



House of Representatives

General Assembly

File No. 15

February Session, 2012

House Bill No. 5155

House of Representatives, March 7, 2012

The Committee on Planning and Development reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT MODIFYING THE BAN ON PESTICIDE APPLICATIONS ON SCHOOL GROUNDS.

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

1 Section 1. Section 10-231b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) No person, other than a pesticide applicator with supervisory
4 certification under section 22a-54 or a pesticide applicator with
5 operational certification under section 22a-54 under the direct
6 supervision of a supervisory pesticide applicator, may apply pesticide
7 within any building or on the grounds of any school, other than a
8 regional agricultural science and technology education center. This
9 section shall not apply in the case of an emergency application of
10 pesticide to eliminate an immediate threat to human health where it is
11 impractical to obtain the services of any such applicator provided such
12 emergency application does not involve a restricted use pesticide, as
13 defined in section 22a-47.

14 (b) No person shall apply a lawn care pesticide on the grounds of
 15 any [public or private preschool or] public or private school, [with
 16 students in grade eight or lower,] except that (1) [on and after January
 17 1, 2006, until July 1, 2010,] an application of a lawn care pesticide may
 18 be made at a public or private school [with students in grade eight or
 19 lower] on the playing fields and [playgrounds] grounds of such school
 20 pursuant to an integrated pest management plan, which plan (A) shall
 21 be consistent with the model pest control management plan developed
 22 by the Commissioner of Energy and Environmental Protection
 23 pursuant to section 22a-66l, and (B) may be developed by a local or
 24 regional board of education for all public schools under its control, and
 25 (2) an emergency application of a lawn care pesticide may be made to
 26 eliminate a threat to human health, as determined by the local health
 27 director, the Commissioner of Public Health, the Commissioner of
 28 Energy and Environmental Protection or, in the case of a public school,
 29 the school superintendent.

30 (c) The Commissioner of Energy and Environmental Protection may
 31 adopt regulations in accordance with the provisions of chapter 54 to
 32 carry out the purposes of this section. Any person who violates any
 33 provision of this section or any such regulation shall be fined not less
 34 than five hundred dollars or more than two thousand dollars for each
 35 violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	10-231b

PD *Joint Favorable*

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:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Department of Energy and Environmental Protection	GF - Potential Revenue Gain	Less than 10,000	Less than 10,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows the Department of Energy and Environmental Protection (DEEP) to develop certain regulations regarding pesticide applications on school grounds. It establishes a fine of between \$500 and \$2,000 for each violation of the bill's provisions. To the extent DEEP develops regulations and enforces them, there could be a revenue gain anticipated to be less than \$10,000 per year. It is estimated that there would be less than five violations annually.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**HB 5155*****AN ACT MODIFYING THE BAN ON PESTICIDE APPLICATIONS ON SCHOOL GROUNDS.*****SUMMARY:**

Current law bans the application of lawn care pesticides on any private or public preschool or school grounds with students in eighth grade or lower, except in an emergency. This bill, under certain conditions, authorizes the application of lawn care pesticides in accordance with an integrated pest management (IPM) plan, irrespective of school grade level. An IPM plan is a systematic method to control pests using non-chemical pest management methods and the judicious use of pesticides when pest populations exceed acceptable levels (CGS § 10-231a).

The bill maintains the (1) prohibition on pesticide applications not applied according to an IPM plan and (2) exception in the case of emergency applications due to a threat to human health.

The bill authorizes the Department of Energy and Environmental Protection (DEEP) commissioner to adopt regulations and establishes a fine of between \$500 and \$2,000 for each violation of any of the law's provisions or regulations for pesticide application at a school, including supervisory certification, oversight requirements, and the ban on restricted use pesticides. Under existing law, it is a criminal penalty to knowingly violate these provisions and violators are subject to a fine, prison time, or both. Otherwise, violators are subject to a civil penalty of up to \$2,500.

EFFECTIVE DATE: October 1, 2012

PESTICIDE ON SCHOOL GROUNDS ACCORDING TO AN IPM PLAN

Current law bars anyone from applying a lawn care pesticide on the grounds of public and private preschools and schools through eighth grade. But between January 1, 2006 and through July 1, 2010, the law allowed pesticides to be applied on school playing fields and playgrounds if it was done according to an IPM plan. The bill restores the IPM exception without a sunset date.

The bill allows pesticide applications done according to an IPM plan on playing fields and grounds of schools, regardless of school grade level, when the plan is developed by a local or regional school board for public schools it controls and consistent with DEEP's model pest control management plan.

Despite the pesticide use ban, existing law allows emergency applications of lawn care pesticides on public and private school grounds to eliminate a threat to human health, as determined by the local health director, public health or environmental protection commissioner, or, in the case of a public school, a school superintendent.

NEW PENALTIES AND THOSE UNDER EXISTING LAW

The bill authorizes a fine of \$500 to \$2,000 for each violation of regulations the commissioner adopts regarding pesticide applications at schools. It also authorizes this fine for violations of the statutes on pesticide applications at schools. Existing law, unchanged by the bill, imposes criminal penalties for knowing violations of these statutes as follows:

1. any registrant; commercial applicator; uncertified person who performs, advertises, or solicits to perform commercial application; wholesaler; dealer; retailer; or other distributor who knowingly violates the law may be fined up to \$5,000, imprisoned up to one year, or both;
2. a private applicator or other person, not included in the above

categories, who knowingly violates the law, may be fined up to \$1,000, imprisoned up to 30 days, or both.

Existing law also, authorizes a civil penalty of up to \$2,500 per day on anyone who violates the law (CGS § 22a-63). It is unclear if the new penalties conflict with existing penalties.

Under the Pesticide Control Act, which covers pesticide applications, the action, omission, or failure to act of any officer, agent, or other person acting or working for any person is deemed to be the action, omission, or failure of the employer as well as the employee.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 12 Nay 3 (02/24/2012)