



General Assembly

**Amendment**

January Session, 2015

LCO No. 8058



Offered by:

SEN. KENNEDY, 12<sup>th</sup> Dist.

SEN. CHAPIN, 30<sup>th</sup> Dist.

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To: Subst. Senate Bill No. 366

File No. 543

Cal. No. 317

**"AN ACT CONCERNING NOTICE OF PESTICIDE APPLICATIONS  
AT PUBLIC SCHOOLS AND AUTHORIZING THE USE OF CERTAIN  
MICROBIALS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsections (c) to (e), inclusive, of section 10-231c of the  
4 general statutes are repealed and the following is substituted in lieu  
5 thereof (*Effective October 1, 2015*):

6 (c) (1) On and after July 1, 2000, parents or guardians of children in  
7 any school and school staff may register for prior notice of pesticide  
8 application at their school. Each school shall maintain a registry of  
9 persons requesting such notice. Prior to providing for any application  
10 of pesticide within any building or on the grounds of any school, the  
11 local or regional board of education shall provide for the [mailing]

12 transmittal of notice, by electronic mail, to parents and guardians who  
13 have registered for prior notice under this section such that [the] such  
14 electronic mail notice is received no later than twenty-four hours prior  
15 to such application. Notice shall be given by any means practicable to  
16 school staff who have registered for such notice. Notice under this  
17 subsection shall include [(1)] (A) the name of the active ingredient of  
18 the pesticide being applied, [(2)] (B) the target pest, [(3)] (C) the  
19 location of the application on the school property, [(4)] (D) the date of  
20 the application, and [(5)] (E) the name of the school administrator, or a  
21 designee, who may be contacted for further information.

22 (2) On and after October 1, 2015, prior to providing for any  
23 application of pesticide within any building or on the grounds of any  
24 school, in addition to the requirements of subdivision (1) of this  
25 subsection, the local or regional board of education shall provide for  
26 notice of such application not less than twenty-four hours prior to such  
27 application by posting the notice required by subdivision (1) of this  
28 subsection either on or through: (A) The home page of the Internet  
29 web site for the school where such application will occur, or, in the  
30 event such school does not have a web site, on the home page of the  
31 Internet web site for such local or regional board of education, and (B)  
32 the primary social media account of such school or local or regional  
33 board of education. Each local or regional board of education shall  
34 indicate on the home page of such board of education how parents  
35 may register for prior notice of pesticide applications, as described in  
36 subdivision (1) of this subsection. Not later than March fifteenth of  
37 each year, the local or regional board of education shall send through  
38 the electronic mail notification or alert system or service of such school  
39 or local or regional board of education the notice required by  
40 subdivision (1) of this subsection for applications made since January  
41 first of such year and a listing of such notices for applications made  
42 during the March fifteenth through December thirty-first timeframe  
43 from the preceding calendar year. The local or regional board of  
44 education shall additionally print such electronic mail notification  
45 required by this subdivision in the applicable parent handbook or

46 manual, provided nothing in this subdivision shall be construed to  
47 require the reprinting of such handbook or manual to provide such  
48 notification. Nothing in this subdivision shall require the development  
49 or use of an Internet web site, social media account or electronic mail  
50 notification or alert system that is not already in use or existence prior  
51 to the effective date of this section. For purposes of this section and  
52 section 10-231d, as amended by this act, "social media" means an  
53 electronic medium where users may create and view user-generated  
54 content, such as uploaded or downloaded videos or still photographs,  
55 blogs, video blogs, podcasts or instant messages.

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

65 (e) On and after July 1, 2000, a local or regional board of education  
66 may make an emergency application of pesticide without prior notice  
67 under this section in the event of an immediate threat to human health  
68 provided the board provides for notice, by any means practicable, on  
69 or before the day that the application is to take place to any person  
70 who has requested prior notice under this section and concomitantly  
71 provides such notice in accordance with subdivision (2) of subsection  
72 (c) of this section.

73 Sec. 2. Subsections (c) and (d) of section 10-231d of the general  
74 statutes are repealed and the following is substituted in lieu thereof  
75 (*Effective October 1, 2015*):

76 (c) On and after July 1, 2000, parents or guardians of children in any  
77 school and school staff may register for notice of pesticide application

78 at their school. Each school shall maintain a registry of persons  
79 requesting such notice. Notice under this subsection shall include (1)  
80 the name of the active ingredient of the pesticide being applied, (2) the  
81 target pest, (3) the location of the application on the school property,  
82 ~~[(3)]~~ (4) the date of the application, and ~~[(4)]~~ (5) the name of the school  
83 administrator, or a designee, who may be contacted for further  
84 information.

85 (d) (1) On and after July 1, 2000, a local or regional board of  
86 education shall provide notice, by any means practicable, to any  
87 person who has requested notice under this section on or before the  
88 day that any application of pesticide is to take place at a school. No  
89 application of pesticide may be made in any building or on the  
90 grounds of any school during regular school hours or during planned  
91 activities at any school except that an emergency application may be  
92 made to eliminate an immediate threat to human health if ~~[(1)]~~ (A) it is  
93 necessary to make the application during such a period, and ~~[(2)]~~ (B)  
94 such emergency application does not involve a restricted use pesticide,  
95 as defined in section 22a-47. No child may enter an area of such  
96 application until it is safe to do so according to the provisions on the  
97 pesticide label.

98 (2) On and after October 1, 2015, prior to providing for any  
99 application of pesticide within any building or on the grounds of any  
100 school, in addition to the requirements of subdivision (1) of this  
101 subsection, the local or regional board of education shall provide for  
102 notice of such application not less than twenty-four hours prior to such  
103 application by posting the notice required by subdivision (1) of this  
104 subsection either on or through: (A) The home page of the Internet  
105 web site for the school where such application will occur, or, in the  
106 event such school does not have a web site, on the home page of the  
107 Internet web site for such local or regional board of education, and (B)  
108 the primary social media account of such school or local or regional  
109 board of education. Each local or regional board of education shall  
110 indicate on the home page of such board of education how parents

111 may register for prior notice of pesticide applications, as described in  
112 subdivision (1) of this subsection. Not later than March fifteenth of  
113 each year, the local or regional board of education shall send through  
114 the electronic mail notification or alert system or service of such school  
115 or local or regional board of education the notice required by  
116 subdivision (1) of this subsection for applications made since January  
117 first of such year and a listing of such notices for applications made  
118 during the March fifteenth through December thirty-first timeframe  
119 from the preceding calendar year. The local or regional board of  
120 education shall additionally print such electronic mail notification  
121 required by this subdivision in the applicable parent handbook or  
122 manual, provided nothing in this subdivision shall be construed to  
123 require the reprinting of such handbook or manual to provide such  
124 notification. Nothing in this subdivision shall require the development  
125 or use of an Internet web site, social media account or electronic mail  
126 notification or alert system that is not already in use or existence prior  
127 to the effective date of this section. For purposes of this section and  
128 section 10-231d, as amended by this act, "social media" means an  
129 electronic medium where users may create and view user-generated  
130 content, such as uploaded or downloaded videos or still photographs,  
131 blogs, video blogs, podcasts or instant messages.

132 Sec. 3. Section 10-231a of the general statutes is repealed and the  
133 following is substituted in lieu thereof (*Effective from passage*):

134 As used in sections 10-231b to 10-231d, inclusive, as amended by  
135 this act, [and section 19a-79a,] (1) "pesticide" means a fungicide used  
136 on plants, an insecticide, a herbicide or a rodenticide, but does not  
137 mean a sanitizer, disinfectant, antimicrobial agent or pesticide bait, (2)  
138 "lawn care pesticide" means a pesticide registered by the United States  
139 Environmental Protection Agency and labeled pursuant to the federal  
140 Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and  
141 ornamental sites or areas. [, and] "Lawn care pesticide" does not  
142 include (A) a microbial pesticide or biochemical pesticide that is  
143 registered with the United States Environmental Protection Agency,

144 (B) a horticultural soap or oil that is registered with the United States  
145 Environmental Protection Agency and does not contain any synthetic  
146 pesticide or synergist, or (C) a pesticide classified by the United States  
147 Environmental Protection Agency as an exempt material pursuant to  
148 40 CFR 152.25, as amended from time to time, (3) "integrated pest  
149 management" means use of all available pest control techniques,  
150 including judicious use of pesticides, when warranted, to maintain a  
151 pest population at or below an acceptable level, while decreasing the  
152 use of pesticides, (4) "microbial pesticide" means a pesticide that  
153 consists of a microorganism as the active ingredient, and (5)  
154 "biochemical pesticide" means a naturally occurring substance that  
155 controls pests by nontoxic mechanisms.

156 Sec. 4. (NEW) (*Effective October 1, 2015*) (a) As used in this section:

157 (1) "Pesticide" means a fungicide used on plants, an insecticide, a  
158 herbicide or a rodenticide but does not mean a sanitizer, disinfectant,  
159 antimicrobial agent or a pesticide bait;

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

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

164 (4) "Lawn care pesticide" means a pesticide registered by the United  
165 States Environmental Protection Agency and labeled pursuant to the  
166 federal Insecticide, Fungicide and Rodenticide Act for use in lawn,  
167 garden and ornamental sites or areas. "Lawn care pesticide" does not  
168 include (A) a microbial pesticide or biochemical pesticide that is  
169 registered with the United States Environmental Protection Agency,  
170 (B) a horticultural soap or oil that is registered with the United States  
171 Environmental Protection Agency and does not contain any synthetic  
172 pesticide or synergist, or (C) a pesticide classified by the United States  
173 Environmental Protection Agency as an exempt material pursuant to  
174 40 CFR 152.25, as amended from time to time;

175 (5) "Certified pesticide applicator" means a pesticide applicator with  
176 (A) supervisory certification under section 22a-54 of the general  
177 statutes, or (B) operational certification under section 22a-54 of the  
178 general statutes, who operates under the direct supervision of a  
179 pesticide applicator with such supervisory certification;

180 (6) "Controlling authority" means the executive head of the  
181 municipal department responsible for the maintenance of a  
182 playground or such person's designee. "Controlling authority" does  
183 not include the executive head of any municipal department  
184 responsible for the maintenance of any school;

185 (7) "Municipal playground" means an outdoor area owned or  
186 controlled by any town, city or borough, consolidated town and city or  
187 consolidated town and borough that is designated, dedicated and  
188 customarily used for playing by children, such as any such outdoor  
189 area that contains any swing set, slide, climbing structure, playset or  
190 device or object upon which children play. "Municipal playground"  
191 does not include any: (A) Playground located on the premises of any  
192 school, or (B) athletic field; and

193 (8) "Athletic field" means any field or open space used primarily for  
194 sporting activities.

195 (b) No person other than a certified pesticide applicator shall apply  
196 pesticide within any municipal playground except a person other than  
197 a certified pesticide applicator may make an emergency application of  
198 pesticide to eliminate an immediate threat to human health, including,  
199 but not limited to, the elimination of mosquitoes, ticks and stinging  
200 insects, provided (1) the controlling authority determines such  
201 emergency application of pesticide to be necessary, (2) the controlling  
202 authority deems it impractical to obtain the services of a certified  
203 pesticide applicator, and (3) such emergency application of pesticide  
204 does not involve a restricted use pesticide, as defined in section 22a-47  
205 of the general statutes.

206 (c) No person shall apply a lawn care pesticide on the grounds of  
207 any municipal playground, except an emergency application of  
208 pesticide may be made to eliminate an immediate threat to human  
209 health, including, but not limited to, the elimination of mosquitoes,  
210 ticks and stinging insects, provided (1) the controlling authority  
211 determines such emergency application of pesticide to be necessary,  
212 and (2) such emergency application of pesticide does not involve a  
213 restricted use pesticide, as defined in section 22a-47 of the general  
214 statutes.

215 (d) Prior to providing for any application of pesticide on the  
216 grounds of any municipal playground, the controlling authority shall,  
217 if the emergency situation permits, within the existing budgetary  
218 resources available to the controlling authority, provide public notice  
219 of such application not later than twenty-four hours prior to such  
220 application of pesticide. Such public notice shall be posted on the  
221 Internet web site of the applicable municipality. If a controlling  
222 authority determines an emergency application of pesticide to be  
223 necessary pursuant to subsection (b) or (c) of this section, such notice  
224 shall be given as soon as practicable. Notice under this subsection shall  
225 include (1) the name of the active ingredient of the pesticide being  
226 applied, (2) the target pest, (3) the location of the application of  
227 pesticide on the grounds of the municipal playground, and (4) the date  
228 or proposed date of the application of pesticide. A copy of each notice  
229 of such application of pesticide at a municipal playground shall be  
230 maintained by the controlling authority for a period of five years from  
231 the date of application of the pesticide and available to members of the  
232 public.

233 Sec. 5. Section 22a-66l of the general statutes is repealed and the  
234 following is substituted in lieu thereof (*Effective from passage*):

235 (a) Each state department, agency or institution shall use integrated  
236 pest management at facilities under its control if the Commissioner of  
237 Energy and Environmental Protection has provided model pest control  
238 management plans pertinent to such facilities.

239 (b) Each state agency or school which enters into a contract for  
240 services for pest control and pesticide application may revise and  
241 maintain its bidding procedures to require contractors to supply  
242 integrated pest management services.

243 (c) The Commissioner of Energy and Environmental Protection  
244 shall, within available appropriations, annually review a sampling of  
245 state department, agency, school or institution pest control  
246 management plans required by regulations adopted under subsection  
247 (e) of this section or section 10-231b, and may review any application  
248 of pesticides to determine whether a state department, agency, school  
249 or institution acted in accordance with subsection (a) of this section.

250 (d) The Commissioner of Energy and Environmental Protection may  
251 provide model pest control management plans which incorporate  
252 integrated pest management for each appropriate category of  
253 commercial pesticide certification which it offers. The commissioner  
254 shall, within available resources, notify municipalities, school boards,  
255 and other political subdivisions of the state of the availability of the  
256 model plans for their use. The Commissioner of Energy and  
257 Environmental Protection shall consult with any state agency head in  
258 the development of any such plan for properties in the custody or  
259 control of such agency head.

260 (e) The Commissioner of Energy and Environmental Protection, in  
261 consultation with the Commissioner of Public Health, shall adopt  
262 regulations, in accordance with the provisions of chapter 54,  
263 establishing requirements for the application of pesticides by any state  
264 department, agency or institution. Such regulations shall include  
265 provisions: (1) [for] Requiring the use of integrated pest management  
266 methods [to] that reduce the amount of pesticides used if the  
267 Commissioner of Energy and Environmental Protection has provided  
268 model pest control management plans pertinent to such facilities, and  
269 (2) for the retention of records by each state department, agency or  
270 institution that applies any pesticide or implements an integrated pest  
271 management program that include, but are not limited to, the need

272 that resulted in the use of pesticides, the location treated with such  
 273 pesticide, the frequency of pesticide application at such location, the  
 274 toxicity category and carcinogenic classification for any pesticide used,  
 275 as established by the United States Environmental Protection Agency,  
 276 and the cost for each pesticide application. Notwithstanding the  
 277 provisions of this section and any regulations adopted under this  
 278 section, a pesticide may be applied if the Commissioner of Public  
 279 Health determines there is a public health emergency or the  
 280 Commissioner of Energy and Environmental Protection determines  
 281 that such application is necessary for control of mosquitoes.

282 (f) The Commissioner of Energy and Environmental Protection shall  
 283 develop and implement a program to inform the public of the  
 284 principles of integrated pest management and to encourage its  
 285 application in private properties."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	10-231c(c) to (e)
Sec. 2	<i>October 1, 2015</i>	10-231d(c) and (d)
Sec. 3	<i>from passage</i>	10-231a
Sec. 4	<i>October 1, 2015</i>	New section
Sec. 5	<i>from passage</i>	22a-66l