



House of Representatives

General Assembly

File No. 184

January Session, 2015

Substitute House Bill No. 6897

House of Representatives, March 23, 2015

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE APPLICATION OF PESTICIDES AT STATE-OPERATED PARKS, ATHLETIC FIELDS AND PLAYGROUNDS.

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 Section 10-231a of the general statutes is repealed and the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 from passage*):

3 As used in sections 10-231b to 10-231d, inclusive, and section [19a-
4 79a] 2 of this act, (1) "pesticide" means a fungicide used on plants, an
5 insecticide, a herbicide or a rodenticide, but does not mean a sanitizer,
6 disinfectant, antimicrobial agent or pesticide bait in a tamper-resistant
7 container, (2) "lawn care pesticide" means a pesticide registered by the
8 United States Environmental Protection Agency and labeled pursuant
9 to the federal Insecticide, Fungicide and Rodenticide Act for use in
10 lawn, garden and ornamental sites or areas, [and] but shall not include
11 any: (A) Microbial pesticide or biochemical pesticide that is registered
12 with the United States Environmental Protection Agency, (B)
13 horticultural soap or oil that is registered with the United States

14 Environmental Protection Agency, and that does not contain any
15 synthetic pesticide or synergist, (C) a pesticide classified by the United
16 States Environmental Protection Agency as an exempt material under
17 40 CFR 152.25, or (D) grub control product that is registered with the
18 United States Environmental Protection Agency that does not contain a
19 signal label with a caution, warning or danger indication and, except
20 for such pesticides described in subparagraphs (A) and (C) of this
21 subdivision, is subject to the restrictions in section 10-231b for an
22 emergency application of a lawn care pesticide, (3) "integrated pest
23 management" means use of all available pest control techniques,
24 including judicious use of pesticides, when warranted, to maintain a
25 pest population at or below an acceptable level, while decreasing the
26 use of pesticides, (4) "microbial pesticide" means a pesticide that
27 consists of a microorganism as the active ingredient, and (5)
28 "biochemical pesticide" means a naturally occurring substance that
29 controls pests by nontoxic mechanisms.

30 Sec. 2. (NEW) (*Effective July 1, 2015*) (a) As used in this section:

31 (1) "Certified pesticide applicator" means a pesticide applicator with
32 (A) supervisory certification under section 22a-54 of the general
33 statutes, or (B) operational certification under section 22a-54 of the
34 general statutes if such pesticide applicator operates under the direct
35 supervision of a pesticide applicator with said supervisory
36 certification;

37 (2) "Controlling authority" means the executive head of any state
38 department responsible for the maintenance of any state-operated
39 park, state-operated athletic field or state-operated playground, other
40 than a playground located on the premises of a school or such person's
41 designee; and

42 (3) "Athletic field" means any field or open space used for sporting
43 or sporting-related activities, but does not include a golf course or any
44 such field or open space located on the premises of a school, college or
45 university or that is used for professional sporting or sporting-related
46 activities.

47 (b) (1) No person shall apply pesticide or lawn care pesticide within
48 any state-operated park, state-operated athletic field or state-operated
49 playground, other than a playground located on the premises of a
50 school, except a certified pesticide applicator may make an emergency
51 application of pesticide or lawn care pesticide to eliminate an
52 immediate threat to human health, as determined by the
53 Commissioner of Public Health or the Commissioner of Energy and
54 Environmental Protection, including, but not limited to, the
55 elimination of mosquitoes, ticks and stinging insects, provided such
56 emergency application of pesticide or lawn care pesticide does not
57 involve a restricted use pesticide, as defined in section 22a-47 of the
58 general statutes.

59 (2) Notwithstanding the provisions of subdivision (1) of this
60 subsection, on and after July 1, 2015, and until July 1, 2017, a certified
61 pesticide applicator may apply lawn care pesticide at any state-
62 operated athletic field to transition to nontoxic care, provided such
63 lawn care pesticide is applied pursuant to an integrated pest
64 management plan that shall be consistent with a model pest control
65 management plan developed by the Commissioner of Energy and
66 Environmental Protection pursuant to section 22a-66l of the general
67 statutes.

68 (c) Prior to any application of pesticide or lawn care pesticide within
69 any state-operated park, state-operated athletic field or state-operated
70 playground, other than a playground located on the premises of a
71 school, the controlling authority shall, within the existing budgetary
72 resources available to the controlling authority, provide public notice
73 of such application not fewer than twenty-four hours prior to such
74 application of pesticide or lawn care pesticide. Such public notice shall
75 be posted on the premises of such state-operated park, state-operated
76 athletic field or state-operated playground, and on any Internet web
77 site operated by such controlling authority. If a controlling authority
78 determines an emergency application of pesticide or lawn care
79 pesticide is necessary pursuant to subdivision (1) of subsection (b) of
80 this section, such notice shall be given as soon as practicable. Notice

81 under this subsection shall include (1) the name of the active
82 ingredient of the pesticide or lawn care pesticide being applied, (2) the
83 target pest, (3) the location of the application of pesticide or lawn care
84 pesticide on the grounds of such state-operated park, state-operated
85 athletic field or state-operated playground, and (4) the date or
86 proposed date of the application of pesticide or lawn care pesticide. A
87 copy of each notice of such application of pesticide or lawn care
88 pesticide at such state-operated park, state-operated athletic field or
89 state-operated playground shall be maintained by the controlling
90 authority for a period of five years from the date of application of the
91 pesticide or lawn care pesticide and shall be made available to
92 members of the public at an easily accessible location.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-231a
Sec. 2	<i>July 1, 2015</i>	New section

KID *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:** None**Explanation**

The bill prohibits the nonemergency application of certain pesticides in state-operated parks, athletic fields, and playgrounds. For a limited time, it allows certified pesticide applicators to apply lawn care pesticide at the athletic fields to transition to nontoxic care, as long as they follow an integrated pest management (IPM) plan.

As non-toxic free products used under the IPM plan are available at similar costs¹ to those containing pesticides, the bill is not anticipated to result in a fiscal impact.

Additionally, the bill requires certain maintainers to post notice, within 24 hours of certain pesticide applications. This also is not anticipated to result in a fiscal impact.

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

¹<http://www.epa.gov/pesticides/ipm>

OLR Bill Analysis**sHB 6897****AN ACT CONCERNING THE APPLICATION OF PESTICIDES AT STATE-OPERATED PARKS, ATHLETIC FIELDS AND PLAYGROUNDS.****SUMMARY:**

This bill bans the nonemergency application of certain pesticides in state-operated (1) parks, (2) athletic fields, and (3) playgrounds. For a limited time, it allows certified pesticide applicators to apply lawn care pesticide at the athletic fields to transition to nontoxic care, as long as they follow an integrated pest management (IPM) plan. The bill also requires the person responsible for maintaining the park, field, or playground (i.e., controlling authority) to provide notice, within existing budgetary resources, at least 24 hours before any pesticide or lawn-care pesticide application.

The bill exempts certain products from the ban on nonemergency application of lawn care pesticide on the grounds of any public or private preschool or school with students in grade eight or lower.

It also makes a technical change, removing a superfluous reference to the day care center statutes.

EFFECTIVE DATE: July 1, 2015, except the lawn care pesticide exemption, which takes effect upon passage.

PESTICIDE USE AT STATE PARKS, ATHLETIC FIELDS AND PLAYGROUNDS***Pesticide Ban***

The bill generally bans applying pesticides or lawn care pesticide in any state-operated park, athletic field, or playground that is not on school property. "Athletic field" is a field or open space used for sporting or sports-related activities. It does not include a golf course or

any such field or open space on school, college, or university grounds that is used for professional sporting or sporting-related activities.

It exempts from the ban emergency application by a certified pesticide applicator to eliminate what the public health or energy and environmental protection (DEEP) commissioner determines to be an immediate threat to human health, including mosquitoes, ticks, and stinging insects. The bill prohibits applicators from using restricted use pesticides (i.e., pesticides the federal Environmental Protection Agency (EPA) or DEEP classify as “restricted”) for emergency applications.

Until July 1, 2017, the bill allows certified pesticide applicators to apply lawn care pesticide at any state-operated athletic field to transition to nontoxic care, as long as the applicator adheres to an IPM plan consistent with DEEP’s model pest control management plan. By law, IPM is the use of all available pest control techniques, including judicious pesticide use, when needed, to maintain a pest population at or below an acceptable level, while decreasing pesticide use.

Under the bill, a “certified pesticide applicator” is an applicator with (1) supervisory certification or (2) operational certification if he or she operates under the supervision of a supervisory certified pesticide applicator (see BACKGROUND).

Notice Requirements

The bill requires the controlling authority to provide public notice at least 24 hours before any pesticide or lawn-care pesticide application in a state-operated park, field, or playground. For emergency applications, the notice must instead be provided as soon as practicable. It must be posted on the (1) park, field, or playground premises, and (2) authority’s website. The notice must include the:

1. pesticide’s active ingredients,
2. target pest, and
3. date or proposed date and location of the application.

The controlling authority must (1) keep a copy of each notice for five years from the application date and (2) make the copy publicly available at any easily accessible location.

PESTICIDE USE ON SCHOOL GROUNDS

Lawn Care Pesticides

Current law defines a “lawn care pesticide” as a pesticide (1) registered by EPA and (2) labeled according to federal law for use in lawns, gardens, and ornamental sites or areas.

The bill exempts the following products from this definition, thus allowing their application on the grounds of public and private preschools and schools with students in grade eight or lower:

1. EPA-registered microbial or biochemical pesticides;
2. horticultural soaps or oils registered with EPA and without synthetic pesticide or synergist (enhancer of pesticide properties);
3. certain pesticides classified by EPA as exempt materials (see BACKGROUND); and
4. EPA-registered grub control products that do not contain a signal label with a caution, warning, or danger indication.

But the grub control products that are horticultural soaps or oils may only be used in an emergency application to eliminate a human health threat, as determined by the local health director, public health or DEEP commissioner, or in the case of a public school, a superintendent.

Under the bill, a “microbial pesticide” is a pesticide that has a microorganism as the active ingredient, and a “biochemical pesticide” is a naturally occurring substance that controls pests by nontoxic means.

Pesticides

Under current law, “pesticide” is a fungicide used on plants, insecticide, herbicide, or rodenticide, but not a sanitizer, disinfectant, antimicrobial agent, or pesticide bait. The bill requires that, to be excluded from the definition and exempt from the law's pesticide application requirements for schools, sanitizers, disinfectants, antimicrobial agents, and pesticide baits must be in tamper-resistant containers.

BACKGROUND

Pesticide Applicator Certification

Under the Connecticut Pesticide Control Act (CGS § 22a-46 et seq.), anyone who uses or supervises the use of a restricted use pesticide in the state must have a private or commercial certificate or permit unless the use is directly supervised by a certified applicator.

Exempt Pesticides

Certain pesticides and pesticide classes do not need regulation under the federal Insecticide, Fungicide, and Rodenticide Act. They include:

1. pheromones and similar compounds used in pheromone traps,
2. preservatives for biological specimens (e.g., embalming fluids),
3. products consisting of food to attract pests,
4. natural cedar,
5. minimum-risk pesticides (i.e., containing certain active ingredients), and
6. treated articles or substances (40 CFR 152.25).

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 8 Nay 5 (03/05/2015)