



General Assembly

Amendment

January Session, 2015

LCO No. 9212



Offered by:
REP. SRINIVASAN, 31st Dist.

To: Subst. Senate Bill No. 366 File No. 543 Cal. No. 645

(As Amended by Senate Amendment Schedule "A")

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

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- 1 Strike section 4 and insert the following in lieu thereof:
- 2 "Sec. 4. (NEW) (*Effective October 1, 2015*) (a) As used in this section:
- 3 (1) "Pesticide" means a fungicide used on plants, an insecticide, a
4 herbicide or a rodenticide but does not mean a sanitizer, disinfectant,
5 antimicrobial agent or a pesticide bait;
- 6 (2) "Microbial pesticide" means a pesticide that consists of a
7 microorganism as the active ingredient;
- 8 (3) "Biochemical pesticide" means a naturally occurring substance
9 that controls pests by nontoxic mechanisms;
- 10 (4) "Lawn care pesticide" means a pesticide registered by the United

11 States Environmental Protection Agency and labeled pursuant to the
12 federal Insecticide, Fungicide and Rodenticide Act for use in lawn,
13 garden and ornamental sites or areas. "Lawn care pesticide" does not
14 include (A) a microbial pesticide or biochemical pesticide that is
15 registered with the United States Environmental Protection Agency,
16 (B) a horticultural soap or oil that is registered with the United States
17 Environmental Protection Agency and does not contain any synthetic
18 pesticide or synergist, or (C) a pesticide classified by the United States
19 Environmental Protection Agency as an exempt material pursuant to
20 40 CFR 152.25, as amended from time to time;

21 (5) "Certified pesticide applicator" means a pesticide applicator with
22 (A) supervisory certification under section 22a-54 of the general
23 statutes, or (B) operational certification under section 22a-54 of the
24 general statutes, who operates under the direct supervision of a
25 pesticide applicator with such supervisory certification;

26 (6) "Controlling authority" means the executive head of the
27 municipal department responsible for the maintenance of a
28 playground or such person's designee. "Controlling authority" does
29 not include the executive head of any municipal department
30 responsible for the maintenance of any school;

31 (7) "Playground" means an outdoor area owned or controlled by any
32 state agency or department, town, city or borough, consolidated town
33 and city or consolidated town and borough that is designated,
34 dedicated and customarily used for playing by children, such as any
35 such outdoor area that contains any swing set, slide, climbing
36 structure, playset or device or object upon which children play.
37 "Playground" does not include any: (A) Playground located on the
38 premises of any school, or (B) athletic field; and

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

41 (b) No person other than a certified pesticide applicator shall apply

42 pesticide within any playground except a person other than a certified
43 pesticide applicator may make an emergency application of pesticide
44 to eliminate an immediate threat to human health, including, but not
45 limited to, the elimination of mosquitoes, ticks and stinging insects,
46 provided (1) the controlling authority determines such emergency
47 application of pesticide to be necessary, (2) the controlling authority
48 deems it impractical to obtain the services of a certified pesticide
49 applicator, and (3) such emergency application of pesticide does not
50 involve a restricted use pesticide, as defined in section 22a-47 of the
51 general statutes.

52 (c) No person shall apply a lawn care pesticide on the grounds of
53 any playground, except an emergency application of pesticide may be
54 made to eliminate an immediate threat to human health, including, but
55 not limited to, the elimination of mosquitoes, ticks and stinging insects,
56 provided (1) the controlling authority determines such emergency
57 application of pesticide to be necessary, and (2) such emergency
58 application of pesticide does not involve a restricted use pesticide, as
59 defined in section 22a-47 of the general statutes.

60 (d) Prior to providing for any application of pesticide on the
61 grounds of any playground, the controlling authority shall, if the
62 emergency situation permits, within the existing budgetary resources
63 available to the controlling authority, provide public notice of such
64 application not later than twenty-four hours prior to such application
65 of pesticide. Such public notice shall be posted on the Internet web site
66 of the applicable state agency, department or municipality. If a
67 controlling authority determines an emergency application of pesticide
68 to be necessary pursuant to subsection (b) or (c) of this section, such
69 notice shall be given as soon as practicable. Notice under this
70 subsection shall include (1) the name of the active ingredient of the
71 pesticide being applied, (2) the target pest, (3) the location of the
72 application of pesticide on the grounds of the playground, and (4) the
73 date or proposed date of the application of pesticide. A copy of each
74 notice of such application of pesticide at a playground shall be

75 maintained by the controlling authority for a period of five years from
76 the date of application of the pesticide and available to members of the
77 public."

This act shall take effect as follows and shall amend the following sections:		
Sec. 4	October 1, 2015	New section