



# Senate

General Assembly

**File No. 677**

February Session, 2004

Substitute Senate Bill No. 220

*Senate, April 28, 2004*

The Committee on Education reported through SEN. GAFFEY of the 13th 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 Section 10-231a of the general statutes is repealed and the  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, unless requested by  
18 the Commissioner of Environmental Protection.

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 Section 19a-79a of the general statutes is repealed and the  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

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

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

39 (c) Notwithstanding the provisions of subsection (b) of this section,  
40 no person shall apply a lawn care pesticide on the grounds of any child  
41 day care center or group day care home, as described in section 19a-77,  
42 as amended, except that an emergency application may be made to  
43 eliminate an immediate threat to human health, provided such  
44 emergency application does not involve a restricted use pesticide, as  
45 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>

**ED**      *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:

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***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. However, it allows the use of restricted use pesticides in such emergencies on the grounds of public or private elementary schools at the Department of Environmental Protection (DEP) commissioner's request. A restricted use pesticide is any pesticide the U.S. Environmental Protection Agency (EPA) or the 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.

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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.

### ***Legislative History***

On April 6, the Senate referred the bill (File 353) to the Human Services Committee, which reported it favorably on April 13. On April 15, the Senate referred it to the Education Committee. The committee favorably reported a substitute bill on April 21, allowing the use of a restricted use pesticide on the grounds of a public or private elementary school, in limited circumstances, at the DEP commissioner's request.

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 26    Nay 1

Human Services Committee

Joint Favorable Report

Yea 14    Nay 3

Education Committee

Joint Favorable Substitute

Yea 16    Nay 8