



# House of Representatives

General Assembly

**File No. 308**

February Session, 2012

Substitute House Bill No. 5121

*House of Representatives, April 10, 2012*

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE USE OF ORGANIC PESTICIDES ON SCHOOL PROPERTY AND AUTHORIZING MUNICIPAL REGULATION OF THE USE OF PESTICIDES ON RESIDENTIAL PROPERTY.***

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 Section 10-231a of the general statutes is repealed and the  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, 2012*):

3 As used in sections 10-231b to 10-231d, inclusive, and section 19a-  
4 79a, (1) "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 pesticide bait, (2) "microbial pesticide" means a  
7 pesticide containing a microorganism as the active ingredient, (3)  
8 "biochemical pesticide" means a naturally occurring substance that  
9 controls pests by nontoxic mechanisms, (4) "lawn care pesticide" means  
10 a pesticide registered by the United States Environmental Protection  
11 Agency and labeled pursuant to the federal Insecticide, Fungicide and  
12 Rodenticide Act for use in lawn, garden and ornamental sites or areas,  
13 and [(3)] (5) "integrated pest management" means use of all available

14 pest control techniques, including judicious use of pesticides, when  
15 warranted, to maintain a pest population at or below an acceptable  
16 level, while decreasing the use of pesticides.

17 Sec. 2. Section 10-231b of the general statutes is amended by adding  
18 subsection (c) as follows (*Effective October 1, 2012*):

19 (NEW) (c) The provisions of this section shall not apply to any  
20 person applying a microbial or biochemical pesticide.

21 Sec. 3. (NEW) (*Effective October 1, 2012*) Any municipality may, by  
22 ordinance, regulate and establish standards for pesticide application  
23 on lawns, provided such regulations and standards are more stringent  
24 than any applicable regulations and standards established by the  
25 Commissioner of Energy and Environmental Protection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	10-231a
Sec. 2	<i>October 1, 2012</i>	10-231b
Sec. 3	<i>October 1, 2012</i>	New section

**Statement of Legislative Commissioners:**

In section 1(2), "containing" was substituted for "that consists of" for clarity.

**ENV**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 13 \$</b>	<b>FY 14 \$</b>
Various Municipalities	Cost/Savings	Potential	Potential

**Explanation**

The bill allows microbial and biochemical pesticides to be applied on school property. To the extent a local and regional school district chooses to use these pesticides, an additional minimal cost would result.

However, a local and regional school district that has incurred damage to its fields and grounds as a result of not being able to appropriately manage pests, the bill could result in a savings, as the cost of using the microbial and biochemical pesticides would be significantly less than the cost of repairing the damaged fields.

**The Out Years**

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

**OLR Bill Analysis****sHB 5121****AN ACT CONCERNING THE USE OF ORGANIC PESTICIDES ON SCHOOL PROPERTY AND AUTHORIZING MUNICIPAL REGULATION OF THE USE OF PESTICIDES ON RESIDENTIAL PROPERTY.****SUMMARY:**

This bill allows microbial and biochemical pesticides to be applied on school property and exempts their application from the law's restrictions on applying pesticides on such property.

It also permits municipalities to adopt an ordinance to regulate or establish standards for applying pesticides to lawns that are stricter than applicable Department of Energy and Environmental Protection (DEEP) regulations and standards.

EFFECTIVE DATE: October 1, 2012

**§§ 1 & 2 — PESTICIDE APPLICATION AT SCHOOLS**

The bill allows microbial and biochemical pesticides to be applied on school property. Under the bill, a "microbial pesticide" is a pesticide containing a microorganism as the active ingredient and a "biochemical pesticide" is a naturally occurring substance that controls pests by nontoxic mechanisms.

The bill exempts anyone applying these pesticides from the statutory restrictions on applying pesticides on certain school property. Current law prohibits any person, other than certain certified pesticide applicators, from applying pesticide in any building or on the grounds of a school, other than a regional agricultural science and technology education center, unless an emergency requires it. The law bans applying lawn care pesticides on any private or public preschool or school grounds with students in eighth grade or lower, except in an

emergency.

### **§ 3 — MUNICIPAL PESTICIDE ORDINANCES**

Under current law, the DEEP commissioner generally has exclusive authority to regulate pesticide spraying such as the practices and procedures used before and during spraying. The bill allows a municipality to adopt an ordinance for regulating and establishing standards for pesticide application on lawns that are more restrictive than applicable DEEP regulations and standards.

#### **BACKGROUND**

##### ***Pesticide and Lawn Care Pesticide***

Under the Connecticut Pesticide Control Act, a “pesticide” is a substance or mixture of substances meant to prevent, destroy, repel, or mitigate any pest, or a substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant (CGS § 22a-47).

For purposes of the law on pesticide application at schools, a “pesticide” is a fungicide used on plants, insecticide, herbicide, or rodenticide, but not a sanitizer, disinfectant, antimicrobial agent, or pesticide bait. A “lawn care pesticide” is a federally registered and labeled pesticide for use in lawns, gardens, and ornamental sites or areas (CGS § 10-231a).

##### ***Related Bill***

The Planning and Development Committee favorably reported HB 5155 (File 15), which allows lawn care pesticide application on school playing fields and grounds according to an integrated pest management plan, regardless of school grade level, under certain conditions.

#### **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 7 (03/21/2012)