



General Assembly

January Session, 2003

**Amendment**

LCO No. 6989

\*SB0115706989SD0\*

Offered by:

SEN. WILLIAMS, 29<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1157

File No. 744

Cal. No. 303

**"AN ACT CONCERNING MINOR REVISIONS TO THE ENVIRONMENTAL PROTECTION PROVISIONS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (g) of section 22a-619 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective July*  
5 *1, 2003*):

6 (g) (1) Manufacturers shall meet all the requirements of this section  
7 for large appliances, including, but not limited to, washers, dryers,  
8 ovens, including microwave ovens, refrigerators, air conditioners,  
9 dehumidifiers or portable heaters sold in a store where such appliance  
10 is on display, except that no package labeling shall be required; (2)  
11 manufacturers shall meet all the requirements of this section for  
12 mercury fever thermometers, except that no product labeling shall be  
13 required; (3) in the case of vehicles, (A) manufacturers shall meet the  
14 product labeling requirements of this section for vehicles by placing a

15 label on the doorpost of the vehicles that lists the mercury-added  
16 components that may be present in the vehicle, and (B) manufacturers  
17 shall not be required to label the mercury-added components of the  
18 vehicle; (4) manufacturers of products that contain a mercury-  
19 containing lamp used for backlighting that cannot feasibly be removed  
20 by the purchaser shall meet the product labeling requirements of this  
21 section by placing the label on the product or its care and use manual;  
22 (5) manufacturers shall meet all the requirements of this section for  
23 button cell batteries containing mercury, except that no labeling shall  
24 be required; (6) in the case of products that contain button cell batteries  
25 containing mercury as the only mercury components, manufacturers  
26 shall meet the packaging requirements of this section by including a  
27 label in the product instructions, if any, and on the packaging, and no  
28 further product labeling shall be required; (7) manufacturers of  
29 fluorescent lights and high-intensity discharge lamps shall meet the  
30 labeling requirements of this section by labeling the product  
31 packaging; and (8) manufacturers of medical equipment not intended  
32 for use by nonmedical personnel are exempt from this section.

33 Sec. 2. Subsection (c) of section 25-33o of the general statutes is  
34 repealed and the following is substituted in lieu thereof (*Effective July*  
35 *1, 2003*):

36 (c) The council shall, not later than January 1, 2002, and annually  
37 thereafter, report its preliminary findings and any proposed legislative  
38 changes to the joint standing committees of the General Assembly  
39 having cognizance of matters relating to public health, the  
40 environment and public utilities in accordance with section 11-4a,  
41 except that not later than February 1, 2004, the council shall report its  
42 recommendations in accordance with this subsection with regard to (1)  
43 a water allocation plan based on water budgets for each watershed, (2)  
44 funding for water budget planning, giving priority to the most highly  
45 stressed watersheds, and (3) the feasibility of merging the data  
46 collection and regulatory functions of the Department of  
47 Environmental Protection's Inland Water Resources Program and the  
48 Department of Public Health's Water Supplies Section.

49 Sec. 3. Subsection (a) of section 26-86a of the general statutes is  
50 repealed and the following is substituted in lieu thereof (*Effective July*  
51 *1, 2003*):

52 (a) The commissioner shall establish by regulation adopted in  
53 accordance with the provisions of chapter 54 standards for deer  
54 management, and methods, regulated areas, bag limits, seasons and  
55 permit eligibility for hunting deer with bow and arrow, muzzleloader  
56 and shotgun, except that no such hunting shall be permitted on  
57 Sunday. No person shall hunt, pursue, wound or kill deer with a  
58 firearm without first obtaining a deer permit from the commissioner in  
59 addition to the license required by section 26-27. Application for such  
60 permit shall be made on forms furnished by the commissioner and  
61 containing such information as he may require. Such permit shall be of  
62 a design prescribed by the commissioner, shall contain such  
63 information and conditions as the commissioner may require, and may  
64 be revoked for violation of any provision of this chapter or regulations  
65 adopted pursuant thereto. As used in this section, [muzzleloader]  
66 "muzzleloader" means a rifle or shotgun of at least forty-five caliber,  
67 incapable of firing a self-contained cartridge, which uses powder, [ball]  
68 a projectile, including, but not limited to, a standard round ball, mini-  
69 balls, maxi-balls and Sabot bullets, and wadding loaded separately at  
70 the muzzle end and [rifle] "rifle" means a long gun which uses  
71 centerfire ammunition and the projectile of which is six millimeters or  
72 larger in diameter. The fee for a firearms permit shall be fourteen  
73 dollars for residents of the state and fifty dollars for nonresidents,  
74 except that any nonresident who is an active full-time member of the  
75 armed forces, as defined in section 27-103, may purchase a firearms  
76 permit for the same fee as is charged a resident of the state. The  
77 commissioner shall issue, without fee, a private land deer permit to the  
78 owner of ten or more acres of private land and the husband or wife,  
79 parent, grandparent, sibling and any lineal descendant of such owner,  
80 provided no such owner, husband or wife, parent, grandparent, sibling  
81 or lineal descendant shall be issued more than one such permit per  
82 season. Such permit shall allow the use of a rifle, shotgun,

83 muzzleloader or bow and arrow on such land from November first to  
84 December thirty-first, inclusive. Deer may be so hunted at such times  
85 and in such areas of such state-owned land as are designated by the  
86 Commissioner of Environmental Protection and on privately owned  
87 land with the signed consent of the landowner, on forms furnished by  
88 the department, and such signed consent shall be carried by any  
89 person when so hunting on private land. The owner of ten acres or  
90 more of private land may allow the use of a rifle to hunt deer on such  
91 land during the shotgun season. The commissioner shall determine, by  
92 regulation, the number of consent forms issued for any regulated area  
93 established by said commissioner. The commissioner shall provide for  
94 a fair and equitable random method for the selection of successful  
95 applicants who may obtain shotgun and muzzleloader permits for  
96 hunting deer on state lands. Any person whose name appears on more  
97 than one application for a shotgun permit or more than one  
98 application for a muzzleloader permit shall be disqualified from the  
99 selection process for such permit. No person shall hunt, pursue,  
100 wound or kill deer with a bow and arrow without first obtaining a  
101 bow and arrow permit pursuant to section 26-86c, as amended by this  
102 act. "Bow and arrow" as used in this section and in section 26-86c, as  
103 amended by this act, means a bow [capable of propelling a hunting  
104 type arrow of not less than four hundred grains, one hundred fifty  
105 yards free flight on level ground] with a draw weight of not less than  
106 forty pounds. The arrowhead shall have two or more blades and may  
107 not be less than seven-eighths of an inch at the widest point. No person  
108 shall carry firearms of any kind while hunting with a bow and arrow  
109 under said sections.

110 Sec. 4. Section 26-86c of the general statutes is repealed and the  
111 following is substituted in lieu thereof (*Effective July 1, 2003*):

112 No person may hunt deer or small game with a bow and arrow  
113 under the provisions of this chapter without a valid permit issued by  
114 the Commissioner of Environmental Protection pursuant to this  
115 section or section 26-86a, as amended by this act, for persons hunting  
116 deer with bow and arrow under private land deer permits issued free

117 to qualifying landowners, husband or wife, parent, grandparent, lineal  
118 descendant or siblings under that section. The fee for such bow and  
119 arrow permit to hunt deer and small game shall be thirty dollars for  
120 residents and one hundred dollars for nonresidents, or thirteen dollars  
121 for any person twelve years of age or older but under sixteen years of  
122 age, except that any nonresident who is an active full-time member of  
123 the armed forces, as defined in section 27-103, may purchase a bow  
124 and arrow permit to hunt deer and small game for the same fee as is  
125 charged a resident of the state. Permits to hunt with a bow and arrow  
126 under the provisions of this chapter shall be issued only to qualified  
127 applicants therefor by the Commissioner of Environmental Protection,  
128 in such form as said commissioner prescribes. Applications shall be  
129 made on forms furnished by the commissioner containing such  
130 information as he may require and all such application forms shall  
131 have printed thereon: "I declare under the penalties of false statement  
132 that the statements herein made by me are true and correct." Any  
133 person who makes any material false statement on such application  
134 form shall be guilty of false statement and shall be subject to the  
135 penalties provided for false statement and said offense shall be  
136 deemed to have been committed in the town in which the applicant  
137 resides. No such application shall contain any material false statement.  
138 On and after January 1, 2002, permits to hunt with a bow and arrow  
139 under the provisions of this chapter shall be issued only to qualified  
140 applicants who have successfully completed the conservation  
141 education bow hunting course as specified in section 26-31 or an  
142 equivalent course in another state.

143 Sec. 5. Section 14-387 of the general statutes is repealed and the  
144 following is substituted in lieu thereof (*Effective July 1, 2003*):

145 No person shall operate a snowmobile or all-terrain vehicle in the  
146 following manner: (1) On any public highway, except such  
147 snowmobile or all-terrain vehicle, if operated by a licensed motor  
148 vehicle operator, may cross a public highway if the crossing is made at  
149 an angle of approximately ninety degrees to the direction of the  
150 highway and at a location where no obstruction prevents a quick and

151 safe crossing, the snowmobile or all-terrain vehicle is completely  
152 stopped before entering the traveled portion of the highway and the  
153 driver yields the right-of-way to motor vehicles using the highway,  
154 provided nothing in this subsection shall be construed to permit the  
155 operation of a snowmobile or all-terrain vehicle on a limited access  
156 highway, as defined in subsection (a) of section 13a-1; (2) in such a  
157 manner that the exhaust of the snowmobile or all-terrain vehicle makes  
158 an excessive or unusual noise; (3) without a functioning muffler,  
159 subject to the provisions of section 14-80, properly operating brakes,  
160 sufficient and adequate front and rear lighting and reflecting devices,  
161 except an all-terrain vehicle with an engine size of ninety cubic  
162 centimeters or less shall not be required to be equipped with front and  
163 rear lighting and shall not be operated after dark; (4) in any manner  
164 which would cause harassment of any game or domestic animal; (5) on  
165 any [fenced agricultural land or posted] land without the written  
166 permission of the owner, or the agent of the owner, or in the case of  
167 state-owned land, without the written permission of the state agency  
168 or institution under whose control such land is, or in the case of land  
169 under the jurisdiction of a local municipality without the written  
170 permission of such municipality, which written permission shall be  
171 carried on the person operating the snowmobile or all-terrain vehicle  
172 while on such land; and (6) on any railroad right-of-way. Nothing in  
173 sections 14-379 to 14-390, inclusive, shall preclude the operation of a  
174 snowmobile or all-terrain vehicle (A) on the frozen surface of any  
175 public body of water, provided any municipality may by ordinance  
176 regulate the hours of operation of snowmobiles and all-terrain vehicles  
177 on public waters within such municipality and provided the operation  
178 of a snowmobile or all-terrain vehicle shall be subject to the provisions  
179 of section 25-43c; or (B) on any abandoned or disused railroad right-of-  
180 way or in any place or upon any land specifically designated for the  
181 operation of snowmobiles and all-terrain vehicles by statute,  
182 regulation or local ordinance. Any person who violates any provision  
183 of this section shall have committed a separate infraction for each such  
184 violation.

185 Sec. 6. Subsection (h) of section 22a-6 of the general statutes is  
186 repealed and the following is substituted in lieu thereof (*Effective July*  
187 *1, 2003*):

188 (h) The commissioner may adopt regulations pertaining to activities  
189 for which the federal government has adopted standards or  
190 procedures. All provisions of such regulations which differ from the  
191 applicable federal standards or procedures shall be clearly  
192 distinguishable from such standards or procedures either on the face  
193 of the proposed regulation or through supplemental documentation  
194 accompanying the proposed regulation at the time of the [public  
195 hearing on] notice concerning such regulation required under [chapter  
196 54] section 4-168. An explanation for all such provisions shall be  
197 included in the regulation-making record required under chapter 54  
198 and shall be publicly available at the time of the notice concerning the  
199 regulation required under section 4-168. This subsection shall apply to  
200 any regulation for which a notice of intent to adopt is published on  
201 and after July 1, 1999.

202 Sec. 7. Section 22a-32 of the general statutes is repealed and the  
203 following is substituted in lieu thereof (*Effective July 1, 2003*):

204 No regulated activity shall be conducted upon any wetland without  
205 a permit. Any person proposing to conduct or cause to be conducted a  
206 regulated activity upon any wetland shall file an application for a  
207 permit with the commissioner, in such form and with such information  
208 as the commissioner may prescribe. Such application shall include a  
209 detailed description of the proposed work and a map showing the area  
210 of wetland directly affected, with the location of the proposed work  
211 thereon, together with the names of the owners of record of adjacent  
212 land and known claimants of water rights in or adjacent to the wetland  
213 of whom the applicant has notice. The commissioner shall cause a copy  
214 of such application to be mailed to the chief administrative officer in  
215 the town or towns where the proposed work, or any part thereof, is  
216 located, and the chairman of the conservation commission and  
217 shellfish commission of the town or towns where the proposed work,

218 or any part thereof, is located. No sooner than thirty days and not later  
219 than sixty days after the receipt of such application, the commissioner  
220 or his duly designated hearing officer shall hold a public hearing on  
221 such application, provided, whenever the commissioner determines  
222 that the regulated activity for which a permit is sought is not likely to  
223 have a significant impact on the wetland, he may waive the  
224 requirement for public hearing after publishing notice, in a newspaper  
225 having general circulation in each town wherever the proposed work  
226 or any part thereof is located, of his intent to waive said requirement  
227 and of his tentative decision regarding the application, except that the  
228 commissioner shall hold a hearing on such application upon receipt of  
229 a petition, signed by at least twenty-five persons, which persons shall  
230 be not less than eighteen years of age and residents of the municipality  
231 in which the regulated activity is proposed, requesting such a hearing.  
232 The following shall be notified of the hearing by mail not less than  
233 fifteen days prior to the date set for the hearing: All of those persons  
234 and agencies who are entitled to receive a copy of such application in  
235 accordance with the terms hereof and all owners of record of adjacent  
236 land and known claimants to water rights in or adjacent to the wetland  
237 of whom the applicant has notice. The commissioner shall cause notice  
238 of his tentative decision regarding the application and such hearing to  
239 be published at least once not more than thirty days and not fewer  
240 than ten days before the date set for the hearing in the newspaper  
241 having a general circulation in each town where the proposed work, or  
242 any part thereof, is located. All applications and maps and documents  
243 relating thereto shall be open for public inspection at the office of the  
244 commissioner. At such hearing any person or persons may appear and  
245 be heard.

246 Sec. 8. Section 23-8b of the general statutes is amended by adding  
247 subsection (f) as follows (*Effective July 1, 2003*):

248 (NEW) (f) Notwithstanding any provision of the general statutes,  
249 special police officers for utility companies, appointed by the  
250 Commissioner of Public Safety pursuant to section 29-19, and  
251 conservation officers and special conservation officers and patrolmen,

252 appointed by the Commissioner of Environmental Protection pursuant  
253 to section 26-5, shall have jurisdiction over any land purchased by the  
254 state under the terms of any such contract and said officers shall have  
255 the same authority to make arrests on such lands as they have under  
256 section 29-18 for lands owned by the Department of Environmental  
257 Protection.

258 Sec. 9. Section 23-61b of the general statutes is repealed and the  
259 following is substituted in lieu thereof (*Effective October 1, 2003*):

260 (a) No person shall advertise, solicit or contract to do arboriculture  
261 within this state at any time without a license issued in accordance  
262 with the provisions of this section, except that any person may  
263 improve or protect any tree on such person's own premises or on the  
264 property of such person's employer without securing such a license  
265 provided such activity does not violate the provisions of chapter 441,  
266 subsection (a) of section 23-61a or this section. Application for  
267 examination for such license shall be made to the Commissioner of  
268 Environmental Protection and shall contain such information  
269 regarding the applicant's qualifications and proposed operations and  
270 other relevant matters as the commissioner may require and shall be  
271 accompanied by a fee of twenty-five dollars which shall not be  
272 returnable.

273 (b) The commissioner shall require the applicant to show upon  
274 examination that the applicant possesses adequate knowledge  
275 concerning the proper methods of arboriculture and the dangers  
276 involved and the precautions to be taken in connection with these  
277 operations, together with knowledge concerning the proper use and  
278 application of pesticides and the danger involved and precautions to  
279 be taken in connection with their application. If the applicant is other  
280 than an individual, the applicant shall designate an officer, member or  
281 technician of the organization to take the examination, which designee  
282 shall be subject to approval of the commissioner except that any  
283 person who uses pesticides in arboriculture shall be licensed to do  
284 arboriculture or shall be a licensed commercial applicator under

285 chapter 441. If the extent of the applicant's operations warrant, the  
286 commissioner may require more than one such member or technician  
287 to be examined. If the commissioner finds the applicant qualified, the  
288 commissioner shall issue a license to perform arboriculture within this  
289 state. A license shall be valid for a period of five years. The  
290 commissioner may issue licenses so that one-fifth of the licenses expire  
291 each year. The commissioner may issue licenses for less than five years  
292 and prorate the registration fee accordingly. If the commissioner finds  
293 that the applicant is not qualified, or if the commissioner refuses to  
294 issue a license for any other reason, the commissioner shall so inform  
295 the applicant in writing, giving reasons for such refusal.

296 (c) The commissioner may issue a license without examination to  
297 any nonresident who is licensed in another state under a law that  
298 provides substantially similar qualifications for licensure and which  
299 grants similar privileges of licensure without examination to residents  
300 of this state licensed under the provisions of this section.

301 (d) Each licensee shall pay a license [renewal] fee of one hundred  
302 fifty dollars for each initial license or renewal. All examination and  
303 license renewal fees shall be deposited as provided in section 4-32, and  
304 any expenses incurred by the commissioner in making examinations,  
305 issuing certificates, inspecting tree work or performing any duties of  
306 the commissioner shall be charged against appropriations of the  
307 General Fund.

308 (e) Each licensee shall maintain and, upon request, furnish such  
309 records concerning licensed activities as the commissioner may  
310 require.

311 (f) The commissioner may suspend for not more than ten days and,  
312 after notice and hearing as provided in any regulations established by  
313 the commissioner, may suspend for additional periods, or the  
314 commissioner may revoke, any license issued under this section if the  
315 commissioner finds that the licensee is no longer qualified or has  
316 violated any provision of section 23-61a or this section, or any

317 regulation adopted thereunder.

318 (g) The Commissioner of Environmental Protection, in consultation  
319 with the board, shall establish standards for examining applicants and  
320 reexamining applicators with respect to the proper use and application  
321 of pesticides and [agricultural] arboriculture methods. Such standards  
322 shall provide that in order to be certified, an individual shall be  
323 competent with respect to the use and handling of pesticides or the use  
324 and handling of the pesticide or class of pesticides covered by such  
325 individual's application or certification and in the proper and safe  
326 application of recognized arboricultural methods.

327 (h) Any licensed arborist shall be considered to be a certified  
328 applicator under section 22a-54 with respect to the use of pesticides.

329 (i) Any person who is a certified applicator, as defined in section  
330 22a-54, who is also applying for or renewing a license as an arborist  
331 under this section shall not be required to pay a license fee under this  
332 section, provided all fees required by section 22a-54 have been paid in  
333 full.

334 Sec. 10. (NEW) (*Effective October 1, 2003*) (a) No person shall engage  
335 in the operation of an arborist business without first obtaining a  
336 certificate of registration from the commissioner.

337 (b) Application for a certificate of registration shall be made on such  
338 form as the commissioner may prescribe and with such information as  
339 the commissioner deems necessary to fulfill the purposes of sections 9  
340 to 17, inclusive, of this act. Such information may include, but is not  
341 limited to: (1) The name and residential address of the individual  
342 submitting an application on behalf of an arborist business; (2) the  
343 name, address and telephone number of the arborist business; (3) the  
344 name and license number of any licensed arborist employed by the  
345 arborist business; (4) the type of business; and (5) the name, address  
346 and telephone number of a person who will serve as a point of contact  
347 for the commissioner regarding the arborist business. The owner or  
348 operator of an arborist business shall notify the commissioner of any

349 change in the information contained in an application or in the status  
350 of the business as an arborist business. The notification shall be  
351 submitted, in writing, not more than thirty days after the change.

352 (c) An application for a certificate of registration or for renewal of a  
353 certificate of registration shall be accompanied by payment of a fee of  
354 sixty dollars. An application for a certificate of registration or for  
355 renewal of a certificate of registration shall not be deemed to be  
356 complete and shall not be acted upon by the commissioner until the  
357 required fee, as determined by the commissioner, is paid in full. A  
358 certificate of registration issued by the commissioner shall expire on  
359 the thirty-first day of August next succeeding its issuance. A person  
360 with an arborist business with more than one place of business in the  
361 state or who operates under more than one name shall register and  
362 pay the application fee for each place of business and for each business  
363 name. Funds received by the commissioner in accordance with the  
364 provisions of this section shall be deposited in the emergency spill  
365 response fund established under section 22a-451 of the general  
366 statutes, as amended by this act. The commissioner may expend from  
367 the amount collected for such fees any amount necessary to pay the  
368 administrative expenses related to registration and collection of fees,  
369 provided the amount expended in any fiscal year for such purposes  
370 shall not exceed ten per cent of the amount collected in such year.

371 (d) Any arborist business registered under this section shall display  
372 the registration number assigned to it by the commissioner on the  
373 body of any motor vehicle used by it in the course of business, in any  
374 newspaper advertisement for the business, on any billboard  
375 advertisement for the business, and in any advertisement for the  
376 business placed in the generally circulated telephone directory. Any  
377 such arborist business shall further include the number in any written  
378 contract it enters regarding the performance of arboriculture.

379 (e) Any person who complies with the arborist business registration  
380 requirements of this section shall not be required to register such  
381 business under section 22a-66c of the general statutes.

382       Sec. 11. (NEW) (*Effective October 1, 2003*) (a) The commissioner shall,  
383 after review of a complete application received pursuant to section 10  
384 of this act, issue, with or without conditions, or deny a certificate of  
385 registration for a arborist business. Any denial of a certificate of  
386 registration shall briefly state the reasons for such denial. Any person  
387 aggrieved by a decision to deny a certificate may, not later than thirty  
388 days after the date such decision is deposited in the mail, request a  
389 hearing before the commissioner. Such hearing shall be held in  
390 accordance with the provisions of chapter 54 of the general statutes.

391       (b) The commissioner may revoke or suspend a registration in  
392 accordance with the provisions of section 4-182 of the general statutes.

393       Sec. 12. (NEW) (*Effective October 1, 2003*) (a) It shall be unlawful for  
394 any person to:

395       (1) Violate any provision of sections 10 to 14, inclusive, of this act,  
396 chapter 441 of the general statutes, or any regulation, permit,  
397 certificate, registration or order adopted, administered or issued  
398 pursuant to said chapters;

399       (2) Include false or misleading information in an application or fail  
400 to notify the commissioner of a change as required by section 10 of this  
401 act;

402       (3) Include false or misleading information in records required to be  
403 maintained pursuant to section 14 of this act, fail to maintain such  
404 records, or fail to provide the commissioner with the records required  
405 by said section;

406       (4) Use a pesticide in a manner inconsistent with the registered  
407 labeling or with state or federal restrictions on the use of such  
408 pesticide;

409       (5) Apply pesticides generally known in the trade to be ineffective  
410 or improper for the intended use;

411       (6) Operate faulty or unsafe equipment which may result in

412 improper pesticide application or harm to the environment, the worker  
413 or others;

414 (7) Apply a pesticide or perform arboriculture in a faulty, careless or  
415 negligent manner;

416 (8) Aid or abet a licensed or unlicensed person to evade the  
417 provisions of sections 10 to 14, inclusive, of this act, chapter 441 of the  
418 general statutes, or any regulation, permit, certificate, registration or  
419 order adopted, administered or issued pursuant to said chapters;

420 (9) Make a false or misleading statement during an inspection or  
421 investigation concerning an infestation of pests, an accident in  
422 applying a pesticide, misuse of a pesticide, or violation of a statute,  
423 regulation, certificate, registration or order;

424 (10) Perform arboriculture in a manner that does not meet generally  
425 accepted industry standards;

426 (11) Perform work, whether or not for compensation, in a category  
427 for which the arborist is not certified; and

428 (12) Possess a certificate of registration if such person has been  
429 convicted of a felony, as defined in section 53a-25 of the general  
430 statutes.

431 (b) The grounds for denial, revocation or suspension of a certificate  
432 of registration shall include, but not be limited to, the acts or omissions  
433 set forth in subsection (a) of this section. Any arborist business whose  
434 certificate of registration is denied, suspended or revoked shall not be  
435 eligible for a new certificate of registration until such time has elapsed  
436 from the date of denial, suspension or revocation as has been  
437 established by the commissioner.

438 (c) A new certificate or renewal of a certificate shall not be issued to  
439 an arborist business unless the applicant has submitted the summary  
440 required pursuant to subsection (d) of section 22a-58 of the general  
441 statutes for the previous calendar year.

442 Sec. 13. (NEW) (*Effective October 1, 2003*) Each arborist business shall  
443 employ at each place of business not less than one arborist licensed  
444 pursuant to section 23-61b of the general statutes, as amended by this  
445 act.

446 Sec. 14. (NEW) (*Effective October 1, 2003*) (a) An arborist business  
447 shall maintain records of pesticide applications for not less than five  
448 years from the date such record is made or amended, whichever is  
449 later. An arborist business shall maintain records of arboriculture, not  
450 involving the use of pesticides, for two years from the date such record  
451 is made or amended, whichever is later. The records maintained  
452 pursuant to this section shall include:

453 (1) For each application of a pesticide made on behalf of the  
454 business: (A) The name and certification number of the commercial  
455 supervisor and the commercial operator; (B) the kind and amount of  
456 pesticide used and the amount of acreage treated, if applicable; (C) the  
457 date and place of application; (D) the pest treated for; and (E) the crop  
458 or site treated;

459 (2) A list of the names and corresponding United States  
460 Environmental Protection Agency registration numbers of any  
461 pesticide applied by the business;

462 (3) The names and applicator certification numbers of all certified  
463 commercial pesticide applicators, operator or supervisory, who are  
464 employees or agents of the business, and a list of the types of  
465 applications which each is performing; and

466 (4) For each site where arboriculture not involving the use of  
467 pesticides was performed: (A) The type of work performed, including  
468 but not limited to, pruning, trimming, cabling, bracing, fertilizing or  
469 treating cavities; (B) the date and place of work; (C) the name and  
470 license number of the licensed arborist supervising the work; and (D)  
471 the names of any unlicensed or licensed persons performing the work  
472 under the supervision of the licensed arborist.

473 (b) Information required under subdivision (2) of subsection (a) of  
474 this section may be kept separately from the records required by  
475 subdivision (1) of said subsection or may be integrated with such  
476 records by including on the record of each pesticide application the full  
477 name and United States Environmental Protection Agency registration  
478 number of the pesticide used.

479 (c) All records and information required to be kept pursuant to this  
480 section shall be kept at the registrant's place of business and may be  
481 inspected by the commissioner in accordance with section 22a-59 of the  
482 general statutes, as amended by this act, and shall be made available  
483 upon request by the commissioner. If the registrant's place of business  
484 is outside of the state, the records and information shall be made  
485 available to the commissioner at a location in the state not more than  
486 ten days after receipt of a request for inspection from the  
487 commissioner.

488 (d) An arborist business shall, upon written request, provide a  
489 customer with a copy of the record which is required to be kept  
490 pursuant to this section and which pertains to arboriculture performed  
491 for that customer.

492 Sec. 15. (NEW) (*Effective October 1, 2003*) Any person who violates  
493 any provision of sections 10 to 14, inclusive, of this act, shall be  
494 assessed a civil penalty of not more than five thousand dollars per day  
495 for each day a violation continues. The Attorney General, upon  
496 complaint of the commissioner, shall institute a civil action in the  
497 superior court for the judicial district of Hartford to recover such  
498 penalty.

499 Sec. 16. (NEW) (*Effective October 1, 2003*) In any proceeding  
500 regarding denial, suspension or revocation of a certificate of  
501 registration, and any proceeding pursuant to section 23-61m of the  
502 general statutes, the action, omission or failure to act of any officer,  
503 agent or other person acting for or employed by the arborist business  
504 shall also be deemed to be the action, omission or failure to act of the

505 arborist business as well as that of the person employed.

506 Sec. 17. (NEW) (*Effective October 1, 2003*) The Commissioner of  
507 Environmental Protection may adopt regulations, in accordance with  
508 the provisions of chapter 54 of the general statutes, that are necessary  
509 to carry out the purposes of sections 23-61a of the general statutes, 23-  
510 61b of the general statutes, as amended by this act, and sections 9 to 16,  
511 inclusive, of this act.

512 Sec. 18. Section 22a-59 of the general statutes is repealed and the  
513 following is substituted in lieu thereof (*Effective October 1, 2003*):

514 (a) For purposes of enforcing the provisions of this chapter,  
515 subsection (a) of section 23-61a and sections 23-61b, as amended by  
516 this act, [and] 23-61f, and sections 10 to 17, inclusive, of this act, officers  
517 or employees duly designated by the commissioner are authorized to  
518 enter at reasonable times, any establishment or other place where  
519 pesticides or devices are being or have been used, or where pesticides  
520 or devices are held for use, distribution or sale in order to: (1) Observe  
521 the application of pesticides; (2) determine if the applicator is or  
522 should be certified; (3) determine if the applicator has obtained a  
523 proper permit to apply restricted use pesticides; (4) inspect equipment  
524 or devices used to apply pesticides; (5) inspect or investigate the  
525 validity of damage claims; (6) inspect or obtain samples in any place  
526 where pesticides or devices have been used or are held for use, storage,  
527 distribution or sale; (7) obtain samples of any pesticides or devices  
528 packaged, labeled and released for shipment and samples of any  
529 containers or labeling for such pesticides or devices, and (8) obtain  
530 samples of any pesticides or devices that have been used and obtain  
531 samples of any containers or labeling for such pesticides or devices.  
532 Before undertaking such inspection, the officers or employees shall  
533 present to the owner, operator, or agent in charge of the establishment  
534 or other place where pesticides or devices are held for distribution or  
535 sale, appropriate credentials and a written statement as to the reason  
536 for the inspection, including a statement as to whether a violation of  
537 the law is suspected. If no violation is suspected, an alternate and

538 sufficient reason shall be given in writing. Each such inspection shall  
539 be commenced and completed with reasonable promptness. If the  
540 officer or employee obtains any samples, prior to leaving the premises,  
541 he shall give to the owner, operator, or agent in charge a receipt  
542 describing the samples obtained and, if requested, a portion of each  
543 such sample equal in volume or weight to the portion retained. If an  
544 analysis is made of such samples, the laboratories of the Connecticut  
545 Agricultural Experiment Station may be used and a copy of the results  
546 of such analysis shall be furnished promptly to the owner, operator, or  
547 agents in charge and the commissioner.

548 (b) For purposes of enforcing the provisions of this part, subsection  
549 (a) of section 23-61a, and sections 23-61b, as amended by this act, [and]  
550 23-61f, and sections 10 to 17, inclusive, of this act, and upon a showing  
551 to an officer or court of competent jurisdiction that there is reason to  
552 believe that the provisions of this chapter and said sections have been  
553 violated, officers or employees duly designated by the commissioner  
554 are empowered to obtain and to execute warrants authorizing: (1)  
555 Entry for the purpose of this section; (2) inspection and reproduction of  
556 all records showing the quantity, date of shipment, and the name of  
557 consignor and consignee of any pesticide or device found in the  
558 establishment which is adulterated, misbranded, not registered, in the  
559 case of a pesticide, or otherwise in violation of this part and said  
560 sections and in the event of the inability of any person to produce  
561 records containing such information, all other records and information  
562 relating to such delivery, movement, or holding of the pesticide or  
563 device; and (3) the seizure of any pesticide or device which is in  
564 violation of this part and said sections.

565 Sec. 19. Section 22a-66e of the general statutes is repealed and the  
566 following is substituted in lieu thereof (*Effective October 1, 2003*):

567 [(a) The grounds for denial, revocation or suspension of a  
568 registration shall include, but not be limited to]

569 (a) The following shall be unlawful:

570 (1) Violation of any provision of this chapter, [as amended] sections  
571 10 to 17, inclusive, of this act, or any regulation, permit, certificate,  
572 registration or order adopted, administered or issued pursuant thereto;

573 (2) Inclusion of false or misleading information in an application or  
574 failure to notify the commissioner of a change as required by section  
575 22a-66c;

576 (3) Inclusion of false or misleading information in records required  
577 to be maintained pursuant to section 22a-66g, the failure to maintain  
578 such records, or the failure to provide the commissioner with the  
579 records required by said section;

580 (4) Use of a pesticide in a manner inconsistent with the registered  
581 labeling or with state or federal restrictions on the use of such  
582 pesticide;

583 (5) Application of pesticides generally known in the trade to be  
584 ineffective or improper for the intended use;

585 (6) Operation of faulty or unsafe equipment which may result in  
586 improper application or harm to the environment, the applicator or  
587 others from the pesticide;

588 (7) Application of a pesticide in a faulty, careless or negligent  
589 manner;

590 (8) Aiding or abetting a certified or uncertified person to evade the  
591 provisions of this chapter, as amended, or any regulation, permit,  
592 certificate, registration or order adopted, administered or issued  
593 pursuant thereto;

594 (9) The making of a false or misleading statement during an  
595 inspection or investigation concerning an infestation of pests, an  
596 accident in applying a pesticide, misuse of a pesticide, or violation of a  
597 statute, regulation, certificate, registration or order;

598 (10) The performance of work, whether or not for compensation, in

599 a category for which the applicator is not certified; and

600 (11) The conviction of the applicant or pesticide application business  
601 of a felony as defined in section 53a-25.

602 (b) The grounds for denial, revocation or suspension of a  
603 registration shall include, but not be limited to, the prohibited acts or  
604 omissions set forth in subsection (a) of this section. Any pesticide  
605 application business whose certificate of registration is denied,  
606 suspended or revoked shall not be eligible for a new certificate until  
607 such time has elapsed from the date of the denial, suspension or  
608 revocation as has been established by the commissioner.

609 (c) A new certificate or renewal of a certificate shall not be issued to  
610 a commercial applicator unless the applicant has submitted the  
611 summary required pursuant to subsection (d) of section 22a-58, for the  
612 previous calendar year.

613 Sec. 20. Subsection (d) of section 22a-451 of the general statutes is  
614 repealed and the following is substituted in lieu thereof (*Effective*  
615 *October 1, 2003*):

616 (d) There is established an account to be known as the emergency  
617 spill response account, for the purpose of providing money for (1)  
618 costs associated with the implementation of section 22a-449 and  
619 chapter 441; (2) the containment and removal or mitigation of the  
620 discharge, spillage, uncontrolled loss, seepage or filtration of oil or  
621 petroleum or chemical liquids or solid, liquid or gaseous products or  
622 hazardous wastes including the state share of payments of the costs of  
623 remedial action pursuant to the federal Comprehensive Environmental  
624 Response, Compensation, and Liability Act of 1980 (42 USC 9601 et  
625 seq.), as amended; (3) provision of potable drinking water pursuant to  
626 section 22a-471; (4) completion of the inventory required by section  
627 22a-8a; (5) the removal of hazardous wastes that the commissioner  
628 deems to be a potential threat to human health or the environment; (6)  
629 (A) the provision of short-term potable drinking water pursuant to  
630 subdivision (1) of subsection (a) of section 22a-471 and the preparation

631 of an engineering report pursuant to subdivision (2) of subsection (a)  
632 of said section when pollution of the groundwaters by pesticides has  
633 occurred or can reasonably be expected to occur; (B) the study required  
634 by special act 86-44\* and (C) as funds allow, education of the public on  
635 the proper use and disposal of pesticides and the prevention of  
636 pesticide contamination in drinking water supplies; (7) loans and lines  
637 of credit made in accordance with the provisions of section 32-23z; (8)  
638 the accomplishment of the purposes of sections 22a-133b to 22a-133g,  
639 inclusive, and sections 22a-134 to 22a-134d, inclusive, including  
640 staffing, and section 22a-133k; (9) development and implementation by  
641 the commissioner of a state-wide aquifer protection program pursuant  
642 to the provisions of sections 19a-37, 22-6c, 22a-354c, 22a-354e, 22a-354g  
643 to 22a-354bb, inclusive, 25-32d, 25-33h, 25-33n and subsection (a) of  
644 section 25-84, including, but not limited to, development of state  
645 regulations for land uses in aquifer protection areas, technical  
646 assistance and educational programs; (10) research on toxic substance  
647 contamination, including research by the Environmental Research  
648 Institute and the Institute of Water Resources at The University of  
649 Connecticut and by the Connecticut Agricultural Experiment Station;  
650 (11) the costs of the commissioner in performing or approving level A  
651 mapping of aquifer protection areas pursuant to this title; [and] (12)  
652 inventory and evaluation of the farm resource management  
653 requirements of farms in aquifer areas by the eight county soil and  
654 water conservation districts; and (13) costs associated with the  
655 administrative expenses related to the registration of arborist  
656 businesses, as provided by section 10 of this act. The emergency spill  
657 response account shall be an account of the Environmental Quality  
658 Fund. On July 1, 2001, any balance remaining in said account shall be  
659 transferred to the resources of the Environmental Quality Fund. No  
660 expenditures shall be made from the amount transferred until on or  
661 after July 1, 2001."

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| This act shall take effect as follows: |              |
| Section 1                              | July 1, 2003 |
| Sec. 2                                 | July 1, 2003 |

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| Sec. 3  | <i>July 1, 2003</i>    |
| Sec. 4  | <i>July 1, 2003</i>    |
| Sec. 5  | <i>July 1, 2003</i>    |
| Sec. 6  | <i>July 1, 2003</i>    |
| Sec. 7  | <i>July 1, 2003</i>    |
| Sec. 8  | <i>July 1, 2003</i>    |
| Sec. 9  | <i>October 1, 2003</i> |
| Sec. 10 | <i>October 1, 2003</i> |
| Sec. 11 | <i>October 1, 2003</i> |
| Sec. 12 | <i>October 1, 2003</i> |
| Sec. 13 | <i>October 1, 2003</i> |
| Sec. 14 | <i>October 1, 2003</i> |
| Sec. 15 | <i>October 1, 2003</i> |
| Sec. 16 | <i>October 1, 2003</i> |
| Sec. 17 | <i>October 1, 2003</i> |
| Sec. 18 | <i>October 1, 2003</i> |
| Sec. 19 | <i>October 1, 2003</i> |
| Sec. 20 | <i>October 1, 2003</i> |