



## Senate

General Assembly

**File No. 423**

January Session, 2001

Substitute Senate Bill No. 900

*Senate, April 24, 2001*

The Committee on Environment reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING AERIAL SPRAYING OF PESTICIDES AND FUNGICIDES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) No person shall engage in any aerial pesticide  
2 application using a fixed wing aircraft except in an emergency, as  
3 determined by: (1) The Connecticut Agricultural Experiment Station in  
4 consultation with The University of Connecticut College of Agriculture  
5 for agricultural emergencies, or (2) the Commissioner of Public Health  
6 for a public health emergency.

7 Sec. 2. (NEW) (a) The Commissioner of Agriculture, after  
8 consultation with the Connecticut Agricultural Experiment Station and  
9 The University of Connecticut College of Agriculture shall adopt  
10 regulations, in accordance with chapter 54 of the general statutes, for  
11 the purpose of determining an agricultural emergency.

12 (b) The Commissioner of Environmental Protection shall adopt

13 regulations, in accordance with chapter 54 of the general statutes,  
14 establishing fines for any violation of this act, including, but not  
15 limited to: (1) Suspension and revocation of permit for persons who  
16 commit violations of this section; and (2) requiring persons who violate  
17 this section to engage in Best Management Practices.

18 Sec. 3. The sum of two hundred fifty thousand dollars is  
19 appropriated, from the General Fund, for the fiscal year ending June  
20 30, 2001, to the Department of Agriculture for the purpose of funding a  
21 study to be conducted by The University of Connecticut College of  
22 Agriculture and Department of Natural Resources Management and  
23 Engineering to measure the effects of atmospheric and geographic  
24 conditions on drift from aerial pesticide applications in order to verify  
25 and modify numerical models for spray drift.

26 Sec. 4. This act shall take effect from its passage, except that section  
27 2 shall take effect July 1, 2001, and section 1 shall take effect October 1,  
28 2001.

**Statement of Legislative Commissioners:**

Section 1 was rewritten to avoid redundancy in language.

**ENV**      *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Cost

**Affected Agencies:** Department of Agriculture, Agricultural Experiment Station, University of Connecticut, Department of Environmental Protection and Department of Public Health

**Municipal Impact:** None

**Explanation**

**State Impact:**

The bill appropriates \$250,000 to the Department of Agriculture (DOA) from the General Fund for the fiscal year funding June 30, 2001 for a study to be conducted by the University of Connecticut's College of Agriculture. The FY 01 General Fund surplus projected by the Office of Fiscal Analysis (OFA) is \$608 million as of the February 5, 2001 statement.

Requiring the Department of Environmental Protection (DEP) to adopt regulations establishing fines for any violation of the act will divert resources for ¼ man-year away from current duties or cost \$25,000 to \$50,000. The development of Best Management Practices for violators will require additional resources of approximately \$40,000.

Any increase in workload to the Department of Agriculture due to

adopting regulations for determining an agricultural emergency can be absorbed within existing agency resources. In addition, any increase in workload due to consultations/determinations by the Connecticut Agricultural Experiment Station, The University of Connecticut, or the Department of Public Health is anticipated to be minimal and handled within normal budgetary resources.

**OLR BILL ANALYSIS**

sSB 900

***AN ACT CONCERNING AERIAL SPRAYING OF PESTICIDES AND FUNGICIDES.*****SUMMARY:**

This bill bars anyone from spraying pesticides by fixed wing aircraft (i.e., planes as distinct from helicopters) except in an agricultural or public health emergency. An agricultural emergency can be declared only by the state Agricultural Experiment Station in consultation with the UConn College of Agriculture. A public health emergency can be declared only by the public health commissioner. The bill appears to supersede laws permitting aerial spraying of pesticides under restricted circumstances, as they apply to non-emergency spraying by fixed wing aircraft.

The bill requires the environmental protection commissioner to adopt regulations establishing fines for violations. In addition, the regulations must provide for suspending and revoking the violator's permits (presumably their permits to apply pesticides) and requiring violators to use best management practices. The bill requires the agriculture commissioner after consulting with the Connecticut Agricultural Experiment Station and the UConn College of Agriculture to adopt regulations on determining an agricultural emergency.

The bill appropriates \$250,000 from the General Fund for FY 2000-01 to the Department of Agriculture. The department must use it for a study conducted by UConn's Agriculture College and Department of Natural Resources Management to measure the effects of atmospheric and geographic conditions on drift from aerial spraying to verify and modify drift models.

**EFFECTIVE DATE:** Upon passage for the appropriation, July 1, 2001 for the regulations, and October 1, 2001 for the ban on aerial spraying.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 28    Nay 0