



Senate

General Assembly

File No. 89

February Session, 2008

Substitute Senate Bill No. 370

Senate, March 20, 2008

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PESTICIDE APPLICATIONS AT DAY CARE CENTERS.

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

1 Section 1. Section 19a-79a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

10 (b) No [application of pesticide may be made] person shall apply
11 pesticide in any building or on the grounds of any child day care
12 center, group day care home or family day care home, each as
13 described in section 19a-77 of the 2008 supplement to the general

14 statutes, [during regular business hours] except that [an emergency
15 application may be made] a pesticide applicator with supervisory
16 certification under section 22a-54 or a pesticide applicator with
17 operational certification under section 22a-54 under the direct
18 supervision of a supervisory pesticide applicator, may make an
19 emergency application to eliminate an immediate threat to human
20 health [if (1) it is necessary to make the application during regular
21 business hours, and (2)] as determined by the local health director or
22 the Commissioner of Public Health, including, but not limited to, for
23 the elimination of mosquitoes, ticks and stinging insects, provided
24 such emergency application does not involve a restricted use pesticide,
25 as defined in section 22a-47. No child enrolled at such center or home
26 may enter an area where pesticides have been applied until it is safe to
27 do so according to the provisions on the pesticide label.

28 [(c) No person shall apply a lawn care pesticide on the grounds of
29 any child day care center or group day care home, as described in
30 section 19a-77, except that an emergency application may be made to
31 eliminate an immediate threat to human health, including, but not
32 limited to, the elimination of mosquitoes, ticks and stinging insects,
33 provided such emergency application does not involve a restricted use
34 pesticide, as defined in section 22a-47.]

35 (c) On and after October 1, 2008, each provider of child day care
36 services, as defined in section 19a-77 of the 2008 supplement to the
37 general statutes, shall provide the parents or guardians of each child
38 enrolled for such services an annual written statement of the provider's
39 policy on pesticide application and a description of any pesticide
40 applications made at the day care center during the previous twelve
41 months. Such statement shall indicate that the parents or guardians
42 may request prior notice of pesticide applications at the day care
43 center. Prior to providing for any application of pesticide within any
44 building or on the grounds of any day care center, the provider shall
45 notify the parents and guardians who have requested prior notice
46 under this subsection by any means practicable no later than twenty-
47 four hours prior to such application. Notice under this subsection shall

48 include (1) the name of the active ingredient of the pesticide being
49 applied, (2) the target pest, (3) the location of the application on the
50 day care center property, and (4) the proposed date of the application.
51 A copy of the record of each pesticide application at a day care center
52 shall be maintained at such center for a period of five years. For the
53 purposes of this subsection, "day care center" means a child day care
54 center, group day care home or family day care home that provides
55 "child day care services" as defined in section 19a-77 of the 2008
56 supplement to the general statutes.

57 Sec. 2. Section 10-231b of the 2008 supplement to the general statutes
58 is repealed and the following is substituted in lieu thereof (*Effective*
59 *October 1, 2008*):

60 (a) No person, other than a pesticide applicator with supervisory
61 certification under section 22a-54 or a pesticide applicator with
62 operational certification under section 22a-54 under the direct
63 supervision of a supervisory pesticide applicator, may apply pesticide
64 within any building or on the grounds of any school, other than a
65 regional vocational agriculture center. This section shall not apply in
66 the case of an emergency application of pesticide to eliminate an
67 immediate threat to human health where it is impractical to obtain the
68 services of any such applicator provided such emergency application
69 does not involve a restricted use pesticide, as defined in section 22a-47.

70 (b) No person shall apply a lawn care pesticide on the grounds of
71 any public or private preschool or public or private school with
72 students in grade eight or lower, except that (1) on and after January 1,
73 2006, until July 1, [2009] 2010, an application of a lawn care pesticide
74 may be made at a public or private school with students in grade eight
75 or lower on the playing fields and playgrounds of such school
76 pursuant to an integrated pest management plan, which plan (A) shall
77 be consistent with the model pest control management plan developed
78 by the Commissioner of Environmental Protection pursuant to section
79 22a-66l of the 2008 supplement to the general statutes, and (B) may be
80 developed by a local or regional board of education for all public

81 schools under its control, and (2) an emergency application of a lawn
82 care pesticide may be made to eliminate a threat to human health, as
83 determined by the local health director, the Commissioner of Public
84 Health, the Commissioner of Environmental Protection or, in the case
85 of a public school, the school superintendent.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	19a-79a
Sec. 2	<i>October 1, 2008</i>	10-231b

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Public Health, Dept.	GF - Cost	None	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
Various Municipalities	Cost	Potential Minimal	Potential Minimal

Explanation

It is anticipated that any resulting workload increase for the Department of Public Health or local health authorities due to a provision of the bill requiring state or local determination that application of a pesticide by a day care provider is necessary can be accommodated within normally budgeted resources.

Any municipally operated licensed child day care center¹ will incur minimal costs associated with providing annual written statements to the parents/guardians of each enrolled child and notifying certain parents/guardians of pending pesticide applications. These costs would be dependent upon the number of children enrolled, as well as the method and frequency of notification.

The one-year extension of an exemption from a ban on the use of pesticides on school grounds results in no fiscal impact to local and regional school districts.

¹ It should be noted that child day care center licensure is not required of programs administered by a public school system, or administered by a municipal agency and located in a public school building.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 370*****AN ACT CONCERNING PESTICIDE APPLICATIONS AT DAY CARE CENTERS.*****SUMMARY:**

Current law prohibits anyone from applying pesticides during regular business hours, except in emergencies, in any building, or on the grounds, of any child day care center, group day care home, or family day care home. This bill prohibits all but emergency pesticide applications at these facilities at any time. It requires (1) a local health director or the public health commissioner to determine when an emergency application is needed and (2) a certified pesticide applicator to apply the pesticide.

The bill requires these day care facilities, starting October 1, 2008, to notify parents and guardians of their pesticide application policies and prior applications. Because the bill allows only emergency applications, this apparently requires day care facilities to notify parents and guardians of the bill's requirements and of applications that occurred before the bill's effective date. The bill also requires day care facilities to provide at least 24-hour advance notice of pesticide applications to parents and guardians who request it. It is not clear how day care facilities could provide this notice in an emergency.

Current law prohibits the application of lawn care pesticides on the grounds of any public or private school with students up to grade eight. But it allows, until July 1, 2009, the application of lawn care pesticides according to an integrated pest management plan on the playing fields and playgrounds of these schools. The bill extends this exception to the ban one year, to July 1, 2010. The bill eliminates a specific ban on applying lawn care pesticides on the grounds of child

day care centers or group day care homes. However, these applications are prohibited under the bill's more expansive ban.

EFFECTIVE DATE: October 1, 2008

EMERGENCY PESTICIDE APPLICATIONS

The bill requires that pesticides be applied only to eliminate an immediate human health threat, such as that posed by mosquitoes, ticks, or stinging insects. The public health commissioner or a local health director must determine such a threat exists before an application can be made. The bill requires that the emergency application be made by a (1) pesticide applicator with supervisory certification or (2) pesticide applicator with an operational certification under the direct supervision of a supervisory pesticide applicator. As under current law, the applicator cannot use a pesticide the U.S. Environmental Protection Agency considers a restricted use pesticide.

REPORTING AND NOTICE REQUIREMENTS

The bill requires child day care centers, group day care homes, and family day care homes (day care providers) to provide parents or guardians of each enrolled child with a written copy of their pesticide application policy and a description of any pesticide applications made during the prior 12 months. They must provide this information, starting October 1, 2008, and each year thereafter. The policy statement must indicate that the parents or guardians may request notice of future pesticide applications.

Day care providers must notify parents and guardians who have requested such notice of planned pesticide applications at least 24 hours before they occur. The notice, which must be provided by any practicable means, must include (1) the name of the pesticide's active ingredient, (2) the target pest, (3) the application's exact location, and (4) the proposed application date.

It is not clear how the notification provisions would apply to applications after October 1, 2008 as the bill allows only emergency applications. It apparently requires day care facilities to notify parents

and guardians of the bill's requirements, and of applications that occurred before October 1, 2008 or to refrain from making the emergency application until the 24-hour notice period has expired.

The day care provider must keep a record of each pesticide application at the facility for five years.

BACKGROUND

Day Care Center and Homes

By law, a child day care center provides care to 12 or more children; a group day care home provides care to between seven and 12 children; and a family day care home provides care to six or fewer children.

Integrated Pest Management Plan (IPM)

IPM is the use of all available pest control techniques, including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the use of pesticides.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 21 Nay 6 (03/07/2008)