



General Assembly

Amendment

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LCO No. 3370

SB0006803370SD0

Offered by:
SEN. MEYER, 12th Dist.

To: Subst. Senate Bill No. 68

File No. 32

Cal. No. 57

**"AN ACT AUTHORIZING THE USE OF CERTAIN MICROBIAL AND
BIOCHEMICAL PESTICIDES AND GRUB CONTROL PRODUCTS
ON SCHOOL GROUNDS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 10-231b of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective September 1, 2015*):

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

15 defined in section 22a-47.

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

33 Sec. 502. (NEW) (*Effective September 1, 2015*) (a) As used in this
34 section:

35 (1) "Pesticide" means a fungicide used on plants, an insecticide, a
36 herbicide or a rodenticide but does not mean a sanitizer, disinfectant,
37 antimicrobial agent or a pesticide bait in a tamper-proof container;

38 (2) "Microbial pesticide" means a pesticide that consists of a
39 microorganism as the active ingredient;

40 (3) "Biochemical pesticide" means a naturally occurring substance
41 that controls pests by nontoxic mechanisms;

42 (4) "Lawn care pesticide" means a pesticide registered by the United
43 States Environmental Protection Agency and labeled pursuant to the
44 federal Insecticide, Fungicide and Rodenticide Act for use in lawn,

45 garden and ornamental sites or areas, except (A) a microbial pesticide
46 or biochemical pesticide that is registered with the United States
47 Environmental Protection Agency, (B) a horticultural soap or oil that is
48 registered with the United States Environmental Protection Agency
49 and does not contain any synthetic pesticide or synergist, or (C) a
50 pesticide classified by the United States Environmental Protection
51 Agency as an exempt material pursuant to 40 CFR 152.25;

52 (5) "Certified pesticide applicator" means a pesticide applicator with
53 (A) supervisory certification under section 22a-54 of the general
54 statutes, or (B) operational certification under section 22a-54 of the
55 general statutes, who operates under the direct supervision of a
56 pesticide applicator with said supervisory certification;

57 (6) "Controlling authority" means the executive head of the
58 municipal department responsible for the maintenance of a park,
59 athletic field, municipal green or playground, other than the grounds
60 of a school that is subject to the prohibition contained in section 10-
61 231b of the general statutes, as amended by this act, or such person's
62 designee; and

63 (7) "Athletic field" means any field or open space that is used for
64 sporting or sporting-related activities, but does not include a golf
65 course or any such field or open space that is located on the premises
66 of a college or that is used for professional sporting or professional
67 sporting-related activities.

68 (b) No person shall apply a lawn care pesticide on the grounds of
69 any park, athletic field, municipal green or playground, other than the
70 grounds of a school that is subject to the prohibition contained in
71 section 10-231b of the general statutes, as amended by this act, except a
72 person other than a certified pesticide applicator may make an
73 emergency application of pesticide to eliminate an immediate threat to
74 human health, including, but not limited to, the elimination of
75 mosquitoes, ticks and stinging insects, provided (1) the local health
76 director, the Commissioner of Public Health, the Commissioner of

77 Energy and Environmental Protection or such local health director's or
78 commissioners' designees determine that there is an immediate threat
79 to human health, (2) the controlling authority deems it impractical to
80 obtain the services of a certified pesticide applicator, and (3) such
81 emergency application of pesticide does not involve a restricted use
82 pesticide, as defined in section 22a-47 of the general statutes.

83 (c) Prior to providing for any application of pesticide on the
84 grounds of any park, athletic field, municipal green or playground,
85 other than the grounds of a school that is subject to the prohibition
86 contained in section 10-231b of the general statutes, as amended by this
87 act, the controlling authority shall, within the existing budgetary
88 resources available to the controlling authority, provide public notice
89 of such application not later than twenty-four hours prior to such
90 application of pesticide. Such public notice shall be posted on the
91 Internet web site of the applicable municipality. If an emergency
92 application of pesticide is necessary, as described in subsection (b) of
93 this section, such notice shall be given as soon as practicable. Notice
94 under this subsection shall include (1) the name of the active
95 ingredient of the pesticide being applied, (2) the target pest, (3) the
96 location of the application of pesticide on the grounds of the park,
97 athletic field, municipal green or playground, other than the grounds
98 of a school that is subject to the prohibition contained in section 10-
99 231b of the general statutes, as amended by this act, and (4) the date or
100 proposed date of the application of pesticide. A copy of each notice of
101 such application of pesticide at a park, athletic field, municipal green
102 or playground, other than the grounds of a school that is subject to the
103 prohibition contained in section 10-231b of the general statutes, as
104 amended by this act, shall be maintained by the controlling authority
105 for a period of five years from the date of application of the pesticide
106 and available to members of the public.

107 Sec. 503. Subsection (a) of section 19a-79a of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective from*
109 *passage*):

110 (a) As used in this section, "pesticide" means a fungicide used on
 111 plants, an insecticide, a herbicide or a rodenticide but does not mean a
 112 sanitizer, disinfectant, antimicrobial agent or a pesticide bait in a
 113 tamper-resistant container; "lawn care pesticide" means a pesticide
 114 registered by the United States Environmental Protection Agency and
 115 labeled pursuant to the federal Insecticide, Fungicide and Rodenticide
 116 Act for use in lawn, garden and ornamental sites or areas, but does not
 117 include any: (1) Microbial pesticide or biochemical pesticide that is
 118 registered with the United States Environmental Protection Agency, (2)
 119 horticultural soap or oil that is registered with the United States
 120 Environmental Protection Agency, and that does not contain any
 121 synthetic pesticide or synergist, or (3) pesticide classified by the United
 122 States Environmental Protection Agency as an exempt material under
 123 40 CFR 152.25; "certified pesticide applicator" means a pesticide
 124 applicator with [(1)] (A) supervisory certification under section 22a-54,
 125 or [(2)] (B) operational certification under section 22a-54, who operates
 126 under the direct supervision of a pesticide applicator with said
 127 supervisory certification; "licensee" means a person licensed under
 128 sections 19a-77 to 19a-87e, inclusive; and "day care center" means a
 129 child day care center, group day care home or family day care home
 130 that provides "child day care services", as described in section 19a-77;
 131 "microbial pesticide" means a pesticide that consists of a
 132 microorganism as the active ingredient, and "biochemical pesticide"
 133 means a naturally occurring substance that controls pests by nontoxic
 134 mechanisms."

This act shall take effect as follows and shall amend the following sections:

Sec. 501	<i>September 1, 2015</i>	10-231b
Sec. 502	<i>September 1, 2015</i>	New section
Sec. 503	<i>from passage</i>	19a-79a(a)