

Exclusions and Opt Outs from Aerial Spraying and Wide Area Pesticides Application
Frequently Asked Questions

1. What is the difference between an “exclusion” and an “opt out”?

There is no physical difference between an “exclusion and an “opt out.” The term exclusion is used within the pesticide regulations at 333 CMR 13.03 and the term “opt out” is used in the recent legislation passed to mitigate arbovirus in the Commonwealth, specifically M.G.L. c. 252, Section 2A. It should be noted that the process for a M.G.L. c. 252, Section 2A opt out is the same as the exclusion request process set forth in 333 CMR 13.03, as required by the law.

It should be noted, however, that exclusions may be made by private property owners and other legally in control of the property (i.e., tenants) and opt outs may be made by any property owner.

2. How do I exclude my property from being sprayed?

Exclusion and Opt out requests may be submitted to the Massachusetts Department of Agricultural Resources (“MDAR”) at any time during the year by either via first class mail or through an online form. All fields need to be filled out completely by either the owner of the property or the tenant. If submitting a hard copy request, it must be sent via first class mail using the form available on MDAR’s website. Once a request is received by MDAR, it will then be transferred to the State Reclamation Mosquito Control Board (“SRB”) and the Mosquito Control District/Project that covers the region in which the property is located, if applicable. Properties to be exempted will be entered into a database designed to track excluded properties, which will be used by Projects during wide-area applications.

3. How long until my request goes into effect, and when does it expire?

An exclusion request goes into effect within 14 days of the date it is made and expires on December 31st of the calendar year in which it was received.

4. Does this exclude me from ALL pesticide applications?

A request for exclusion under 333 CMR 13.03 only pertains to “Wide Area” applications. A “Wide Area” application is a pesticide application that is done to one acre or more or crosses property boundaries. In Massachusetts, a “Wide Area” application primarily pertains to mosquito control applications performed by the various Mosquito Control Districts/Projects.

A request to opt out under M.G.L c. 252, Section 2A only pertains to an aerial spray or wide area emergency operation performed by the SRB.

By filling out this form, you have the option to be excluded under both 333 CMR 13.03 and M.G.L. c. 252, Section 2A.

These exclusions and opt outs do NOT pertain to an individual property owner hiring a company for mosquito control purposes or other pest control purposes as those applications must be specific to the contracting entities property, unless the company is performing a wide area application of pesticides as defined under 333 CMR 13.00.

5. What are Larviciding and Adulthooding?

Larviciding is a biological or chemical control method that controls the mosquito in its larval form, its most vulnerable stage. As larvae, mosquitoes are confined to an aquatic environment where a targeted application of larvicide can be used to prevent mosquitoes from becoming adults. Larvicides can be applied to stagnant water in wetlands, catch basins, and water holding containers to control mosquitoes in their immature larval stage. Larviciding is a preferred control option because it may reduce the need for adulticide later in the season. The most common larvicides in use contain “biological” pesticides like *Bti*, where the active ingredient is *Bacillus thuringiensis israelensis*, a bacterium that targets mosquitoes by attacking the gut of the larvae. These products are typically applied by hand in smaller areas, or by aerial application equipment such as small airplanes and helicopters to provide uniform coverage over large areas.

Adulthooding is a chemical control method used to control mosquitoes at high mosquito densities or to suppress mosquito-borne disease (arbovirus) threats. This approach may involve the use of highly specialized truck-mounted equipment to target treatments in selected areas. If warranted, particularly in the event of public health emergencies, aerial applications may be used to cover broader areas.

6. Who can apply for an Exclusion/Opt out request?

Under 333 CMR 13.03, either the property owner or tenants can apply to request an exclusion from pesticide application on their property. If the request is made by the tenant, the name and contact information for the landlord must also be provided.

Under M.G.L. c. 252, Section 2A, only the property owner may file a request to opt out.

7. What are the approved marking methods, and where should I place them?

The boundary of the excluded property must be marked with white plastic or aluminum pie plates, a minimum of 9 inches in diameter, with the words "No Spray" clearly written in permanent marker. Plates must be placed on trees, stakes, or poles that are easily visible from the street, at least every 50 feet along the property boundary adjacent to the road, and no more than 5 feet from the road.

8. What happens to my exclusion or opt out request if the Department of Public Health certifies that the application is needed to protect public health, such as an application made under a public health hazard or emergency response.?

In the event of a certification of a public health hazard or an emergency situation requiring

immediate application of pesticides by aircraft, MDAR and the SRB may waive or alter any or all of these provisions pursuant to 333 CMR 13.04. This includes a waiver of the exclusions and opt outs for private property owners.

9. What information from the exclusion request or opt out is being kept by MDAR?

The information provided to MDAR under 333 CMR 13.03 or M.G.L. c. 252, Section 2A is a public record unless otherwise exempt under the public records law.

10. How do I know if my city or town is in a mosquito control district or project?

You can visit the MDAR website to see if your city or town is part of a mosquito control district or project: <http://www.mass.gov/eea/agencies/agr/pesticides/mosquito/>

<http://www.mass.gov/eea/agencies/agr/pesticides/mosquito/mosquito-control-projects-and-districts.html>

11. How do I find my District's contact information? And who do I contact with questions regarding pesticide applications or other work the District does?

Here is a list of all the [Mosquito control districts and projects in the Commonwealth](#), they are always available to answer any questions regarding pesticide application and other projects they are working on.