



House of Representatives

General Assembly

File No. 495

January Session, 2005

Substitute House Bill No. 6921

House of Representatives, April 21, 2005

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING PESTICIDES AT PRESCHOOLS,
ELEMENTARY 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 Section 10-231a of the general statutes is repealed and the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 July 1, 2005*):

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 lawn care pesticide,
6 sanitizer, disinfectant, antimicrobial agent or a pesticide bait, and
7 "lawn care pesticide" means a pesticide registered by the United States
8 Environmental Protection Agency and labeled pursuant to the federal
9 Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and
10 ornamental sites or areas.

11 Sec. 2. Section 10-231b of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective July 1, 2005*):

13 (a) [On and after July 1, 2000, no] No person, other than a pesticide
14 applicator with supervisory certification under section 22a-54 or a
15 pesticide applicator with operational certification under section 22a-54
16 under the direct supervision of a supervisory pesticide applicator, may
17 apply pesticide within any building or on the grounds of any school,
18 other than a regional vocational agriculture center. This section shall
19 not apply in the case of an emergency application of pesticide to
20 eliminate an immediate threat to human health where it is impractical
21 to obtain the services of any such applicator provided such emergency
22 application does not involve a restricted use pesticide, as defined in
23 section 22a-47.

24 (b) No person shall apply a lawn care pesticide on the grounds of
25 any public or private preschool or elementary school. This section shall
26 not apply in the case of an emergency application of a lawn care
27 pesticide to eliminate an immediate threat to human health, as
28 determined by the local health director, the Commissioner of Public
29 Health or the Commissioner of Environmental Protection, or in the
30 case of a public elementary school, the school superintendent.

31 Sec. 3. Section 19a-79a of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective July 1, 2005*):

33 (a) As used in this section, "pesticide" means a fungicide used on
34 plants, an insecticide, an herbicide or a rodenticide but does not mean
35 a lawn care pesticide, sanitizer, disinfectant, antimicrobial agent or a
36 pesticide bait, and "lawn care pesticide" means a pesticide registered
37 by the United States Environmental Protection Agency and labeled
38 pursuant to the federal Insecticide, Fungicide and Rodenticide Act for
39 use in lawn, garden and ornamental sites or areas.

40 (b) [On and after July 1, 2000, no] No application of pesticide may be
41 made in any building or on the grounds of any child day care center,
42 group day care home or family day care home, each as described in
43 section 19a-77, during regular business hours except that an
44 emergency application may be made to eliminate an immediate threat
45 to human health if (1) it is necessary to make the application during

46 regular business hours and (2) such emergency application does not
 47 involve a restricted use pesticide, as defined in section 22a-47. No
 48 child enrolled at such center or home may enter an area where
 49 pesticides have been applied until it is safe to do so according to the
 50 provisions on the pesticide label.

51 (c) No person shall apply a lawn care pesticide on the grounds of
 52 any child day care center or group day care home, as described in
 53 section 19a-77, as amended, except that an emergency application may
 54 be made to eliminate an immediate threat to human health, as
 55 determined by the local health director or the Commissioner of Public
 56 Health or the Commissioner of Environmental Protection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2005	10-231a
Sec. 2	July 1, 2005	10-231b
Sec. 3	July 1, 2005	19a-79a

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:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Public Health, Dept.	GF - None	None	None
Department of Environmental Protection	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect
All Municipalities	None

Explanation

Passage of this bill may result in an increased workload to the Department of Public Health (DPH) and local health authorities. This would involve advising child day care centers and group day care homes about the use of lawn care pesticides, investigating complaints and pursuing disciplinary actions as warranted. Local health directors, the DPH or the Department of Environmental Protection (DEP) may also be asked to determine the existence of an immediate threat to human health by day care centers, preschools or elementary schools seeking to apply lawn pesticides.

It is anticipated that state and municipal health officials will be able to accommodate duties proscribed within the bill within their normally budgeted resources.

To the extent that numerous determinations are required and complaints responded to by the DEP, additional costs could be incurred for one-quarter to a full-time field inspector (\$10,000 - \$40,000).

Prohibiting the use of lawn care pesticides by public schools is

expected to result in no fiscal impact for local education authorities.

OLR Bill Analysis

sHB 6921

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

This bill bans use of lawn care pesticides on the grounds of any public or private preschool or elementary school, child day care center, or group day care home, except to eliminate an immediate threat to human health. The prohibition does not apply to family day care homes. By law, child day care centers provide care to more than 12 children, group day care homes to between seven and 12 children, and family day care homes to six or fewer children.

Under the bill, the existence of the immediate health threat must be determined by the local health director; the public health or environmental protection commissioner; or, in the case of a public elementary school, by the school superintendent. The bill maintains current restrictions on use of other types of pesticides in school or day care buildings, or on their grounds (see BACKGROUND).

By law and under the bill, pesticides are fungicides used on plants, insecticides, herbicides, or rodenticides, but are not lawn care pesticides, sanitizers, disinfectants, antimicrobial agents, or pesticides baits. The bill defines "lawn care pesticide" as any pesticide registered by the Environmental Protection Agency and labeled according to the Federal Insecticide, Fungicide and Rodenticide Act for lawn, garden, and ornamental use.

EFFECTIVE DATE: July 1, 2005

BACKGROUND***Pesticide Application at Schools***

The law requires all schools, except regional vocational agriculture (vo-ag) centers, to employ certified applicators for any school pesticide use, except for emergency applications to eliminate an immediate

threat to human health where it is impractical to obtain a certified applicator. It also prohibits public schools, other than vo-ag centers, from using pesticides during school hours or scheduled activities, except for emergency applications necessary to eliminate an immediate health threat. Schools may not use restricted pesticides, even in emergency situations, and may not allow children to reenter a treated area until it is safe according to the specifications on the pesticide label.

Pesticide Application at Day Center Centers

The law prohibits anyone from applying pesticides in the building or on 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 and 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.

Related Bill

sSB 916 (File 346) prohibits the application of lawn care pesticides on the grounds of any child day care center or group day care home except to eliminate an immediate threat to human health, including mosquitoes, ticks, and stinging insects.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 19 Nay 5