



General Assembly

January Session, 2009

Raised Bill No. 1020

LCO No. 4040

04040_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING PESTICIDE APPLICATIONS AT CHILD DAY CARE CENTERS AND SCHOOLS.

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 Section 19a-79a of the general statutes is repealed and the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, 2009*):

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; "certified pesticide applicator" means a
10 pesticide applicator with (1) supervisory certification under section
11 22a-54, or (2) operational certification under section 22a-54, who
12 operates under the direct supervision of a pesticide applicator with
13 said supervisory certification; "licensee" means a person licensed under
14 sections 19a-77 to 19a-87e, inclusive, and "day care center" means a
15 child day care center, group day care home or family day care home
16 that provides "child day care services", as described in section 19a-77.

17 (b) No [application of pesticide may be made in any building or on
18 the grounds of] person other than a certified pesticide applicator shall
19 apply pesticide within any [child] day care center, [group day care
20 home or family day care home, each as described in section 19a-77,
21 during regular business hours] except that a person other than a
22 certified pesticide applicator may make an emergency application
23 [may be made] to eliminate an immediate threat to human health, [if
24 (1) it is necessary to make the application during regular business
25 hours] including, but not limited to, for the elimination of mosquitoes,
26 ticks and stinging insects, provided (1) the licensee or a designee of the
27 licensee determines such emergency application to be necessary, (2)
28 the licensee or a designee of the licensee deems it impractical to obtain
29 the services of a certified pesticide applicator, and [(2)] (3) such
30 emergency application does not involve a restricted use pesticide, as
31 defined in section 22a-47. [No child enrolled at such center or home
32 may enter an area where pesticides have been applied until it is safe to
33 do so according to the provisions on the pesticide label.]

34 (c) No person shall apply a lawn care pesticide on the grounds of
35 any [child] day care center, [or group day care home, as described in
36 section 19a-77,] except that an emergency application of pesticide may
37 be made to eliminate an immediate threat to human health, including,
38 but not limited to, the elimination of mosquitoes, ticks and stinging
39 insects, provided (1) the licensee or a designee of the licensee
40 determines such emergency application to be necessary, and (2) such
41 emergency application does not involve a restricted use pesticide, as
42 defined in section 22a-47. The provisions of this subsection shall not
43 apply to a family day care home, as described in section 19a-77, if the
44 grounds of such family day care home are not owned or under the
45 control of the licensee.

46 (d) No licensee or designee of a licensee shall permit any child
47 enrolled in such licensee's day care center to enter an area where a
48 pesticide has been applied in accordance with this section until it is
49 safe to do so according to the provisions on the pesticide label.

50 (e) On and after October 1, 2009, prior to providing for any
51 application of pesticide on the grounds of any day care center, the
52 licensee or a designee of the licensee shall notify the parents or
53 guardians of each child enrolled in such licensee's day care center by
54 any means practicable no later than twenty-four hours prior to such
55 application, except that for an emergency application made in
56 accordance with this section, such notice shall be given as soon as
57 practicable. Notice under this subsection shall include (1) the name of
58 the active ingredient of the pesticide being applied, (2) the target pest,
59 (3) the location of the application on the day care center property, and
60 (4) the date or proposed date of the application. A copy of the record of
61 each pesticide application at a day care center shall be maintained at
62 such center for a period of five years.

63 Sec. 2. Section 10-231b of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective July 1, 2009*):

65 (a) No person, other than a pesticide applicator with supervisory
66 certification under section 22a-54 or a pesticide applicator with
67 operational certification under section 22a-54 under the direct
68 supervision of a supervisory pesticide applicator, may apply pesticide
69 within any building or on the grounds of any school, other than a
70 regional agricultural science and technology education center. This
71 section shall not apply in the case of an emergency application of
72 pesticide to eliminate an immediate threat to human health where it is
73 impractical to obtain the services of any such applicator provided such
74 emergency application does not involve a restricted use pesticide, as
75 defined in section 22a-47.

76 (b) No person shall apply a lawn care pesticide on the grounds of
77 any public or private preschool or public or private school with
78 students in grade eight or lower, except that (1) on and after January 1,
79 2006, until July 1, [2009] 2010, an application of a lawn care pesticide
80 may be made at a public or private school with students in grade eight
81 or lower on the playing fields and playgrounds of such school

82 pursuant to an integrated pest management plan, which plan (A) shall
83 be consistent with the model pest control management plan developed
84 by the Commissioner of Environmental Protection pursuant to section
85 22a-66l, and (B) may be developed by a local or regional board of
86 education for all public schools under its control, and (2) an emergency
87 application of a lawn care pesticide may be made to eliminate a threat
88 to human health, as determined by the local health director, the
89 Commissioner of Public Health, the Commissioner of Environmental
90 Protection or, in the case 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, 2009</i>	19a-79a
Sec. 2	<i>July 1, 2009</i>	10-231b

Statement of Purpose:

To provide that only a certified pesticide applicator may apply pesticide within a day care center, group day care home or family day care home, with an exemption for emergency applications, to expand the ban on pesticides on the grounds of day care centers to include family day cares where the licensee has ownership or control over the grounds, to require that the licensee notify parents when pesticide is applied pursuant to this section and to extend the exception to the ban on the application of pesticide on certain school grounds pursuant to an integrated pest management plan until July 1, 2010.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]