

New Hampshire
Department of Agriculture,
Markets & Food

March 23, 2023

Shawn N. Jasper, Commissioner

Dragon Mosquito Control, Inc.
Mr. Ryan Naujoks
PO Box 46
Stratham, NH 03885

RECEIVED

APR 12 2023

**SELECTMEN'S OFFICE
TOWN OF SANDOWN NH**

RE: Mosquito Control Program – Town of Sandown

SPECIAL PERMIT – SP-070

Dear Mr. Naujoks:

Dragon Mosquito Control, Inc.'s 2023 application for a Special Permit on behalf of the Town of Sandown to conduct a mosquito control program is hereby approved, conditional on the following. Final approval shall be in the form of written confirmation by the division that the required notification under Condition #20 has been provided.

1. *Where required by Pes 604.01(b), approval is contingent upon a town meeting vote approving the proposed activities described within this special permit application. Notification, in writing, shall be made to the Division of Pesticide Control of said town vote verifying approval to conduct such activities, if required under this administrative rule. No larviciding may be done under this permit except where such application is in accordance with the current NH Arboviral Illness, Surveillance, Prevention and Response Plan guidelines and, as per Pes 604.01(b):*
 - a. *The application has been approved by vote at a town meeting; or*
 - b. *The application is being conducted under a "public health emergency" declared by the Commissioner of Agriculture, as defined under Pes 101.26.*
2. The pesticides to be applied under this permit are limited to those listed below, plus any appropriate adjuvants.

<u>Name</u>	<u>EPA Reg. No.</u>
Altosid Pellets WSP	2724-448
BVA 2 Mosquito Larvicide Oil	70589-1
Sunspray MLO	86330-11
Fourstar Bti CRG	85685-4
Fourstar MBG	85685-3
Natular G30 WSP	8329-91
VectoBac 12AS	73049-38
VectoBac GR	73049-486
VectoBac GS	73049-10
VectoMax FG	73049-429
VectoPrime FG	73049-501

<i>Lesco Cross Check Plus</i>	279-3206-10404
<i>Essentria IC-3 Insect Concentrate</i>	FIFRA 25(b)
<i>Flit 10EC</i>	8329-67
<i>Merus 3.0</i>	8329-108
<i>Zenivex E20</i>	2724-791
<i>Duet Dual-Action Adulticide</i>	1021-1795-8329

3. **On or before December 31, 2023**, the applicant shall submit to the division, **with a copy to Amy Smagula, NH DES Water Division**, a written report summarizing all pesticide applications that were made under this permit. This must include:

- a. The number of applications;
- b. The dates on which applications were made;
- c. The specific sites to which these applications were made;
- d. The total quantity of each pesticide product that was applied under this permit;
- e. A brief assessment of effectiveness of each of the pesticide applications (e.g. was control good, marginal, poor, etc.?) and of the total program; and,
- f. **If there is a significant change in the pesticide use this year compared to previous years, provide, to the extent possible, a brief explanation of the reason for such change.**

If no applications are made under this permit, the applicant shall notify the division in writing of this fact. Said written notice shall be received by the division on or before December 31, 2023. Note, these reports may be submitted electronically as a pdf or Microsoft Word document. The appropriate e-mail addresses are: for Amy Smagula – Amy.P.Smagula@des.nh.gov and, for Matthew Bosiak–matthew.w.bosiak@agr.nh.gov.

4. As a consequence of a 2009 ruling by the 6th Circuit Court, pesticide applications that leave residue in Waters of the United States are subject to the need for a National Pollutant Discharge Elimination System (NPDES) permit. A Pesticide General Permit (PGP) was issued by US EPA on October 31, 2011 (**and reissued October 31, 2021**) that covered certain pesticide use patterns in New Hampshire, including mosquito and other flying insect pest control. ***The NPDES PGP reissued October 2021 largely contains the same requirements as found within the 2016 PGP, however the applicant shall review and follow any pertinent requirements.*** When engaged in operations covered under the PGP the applicator and/or applicant may incur certain obligations such as the filing of a Notice of Intent (NOI), the production of a Pesticide Discharge Management Plan (PDMP), and certain recordkeeping and reporting requirements. A link to an EPA website regarding the NPDES is: <https://www.epa.gov/npdes>.
5. In accordance with Pes 502.04(a), no pesticides shall be applied within two-hundred and fifty (250) feet of any public water supply surface water or its tributaries where:
- a. The application site lies within the boundaries of the watershed surrounding said public surface water supply; and

- b. The application site is less than five (5) miles from any public water supply intake.
 6. The amended Shoreland Water Quality Protection Act (RSA 483-B:9) specifies that no pesticides shall be applied within fifty (50) feet of the reference line of any Public Water except if applied by “horticultural professionals” who have a pesticide application license issued by the department of agriculture, or where granted under Special Permit by the Division of Pesticide Control. Public waters include natural and artificial water bodies of ten (10) acres or larger and fourth (4th) order or greater streams. The applicant has requested easement from this setback requirement and such easement **is granted under this permit, except where otherwise restricted under Condition #5 above, in which case the specified setbacks under those conditions shall be observed.** A list of public waters subject to the provisions of the Shoreland Protection Act can be found at: http://des.nh.gov/organization/divisions/water/wetlands/cspa/documents/consolidated_list.pdf. If the applicant is uncertain of the status of a waterbody or his or her standing relative to being a recognized horticultural professional, he or she shall, prior to commencement of pesticide applications, check with the Division of Pesticide Control for a determination as to the applicable setbacks and/or whether they qualify as a “horticultural professional” in accordance with RSA 483-B:4, VII-c.
 7. With regard to surface waters not classified as “public water supplies,” or “public waters,” and that are not subject to the restrictions specified under Condition #s 5 or 6 of this permit, the following setbacks or buffers shall apply*:
 - a. No pesticides shall be applied within twenty-five (25) feet from surface waters as mandated by Pes 1001.01(a); and
 - b. Beyond twenty-five (25) feet in such a manner or by such methods that would result in the presence of pesticides within twenty-five (25) feet of the reference line of any lake, pond, river or coastal water, as mandated by Pes 1001.01(b).
- * Easement from the above setbacks is granted for application of the pesticides listed under Condition #2 of this permit, when applied in accordance with all applicable conditions of this permit.*
8. No mosquito control applications shall be made in areas identified by the Natural Heritage Bureau as known locations of state threatened and endangered species that are highly likely to be affected by mosquito control activities. Although no such areas were identified in the Town of Sandown, any questions regarding this matter should be referred to the Wildlife Division, Nongame & Endangered Species Program (603-271-2461).
 9. Review of the GRANIT datalayer of conservation land does not reveal there to be any potential mosquito habitat on state-managed properties in this town. Review did identify a DNCR-managed property – the Rockingham Recreational Trail – in this town. One survey site – SD 162 – is in close proximity to the trail. Should there be reason to apply pesticides on any state-managed properties the applicator shall follow the specifications laid out in

RSA 142-A “Mosquito Control Policy for State Agencies,” which is attached to this permit. All applicable specifications shall be followed. Note in particular, however:

- a. Under 142-A:3, VI that in cases where a public health threat is declared or has been declared within the last three years, state agencies managing land shall allow the use of Bti or Bs to control mosquito larvae in natural wetlands and water bodies on land they administer in accordance with applicable laws and rules, where said wetlands and water bodies are located in the municipalities or mosquito control districts where a public health threat is or has been declared, as described above, and under special permit issued by the Division of Pesticide Control.
 - b. Under 142-A:3, VII that, state agencies managing land **shall allow the use of pesticides to control adult** mosquitoes in accordance with applicable law and rules, in areas where a public health threat has been declared pursuant to RSA 141-C, and where the conditions under VII, (a)-(d) are satisfied.
 - c. Under 142-A:3, IX that, **in cases where a public health threat has NOT been declared**, the Commissioner of Health and Human Services, after consultation with the NH Department of Agriculture, Markets and Food and the department head of any relevant agency, shall decide whether or not the recommended mosquito control measures shall apply to the land in question. *If this situation arises, the applicant is instructed to contact the Department of Agriculture, Markets and Food or the Department of Health and Human Services to initiate the process by which a decision can be made as to whether or not affected state lands may be treated.*
 - d. When surveillance or monitoring occurs on New Hampshire Fish and Game (NHFG) lands or on lands owned or managed by the Department of Natural and Cultural Resources (DNCR), the applicator shall contact Michael Dionne of NHFG (603-271-1136) and/or Kyle Lombard of DNCR (603-464-3016) no less than 72 hours prior to deploying mosquito traps and within 24 hours of a positive result attained from such traps (from RSA 142-A:3, III).
 - e. Prior to treatment of any NHFG or DNCR lands the applicator shall contact Michael Dionne of NHFG (603-271-1136) and/or Kyle Lombard of DNCR (603-464-3016) with enough lead time to visit the site and coordinate appropriate signage and possible access closures. This applies to both adulticides and larvicides (from RSA 142-A:3, X).
 - f. Prior to any treatments on NHFG and/or DNCR lands the applicator shall provide NHFG (Michael Dionne – Michael.A.Dionne@wildlife.nh.gov) and/or DNCR (Kyle Lombard – Kyle.D.Lombard@DNCR.nh.gov) proof of indemnity insurance, with the State of New Hampshire named as an additional insured.
10. All pesticides shall be applied in strict accordance with label instructions, paying particular attention to the precautionary statements regarding environmental concerns, and any other restrictions found under use instructions. Where setback distances are

stated on the label, applicant shall meet or exceed those distances in a manner that will be in compliance with all setbacks specified in the Administrative Rules and any other restrictions that might be specified as conditions of this permit. Note in particular:

- a. The labels of the pesticides *VectoBac GR*, *VectoBac GS*, *VectoBac 12AS*, *Fourstar Bti CRG*, *Fourstar MBG*, *VectoPrime FG*, and *VectoMax FG* contain statements under either their Environmental Hazard or Directions for Use sections, **“Do not apply directly to treated, finished drinking water reservoirs or drinking water receptacles.”**
- b. The *Environmental Hazards* and *Directions For Use* sections of *BVA 2 Mosquito Larvicide Oil*, *COCOBear Mosquito Larvicide Oil*, and *Sunspray MEO* labels contain language that prohibits direct application to water except for mosquito larvae control, and then only to shallow areas around the borders. Applications of these larvicides shall be conducted in a manner consistent with label requirements to reduce impact to non-target species.
- c. The label of the *Natular G30 WSP* contains language indicating toxicity to aquatic invertebrates and that *“...Non-target aquatic invertebrates may be killed in water where this pesticide is used.”* Additionally, this label contains language stating *“Do not apply to water intended for irrigation.”* ***When treating fresh-water swamps and marshes, these pesticides shall be considered a last, rather than a first resort, and shall only be used under ideal condition in such areas where it is absolutely necessary to treat and where there are no practical alternative control methods.***
- d. *CrossCheck Plus*, *Bifen I/T*, *Flit 10EC*, *Merus 3.0*, and *Zenivex E20* have label precautionary language pertaining to bee toxicity. ***Applications of these pesticides to blooming crops, weeds, or areas where bees are actively foraging is prohibited. All applications shall be in accordance with label restrictions and prohibitions to prevent impact to pollinators.***
- e. The *Directions for Use* section of the *MERUS 3.0* label also states applications shall only be made when wind speed is greater than 1 mph. *Bifen I/T* and *Crosscheck*, under *Mosquito Control*, include a prohibition against applying these pesticides *“...when wind speed exceeds 10 mph.”* Applicator(s) shall adhere to all temperature and wind-speed limits as a condition of this permit.
- f. The labels of *Merus 3.0*, *Bifen I/T*, *Zenivex E20*, *Flit 10EC*, and *CrossCheck Plus*, under *Environmental Hazards*, indicate **extreme toxicity to fish and aquatic invertebrates**, and have standard language pertaining to avoidance of water contamination. Several labels also state that care should be taken to avoid fish and reptile pets in/around ornamental ponds. Applicator(s) shall abide by all precautionary language pertaining to threats to aquatic organisms due to drift or runoff, and some specific precautions pertaining to avoidance of harm to pollinators. Applicator(s) shall take every reasonable precaution to minimize risk of off-site

movement of this product, and shall avoid treatments ahead of an anticipated significant rain event.

- g. Additionally, applicator(s) shall abide by the rainfall restrictions found on the labels of *CrossCheck Plus*, *Bifen I/T*, and *Merus 3.0*. These restrictions state these pesticides should be applied in calm weather when rain is not forecasted for twenty-four (24) hours and/or do not make applications of these pesticides during rain. Applicator(s) shall abide by the precautionary language in order to prevent the off-site movement of pesticides. It is the applicator's responsibility to prevent runoff of any pesticide into non-target areas and/or surface waters.

11. The applicator is responsible for locating all public water supplies and associated protection areas in the vicinity of the treatment areas, as well as responsible for following all setbacks and other restrictions established by the Administrative Rules of the Pesticide Control Board (Pes 100-1100) and this permit. Public water supply wells will generally include all municipal well systems or wells of public water works, and may also include such facilities as day-care centers, certain apartments and condominiums, mobile home parks, and schools. The Division's resources identified numerous public water supplies and associated protected areas proximal to the treatment areas. *Note in particular the following (there may be others):*

<u>Public Water Supply(ies)</u>	<u>Survey and/or Adulthood Site(s)</u>
Edward C Garvey Rec Building	A4 and SD 106
Little Mill Woods	SD 120
PEU Beaver Hollow	SD 122
Sandown Central School	A1
Sandown North Elementary School	SD 76 and SD 113
The Dox Condos	A5

Easement from the above is granted for the application of the pesticides approved for use under Condition #2 **only** for the Public Water Supply Wells as specified below, **where:**

- a) No application of pesticides shall be made within one-hundred and seventy-five (175) feet of the public wells:***

-Little Mill Woods (PWSID# 2082080-001)
-Little Mill Woods (PWSID# 2082080-002)

- b) No application of pesticides shall be made within one-hundred and fifty (150) feet of the public wells:***

-PEU/Beaver Hollow (PWSID# 2082010-003)
-The Dox Condos (PWSID# 2087010-003)
-The Dox Condos (PWSID# 2087010-003)

c) No application of pesticides, except as otherwise granted by Condition 11(f) below, shall be made within one-hundred and fifty (150) feet of the public well:

-Sandown Central School (PWSID# 2085010-001)

-Sandown North Elementary School (PWSID# 2085040-001)

d) No application of pesticides shall be made within one-hundred (100) feet of the public wells:

-Edward C Garvey Rec Bldg (PWSID# 2087020-001)

e) No application of pesticides, except as otherwise granted by Condition 11(f) below, shall be made within one-hundred (100) feet of the public wells:

-PEU/Beaver Hollow (PWSID# 2082010-001)

-The Dox Condos (PWSID# 2087010-001)

-The Dox Condos (PWSID# 2087010-002)

f) Applications of pesticides exclusively containing the active ingredients bifenthrin, Bacillus thuringiensis subspecies israelensis, and/or Bacillus sphaericus may be applied up to seventy-five (75) feet from the public wells:

-PEU/Beaver Hollow (PWSID# 2082010-001)

-Sandown Central School (PWSID# 2085010-001)

-Sandown North Elementary School (PWSID# 2085040-001)

-The Dox Condos (PWSID# 2087010-001)

-The Dox Condos (PWSID# 2087010-002)

No portion of any other sites that fall within the setback distance of any public wells or public water supply surface water may be treated under this permit (see also Condition #s 5 and 13). Also, there are numerous wellhead protection areas in or near the Town of Sandown. Applicator(s) shall operate under Best Management Practices as outlined in the *Best Management Guidelines for Protection of Groundwater*, available from the Division of Pesticide Control, when handling pesticides under this permit. Updated and detailed information about public water supply locations and associated protected areas may be accessed by registering on the internet at <http://www4.des.state.nh.us/onestopdatamapper/onestopmapper.aspx>.

12. The program will be supervised by Sarah MacGregor and/or Ryan Naujoks for the Town of Sandown and all applications of pesticides shall be made by applicators certified under RSA 430:33.
13. No pesticides shall be applied within four-hundred (400) feet of gravel packed wells used for public water supply or within two-hundred and fifty (250) feet of other wells so used, as mandated by Pes 502.05, **except as granted under Condition #11.**
14. No pesticide shall be applied within seventy-five (75) feet of a private well used as a source of drinking water, as per Pes 604.01(e)(2).

15. Mixing and loading of pesticides shall not be performed within four-hundred (400) feet of gravel packed wells used for public water supply or within two-hundred and fifty (250) feet of other wells so used, as mandated by Pes 805.01(b).
16. Mixing and loading of pesticides shall not be performed within seventy-five (75) feet of surface water or private water wells, as mandated by Pes 805.01(c).
17. There shall be no interference with water supplies or fish and other aquatic life or the habitat on which they depend; water quality shall not be lowered below designated classification standards for surface waters defined by RSA 485-A:8 (2000).
18. Applicant shall maintain a current file of all persons who have provided written notification indicating their disapproval of the proposed treatment, and who express a desire not to have any pesticide applications made on or in the immediate vicinity of their property. In such cases there shall be no pesticide applications along any right-of-way, such as road frontage, where it abuts the property of such a person.
19. **If applicable**, notification of pesticide applications made under a public health emergency as defined under Pes 101.26 shall be in accordance with Pes 505.06(p-r).
20. Under conditions other than a public health emergency, notification shall be made as follows:
 - a. Apiary owners (beekeepers) shall be notified of pending spray operations by certified mail with an enclosure or request for return mail (postcards, etc.) acknowledging receipt of notice and any special requests.
 - b. Applicant shall provide advanced notification to any person who has registered an objection to the treatment, *and who has requested direct notification*. Such notification shall be made no later than twelve (12) hours prior to any adulticiding application that will take place within one-quarter mile of the property of such a person. Notification may be made by telephone or in writing, as the situation dictates, and shall include information on the date and approximate time on which the applications are to be made, as well as the product name(s) of the pesticide(s) and the common chemical names of all active ingredients.
 - c. Written notification shall be made to the Division, prior to the commencement of this program, that notifications pursuant to Conditions (a) and (b) have been made. This shall include a list of persons notified, the content of notification, and details of provisions made for those who are opposed to having their properties treated.
21. Prior to commencement of spray operations under this permit the applicator shall contact the Division (matthew.w.bosiak@agr.nh.gov) for confirmation by the Division that it has received the notification specified under Condition #20c, above.

22. In addition to the conditions of this special permit, applicant shall comply with all of the state regulations pertaining to pesticides, and to the Administrative Rules of the Pesticide Control Board.
23. This Special Permit expires on December 31, 2023.

The applicant/applicator is informed that any maps provided with this permit that show the locations of public wells, public water supply intakes, or wellhead protection areas at a scale of greater than 1:48000 are for internal use only. As a condition of this permit, permittee and applicators shall not disseminate such maps without prior approval of the Department of Environmental Services, Drinking Water and Groundwater Bureau (Contact: Pierce Rigrod at Pierce.Laskey-Rigrod@des.nh.gov).

If you have any questions concerning this special permit, please feel free to contact Matthew Bosiak of this office at 603-271-3695, or by e-mail at matthew.w.bosiak@agr.nh.gov

Sincerely yours,



David J. Rousseau
Director, Division of Pesticide Control

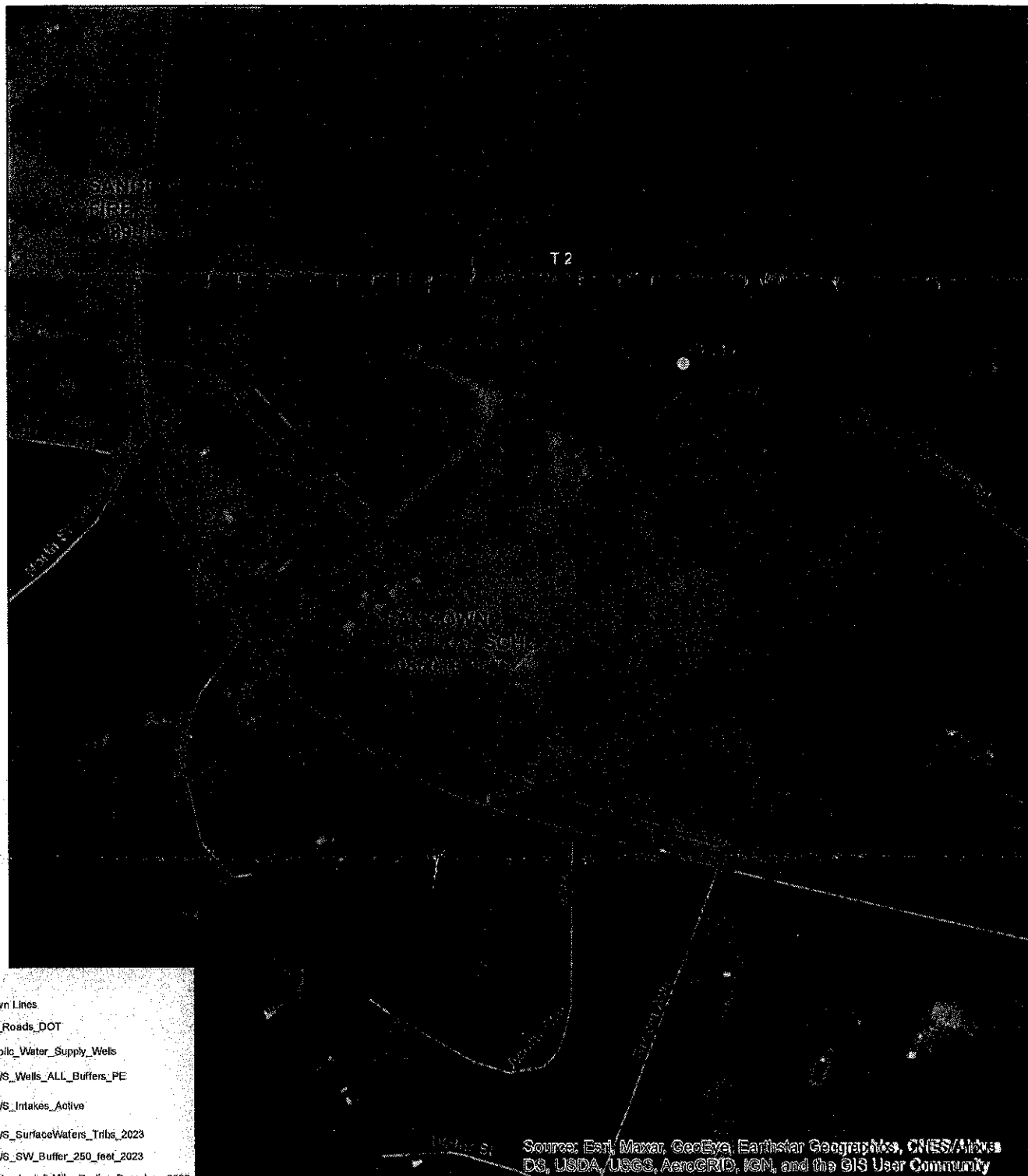
DR/mwb

Enc: Public Water Supply Setback Overview Maps (6 maps)
State-Managed Lands Overview Map
RSA 142-A – Mosquito Control Policy for State Agencies

cc: Jonathan Goldman – Town of Sandown
Pesticide Inspectors



Dragon Mosquito Control - Town of Sandown Public Water Supply Setback Overview A1 - Sandown Central School



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

1:2,500

0 140 280 560 Feet

Legend

- Town Lines
- All_Roads_DOT
- Public_Water_Supply_Wells
- PWS_Wells_ALL_Buffers_PE
- PWS_Intakes_Active
- PWS_SurfaceWaters_Tribs_2023
- PWS_SW_Buffer_250_feet_2023
- Watershed_5-Mile_Radius_Boundary_2022
- PWS_WS_PEU_Lake_Lake
- Survey Site
- EEE Positive Mosquito Pool
- WNV Positive Mosquito Pool
- Adulticide Site Boundary
- DNCR_Managed_2019
- consnh_NHFG_Managed_2019
- consnh_StateManaged_2019

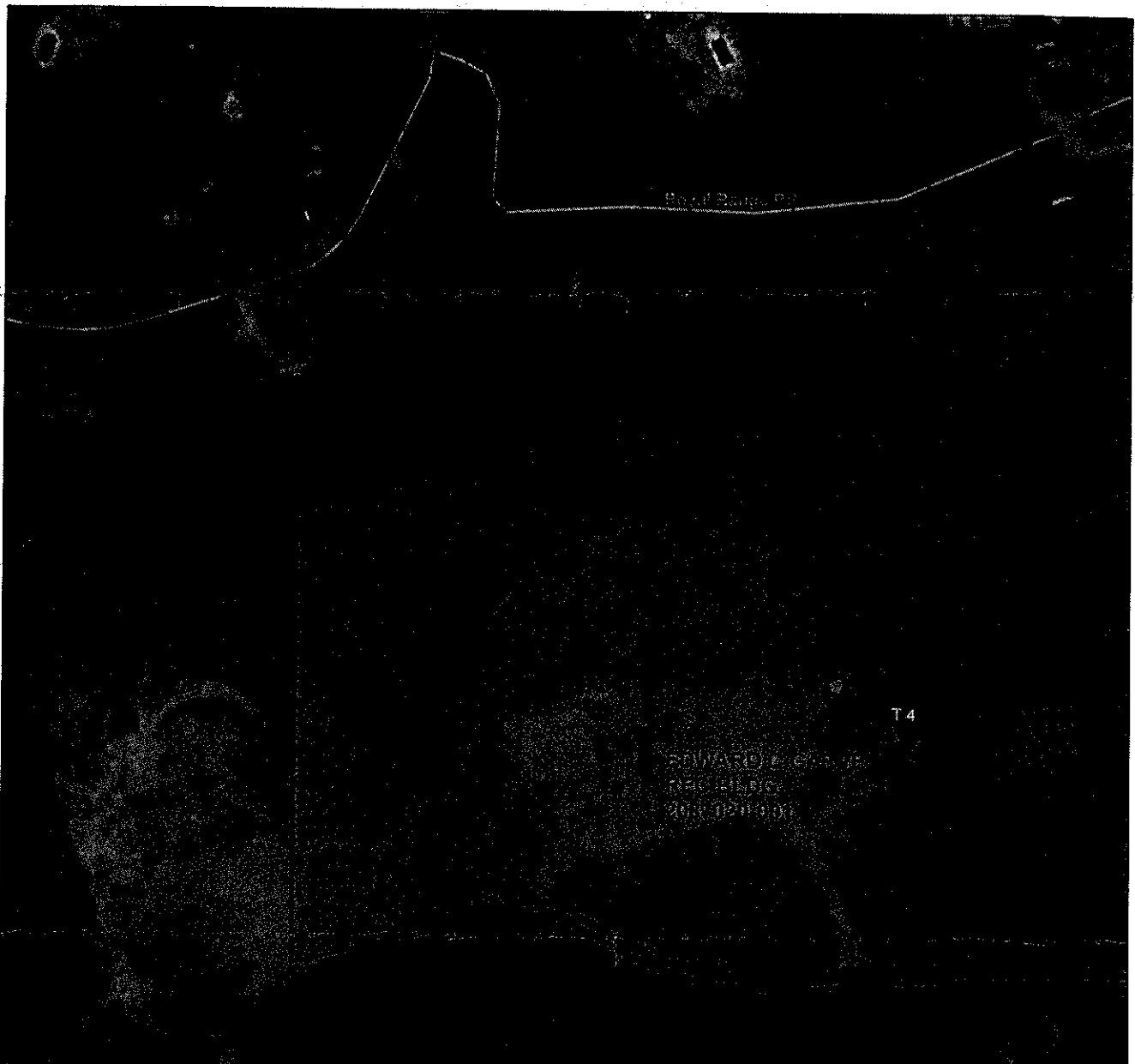


Dragon Mosquito Control - Town of Sandown

















Public Water Supply Setback Overview

A4 - Edward Garvey Recreation Center

SD 106 - Garvey Recreation Area...

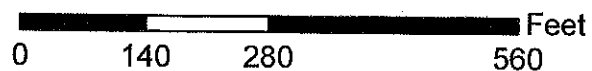


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-  Public_Water_Supply_Wells
-  PWS_Wells_ALL_Buffers_PE
-  PWS_Intakes_Active
-  PWS_SurfaceWaters_Tribs_2023
-  PWS_SW_Buffer_250_feet_2023
-  Watershed_5-Mile_Radius_Boundary_2022
-  PWS_WS_PEU_Locks_Lake
-  Survey Site
-  EEE Positive Mosquito Pool
-  WNV Positive Mosquito Pool
-  Adulticide Site Boundary
-  DNCR_Managed_2019
-  consnh_NHFG_Managed_2019
-  consnh_StateManaged_2019

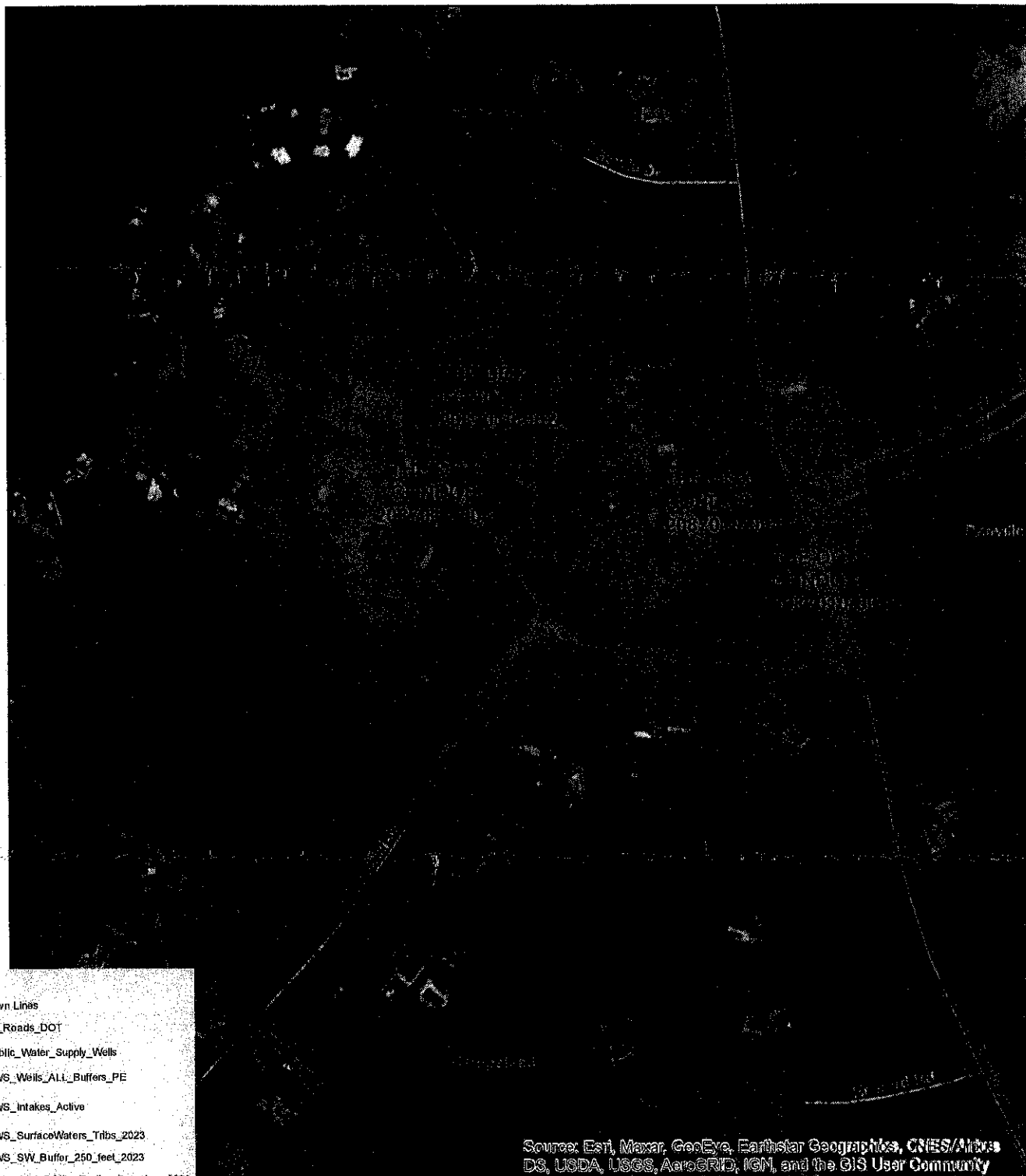
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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Dragon Mosquito Control - Town of Sandown Public Water Supply Setback Overview A5 - Angle Pond Camping Area



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend

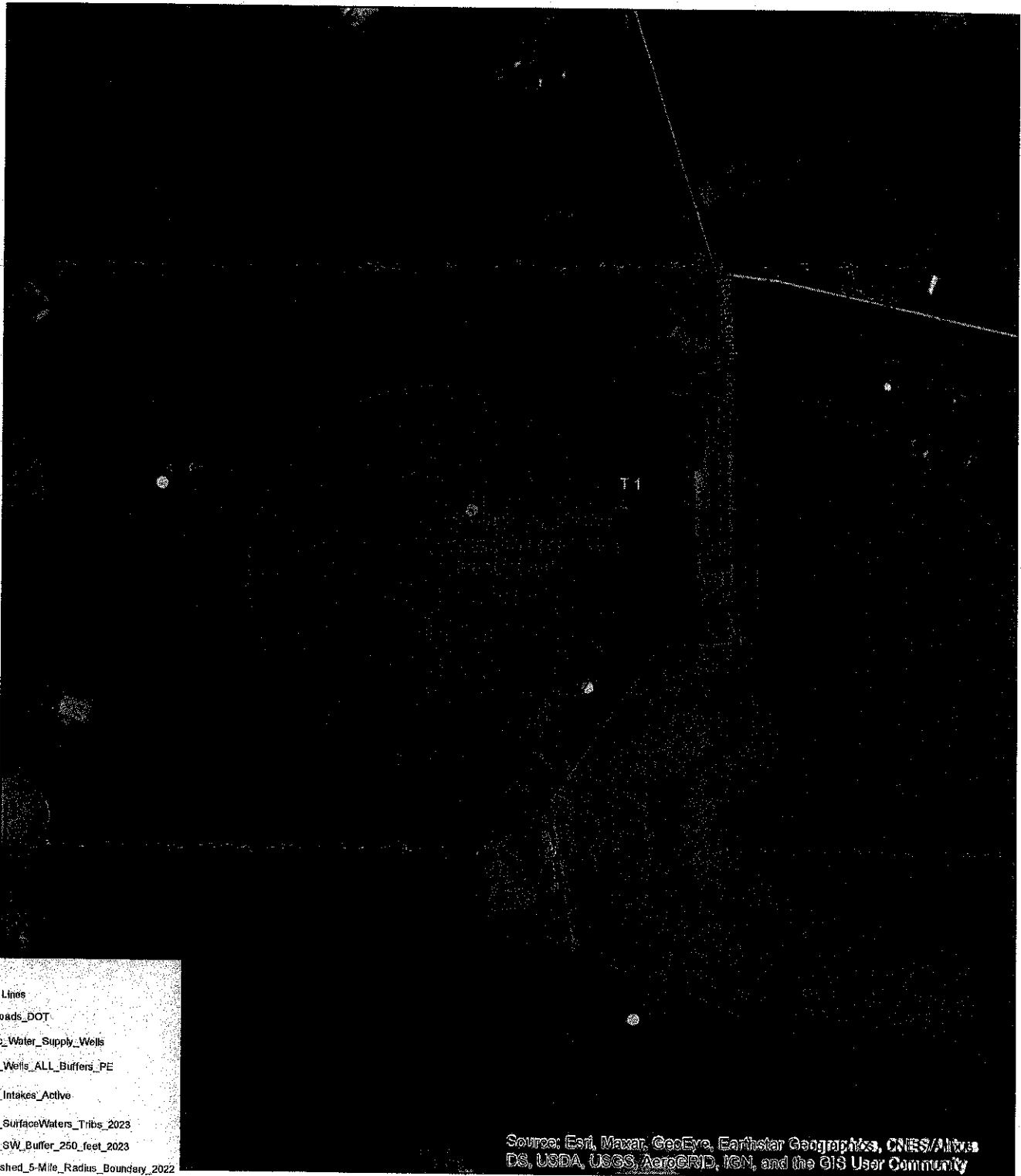
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- Public_Water_Supply_Wells
- PWS_Wells_ALL_Buffers_PE
- PWS_Intakes_Active
- PWS_SurfaceWaters_Tribes_2023
- PWS_SW_Buffer_250_feet_2023
- Watershed_5-Mile_Radius_Boundary_2022
- PWS_WS_PEU_Locke_Lake
- Survey Site
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- WNV Positive Mosquito Pool
- Adulticide Site Boundary
- DNR_Managed_2019
- consnh_NHFG_Managed_2019
- consnh_StateManaged_2019

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

















Dragon Mosquito Control - Town of Sandown
Public Water Supply Setback Overview
SD 76 - Sandown North Elementary...
SD 113 - Front of Sandown North Elementary...

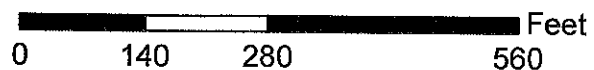


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend

-  Town Lines
-  All_Roads_DOT
-  Public_Water_Supply_Wells
-  PWS_Wells_ALL_Buffers_PE
-  PWS_Intakes_Active
-  PWS_SurfaceWaters_Tribs_2023
-  PWS_SW_Buffer_250_feet_2023
-  Watershed_5-Mile_Radius_Boundary_2022
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-  consnh_StateManaged_2019

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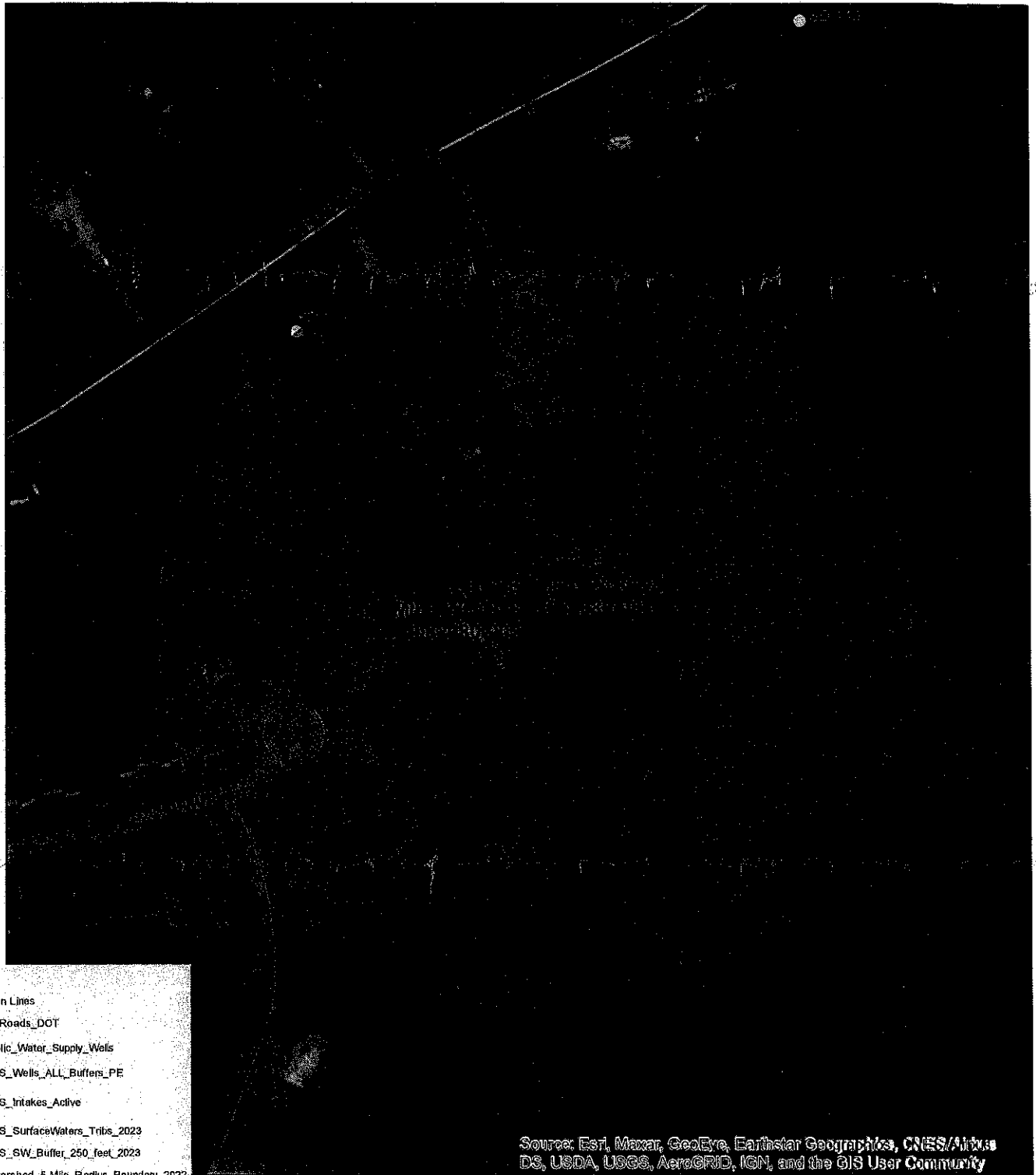




Dragon Mosquito Control - Town of Sandown

















Public Water Supply Setback Overview

SD 120 - Across from 129 & 133 Little Mill Rd



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend

-  Town Lines
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-  consnh_StateManaged_2019

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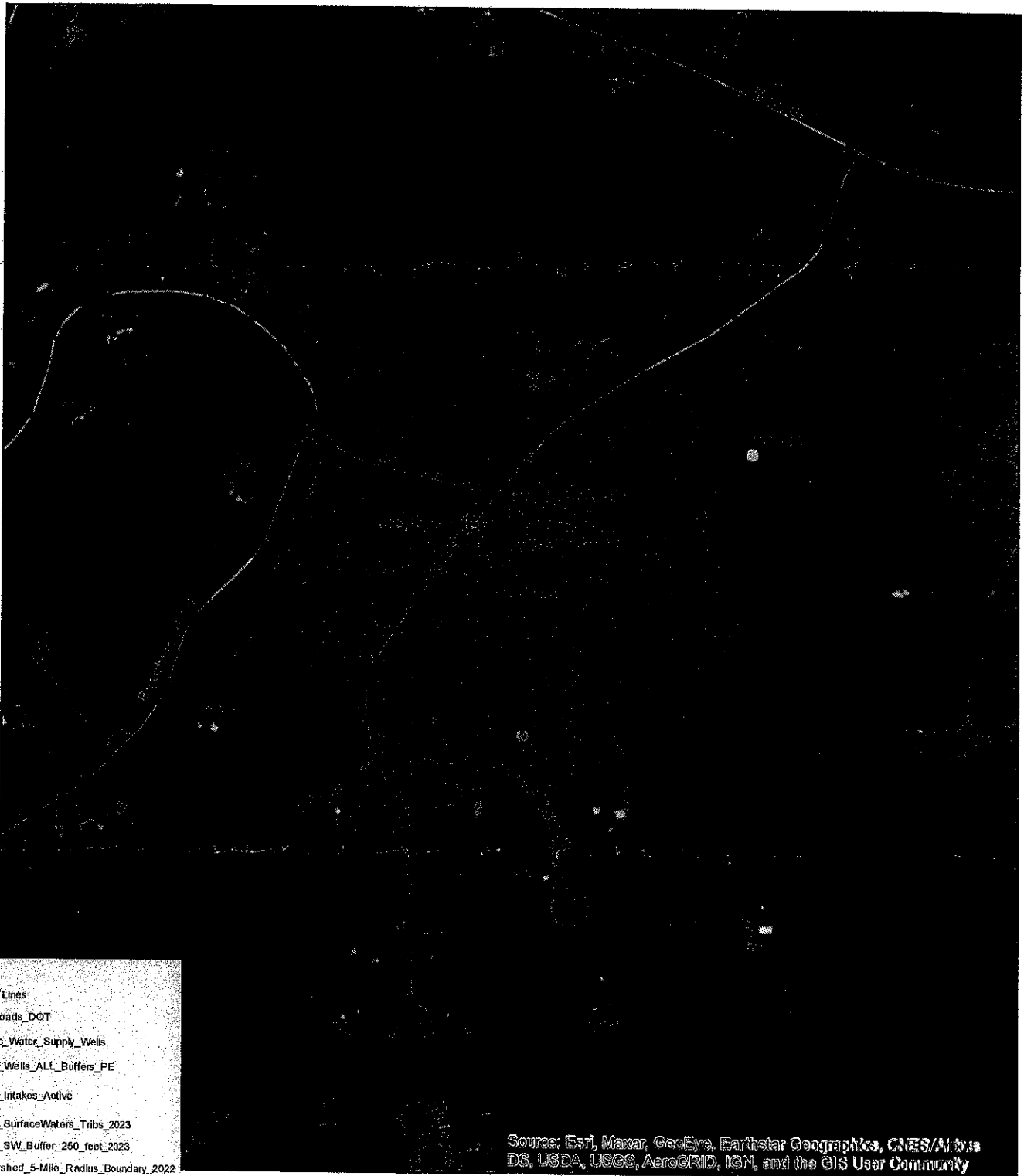
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Dragon Mosquito Control - Town of Sandown

Public Water Supply Setback Overview

SD 122 - Behind 12 Sweetfern Rd...



Legend

- Town Lines
- All_Roads_DOT
- Public_Water_Supply_Wells
- PWS_Wells_ALL_Buffers_FE
- PWS_Intakes_Active
- PWS_SurfaceWaters_Tribs_2023
- PWS_SW_Buffer_250_feet_2023
- Watershed_5-Mile_Radius_Boundary_2022
- PWS_WS_PEU_Locks_Lake
- Survey Site
- EEE Positive Mosquito Pool
- WNV Positive Mosquito Pool
- Adulticide Site Boundary
- DNCR_Managed_2019
- consnh_NHFS_Managed_2019
- consnh_StateManaged_2019

1:4,000

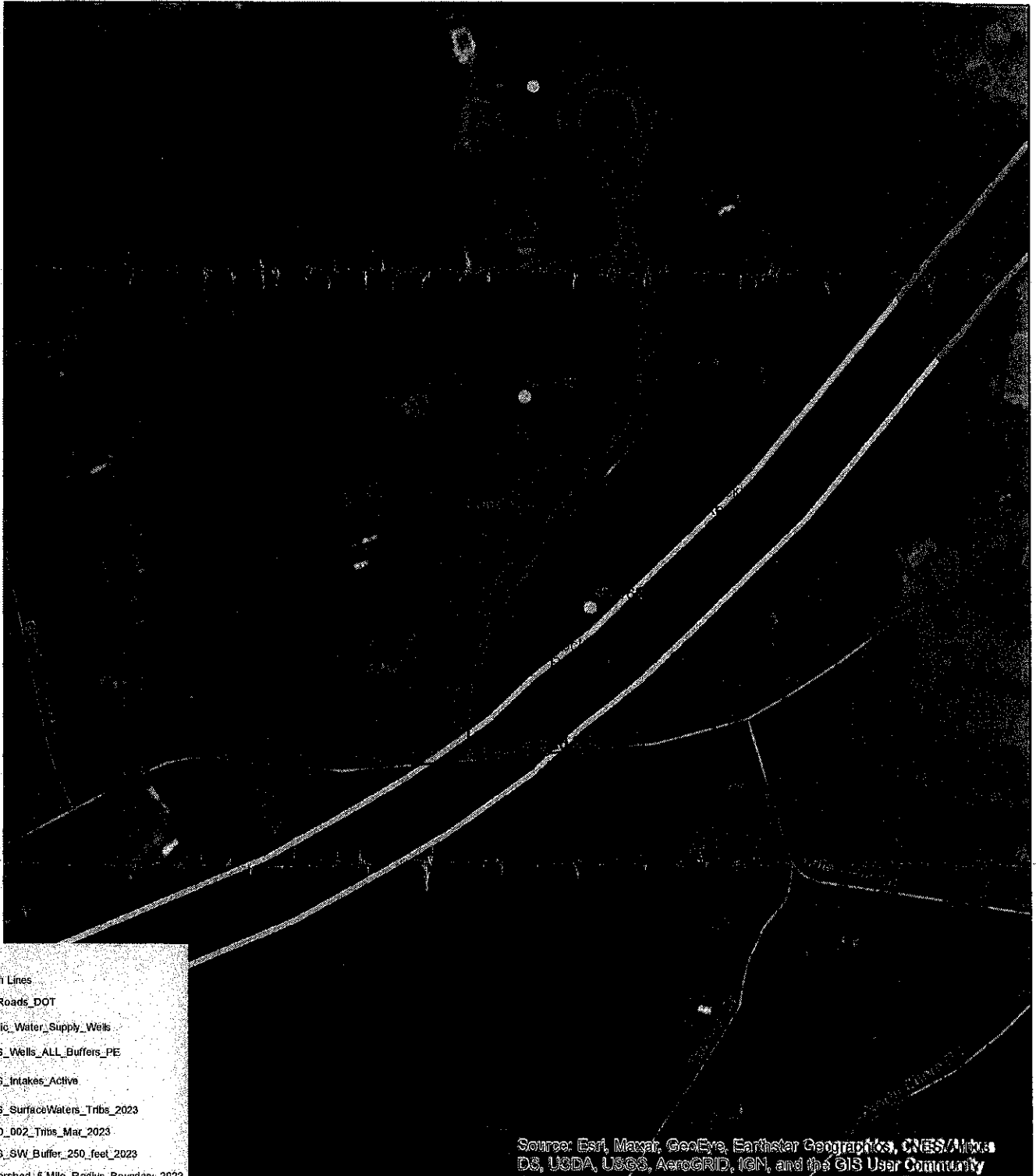
0 225 450 900 Feet



Dragon Mosquito Control - Town of Sandown

State-Managed Lands

SD 162 - Int. of Hampstead Rd & Alexis Ln



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend

- Town Lines
- All Roads_DOT
- Public Water Supply Wells
- PWS_Wells_ALL_Buffers_PE
- PWS_Intakes_Active
- PWS_SurfaceWaters_Tribs_2023
- EWD_002_Tribs_Mar_2023
- PWS_SW_Buffer_250_feet_2023
- Watershed_5-Mile_Radius_Boundary_2022
- PWS_WS_PEU_Looke_Lake
- Survey Site
- EEE Positive Mosquito Pool
- WNV Positive Mosquito Pool
- Adulticide Site Boundary
- DNCR_Managed_2018
- consnh_NHFG_Managed_2019
- consnh_StateManaged_2018

1:2,500

0 140 280 560 Feet

TITLE X PUBLIC HEALTH

CHAPTER 142-A MOSQUITO CONTROL POLICY FOR STATE AGENCIES

Section 142-A:1

142-A:1 Definitions. -- In this chapter:

I. "Best available science" means findings of fact carefully and impartially derived from the application of the scientific method and based upon all of the available information, published and unpublished alike. Best available science does not require that state agencies have all of the data or perfect data before reaching a decision.

II. "Best medical and public health practice" means programs, interventions, treatments, or policies that through experience and experiment have been evaluated and shown to be generally applicable to reducing the risk of human-acquired arboviral illness.

III. "Best management practices" mean techniques, methods, processes, or activities that through experience and best available science have proven to be the most effective and practical means of managing mosquito populations, while minimizing adverse impacts.

IV. "Commissioner" means the commissioner of the department of health and human services.

V. "Department" means the department of health and human services.

Section 142-A:2

142-A:2 Mosquito Control Policy; Principles. --

I. Mosquitoes can harbor organisms and infect people with diseases that pose a serious risk to the public health. When an increased threat of disease is discovered through surveillance, a state agency may select targeted control of mosquitoes as a measure to reduce human health risk.

II. The mosquito control policy is based on the public health principle of primary prevention, meaning that disease prevention through public awareness, continuing education, and personal responsibility shall take precedence over the use of pesticide-based mosquito control measures.

III. Because authority for monitoring and treatment of mosquito populations exists at the local level, maximum benefit to the public is achieved when local, state, and federal mosquito control policies are applied in a clear, consistent, and coordinated manner.

IV. The control of mosquitoes on state lands requires a careful balance between the state's obligation to protect the health and wellbeing of the public and the state's interest in protecting those lands as expressed by the missions of the various state agencies that have been assigned responsibilities for land management.

V. Mosquito control should always be based on the best available science. Recognizing that there are uncertainties in scientific information, mosquito control shall be based on best medical and public health practice.

VI. The mosquito control policy for state agencies established in this chapter is also intended to serve as a voluntary guideline for mosquito control on lands held by other property owners.

VII. State agencies managing land shall allow mosquito control and abatement activities to occur in accordance with local mosquito control plans developed pursuant to RSA 141-C when the department has notified the appropriate agency managing state land that a public health threat declaration under RSA 141-C:25 is in effect, or has previously been in effect within the last 3 years, for the affected municipality or mosquito control district in accordance with RSA 142-A:3.

VIII. Notwithstanding RSA 142-A:3, VI, nothing in this chapter shall prohibit state agencies managing land from

considering, in accordance with applicable law and rules, pesticides or other control measures not specifically identified in RSA 142-A:3.

Section 142-A:3

142-A:3 Mosquito Control Policy for State Agencies. --

I. Where feasible, state agencies managing land shall promote primary prevention by providing on-site public outreach and education that focuses on the health risks associated with mosquitoes and the importance of personal protection, complementing that provided by the department. Additionally, efforts may be taken by state agencies to promote awareness and outreach to the public prior to on-site use of state-owned lands to increase the likelihood that personal protection methods will be used. Outreach and education efforts may include awareness posters, disease and prevention fact sheets, on-site posting highlighting the nature of the threat, and disease and prevention reminders in seasonal correspondence and on agency websites.

II. State agencies managing land shall encourage and allow mosquito surveillance and monitoring on their lands by state and local public health authorities or vector control agencies or their agents using surveillance and monitoring methods approved by the department.

III. When surveillance or monitoring occurs on state lands, the state agency managing land may require that the municipality or its contracted agent contact a designated representative of the agency no less than 72 hours prior to deploying mosquito traps and within 24 hours of a positive result attained from such traps.

IV. State agencies managing land are encouraged to participate in the development and implementation of local mosquito control plans whenever a public health threat declared by the commissioner pursuant to RSA 141-C includes lands held by that agency.

V. State agencies managing land shall, when reasonable, mitigate or otherwise manage man-made and other artificial mosquito breeding sites as part of an overall integrated pest management approach.

VI. State agencies managing land shall allow the use of biological control agents, specifically *Bacillus thuringiensis israelensis* or *Bacillus sphaericus*, to control mosquito larvae in natural wetlands and water bodies on land they administer in accordance with applicable law and rules as long as those wetlands and water bodies are located in municipalities or mosquito control districts where a public health threat is declared, or has been declared within the last 3 years, by the commissioner pursuant to RSA 141-C and when the application is to be made under a special permit issued by the department of agriculture, markets and food, division of pesticide control.

VII. State agencies managing land shall allow the use of pesticides to control adult mosquitoes, in accordance with applicable law and rules, in areas where a public health threat has been declared by the commissioner pursuant to RSA 141-C and the land:

- (a) Is adjacent to areas of high public use;
- (b) Has areas where topographical and other conditions result in high adult mosquito populations;
- (c) Is located within a focal area determined by the department to have a risk of a human outbreak of arboviral disease which warrants the use of pesticides to control adult mosquitoes as set forth in the arboviral illness response plan adopted by the department; and
- (d) Is managed in accordance with general integrated pest management practices.

VIII. If an agency disagrees with the need to control mosquitoes as set forth in paragraph VII, the commissioner, after consultation with the commissioner of agriculture, markets, and food and the commissioner or executive head of the agency managing the land, shall decide whether or not the recommended mosquito control measures shall apply to the land in question.

IX. For state lands located in areas where a public health threat declaration under RSA 141-C is not in effect, but public health threat indicators, including topographical and other key environmental conditions, exist for mosquito breeding, and proximity to positive mosquito pools or human or mammal positive cases of arboviral illness support the use of larvicides as a proactive means of preventing arboviral illness, the commissioner, after consultation with the commissioner of agriculture, markets, and food and the commissioner or executive head of any relevant agency

with land management responsibilities, shall decide whether or not the recommended mosquito control measures shall apply to the land in question.

X. As a condition to allowing mosquito control to take place, state agencies managing land may require advanced notice of treatment to allow enough time to visit the site and to coordinate the appropriate signage and possible access closures to prevent unintended human exposures to pesticides and their residues.

XI. State agencies managing land shall have discretion to allow chemical or biological control of adult or larval mosquitoes on state lands solely for the purpose of nuisance control.

XII. State agencies managing land shall require proof of current pesticide application licensure with the state and of indemnity insurance before allowing chemical or biological control of adult or larval mosquitoes by a third party on state lands.

XIII. Notwithstanding paragraphs VI through IX, if deed restrictions on a parcel of state-owned land prohibit the use of chemical or biological measures to control adult or larval mosquitoes, agencies with land management responsibility shall not allow the use of such control methods.

XIV. State agencies managing land shall encourage the investigation of the feasibility and appropriateness of best management practices to manage mosquito populations in both fresh and saltwater wetlands in the long term.

