



General Assembly

January Session, 2015

Raised Bill No. 6897

LCO No. 4313



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

**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 Section 10-231a of the general statutes is repealed and the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 2 of
4 this act [and section 19a-79a,] (1) "pesticide" means a fungicide used on
5 plants, an insecticide, a herbicide or a rodenticide, but does not mean a
6 sanitizer, disinfectant, antimicrobial agent or pesticide bait in a
7 tamper-resistant container, (2) "lawn care pesticide" means a pesticide
8 registered by the United States Environmental Protection Agency and
9 labeled pursuant to the federal Insecticide, Fungicide and Rodenticide
10 Act for use in lawn, garden and ornamental sites or areas, [and] but
11 shall not include any: (A) Microbial pesticide or biochemical pesticide
12 that is registered with the United States Environmental Protection
13 Agency, (B) horticultural soap or oil that is registered with the United
14 States 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 October 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, athletic field or playground, other than a playground located on
40 the premises of a school, or such person's designee; and

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

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

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

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

79 the active ingredient of the pesticide or lawn care pesticide being
80 applied, (2) the target pest, (3) the location of the application of
81 pesticide or lawn care pesticide on the grounds of such state-operated
82 park, athletic field or playground, and (4) the date or proposed date of
83 the application of pesticide or lawn care pesticide. A copy of each
84 notice of such application of pesticide or lawn care pesticide at such
85 state-operated park, athletic field or playground shall be maintained
86 by the controlling authority for a period of five years from the date of
87 application of the pesticide or lawn care pesticide and available to
88 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>October 1, 2015</i>	New section

Statement of Purpose:

To protect children's health from exposure to toxic lawn pesticides by applying certain restrictions concerning the application of lawn pesticides at state-operated parks, athletic fields and playgrounds.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]