



Senate

General Assembly

File No. 353

February Session, 2004

Substitute Senate Bill No. 220

Senate, March 31, 2004

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 PESTICIDES AT SCHOOLS AND DAY CARE FACILITIES.

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

1 Section 1. Section 10-231a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 As used in sections 10-231b to 10-231d, inclusive, [and section 19a-
4 79a,] "pesticide" means a fungicide used on plants, an insecticide, a
5 herbicide or a rodenticide but does not mean a sanitizer, disinfectant,
6 antimicrobial agent or a pesticide bait, and "lawn care pesticide" means
7 a pesticide registered by the United States Environmental Protection
8 Agency and labeled pursuant to the federal Insecticide, Fungicide and
9 Rodenticide Act for use in lawn, garden and ornamental sites or areas.

10 Sec. 2. (NEW) (*Effective October 1, 2004*) Notwithstanding the
11 provisions of sections 10-231b to 10-231d, inclusive, of the general
12 statutes, no person shall apply a lawn care pesticide on the grounds of

13 any public or private elementary school. This section shall not apply in
14 the case of an emergency application of a lawn care pesticide to
15 eliminate an immediate threat to human health, provided such
16 emergency application does not involve a restricted use pesticide, as
17 defined in section 22a-47 of the general statutes.

18 Sec. 3. Section 19a-79a of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective October 1, 2004*):

20 (a) As used in this section, "pesticide" means a fungicide used on
21 plants, an insecticide, a herbicide or a rodenticide but does not mean a
22 sanitizer, disinfectant, antimicrobial agent or a pesticide bait, and
23 "lawn care pesticide" means a pesticide registered by the United States
24 Environmental Protection Agency and labeled pursuant to the federal
25 Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and
26 ornamental sites or areas.

27 (b) [On and after July 1, 2000, no] No application of pesticide may be
28 made in any building or on the grounds of any child day care center,
29 group day care home or family day care home, each as described in
30 section 19a-77, as amended, during regular business hours except that
31 an emergency application may be made to eliminate an immediate
32 threat to human health if (1) it is necessary to make the application
33 during regular business hours, and (2) such emergency application
34 does not involve a restricted use pesticide, as defined in section 22a-47.
35 No child enrolled at such center or home may enter an area where
36 pesticides have been applied until it is safe to do so according to the
37 provisions on the pesticide label.

38 (c) Notwithstanding the provisions of subsection (b) of this section,
39 no person shall apply a lawn care pesticide on the grounds of any child
40 day care center or group day care home, as described in section 19a-77,
41 as amended, except that an emergency application may be made to
42 eliminate an immediate threat to human health, provided such
43 emergency application does not involve a restricted use pesticide, as
44 defined in section 22a-47.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>

ENV *Joint Favorable Subst.*

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:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sSB 220

AN ACT CONCERNING PESTICIDES AT SCHOOLS AND DAY CARE FACILITIES**SUMMARY:**

Current law restricts the use of pesticides on the buildings or grounds of schools, child day care centers, and group and family day care homes (see BACKGROUND). This bill specifically prohibits the application of lawn care pesticides, except to eliminate an immediate threat to human health, on the grounds of any public or private elementary school, child day care center, or group day care home. It bans, even in emergency situations, the application of a restricted use pesticide, on the grounds of such facilities. A restricted use pesticide is any pesticide the U.S. Environmental Protection Agency (EPA) or the Department of Environmental Protection commissioner classifies as restricted.

By law, pesticides are fungicides used on plants, insecticides, herbicides or rodenticides, but do not include sanitizers, disinfectants, antimicrobial agents or pesticide baits. Under the bill, a lawn care pesticide is any pesticide registered by the EPA and labeled according to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) for lawn, garden and ornamental use.

EFFECTIVE DATE: October 1, 2004

BACKGROUND***Pesticide Application at Schools***

The law bars the application of pesticides in any building or grounds of any school (except a regional vocational agriculture center) by anyone other than a certified pesticide applicator unless an emergency application must be made to eliminate an immediate threat to human health and it is impractical to obtain the services of such an applicator. The law bars the use of a restricted use pesticide in such an emergency.

Public schools must inform parents and staff about their pest management policy at the start of each school year. They must establish a registry of parents and staff who want advance notice when pesticides are applied in their schools or on school grounds. Such applications cannot occur during regular school hours or during planned activities unless an application must be made during those hours to eliminate an immediate human health threat. In such a case no restricted use pesticide may be used. No child may enter the school until the provisions on the pesticide label indicate it is safe to do so.

Pesticide Application at Day Center Centers

The law prohibits anyone from applying pesticides in the building or the grounds of any child day care center, or group or family day care home during regular business hours, unless it must be applied during those hours to eliminate an immediate human health threat. No restricted use pesticide may be used in such an emergency. No child may enter the day care center or day care home until the provisions on the pesticide label indicate it is safe to do so.

Child Day Care Centers and Group Day Care Homes

Child day care centers provide care to more than 12 children. Group day care homes provide care to between seven and 12 children. A family day care home cares for six or fewer children.

Restricted Use Pesticide

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 26 Nay 1