide and 0.00072 lbs. prallethrin per acre in a single application or in any 24-hour period.

AERIAL APPLICATION

DUET may be applied at rates of 0.43 to 1.28 fluid ounces of DUET per acre by fixed wing or rotary aircraft equipped with suitable ULV application equipment. Appropriate spray systems include rotary atomizers, flat fan, high pressure, and high pressure impaction nozzles characterized and oriented to achieve the droplet characteristics specified in this label. DUET may also be diluted with a suitable solvent such as mineral oil and applied by aerial ULV equipment so long as 1.28 fluid ounces per acre of DUET is not exceeded. Refer to the dilution tables on this label for flow rate calculations for diluted end-use formulations of DUET. Do not apply by fixed wing aircraft at a height less than 100 feet above the ground or canopy, or by helicopter at a height less than 75 feet above the ground or canopy unless specifically approved by the state or tribe based on public health needs. When making aerial application at an altitude of less than 100 feet, apply only when wind speed at altitude is greater than or equal to 5 mph. When making application at an altitude of 100 feet or greater, apply only when wind speed at altitude is greater than or equal to 3 mph.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE: Store in a cool, dry place. Keep container closed.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL:

[For 2.5-gallon Jugs]: Non-refillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with mineral oil and recap. Shake for 10 seconds. Pour rinsate into application equipment or a rinse tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

[For refillable drums & totes]: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into rinsate collection system. Repeat this rinsing procedure two more times. Offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

FOR MORE INFORMATION CALL 1-800-323-5727

NOTICE: To the extent provided by law, Seller makes no warranty, expressed or implied, concerning the use of this product other than as indicated on the label. Buyer assumes all risk of use and/or handling of this material when use and/or handling is contrary to label instructions.

Sumithrin® - Registered Trademark of Sumitomo Chemical Company, Ltd.

Duet® - Registered Trademark of Clarke Mosquito Control Products, Inc.

MANUFACTURED FOR:
CLARKE MOSQUITO CONTROL PRODUCTS, INC.
159 N. GARDEN AVENUE
ROSELLE, ILLINOIS 60172

DILUTION CALCULATIONS

For a 4% Sumithrin product, dilute 1 gallon DUET with 0.25 gallon oil. Finished spray contains 0.29 lbs Sumithrin & PBO and 0.06 pounds Prallethrin per gallon.

Dosage Description	Pounds a.i./Acre			Fluid oz. Finished spray/Acre	Flow Rates in fluid oz./minute at truck speeds of:			
	Prallethrin	Sumithrin	PBO		5 MPH	10 MPH	15 MPH	20 MPH
High Population	0.00072	0.0036	0.0036	1.61	4.9	9.7	14.6	19.5
Recommended	0.00044	0.0022	0.0022	0.98	3.0	5.9	8.9	11.9
Light Population	0.00036	0.0018	0.0018	0.80	2.4	4.9	7.3	9.7
	0.00024	0.0012	0.0012	0.54	1.6	3.2	4.9	6.5

For a 2.5% Sumithrin product, dilute 1 gallon DUET with 1 gallon oil. Finished spray contains 0.179 lbs Sumithrin & PBO and 0.036 pounds Prallethrin per gallon.

Dosage Description	Pounds a.i./Acre			Fluid oz. Finished spray/Acre	Flow Rates in fluid oz./minute at truck speeds of:			
	Prallethrin	Sumithrin	PBO		5 MPH	10 MPH	15 MPH	20 MPH
High Population	0.00072	0.0036	0.0036	2.57	7.8	15.6	23.4	31.1
Recommended	0.00044	0.0022	0.0022	1.57	4.8	9.5	14.3	19.0
Light Population	0.00036	0.0018	0.0018	1.28	3.9	7.8	11.7	15.6
	0.00024	0.0012	0.0012	0.86	2.6	5.2	7.8	10.4

For a 2% Sumithrin product, dilute 1 gallon DUET with 1.5 gallons oil. Finished spray contains 0.143 lbs Sumithrin & PBO and 0.029 pounds Prallethrin per gallon.

Dosage Description	Pounds a.i./Acre			Fluid oz. Finished spray/Acre	Flow Rates in fluid oz./minute at truck speeds of:			
	Prallethrin	Sumithrin	PBO		5 MPH	10 MPH	15 MPH	20 MPH
High Population	0.00072	0.0036	0.0036	3.21	9.7	19.5	29.2	38.9
Recommended	0.00044	0.0022	0.0022	1.96	5.9	11.9	17.8	23.8
Light Population	0.00036	0.0018	0.0018	1.61	4.9	9.7	14.6	19.5
	0.00024	0.0012	0.0012	1.07	3.2	6.5	9.7	13.0

AVAILABLE PACKAGING: 2.5 GAL, 30 GAL, 55 GAL, 275 GAL TOTE

LOT NO.: Marked on Container Label

EPA REG. NO.: 1021-1795-8329

EPA EST. NO.: _____



SAFETY DATA SHEET

DUET[®] Dual-Action Adulticide

Effective Date: 5 July 2017

v.02

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SECTION 1. Identification of the Substance/Mixture and of the Company

Product Identifier

Formulation Identifier: DUET[®] Dual-Action Adulticide

EPA Registration Number: 1021-1795-8329

Relevant Identified Uses of the Substance or Mixture and Uses Advised Against

Relevant identified uses: An insecticide for mosquito and vector control

Uses advised against: See product label for use restrictions

Details of the Supplier

Clarke Mosquito Control Products, Inc.
675 Sidwell Court
St. Charles, IL 60174 U.S.A.
+1 (630) 894-2000
Email: Clarke@clarke.com

Emergency Telephone Number

24 Hour MEDICAL Emergency: SafetyCall[®]: (888) 740-8712 or (952) 852-9509

24 Hour TRANSPORTATION Emergency: CHEMTREC[®]: (800)-424-9300

International: (703) 527-3887

SECTION 2. Hazards identification

United States (US)

According to OSHA 29 CFR 1910.1200 HCS

Classification of the Substance or Mixture

Acute Toxicity (Inhalation): Category 4

Aspiration Toxicity: Category 1

Pictogram:



Signal Word: DANGER

Hazard Statements: Harmful if inhaled.

May be fatal if swallowed and enters airways.

Precautionary Statements:

PREVENTION: Avoid breathing mist/vapors/spray. Use only outdoors or in well-ventilated area.

RESPONSE: IF INHALED- Remove victim to fresh air and keep at rest in a position for breathing.
Call a POISON CENTER or doctor/physician if you feel unwell.

IF SWALLOWED: Immediately call a poison center/doctor. Do NOT induce vomiting.

STORAGE: Store locked up in a well ventilated place. Keep container tightly closed.

DISPOSAL: Dispose of contents/container to an approved waste disposal plant.

Other Hazards Not Classifiable Under OSHA 2012 HCS - Not applicable



SAFETY DATA SHEET

DUET[®] Dual-Action Adulticide

Effective Date: 5 July 2017

v.02

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Comments: This material is considered hazardous by the 2012 OSHA Hazard Communication Standard [29 CFR 1910.1200(a)(1), and the GHS

SECTION 3. Composition/Information on Ingredients

Components

Substance Name	CAS No.	Concentration % w/w
ETOC [®] (Prallethrin)	23031-36-9	1.0
SUMITHRIN [®] (d-Phenothrin)	26002-80-2	5.0
Piperonyl Butoxide	51-03-6	5.0
Petroleum Distillates, hydrotreated light	64742-47-8	10-20 *
White Mineral Oil	8042-47-5	50-75 *

* The exact percentage (concentration) of composition has been withheld as trade secret.

Ingredients not identified are non-hazardous and/or are not required to be disclosed pursuant to 29 CFR 1910.1200 (2012), and are withheld as trade secret.

SECTION 4. First Aid Measures

Description of First Aid Measures

Eye contact: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes then continue rinsing. Call a poison control center/doctor for treatment advice.

Skin Contact: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

Ingestion: If swallowed, IMMEDIATELY call a poison control center or doctor for treatment advice. DO NOT give any liquid to the person. Do not induce vomiting unless told to do so by a poison control center or doctor. Never give anything by mouth to an unconscious person.

Inhalation: Remove affected person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice.

Indication of Immediate Medical Attention and Special Treatment

Notes to Physician: Contains Pyrethroids and Petroleum Distillates – vomiting may pose an aspiration hazard. For skin effects, a highly efficient therapeutic agent for Pyrethrin/Pyrethroid exposure is topical application of Tocopherol Acetate (Vitamin E).

SECTION 5. Fire-Fighting Measures

Extinguishing Media

Suitable Extinguishing Media: Water Fog, Carbon Dioxide (CO₂), Dry Chemical, foam

Unsuitable Extinguishing Media: Do not use water jet.

Special Hazards Arising From the Substance or Mixture

Specific Hazards: No information available.

Explosion data:

Sensitivity to Mechanical Impact: None

Sensitivity to static discharge: Yes, use proper bonding and/or grounding procedures.

Special Protective Equipment and Precautions for Fire-Fighters

Protection against fire: As in any fire, wear self-contained breathing apparatus pressure-demand, MSHA/NIOSH (approved or equivalent) and full protective gear.

Special Procedures: Treat as oil fire. Move container from fire area if it can be done without risk. Do not scatter spilled material with high-pressure water streams. Dike for later disposal. Use extinguishing agents



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appropriate for surrounding fire. Avoid inhalation of material or combustion by-products. Stay upwind and keep out of low areas.

SECTION 6. Accidental Release Measures

Personal Precautions, Protective Equipment and Emergency Procedures

General Precautions: Use appropriate protection (see section 8). Evacuate personnel to safe areas. Keep people away from and upwind of spill/leak. Use personal protective equipment as required.

Environmental Precautions: Prevent product from entering into drains and waterways. Collect and dispose of this material and its container in accordance with national and regional regulations. If the product has contaminated surface water, inform the appropriate authorities.

Methods and Material for Containment and Cleaning Up

Methods for containment: Prevent further leakage of spillage if safe to do so. Move containers from spill area.

Small spill: Dam up. Soak up with inert absorbent material. Pick up and transfer to properly labeled containers.

Large Spill: Prevent entry into sewers, water courses, basements or confined areas. Dam up and soak up with inert absorbent material. Pick up and transfer to properly labeled containers. Dispose of via a licensed waste disposal contractor. Contaminated absorbent material may pose the same hazard as the spilled product. Note: see Section 1 for emergency contact information and Section 13 for waste disposal.

SECTION 7. Handling and Storage

Precautions for Safe Handling

Protective measures: Wear a long-sleeved shirt, long pants, shoes and socks. Take prudent precautions to avoid contact with skin, eyes, and clothing. Mechanical ventilation should be used when handling this product in enclosed spaces. Do not contaminate water, food or feedstuffs, by storage, handling, or by disposal.

Hygiene Measures: Eating, drinking and smoking should be prohibited in areas where this material is handled, stored and processed. Workers should wash hands and face before eating, drinking and smoking. Remove contaminated clothing and protective equipment before entering eating areas. See also Section 8 for additional information on hygiene measures.

Conditions for Safe Storage, Including Any Incompatibilities

Storage Conditions: Store in a cool, dry place. Keep container closed. Always store pesticides in the original container. Store away from food and pet food. Keep out of reach of children.

Electrostatic Accumulation Hazard: This product contains petroleum distillates for which there is potential for the accumulation of static electricity. Consideration should be given to bonding and grounding of equipment during loading, unloading, and transfer of this product.

SECTION 8. Exposure Controls / Personal Protection

These precautions are suggested for conditions where the potential for exposure exists. Emergency conditions may require additional precautions.

Control Parameters

Component Name	CAS No.	List	Type	Value
ETOC [®] (Prallethrin)	23031-36-9	OSHA; ACGIH		None
SUMITHRIN [®] (d-Phenothrin)	026002-80	OSHA; ACGIH		None
Piperonyl Butoxide	51-03-6	OSHA; ACGIH		None
Petroleum Distillates	64742-47-8	OSHA & ACGIH	TLV/TWA (as oil-mist, if generated)	5 mg/m ³



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Mineral Oil	8042-47-5	OSHA & ACGIH	PEL / TLV, TWA (oil mist, mineral)	5 mg/m ³
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Exposure controls

Engineering Controls: Use with adequate ventilation. Local exhaust ventilation may be necessary for some operations..

Individual Protection Measures, such as Personal Protection Equipment:

Eye Protection: Safety Glasses, Goggles or Face Shield. Take prudent precautions to avoid contact with eyes.

Skin Protection: Wear a long-sleeved shirt and long pants, shoes and socks.

Hand Protection: It is good industrial hygiene practice to minimize skin contact. If required or preferred, use suitable protective chemical resistant gloves such as latex, nitrile, or neoprene.

Respiratory Protection: None required. If exposure limits are exceeded or irritation is experienced, NIOSH/MSHA approved respiratory protection should be worn.

SECTION 9. Physical and Chemical Properties

Information on Basic Physical and Chemical Properties

Appearance:	Clear, yellow-colored liquid
Color:	1.0 on Gardner Scale
Odor:	Solvent odor
Odor Threshold:	No information available
pH:	Not applicable. Product is not miscible in water
Melting Point:	No information available
Freezing Point:	No information available
Initial Boiling Point:	No information available
Flash Point:	>93.3°C (>200°F) (Tag Closed Cup)
Evaporation Rate:	No information available
Flammability:	No information available
Explosion limits [U/L]:	No information available
Vapor Pressure:	No information available
Vapor Density (Air =1):	Heavier than air
Relative Density:	No information available
Specific Gravity (Water = 1)	0.860 @ 20°C (68°F)
Solubility:	Immiscible
Partition Coefficient:	No information available
Auto-Ignition Temperature:	No information available
Viscosity:	18 cPs @ 22.0°C (71.6°F) Brookfield
Decomposition Temperature:	No information available
Explosive Properties:	No information available
Oxidizing Properties:	No information available
VOC Content (%):	<1.000%

SECTION 10. Stability and Reactivity

Reactivity

No data available

Chemical Stability



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Stable under recommended normal storage conditions

Possibility of Hazardous Reactions

Hazardous Reactions: None under normal conditions
Hazardous Polymerization: Hazardous polymerization does not occur

Conditions to avoid Extremes of temperature and direct sunlight

Incompatible materials Not compatible with strong acids and bases. Not compatible with oxidizing agents.

Hazardous decomposition products

Carbon monoxide (CO), Carbon dioxide (CO₂)

SECTION 11. Toxicological information

Information on Likely Routes of Exposure

Routes of entry: Oral, Dermal, Inhalation

May be fatal if swallowed and enters airways due to petroleum distillate. Vomiting may cause aspiration pneumonia.

Information on Toxicological Effects

Acute Toxicity / Effects

Assessment of acute toxicity: Slightly toxic after ingestion. Relatively non-toxic after short-term inhalation. Moderately toxic after short term skin contact. Some or all of the toxicity data reported is bridged from a substantially similar formula.

Oral, (Rat) LD₅₀ >5,000 mg/kg

Dermal, (Rabbit) LD₅₀ >2,000 mg/kg

Inhalation, Rat LC₅₀ >2.04 mg/l (4 hours)

Skin Corrosion/Irritation: Slight irritation at 72 hours. Irritation Index = 0.92

Serious Eye Damage/Irritation: Irritation clearing in 24 hours.

Skin Sensitization: Negative; Not considered to be a dermal sensitizer (Buehler).

Conditions aggravated by exposure: None known

Chronic Toxicity / Effects

Assessment of repeated dose toxicity: No significant signs or symptoms indicative of any adverse health effects are expected to occur.

Germ Cell Mutagenicity This product has not been tested. The statement has been derived from the properties of the individual components. No data is available to indicate product or any components present at greater than 0.1% are mutagenic or genotoxic.

Carcinogenicity Not carcinogenic. This product does not contain any carcinogens or potential carcinogens as listed by OSHA, IARC or NTP.
Marginally higher incidences of benign liver tumors in mice were observed following lifetime high dose exposures to PBO. The significance of these observations is undetermined and under review. The doses at which tumors were observed for PBO greatly exceeded potential exposure from labeled uses.

Reproductive Effects: This product has not been tested. The statement has been derived from the properties of the individual components. No data is available to indicate product or any components present at greater than 0.1% produce a fertility impairing effect. No indication of a developmental toxic / teratogenic effect.

STOT – Single exposure Not classified

STOT – Repeated exposure Not classified

SECTION 12. Ecological Information

Ecotoxicity:

Product specific data is not available. Data referenced is in relation to active ingredients, d-Phenothrin and PBO



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Toxicity to Fish:	d-Phenothrin 96-hr Acute LC ₅₀ 16.7 µg/L (rainbow trout), 15.8 µg/L (bluegill sunfish) PBO: 96-hour Acute LC ₅₀ 6/12 ppm (rainbow trout) Prallethrin LC ₅₀ 0.012 mg/L (rainbow trout)
Toxicity to Aquatic Invertebrates:	d-Phenothrin 48-hr LC ₅₀ 4.4 µg/L <i>Daphnia magna</i> d-Phenothrin 48-hr LC ₅₀ 0.025 µg/L <i>Mysidopsis bahia</i> PBO: 96-hr LC ₅₀ 0.49 ppm, <i>Americamysis bahia</i> Prallethrin 48-hr EC ₅₀ 0.0062 mg/L <i>Daphnia</i>
Toxicity to Plants:	No data available
<u>Persistence and Degradability</u>	
Product specific data not available. Data referenced is in relation to the active ingredients, d-Phenothrin and PBO	
Biodegradability:	Not readily biodegradable (by OECD criteria)
Bioconcentration Factor:	d-Phenothrin: 592 (edible), 4,000 (non-edible) PBO: 2, 175 Prallethrin: no data available
Log Kow:	d-Phenothrin: 6 PBO: 4.95 Prallethrin: 4.49
Depuration:	d-Phenothrin, PBO: 2-4 days
Mobility in Soil:	d-Phenothrin has low water solubility and binds tightly to soil. Based on these properties, d-phenothrin is relatively immobile in soil and its potential to contaminate groundwater is low. PBO is not very soluble in water and adheres moderately to soil with organic matter. Prallethrin is not very water soluble and adheres moderately with organic material. The hazard for prallethrin to move off the site of application with rain or irrigation is rated moderate.

SECTION 13. Disposal Considerations

Waste Treatment and Disposal methods

Pesticide wastes are regulated. Consult product label for chemical substance and container disposal instructions. Avoid release to the environment. Improper disposal of excess product or rinsate is a violation of Federal law. If these wastes cannot be disposed or by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste Representative at the nearest EPA regional office for guidance.

Container disposal: Rinse thoroughly in accordance with label instructions.

SECTION 14. Transport Information

DOT (US)

Proper Shipping Name: Agricultural Insecticide, N.O.I. Non-Hazardous

Primary Hazard Class/Division: Non-Hazardous

In Non-Bulk quantities (i.e., less than or equal to 119 Gallons / 450 Liters): This material is not regulated by the DOT as a hazardous material.

In Bulk Quantities (more than 119 Gallons / 450 Liters):

UN Number: UN3082

Proper Shipping Name: ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S (d-PHENOTHHRIN)

Hazard Class: 9

Packing Group: III

Marine Pollutant: Yes

IMDG (Vessel)



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DUET[®] Dual-Action Adulticide

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UN Number: UN3082

Proper Shipping Name: ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S (d-PHENOTHRIN)

Hazard Class: 9

Packing Group: III

Marine Pollutant: Yes

ICAO/IATA (Air transport)

UN Number: UN3082

Proper Shipping Name: ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S (d-PHENOTHRIN)

Hazard Class: 9

Packing Group: III

Marine Pollutant: Yes

SECTION 15. Regulatory Information

FIFRA Information: This chemical is a pesticide product regulated by the Environmental Protection Agency and is subject to certain labeling requirements under federal pesticide law. These requirements differ from the classification criteria and hazard information for safety data sheet, and for workplace labels of non-pesticide chemicals. Following is the hazard information as required on the pesticide label:

Signal word: CAUTION

KEEP OUT OF REACH OF CHILDREN

PRECAUTIONARY STATEMENTS: HAZARDS TO HUMANS AND DOMESTIC ANIMALS: CAUTION. Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

Personal Protective Equipment (PPE): Mixers, loaders, applicators, and other handlers must wear the following: long-sleeve shirt, long pants, shoes and socks. See engineering controls for additional requirements.

User safety requirements: Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing and other absorbent material that have been drenched or heavily contaminated with the product's concentrate. Do not reuse them.

User Safety Recommendations: Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside, then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. As soon as possible, wash thoroughly and change into clean clothing.

Engineering controls: Pilots must use an enclosed cockpit that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(6)]. Human flagging is prohibited. Flagging to support aerial applications is limited to use of the Global Positioning System (GPS) or mechanical flaggers.

FIRST AID

If swallowed: Immediately call a poison control center or doctor. Do not induce vomiting unless told to do so by a poison control center or a doctor. Do not give any liquid to the person. Do not give anything by mouth to an unconscious person.

Note to physician: Contains petroleum distillates. Vomiting may cause aspiration pneumonia.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For information regarding medical emergencies or pesticide incidents call 1-888-740-8712.

Other Federal Regulations

SARA TITLE III CLASSIFICATION

Section 302: None

Section 311/312: Immediate (acute) health hazard

Section 313: This product contains the following chemicals subject to the reporting requirements of section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 and 40 CFR Part 372.

CAS Number

Chemical Name

% by wt.



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26002-80-2
51-03-6

d-phenothrin
piperonyl butoxide

5.0
5.0

CERCLA RQ: None

U.S. California Proposition 65: Not listed

STATE RIGHT-TO-KNOW: National, state, provincial or local emergency planning, community right-to-know or other laws, regulations or ordinances may be applicable--consult applicable national, state, provincial or local laws.

OSHA HAZARD COMMUNICATION STANDARD: This product is a "Hazardous Chemical" as defined by the OSHA Hazard Communication Standard, 29 CFR 1910.1200.

SECTION 16. Other Information

DISCLAIMER OF LIABILITY: The information in this SDS was obtained from sources we believe to be reliable. However, the information is provided without any warranty, express or implied, regarding its correctness. The conditions or methods of handling, storage, use or disposal of the product are beyond our control and may be beyond our knowledge. For this and other reasons, we do not assume responsibility and expressly disclaim liability for loss, damage or expense arising out of or in any way connected with the handling, storage, use or disposal of the product. This SDS was prepared as is to be used only for this product. If the product is used as a component in another product, this SDS information may not be applicable.

NFPA Health Hazards 2
Flammability 1
Instability 0
Physical and Chemical Properties --

HMIS Health Hazards 1
Flammability 1
Physical Hazards 0
Personal Protection X

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® Sumithrin is a Registered Trademark of Sumitomo Company Ltd.
® ETOC is a Registered Trademark of Sumitomo Company Ltd.

End of document

From: 'Terry Hayden' via Sherwood Greens Residents sherwood-greens-residents@googlegroups.com 
Subject: [SherwoodGreensResidents] Important-State Legislature Assistance - minutes attached
Date: May 9, 2022 at 1:28 PM
To: Sherwood Greens Residents sherwood-greens-residents@googlegroups.com
Cc: Jane Hanrahan jehanrahan@me.com



Good Afternoon,

Sharing the below correspondence onward for your information.

Terry Hayden

[Sent from Yahoo Mail for iPhone](#)

On Monday, May 9, 2022, 12:21 PM, Beverly Gilbert <AdminAsst@townofbecket.org> wrote:

Dear Representative Pignatelli and Senator Hinds,

Please see the attached.

Beverly Gilbert

Administrative Assistant
Town of Becket
557 Main Street
Becket, MA 01223
413-623-8934 extension 100

From: Pignatelli, Smitty - Rep. (HOU)
[mailto:Smitty.Pignatelli@mahouse.gov]
Sent: Monday, May 09, 2022 11:23 AM
To: Michael Lavery <mlavery@townofbecket.org>; Hinds, Adam (SEN)
<Adam.Hinds@masenate.gov>
Cc: Beverly Gilbert <adminasst@townofbecket.org>; William Bill Elovirta,
Select Board - Chairperson <belovirta@townofbecket.org>; Chris
Swindlehurst, Select Board - Vice Chairperson
<cswindlehurst@townofbecket.org>; health@townofbecket.org; William J.
Caldwell <administrator@townofbecket.org>; haydent1@yahoo.com
Subject: Re: State Legislature Assistance

Hi Michael,

Thank you for reaching out and bringing this to our attention. I will investigate this further and see what could be done at the state level. If you could forward any relevant meeting minutes that would be helpful.

Thanks and I will be in touch.

Smitty

Smitty Pignatelli

State Representative
4th Berkshire District
Vice Chair, House Committee on Rules
State House Room 166
(413) 637-0631

From: Michael Lavery <mlavery@townofbecket.org>
Sent: Monday, May 9, 2022 11:11 AM
To: Pignatelli, Smitty - Rep. (HOU) <Smitty.Pignatelli@mahouse.gov>; Hinds, Adam (SEN) <Adam.Hinds@masenate.gov>
Cc: Beverly Gilbert <adminasst@townofbecket.org>; William Bill Elovirta, Select Board - Chairperson <belovirta@townofbecket.org>; Chris Swindlehurst, Select Board - Vice Chairperson <cswindlehurst@townofbecket.org>; health@townofbecket.org <health@townofbecket.org>; William J. Caldwell <administrator@townofbecket.org>; haydent1@yahoo.com <haydent1@yahoo.com>
Subject: State Legislature Assistance

[You don't often get email from mlavery@townofbecket.org. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>.]

Good Morning Senator Hinds and Representative Pignatelli,

The Town of Becket, like many small hill-town communities has Road districts, which were established by the Legislature for the maintenance of Roads, where the residents were not covered by Town Highway department services. These districts are quasi-municipal entities and have boards and committees that meet to ensure the plowing in winter-time and 'grade, rake and roll' in the warmer weather. As a new Berkshire transplant in 2011, I served on the Sherwood Greens Road District, where my wife and family have lived for a number of years, before being elected as a Select Board member. At the end of my tenure in the Greens Committee there was an effort by one of the Committee members to start spraying for mosquitoes within the community. Instead of just hiring a private company, the Greens Board sought approval to become a Berkshire County Mosquito Control Project area and get sprayed by the State Mosquito Control program. This was to my surprise, approved, with help from the Greens Counsel lawyer and a very narrow margin of victory at the Annual Sherwood Greens meeting.

This action by the SGRD Prudential Committee of the Sherwood Greens Road District (SGRD for brevity) is an end-around run and egregiously violates the Annual Town Meeting of Becket ruling which voted to cease Mosquito Control in the entire Town of Becket. There also have been votes by the Board of Health and Select Board to not allow spraying by Berkshire County Mosquito Control Project within the entire Town of Becket, which includes Sherwood Greens, unless they are a sovereign entity exercising Home Rule. These BOH and Select Board votes were recent in

entity exercising Home Rule. These Board and Select Board votes were recent in 2021 and 2022 respectively. We can provide approved minutes of the meetings. The SGRD Chair has stated that the town can only ban spraying on town property. I think the State Legislature needs to address this issue since the town has taken it to the highest levels of our town government by making rulings in the Board of Health and Select Board which are the top governing bodies in terms of health and safety.

Can you please take up this case and look into the matter? Thanks for your time and research into the matter. My direct number is 413-212-0528 if you want to reach out for more information. I left out many details for the sake of being concise. I for one would like an official judgment one way or the other since this SGRD Committee was created by an act of the Legislature of the Commonwealth, the legislature may be the only body who can make that ruling.

Thank You,

Michael S. Lavery,
Select Board, Clerk
Town of Becket

CC: Select Board Members
Interim Town Administrator
Administrative Assistant
Board of Health
Sherwood Greens Chair

--

THIS LIST serves as an unofficial mode of communication among members of the Sherwood Greens Road District community. It may not be used for any commercial or political purposes.

Email to sherwood-greens-residents@googlegroups.com to contact all members.

SGRD BOARD COMMUNICATIONS: This is not an official/legal notification to or from the SGRD board, though it may reiterate information contained in official notifications that are posted as required (though notifications may occasionally appear here before being officially posted). Please attend a board meeting or send a letter ahead to address anything with the board.

OFFICIAL DISTRICT WEBSITE: <https://www.townofbecket.org/sherwood-greens-road-district>

ROAD MAINTENANCE: If you have concerns about road conditions (such as trees down in the road, plowing, or roadside mowing) please contact the SGRD District's Roads Superintendent, Bob Moore, at (413) 274-2374. Leave a detailed message if you don't reach him.

You received this message because you are subscribed to the Google Groups "Sherwood Greens Residents" group.

To unsubscribe from this group and stop receiving emails from it, send an email to sherwood-greens-residents+unsubscribe@googlegroups.com.

To view this discussion on the web visit <https://groups.google.com/d/msgid/sherwood-greens-residents/1598247385.665069.1652117316547%40mail.yahoo.com>.



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From: Pignatelli, Smitty - Rep. (HOU) <Smitty.Pignatelli@mahouse.gov>
Sent: Wednesday, May 18, 2022 10:34 AM
To: Michael Lavery <mlavery@townofbecket.org>; Hinds, Adam (SEN) <Adam.Hinds@masenate.gov>
Cc: Beverly Gilbert <adminasst@townofbecket.org>; William Bill Elovirta, Select Board - Chairperson <belovirta@townofbecket.org>; Chris Swindlehurst, Select Board - Vice Chairperson <cswindlehurst@townofbecket.org>; health@townofbecket.org; William J. Caldwell <administrator@townofbecket.org>; haydent1@yahoo.com; Goodman, Elisabeth C. <EGoodman@cainhibbard.com>; jbard@k-plaw.com
Subject: Re: State Legislature Assistance

Hi Michael,

After looking further into the situation that you brought to our attention, I wanted to share the information below.

The Sherwood Greens Maintenance District is a legislatively created area and is a member of Berkshire County Mosquito Control Project based upon language in its enabling legislation that covers any land within the county. This legislation was filed at the Town's request and after a town meeting vote was taken. The Massachusetts Department of Agricultural Resources (MDAR) has worked with the district and its counsel to feel comfortable in providing services based upon the enabling legislation for both the MCD and the district. The district votes each year to appropriate the necessary funds for the services received.

I understand that the the Town has since tried to prevent spraying within its boundaries, but it based on the legislatively-defined parameters of the Sherwood Green's District, the Town either lacks the formal authority prevent spraying within the district OR has failed to provide information that indicates it does possess this authority, so MDAR has continued to provide services at the discretion of the MCD and district. Therefore, the Town would need to prove - based on the agreement set between the Town and maintenance district or in another capacity - that it does has the authority to overrule the District's decision to spray for mosquitoes.

Additionally, in the Town meeting minutes from May 2021, item 7, the Board refers to an email from Town Counsel Joel Bard that says the town vote to opt out of spraying does not prevent the district from mosquito spraying. The attached letter from District Counsel Elisabeth Goodman re-emphasizes this point.

Our state agencies have done their due diligence to ensure that the District's opt-in to the MCP is within its legal boundaries. If you have any further questions, please do not hesitate to contact my office.

Sincerely,

Smitty

Smitty Pignatelli

State Representative

4th Berkshire District

Vice Chair, House Committee on Rules

State House Room 166

(413) 637-0631

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Cc: Beverly Gilbert <adminasst@townofbecket.org>; William Bill Elovirta, Select Board - Chairperson <belovirta@townofbecket.org>; Chris Swindlehurst, Select Board - Vice Chairperson <cswindlehurst@townofbecket.org>; health@townofbecket.org <health@townofbecket.org>; William J. Caldwell <administrator@townofbecket.org>; haydent1@yahoo.com <haydent1@yahoo.com>
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Subject: State Legislature Assistance

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Good Morning Senator Hinds and Representative Pignatelli,

The Town of Becket, like many small hill-town communities has Road districts, which were established by the Legislature for the maintenance of Roads, where the residents were not covered by Town Highway department services. These districts are quasi-municipal entities and have boards and committees that meet to ensure the plowing in winter-time and 'grade, rake and roll' in the warmer weather. As a new Berkshire transplant in 2011, I served on the Sherwood Greens Road District, where my wife and family have lived for a number of years, before being elected as a Select Board member. At the end of my tenure in the Greens Committee there was an effort by one of the Committee members to start spraying for mosquitoes within the community. Instead of just hiring a private company, the Greens Board sought approval to become a Berkshire County Mosquito Control Project area and get sprayed by the State Mosquito Control program. This was to my surprise, approved, with help from the Greens Counsel lawyer and a very narrow margin of victory at the Annual Sherwood Greens meeting.

This action by the SGRD Prudential Committee of the Sherwood Greens Road District (SGRD for brevity) is an end-around run and egregiously violates the Annual Town Meeting of Becket ruling which voted to cease Mosquito Control in the entire Town of Becket. There also have been votes by the Board of Health and Select Board to not allow spraying by Berkshire County Mosquito Control Project within the entire Town of Becket, which includes Sherwood Greens, unless they are a sovereign entity exercising Home Rule. These BOH and Select Board votes were recent in 2021 and 2022 respectively. We can provide approved minutes of the meetings. The SGRD Chair has stated that the town can only ban spraying on town property. I think the State Legislature needs to address this issue since the town has taken it to the highest levels of our town government by making rulings in the Board of Health and Select Board which are the top governing bodies in terms of health and safety.

Can you please take up this case and look into the matter? Thanks for your time and research into the matter. My direct number is 413-212-0528 if you want to reach out for more information. I left out many details for the sake of being concise. I for one would like an official judgment one way or the other since this SGRD Committee was created by an act of the Legislature of the Commonwealth, the legislature may be the only body who can make that ruling.

Thank You,

Michael S. Lavery,
Select Board, Clerk
Town of Becket

CC: Select Board Members
Interim Town Administrator
Administrative Assistant
Board of Health
Sherwood Greens Chair

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INTERNET FRAUD WARNING: Please check the authenticity of any email you receive relating to the payment of monies in this matter. Should you have any doubts, please contact us by telephone immediately for verification.

Line Ads

MOSQUITO CONTROL NOTICE The Berkshire County Mosquito Control Project will begin 2022 (ULV) Ultra Low Volume truck mounted spray applications to control flying mosquitoes from on or about June 1, 2022 to October 1, 2022. Applications are initiated by a demonstrated need based on surveillance data and action thresholds. All applications will occur between dusk and dawn Monday thru Friday. The material to be used is DUET EPA# 1021-1795-8329. Any resident of a member town who wishes their property to be excluded from these applications should visit:

<http://www.mass.gov/eea/agencies/agr/pesticides/mosquito/pesticide-application-exclusions.html>

Member towns include:

Clarksburg, Hinsdale, Lanesborough, Otis, Pittsfield, Richmond, Sheffield, Tyringham, and Sherwood Greens RMD, Becket.

To obtain application schedules and locations call 413-447-9808 Monday thru Friday 7:00 a.m. to 3:00 p.m. after June 1, 2022 or visit berkshiresmosquito.org.

Ad# 65746 05/19/2022

Berkshire County Mosquito Control Project

413-447-9808

**19 Harris St
Pittsfield, MA 01201**

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**May 19, 2022. Berkshire County Mosquito Control Project Notices Ads
from The Berkshire Eagle ShopLocal**

From: Terry Hayden haydent1@yahoo.com
Subject: Fw: Sherwood Greens/mosquito spraying
Date: May 9, 2022 at 2:57 PM
To: Jane Hanrahan jehanrahan@me.com

TH

FYI...

Best regards,

Terry Hayden

----- Forwarded Message -----

From: Goodman, Elisabeth C. <egoodman@cainhibbard.com>
To: Smitty - Rep. (HOU) 'Pignatelli <smitty.pignatelli@mahouse.gov>
Cc: Adam Hinds <adam.hinds@masenate.gov>; mlavery@townofbecket.org
<mlavery@townofbecket.org>; Town of Becket <administrator@townofbecket.org>; Terry Hayden
<haydent1@yahoo.com>
Sent: Monday, May 9, 2022, 02:43:23 PM EDT
Subject: Sherwood Greens/mosquito spraying

Dear Smitty:

I represent the Sherwood Greens Road Maintenance District and would like the opportunity to respond to the email from Mr. Lavery to you and Adam Hinds. I believe town counsel for Becket also weighed in on the matter, which Mr. Lavery did not mention.

I am out of the office until May 16. Perhaps we should set up a time to discuss with all of the parties? Or I can send you our written comments on this issue when I get back to the office on the 16th.

Thank you for your patience.

Best,

Elisabeth C. Goodman
Cain Hibbard & Myers OC
66 West St.
Pittsfield, MA 01201
Phone (413) 629-1312 (direct)
egoodman@cainhibbard.com

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