



Substitute Senate Bill No. 231

Public Act No. 16-17

AN ACT CONCERNING POLLINATOR HEALTH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective from passage*) Not later than January 1, 2017, the Commissioner of Agriculture, in collaboration with the Connecticut Agricultural Experiment Station and the Department of Energy and Environmental Protection, shall develop best practices for minimizing the airborne liberation of neonicotinoid insecticide dust from treated seeds and mitigating the effects of such dust on pollinators. Such best practices shall include, but not be limited to: (1) Methods to minimize such dust when treated seeds are dispensed from a seed bag into seed planter equipment; (2) guidance on the positioning of the vacuum system discharge of seed planter equipment to direct such discharge toward the soil; (3) time frames for the mowing of flowering vegetation located next to crop fields; (4) identification of weather conditions that minimize drift of such dust; and (5) suggestions for the use of seed lubricants to effectively minimize the drift of such dust. Each such state agency shall make the best practices developed pursuant to this section available to farmers, any person who owns, operates or manages a farm or an agricultural facility and the general public by posting such best practices on the Internet web site of such state agency not later than February 15, 2017.

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For purposes of this section and sections 2 to 6, inclusive, of this act, "neonicotinoid," means any pesticide that acts selectively on the nicotinic acetylcholine receptors of an organism, including clothianidin, dinotefuran, imidacloprid, thiamethoxam and any other such pesticide that the Commissioner of Energy and Environmental Protection, after consultation with the Connecticut Agricultural Experiment Station, determines will result in the death of fifty per cent or more of a population of bees when two micrograms or less of such pesticide is applied to each bee within such population.

Sec. 2. (NEW) (*Effective from passage*) (a) No person shall apply, in any manner, any insecticide that is a neonicotinoid, as defined in section 1 of this act, to any linden or basswood tree in this state.

(b) The Commissioner of Energy and Environmental Protection may enforce the provisions of this section pursuant to section 22a-6 of the general statutes and establish a fine for the violation of the provisions of this section.

Sec. 3. Section 22a-50 of the general statutes is amended by adding subsection (l) as follows (*Effective from passage*):

(NEW) (l) Not later than January 1, 2018, the commissioner shall classify all neonicotinoids, as defined in section 1 of this act, that are labeled for treating plants, as restricted use pursuant to subdivision (2) of subsection (c) of this section.

Sec. 4. (NEW) (*Effective from passage*) (a) No person shall apply any neonicotinoid, as defined in section 1 of this act, that is labeled for treating plants to any plant when such plant bears blossoms unless such plant is grown in a greenhouse that is inaccessible to pollinators and such application is consistent with best management strategies for growing annuals, perennials, trees and shrubs that will be safe for pollinators after they are purchased and planted. The prohibitions of

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this section shall not be construed to apply to any person engaged in academic research.

(b) The Commissioner of Agriculture, in conjunction with the Commissioner of Energy and Environmental Protection, may enforce the provisions of this section pursuant to sections 22-4c and 22a-6 of the general statutes and establish a fine for the violation of this section.

Sec. 5. (NEW) (*Effective from passage*) The director of the Connecticut Agricultural Experiment Station shall establish a Pollinator Advisory Committee from the staff of such agency. Such committee shall consist of not fewer than three persons who have expertise in matters relating to the health and viability of pollinator populations in the state and who are knowledgeable of federal and other states' efforts concerning pollinator health. Such committee shall serve as an information resource for the joint standing committee of the General Assembly having cognizance of matters relating to the environment and shall work collaboratively with the members of said committee on matters pertaining to pollinators in the state.

Sec. 6. (*Effective from passage*) Not later than March 1, 2017, the Commissioners of Energy and Environmental Protection and Agriculture and the Connecticut Agricultural Experiment Station shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on the potential implications of applying current statutory and regulatory restrictions and licensing requirements for the spraying of pesticides to the planting of seeds that are treated with neonicotinoids, as defined in section 1 of this act. Such report shall include, but not be limited to, an analysis of the consistency of applying such restrictions with federal law and any potential effects, including, but not limited to, improved pollinator health and expenses and delays, that such changes may have on agriculture in the state and requisite administrative resources

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for overseeing such restrictions.

Sec. 7. (*Effective from passage*) Not later than January 1, 2017, the State Entomologist shall report, in accordance with section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on the conditions that cause an increase in the presence of varroa mites that affect honey bee and other pollinator populations in the state. Such report shall include, but not be limited to, any recommendations for legislation to assist in limiting or offsetting the effects of such conditions, including, but not limited to, any required authority for the development of a varroa mite management strategy that includes: (1) The creation of a line of local bees from survival stock that show levels of resistance to such mites and that are acclimated to the state's environment, and (2) development of queen bees with a high level of tolerance to varroa mites for the purpose of limiting the need for imported bees.

Sec. 8. (NEW) (*Effective from passage*) The Office of Policy and Management may identify opportunities to foster development at the state and local level in a manner that increases pollinator habitats and may recommend ways to prioritize the expenditure of state funds for conservation purposes when an aspect of such conservation includes the protection or enhancement of pollinator habitats.

Sec. 9. Subsection (i) of section 22-26cc of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(i) The Commissioner of Agriculture, pursuant to any cooperative agreement with the United States Department of Agriculture for the disbursement of funds under federal law, may require that any property to which rights are acquired under this section with such funds shall be managed in accordance with a conservation plan which

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utilizes the standards and specifications of the Natural Resources Conservation Service field office technical guide and is approved by such service. Additionally, such conservation plan shall require the establishment of model pollinator habitat, as described in section 11 of this act. Any instrument by which the commissioner acquires such rights and for which any such funds are used may provide for a contingent right in the United States of America in the event that the state of Connecticut fails to enforce any of the terms of its rights acquired under this section which failure shall be determined by the United States Secretary of Agriculture. Such contingent right shall entitle the secretary to enforce any rights acquired by the state under this section by any authority provided under law. Such instrument may provide that such rights shall become vested in the United States of America in the event that the state of Connecticut attempts to terminate, transfer or otherwise divest itself of any such rights without the prior consent of the United States Secretary of Agriculture and payment of consideration to the United States and may further provide that title to such rights may be held by the United States of America at any time at the request of the United States Secretary of Agriculture. In connection with such an agreement, the commissioner may hold the United States harmless from any action based on negligence in the procurement or management of any rights acquired under this section and may assure that proper title evidence is secured, that the title is insured to the amount of the federal cost paid for the interest of the United States of America and that, in the event of a failure of title, as determined by a court of competent jurisdiction, and payment of insurance to the state, the state will reimburse the United States for the amount of the federal cost paid.

Sec. 10. Subsection (j) of section 22-26nn of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(j) The Commissioner of Agriculture, pursuant to any cooperative agreement with the United States Department of Agriculture for the disbursement of funds under federal law, may require that any property to which rights are acquired under this section with such funds shall be managed in accordance with a conservation plan which utilizes the standards and specifications of the Natural Resources Conservation Service field office technical guide and is approved by such service. Additionally, such conservation plan shall require the establishment of model pollinator habitat, as described in section 11 of this act. Any instrument by which the commissioner acquires such rights and for which any such funds are used may provide for a contingent right in the United States of America in the event that the state of Connecticut fails to enforce any of the terms of its rights acquired under this section which failure shall be determined by the United States Secretary of Agriculture. Such contingent right shall entitle the United States Secretary of Agriculture to enforce any rights acquired by the state under this section by any authority provided under law. Such instrument may provide that such rights shall become vested in the United States of America in the event that the state of Connecticut attempts to terminate, transfer or otherwise divest itself of any such rights without the prior consent of the United States Secretary of Agriculture and payment of consideration to the United States and may further provide that title to such rights may be held by the United States of America at any time at the request of the United States Secretary of Agriculture. In connection with such an agreement, the commissioner may hold the United States harmless from any action based on negligence in the procurement or management of any rights acquired under this section and may assure that proper title evidence is secured, that the title is insured to the amount of the federal cost paid for the interest of the United States of America and that, in the event of a failure of title, as determined by a court of competent jurisdiction, and payment of insurance to the state, the state will reimburse the United States for the amount of the federal cost

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paid.

Sec. 11. (NEW) (*Effective from passage*) Not later than January 1, 2017, the Connecticut Agricultural Experiment Station shall compile a citizen's guide to model pollinator habitat that shall be made available on the Internet web site of such agency. Such guide shall include, but not be limited to: (1) Clearly stated information and steps to take for the establishment of a succession of flowers, wildflowers, vegetables, weeds, herbs, ornamental plants, cover crops and legume species to attract honey bees and other pollinators, provided such information shall include, but not be limited to, suggested groupings or clumpings of such plantings to establish a long season of continuous bloom for such plantings; and (2) information on how to protect important nesting sites for honey bees and other pollinators.

Sec. 12. (NEW) (*Effective from passage*) The Department of Transportation shall identify opportunities in the state for the replacement of nonnative, cool-season turf grasses installed along state highways with native plant communities that include model pollinator habitat, as described in section 11 of this act. In identifying such opportunities, the department may consider, but shall not be limited to, the availability of partnerships with private entities to assist in the funding of such replacement costs. Not later than January 1, 2017, the Commissioner of Transportation shall submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to the environment and transportation on such identified areas. Such report shall include, but not be limited to, information concerning any proposed timetable for any such replacements or proposed replacements, the location and dimensions for any identified areas, information concerning any partnership with a private entity to allay the costs of any such replacement or proposed replacements, the availability of federal funds for any such replacement, a description of the anticipated costs associated with any

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such replacement or proposed replacement and a comparison of such costs with the operational expenditures made to otherwise maintain such areas.

Sec. 13. Section 16-50hh of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As part of its supervision of construction activity in connection with any transmission line project, the Connecticut Siting Council may order such restoration or revegetation of the right-of-way occupied by the overhead transmission facilities approved with any transmission line project as it deems necessary to promote the long-term restoration of vegetation in portions of the right-of-way in residential areas where there has been a significant and material loss of screening as a result of clearing activities. Such restoration or revegetation orders shall include the requirement to establish vegetation that includes model pollinator habitat, as described in section 11 of this act, and shall be consistent with all standards regarding required clearances between energized conductors and vegetation and all standards regarding minimum work distances for those working in proximity to conductors.

Sec. 14. (NEW) (*Effective from passage*) The Commissioner of Transportation may, to the extent federal funds are available for such purpose, plant vegetation that includes pollinator habitat, including, but not limited to, flowering vegetation, in areas that have been deforested along state highway rights of way.

Sec. 15. Section 22-90 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The State Entomologist shall, to such extent as he or she deems necessary or expedient, examine apiaries and quarantine such as are diseased and treat or destroy cases of the disease known as fowl brood. The State Entomologist may appoint such inspectors as he or she

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deems necessary or expedient, and he or she or any person whom he or she appoints for that purpose shall have access at reasonable times to any apiary or place where bees are kept or where honeycomb and appliances are stored. [He] Any person appointed for such purpose shall possess all the qualifications for an Agricultural Research Technician II employed by the Connecticut Agricultural Experiment Station and have either five or more years of beekeeping experience or a minimum of three years of experience as a bee inspector at the federal or state level. The State Entomologist is authorized to make suitable regulations regarding inspections and quarantine and to prescribe suitable forms for permanent records, which shall be on file and open to public inspection, and to make reasonable rules for the services of such inspectors, and may pay a reasonable sum for such services. No person or corporation shall remove bees under quarantine to another locality without obtaining the written permission of an authorized inspector. No person or transportation company shall receive for transportation any colony or package of bees, unless such colony or package is accompanied by a certificate of good health, furnished by an authorized inspector. No person or transportation company shall deliver any colony or package of bees brought from any other country, province, state or territory unless accompanied by a certificate of health furnished by an authorized inspector of such country, province, state or territory. Any person or transportation company receiving a shipment of bees from without the state, unaccompanied by such certificate, shall, before delivering such shipment to its consignee, notify the State Entomologist and hold such shipment until inspected by an authorized inspector. If contagious diseases are found therein, such shipment shall be returned to the consignor or delivered to an authorized inspector of this state for treatment or destruction, provided the requirements of this section shall not apply to shipments of brood comb, with or without bees, suspected of being diseased and consigned to the State Entomologist, the agricultural experiment station or any authorized apiary inspector

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of the state or to the Bureau of Entomology of the United States or the United States Department of Agriculture, and provided there shall be no destruction of any shipment of bees as herein provided in the absence of reasonable notice to the consignee thereof. No person shall resist or hinder the State Entomologist, or any inspector whom he or she appoints, in the performance of the duties imposed by this section. No person or corporation shall sell, to be removed to another location, bees, brood comb, frames or hives that have been in use, with or without combs, until they have been inspected by an authorized inspector, who shall issue a certificate of health if they are found free of contagious disease. Any person violating any provision of this section shall be fined not more than fifty dollars.

Approved May 6, 2016