



# House of Representatives

General Assembly

**File No. 293**

January Session, 2013

Substitute House Bill No. 6385

*House of Representatives, April 2, 2013*

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 PROHIBITING THE USE OF PESTICIDES AT PUBLIC SCHOOLS.**

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 Section 10-231a of the general statutes is repealed and the  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, 2013*):

3 As used in sections 10-231b to 10-231d, inclusive, as amended by  
4 this act: [and section 19a-79a,]

5 (1) ["pesticide"] "Pesticide" means a fungicide used on plants, an  
6 insecticide, a herbicide or a rodenticide, but does not mean a sanitizer,  
7 disinfectant, antimicrobial agent or pesticide bait; [,]

8 (2) ["lawn"] "Lawn care pesticide" means a pesticide registered by the  
9 United States Environmental Protection Agency and labeled pursuant  
10 to the federal Insecticide, Fungicide and Rodenticide Act for use in  
11 lawn, garden and ornamental sites or areas; [, and]

12 (3) ["integrated] "Integrated pest management" means use of all  
13 available pest control techniques, [including judicious] excluding the  
14 use of pesticides, [when warranted,] to maintain a pest population at  
15 or below an acceptable level; [, while decreasing the use of pesticides.]

16 (4) "Emergency pesticide application" means the application of  
17 pesticide or lawn care pesticide to eliminate a threat to human health,  
18 as determined in accordance with subsection (a) of section 10-231b, as  
19 amended by this act;

20 (5) "Policy on emergency pesticide application" means a policy  
21 adopted by a local or regional board of education addressing  
22 emergency pesticide applications; and

23 (6) "School" means (A) a school, other than a regional agricultural  
24 science and technology education center, under the control of a local or  
25 regional board of education or a regional educational service center, or  
26 (B) a private school.

27 Sec. 2. Section 10-231b of the general statutes is repealed and the  
28 following is substituted in lieu thereof (*Effective July 1, 2013*):

29 (a) No person [, other than a pesticide applicator with supervisory  
30 certification under section 22a-54 or a pesticide applicator with  
31 operational certification under section 22a-54 under the direct  
32 supervision of a supervisory pesticide applicator, may] shall apply  
33 pesticide within any building or on the grounds of any public or  
34 private school, other than a regional agricultural science and  
35 technology education center, except that an emergency application of  
36 pesticide may be made to eliminate a threat to human health, as  
37 determined by the local health director, the Commissioner of Public  
38 Health, the Commissioner of Energy and Environmental Protection or,  
39 in the case of a public school, the school superintendent, provided such  
40 emergency application is made by a pesticide applicator with  
41 supervisory certification under section 22a-54 or a pesticide applicator  
42 with operational certification under section 22a-54 under the direct  
43 supervision of a supervisory pesticide applicator, unless such threat to

44 human health is immediate and it is impractical to obtain the services  
45 of any such applicator provided such emergency application does not  
46 involve a restricted use pesticide, as defined in section 22a-47. [This  
47 section shall not apply in the case of an emergency application of  
48 pesticide to eliminate an immediate threat to human health where it is  
49 impractical to obtain the services of any such applicator provided such  
50 emergency application does not involve a restricted use pesticide, as  
51 defined in section 22a-47.]

52 (b) No person shall apply a lawn care pesticide on the grounds of  
53 any [public or private preschool or public or private school with  
54 students in grade eight or lower] public or private school, except that  
55 [(1) on and after January 1, 2006, until July 1, 2010, an application of a  
56 lawn care pesticide may be made at a public or private school with  
57 students in grade eight or lower on the playing fields and playgrounds  
58 of such school pursuant to an integrated pest management plan, which  
59 plan (A) shall be consistent with the model pest control management  
60 plan developed by the Commissioner of Energy and Environmental  
61 Protection pursuant to section 22a-66l, and (B) may be developed by a  
62 local or regional board of education for all public schools under its  
63 control, and (2)] an emergency application of a lawn care pesticide  
64 may be made to eliminate a threat to human health, as determined by  
65 the local health director, the Commissioner of Public Health, the  
66 Commissioner of Energy and Environmental Protection or, in the case  
67 of a public school, the school superintendent.

68 (c) On and after July 1, 2013, no emergency pesticide application  
69 shall be made in any building or on the grounds of any school during  
70 regular school hours or during planned activities at any school, except  
71 that an emergency pesticide application may be made to eliminate an  
72 immediate threat to human health if (1) it is necessary to make the  
73 application during such a period, and (2) such emergency pesticide  
74 application does not involve a restricted use pesticide, as defined in  
75 section 22a-47. No child may enter an area where such emergency  
76 pesticide application has been made until it is safe to do so according  
77 to the provisions on the pesticide label.

78 (d) On and after July 1, 2013, a local or regional board of education  
79 may make an emergency pesticide application without prior notice  
80 pursuant to section 10-231c, as amended by this act, in the event of an  
81 immediate threat to human health, provided the board provides for  
82 notice, by any means practicable, on or before the day that such  
83 emergency pesticide application is to take place to any person who has  
84 requested such prior notice.

85 (e) A copy of the record of each emergency pesticide application at a  
86 school shall be maintained at the school for a period of five years. Such  
87 record shall include the information required under section 22a-66a.

88 Sec. 3. Section 10-231c of the general statutes is repealed and the  
89 following is substituted in lieu thereof (*Effective July 1, 2013*):

90 [(a) As used in this section, "local or regional board of education"  
91 means a local or regional board of education that does not have an  
92 integrated pest management plan for the schools under its control that  
93 is consistent with an applicable model plan provided by the  
94 Commissioner of Energy and Environmental Protection under section  
95 22a-66l and "school" means a school, other than a regional agricultural  
96 science and technology education center, under the control of a local or  
97 regional board of education.]

98 [(b)] (a) On and after July 1, [2000] 2013, at the beginning of each  
99 school year, each local or regional board of education shall provide the  
100 staff of each school and the parents or guardians of each child enrolled  
101 in each school with a written statement of the board's policy on  
102 emergency pesticide application on school property and a description  
103 of any emergency pesticide applications made at the school during the  
104 previous school year. Such statement and description shall be  
105 provided to the parents or guardian of any child who transfers to a  
106 school during the school year. Such statement shall (1) indicate that the  
107 staff, parents or guardians may register for prior notice of emergency  
108 pesticide applications at the school, and (2) describe the emergency  
109 notification procedures provided for in this section. Notice of any  
110 modification to the policy on emergency pesticide application [policy]

111 shall be sent to any person who registers for notice under this section.

112 [(c) On] (b) Except as provided in subsection (d) of section 10-231b,  
113 as amended by this act, and after July 1, [2000] 2013, parents or  
114 guardians of children in any school and school staff may register for  
115 prior notice of emergency pesticide application at their school. Each  
116 school shall maintain a registry of persons requesting such notice.  
117 Prior to providing for any emergency pesticide application [of  
118 pesticide] within any building or on the grounds of any school, the  
119 local or regional board of education shall provide for the mailing of  
120 notice to parents and guardians who have registered for prior notice  
121 under this section such that the notice is received no later than twenty-  
122 four hours prior to such emergency pesticide application. Notice shall  
123 be given by any means practicable to school staff who have registered  
124 for such notice. Notice under this subsection shall include (1) the name  
125 of the active ingredient of the pesticide or lawn care pesticide being  
126 applied, (2) the target pest, (3) the location of the emergency pesticide  
127 application on the school property, (4) the date of the emergency  
128 pesticide application, and (5) the name of the school administrator, or a  
129 designee, who may be contacted for further information.

130 [(d) On and after July 1, 2000, no application of pesticide may be  
131 made in any building or on the grounds of any school during regular  
132 school hours or during planned activities at any school except that an  
133 emergency application may be made to eliminate an immediate threat  
134 to human health if (1) it is necessary to make the application during  
135 such a period, and (2) such emergency application does not involve a  
136 restricted use pesticide, as defined in section 22a-47. No child may  
137 enter an area where such application has been made until it is safe to  
138 do so according to the provisions on the pesticide label.

139 (e) On and after July 1, 2000, a local or regional board of education  
140 may make an emergency application of pesticide without prior notice  
141 under this section in the event of an immediate threat to human health  
142 provided the board provides for notice, by any means practicable, on  
143 or before the day that the application is to take place to any person

144 who has requested prior notice under this section.

145 (f) A copy of the record of each pesticide application at a school  
146 shall be maintained at the school for a period of five years. Such record  
147 shall include the information required under section 22a-66a.]

148 Sec. 4. Section 10-231d of the general statutes is repealed and the  
149 following is substituted in lieu thereof (*Effective July 1, 2013*):

150 [(a) As used in this section, "local or regional board of education"  
151 means a local or regional board of education which has an integrated  
152 pest management plan for the schools under its control that is  
153 consistent with an applicable model plan provided by the  
154 Commissioner of Energy and Environmental Protection under section  
155 22a-66l and "school" means a school, other than a regional agricultural  
156 science and technology education center, under the control of a local or  
157 regional board of education.]

158 (a) On and after July 1, 2013, each local and regional board of  
159 education shall develop and implement an integrated pest  
160 management plan for the schools under its control that is consistent  
161 with an applicable model plan provided by the Commissioner of  
162 Energy and Environmental Protection under section 22a-66l.

163 (b) On and after July 1, [2000] 2013, at the beginning of each school  
164 year, each local or regional board of education shall provide the staff of  
165 each school with written guidelines on how the integrated pest  
166 management plan is to be implemented and shall provide the parents  
167 or guardians of each child enrolled in each school with a statement that  
168 shall include a summary of the integrated pest management plan for  
169 the school. Such statement shall be provided to the parents or guardian  
170 of any child who transfers to a school during the school year. [Such  
171 statement shall (1) indicate that the staff, parents or guardians may  
172 register for notice of pesticide applications at the school, and (2)  
173 describe the emergency notification procedures provided for in this  
174 section. Notice of any modification to the integrated pest management  
175 plan shall be sent to any person who registers for notice under this

176 section.]

177 [(c) On and after July 1, 2000, parents or guardians of children in  
178 any school and school staff may register for notice of pesticide  
179 application at their school. Each school shall maintain a registry of  
180 persons requesting such notice. Notice under this subsection shall  
181 include (1) the name of the active ingredient of the pesticide being  
182 applied, (2) the location of the application on the school property, (3)  
183 the date of the application, and (4) the name of the school  
184 administrator, or a designee, who may be contacted for further  
185 information.

186 (d) On and after July 1, 2000, a local or regional board of education  
187 shall provide notice, by any means practicable, to any person who has  
188 requested notice under this section on or before the day that any  
189 application of pesticide is to take place at a school. No application of  
190 pesticide may be made in any building or on the grounds of any school  
191 during regular school hours or during planned activities at any school  
192 except that an emergency application may be made to eliminate an  
193 immediate threat to human health if (1) it is necessary to make the  
194 application during such a period and (2) such emergency application  
195 does not involve a restricted use pesticide, as defined in section 22a-47.  
196 No child may enter an area of such application until it is safe to do so  
197 according to the provisions on the pesticide label.

198 (e) A copy of the record of each pesticide application at a school  
199 shall be maintained at the school for a period of five years. Such record  
200 shall include the information required under section 22a-66a.]

201 Sec. 5. Subsection (d) of section 10-220 of the general statutes is  
202 repealed and the following is substituted in lieu thereof (*Effective July*  
203 *1, 2013*):

204 (d) Prior to January 1, 2008, and every five years thereafter, for  
205 every school building that is or has been constructed, extended,  
206 renovated or replaced on or after January 1, 2003, a local or regional  
207 board of education shall provide for a uniform inspection and

208 evaluation program of the indoor air quality within such buildings,  
209 such as the Environmental Protection Agency's Indoor Air Quality  
210 Tools for Schools Program. The inspection and evaluation program  
211 shall include, but not be limited to, a review, inspection or evaluation  
212 of the following: (1) The heating, ventilation and air conditioning  
213 systems; (2) radon levels in the air; (3) potential for exposure to  
214 microbiological airborne particles, including, but not limited to, fungi,  
215 mold and bacteria; (4) chemical compounds of concern to indoor air  
216 quality including, but not limited to, volatile organic compounds; (5)  
217 the degree of pest infestation, including, but not limited to, insects and  
218 rodents; (6) the [degree of pesticide usage] integrated pest  
219 management plan, as described in section 10-231d, as amended by this  
220 act, and the policy on emergency pesticide application, as defined in  
221 section 10-231a, as amended by this act, including the number of such  
222 emergency pesticide applications during the previous five years; (7)  
223 the presence of and the plans for removal of any hazardous substances  
224 that are contained on the list prepared pursuant to Section 302 of the  
225 federal Emergency Planning and Community Right-to-Know Act, 42  
226 USC 9601 et seq.; (8) ventilation systems; (9) plumbing, including  
227 water distribution systems, drainage systems and fixtures; (10)  
228 moisture incursion; (11) the overall cleanliness of the facilities; (12)  
229 building structural elements, including, but not limited to, roofing,  
230 basements or slabs; (13) the use of space, particularly areas that were  
231 designed to be unoccupied; and (14) the provision of indoor air quality  
232 maintenance training for building staff. Local and regional boards of  
233 education conducting evaluations pursuant to this subsection shall  
234 make available for public inspection the results of the inspection and  
235 evaluation at a regularly scheduled board of education meeting and on  
236 the board's or each individual school's web site.

237 Sec. 6. Subsection (b) of section 10-212c of the general statutes is  
238 repealed and the following is substituted in lieu thereof (*Effective July*  
239 *1, 2013*):

240 (b) Not later than August 15, 2012, each local and regional board of  
241 education shall: (1) Implement a plan based on the guidelines

242 developed pursuant to subsection (a) of this section for the  
 243 management of students with life-threatening food allergies and  
 244 glycogen storage disease enrolled in the schools under its jurisdiction;  
 245 (2) make such plan available on such board's web site or the web site of  
 246 each school under such board's jurisdiction, or if such web sites do not  
 247 exist, make such plan publicly available through other practicable  
 248 means as determined by such board; and (3) provide notice of such  
 249 plan in conjunction with the annual written statement provided to  
 250 parents and guardians as required by subsection [(b)] (a) of section 10-  
 251 231c, as amended by this act. The superintendent of schools for each  
 252 school district shall annually attest to the Department of Education  
 253 that such school district is implementing such plan in accordance with  
 254 the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	10-231a
Sec. 2	July 1, 2013	10-231b
Sec. 3	July 1, 2013	10-231c
Sec. 4	July 1, 2013	10-231d
Sec. 5	July 1, 2013	10-220(d)
Sec. 6	July 1, 2013	10-212c(b)

**Statement of Legislative Commissioners:**

Added new section 6 to make a conforming change to an internal reference in section 3.

**ED**            *Joint Favorable Subst. -LCO*

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.

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which bans the application of pesticides in, or on the grounds of a public or private school, including high schools, is not anticipated to result in a fiscal impact, as pesticide free products are available to local and regional school districts at a similar cost. Additionally, the bill requires local and regional school districts to implement various policies regarding emergency applications and the district's integrated pest management plan, which are not anticipated to result in a fiscal impact, as the changes are procedural in nature.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis****sHB 6385*****AN ACT PROHIBITING THE USE OF PESTICIDES AT PUBLIC SCHOOLS.*****SUMMARY:**

This bill (1) bans the application of pesticides in, or on the grounds of, public and private schools and (2) expands an existing ban on the application of lawn care pesticides on the grounds of public and private schools to cover high schools. Current law bans lawn care pesticide use at schools with children in grade eight or lower. The bill maintains an existing exception for emergency applications to eliminate threats to human health.

The bill also requires districts to (1) establish policies emergency applications and provide a statement of the policy to all staff and parents and (2) notify staff and parents in advance of any emergency application if they request it.

The bill changes the definition of integrated pest management (IPM) from one that uses all available pest control techniques, including a judicious use of pesticides, to one that does not allow use of pesticides. It requires each local or regional board of education to develop and implement an IPM plan by July 1, 2013 that is consistent with an applicable plan provided by the energy and environmental protection commissioner under state law. The bill continues to require all boards to give staff guidelines on implementing the plan and parents a summary of the plan.

The bill requires the existing indoor air quality inspection and evaluation program, which is required every five years for every school building, to address specifics regarding pesticide use. Current law requires the program to review, inspect, and evaluate the degree

of pesticide usage. The bill instead requires the program to review, inspect and evaluate the IPM plan, the emergency application policy, and the number of emergency applications made during the previous five years.

The bill also no longer applies the definition of pesticides in the education statutes to the statutes regarding day care centers.

It also makes conforming changes.

EFFECTIVE DATE: July 1, 2013

## **BAN ON PESTICIDE APPLICATIONS**

### ***Definitions***

Under the bill and current law:

1. "pesticide" means a fungicide used on plants, an insecticide, a herbicide or a rodenticide, but does not mean a sanitizer, disinfectant, antimicrobial agent, or pesticide bait;
2. "lawn care pesticide" means a pesticide registered by the U.S. Environmental Protection Agency and labeled under the federal Insecticide, Fungicide and Rodenticide Act for use in lawn, garden, and ornamental sites or areas; and
3. "school" means (a) a public school, other than a regional agricultural science and technology education center or (b) a private school.

### ***Pesticides***

The bill bans the application of pesticides on the grounds or in public and private schools. Under current law, such applications could be performed only by a pesticide applicator with supervisory state certification or a pesticide applicator with operational state certification under the direct supervision of a supervisory pesticide applicator. Under current law, this applicator qualification could be waived in an emergency.

**Lawn Care Pesticides**

The bill expands the existing ban on lawn care pesticide applications to include public or private high schools. Currently, it applies to public or private schools with grades eight and lower.

**Authority for Exceptions to Ban**

As under current law, the bill maintains the exceptions to the pesticide and lawn care pesticide bans if a threat to human health is determined by:

1. the local health director;
2. the public health commissioner;
3. the energy and environmental protection commissioner; or
4. in the case of a public school, the school superintendent.

**EMERGENCY APPLICATIONS****Conditions for Emergency Applications**

The bill establishes a number of conditions for emergency applications. Under the bill, “emergency pesticide applications” means the application of pesticide or lawn care pesticide to eliminate a threat to human health, as determined in accordance with the bill.

It bans emergency pesticide applications in any building or on the grounds of any school during regular school hours or during any planned activities at the school, except that an emergency application may be made to eliminate an immediate threat to human health if (1) it is necessary to do so at that time and (2) the application does not involve a restricted-use pesticide as defined in state law.

No child may enter an area where the emergency application has been made until it is safe to do so according to the directions on the pesticide label.

Also, as with the existing law, an emergency application can only be made by a pesticide applicator with supervisory state certification or a

pesticide applicator with operational state certification under the direct supervision of a supervisory pesticide applicator. This can be waived if the threat to human health is immediate and it is impractical to obtain the services of a certified applicator as long as the emergency application does not involve a restricted-use pesticide.

***Emergency Application Notice***

The bill requires the local or regional board of education to provide notice by any practical means on or before the day of an emergency application to anyone who has requested prior notice. The board may make an emergency application without prior notice if there is an immediate threat to human health, but all districts must develop a written statement of the board’s emergency application policy and provide staff and parents the opportunity to register for prior notification of applications.

***Emergency Application Plan and Notice Registry***

Under current law, school districts that do not have an IPM plan must:

1. develop a pesticide application policy,
2. distribute a statement on the policy to parents of students and school staff,
3. provide a description of pesticide applications in the previous year,
4. maintain a registry of persons requesting a prior notice of pesticide applications in their school, and
5. mail a notice of upcoming applications to those on the registry no later than 24 hours before the pesticide application.

The bill instead requires all districts to develop an emergency pesticide application policy and take the aforementioned steps for emergency applications.

Current law requires the notice to include the:

1. name of the active ingredient of the pesticide being applied;
2. target pest;
3. location of the emergency pesticide application on the school property;
4. date of the pesticide application; and
5. name of the school administrator, or a designee, who can be contacted for further information.

The bill instead requires all these steps to be taken for emergency applications, and adds the name of the active ingredient of the lawn care pesticide to the notice requirement.

**BACKGROUND**

***Related Bills***

SB 917 (File 47), reported favorably by the Environment Committee, exempts certain products, including microbial or biochemical pesticides, from the current lawn care pesticide ban, thus allowing their use on the grounds of schools and preschools.

SB 981 (File 196), reported favorably by the Children Committee, expands the ban on the use of lawn care pesticides in schools to include schools with students in grades nine to 12.

**COMMITTEE ACTION**

Education Committee

Joint Favorable  
Yea 27    Nay 7    (03/13/2013)