



General Assembly

Substitute Bill No. 1063

January Session, 2015



AN ACT CONCERNING THE APPLICATION OF PESTICIDES ON MUNICIPAL PLAYGROUNDS AND AUTHORIZING THE USE OF CERTAIN MICROBIALS.

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 Section 10-231a of the general statutes is repealed and the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,] (1) "pesticide" means a fungicide used on plants, an insecticide, a
5 herbicide or a rodenticide, but does not mean a sanitizer, disinfectant,
6 antimicrobial agent or pesticide bait in a tamper-resistant container, (2)
7 "lawn care pesticide" means a pesticide registered by the United States
8 Environmental Protection Agency and labeled pursuant to the federal
9 Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and
10 ornamental sites or areas. [, and] "Lawn care pesticide" does not
11 include (A) a microbial pesticide or biochemical pesticide that is
12 registered with the United States Environmental Protection Agency,
13 (B) a horticultural soap or oil that is registered with the United States
14 Environmental Protection Agency and does not contain any synthetic
15 pesticide or synergist, (C) a pesticide classified by the United States
16 Environmental Protection Agency as an exempt material pursuant to
17 40 CFR 152.25, as amended from time to time, or (D) a grub control
18 product that is registered with the United States Environmental

19 Protection Agency that does not contain a signal label with a caution,
20 warning or danger indication and, except for such pesticides described
21 in subparagraphs (A) and (C) of this subdivision, is applied only
22 during an emergency application of a lawn care pesticide, as described
23 in section 10-231b, (3) "integrated pest management" means use of all
24 available pest control techniques, including judicious use of pesticides,
25 when warranted, to maintain a pest population at or below an
26 acceptable level, while decreasing the use of pesticides, (4) "microbial
27 pesticide" means a pesticide that consists of a microorganism as the
28 active ingredient, and (5) "biochemical pesticide" means a naturally
29 occurring substance that controls pests by nontoxic mechanisms.

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

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

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

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

38 (4) "Lawn care pesticide" means a pesticide registered by the United
39 States Environmental Protection Agency and labeled pursuant to the
40 federal Insecticide, Fungicide and Rodenticide Act for use in lawn,
41 garden and ornamental sites or areas. "Lawn care pesticide" does not
42 include (A) a microbial pesticide or biochemical pesticide that is
43 registered with the United States Environmental Protection Agency,
44 (B) a horticultural soap or oil that is registered with the United States
45 Environmental Protection Agency and does not contain any synthetic
46 pesticide or synergist, (C) a pesticide classified by the United States
47 Environmental Protection Agency as an exempt material pursuant to
48 40 CFR 152.25, as amended from time to time, or (D) a grub control
49 product that is registered with the United States Environmental

50 Protection Agency that does not contain a signal label with a caution,
51 warning or danger indication;

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 such supervisory certification;

57 (6) "Controlling authority" means the executive head of the
58 municipal department responsible for the maintenance of a
59 playground or such person's designee. "Controlling authority" does
60 not include the executive head of any municipal department
61 responsible for the maintenance of any school;

62 (7) "Municipal playground" means any outdoor area owned or
63 controlled by any town, city or borough, consolidated town and city or
64 consolidated town and borough that is designated, dedicated or
65 customarily used for playing by children, including, but not limited to,
66 any such outdoor area that contains any swing set, slide, climbing
67 structure, playset or device or object upon which children play.
68 "Municipal playground" does not include any: (A) Playground located
69 on the premises of any school, or (B) athletic field; and

70 (8) "Athletic field" means any field or open space used only for
71 sporting activities.

72 (b) No person other than a certified pesticide applicator shall apply
73 pesticide within any municipal playground except a person other than
74 a certified pesticide applicator may make an emergency application of
75 pesticide to eliminate an immediate threat to human health, including,
76 but not limited to, the elimination of mosquitoes, ticks and stinging
77 insects, provided (1) the controlling authority determines such
78 emergency application of pesticide to be necessary, (2) the controlling
79 authority deems it impractical to obtain the services of a certified
80 pesticide applicator, and (3) such emergency application of pesticide

81 does not involve a restricted use pesticide, as defined in section 22a-47
 82 of the general statutes.

83 (c) No person shall apply a lawn care pesticide on the grounds of
 84 any municipal playground, except an emergency application of
 85 pesticide may be made to eliminate an immediate threat to human
 86 health, including, but not limited to, the elimination of mosquitoes,
 87 ticks and stinging insects, provided (1) the controlling authority
 88 determines such emergency application of pesticide to be necessary,
 89 and (2) such emergency application of pesticide does not involve a
 90 restricted use pesticide, as defined in section 22a-47 of the general
 91 statutes.

92 (d) Prior to providing for any application of pesticide on the
 93 grounds of any municipal playground, the controlling authority shall,
 94 within the existing budgetary resources available to the controlling
 95 authority, provide public notice of such application not later than
 96 twenty-four hours prior to such application of pesticide. Such public
 97 notice shall be posted on the Internet web site of the applicable
 98 municipality. If a controlling authority determines an emergency
 99 application of pesticide to be necessary pursuant to subsection (b) or
 100 (c) of this section, such notice shall be given as soon as practicable.
 101 Notice under this subsection shall include (1) the name of the active
 102 ingredient of the pesticide being applied, (2) the target pest, (3) the
 103 location of the application of pesticide on the grounds of the municipal
 104 playground, and (4) the date or proposed date of the application of
 105 pesticide. A copy of each notice of such application of pesticide at a
 106 municipal playground shall be maintained by the controlling authority
 107 for a period of five years from the date of application of the pesticide
 108 and available to members of the public.

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 Legislative Commissioners:

In section 2(a)(1), "tamper-proof" was changed to "tamper-resistant" for consistency with section 1(1); in section 2(d), a reference to an emergency application pursuant to "subsection (b)" was added for accuracy; and in section 2(d)(3), references to a park, playground on school premises, athletic field and municipal green were deleted since those locations had been deleted from the section.

PD *Joint Favorable Subst.*