



General Assembly

February Session, 2016

***Raised Bill No. 231***

LCO No. 1804



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

***AN ACT CONCERNING POLLINATOR HEALTH.***

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

1 Section 1. (NEW) (*Effective from passage*) Not later than January 1,  
2 2017, the Commissioner of Agriculture, in collaboration with the  
3 Connecticut Agricultural Experiment Station and the Department of  
4 Energy and Environmental Protection, shall develop best practices for  
5 the minimization or complete elimination of the airborne liberation of  
6 neonicotinoid insecticide dust and residue that results from exposing  
7 seeds treated in such insecticides to the open air. Each such state  
8 agency shall make the best practices developed pursuant to this section  
9 available to farmers, any person who owns, operates or manages a  
10 farm or an agricultural facility and the general public by posting such  
11 best practices on the Internet web site of such state agency not later  
12 than February 15, 2017. For purposes of this section and sections 2 to  
13 12, inclusive, of this act, "neonicotinoid," means any pesticide  
14 belonging to the neonicotinoid class of chemicals that act selectively on  
15 nicotine acetylcholine receptors of an organism.

16 Sec. 2. (NEW) (*Effective from passage*) (a) No person shall apply, in

17 any manner, any neonicotinoid, as defined in section 1 of this act,  
18 insecticide to any linden or basswood tree in this state.

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

23 Sec. 3. Section 22a-50 of the general statutes is amended by adding  
24 subsection (l) as follows (*Effective October 1, 2016*):

25 (NEW) (l) The commissioner shall classify all neonicotinoids, as  
26 defined in section 1 of this act, as restricted use pursuant to  
27 subdivision (2) of subsection (c) of this section.

28 Sec. 4. (NEW) (*Effective from passage*) (a) For purposes of this section,  
29 "blooming season" means the period of the calendar year in which  
30 blooming or flowering plants are actively blooming, including, but not  
31 limited to, the period between March first and October thirty-first.

32 (b) During the blooming season, no person shall use neonicotinoids  
33 except for agricultural and horticultural uses.

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

38 Sec. 5. (*Effective from passage*) (a) There is established a task force to  
39 study the health of pollinators in the state. The task force shall  
40 undertake activities to examine issues relevant to pollinator health,  
41 including, but not limited to: (1) Studying proposed and enacted  
42 pesticide regulations from other states and countries that are more  
43 protective of pollinator health than the pesticide regulations of the  
44 United States Environmental Protection Agency; (2) studying public  
45 education and outreach plans regarding pollinator health that have

46 been successful in other states; (3) evaluating the effectiveness of  
47 applicator licensing and other legal requirements, and of incentives, in  
48 matters affecting pollinator health; (4) identifying possible sources of  
49 funding for efforts to promote and protect pollinator health; (5)  
50 investigating the means used by other states to gather data on and  
51 monitor populations of bees and other pollinating insects; (6)  
52 evaluating existing best management practices for applying  
53 neonicotinoids in a manner that avoids harming pollinating insects;  
54 and (7) assessing the implications and viability of prohibiting the sale  
55 of neonicotinoids in the state or establishing a moratorium on such  
56 sale.

57 (b) The task force shall consist of the following members:

58 (1) Two appointed by the speaker of the House of Representatives;

59 (2) Two appointed by the president pro tempore of the Senate;

60 (3) One appointed by the majority leader of the House of  
61 Representatives;

62 (4) One appointed by the majority leader of the Senate;

63 (5) One appointed by the minority leader of the House of  
64 Representatives;

65 (6) One appointed by the minority leader of the Senate;

66 (7) The Commissioner of Agriculture, or the commissioner's  
67 designee;

68 (8) The Commissioner of Energy and Environmental Protection, or  
69 the commissioner's designee;

70 (9) The Director of the Connecticut Agricultural Experiment Station,  
71 or the director's designee; and

72 (10) Two persons appointed by the Governor.

73 (c) Any member of the task force appointed under subdivision (1),  
74 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member  
75 of the General Assembly.

76 (d) All appointments to the task force shall be made not later than  
77 thirty days after the effective date of this section. Any vacancy shall be  
78 filled by the appointing authority.

79 (e) The speaker of the House of Representatives and the president  
80 pro tempore of the Senate shall select the chairpersons of the task force  
81 from among the members of the task force. Such chairpersons shall  
82 schedule the first meeting of the task force, which shall be held not  
83 later than sixty days after the effective date of this section.

84 (f) The administrative staff of the joint standing committee of the  
85 General Assembly having cognizance of matters relating to the  
86 environment shall serve as administrative staff of the task force.

87 (g) Not later than January 1, 2017, the task force shall submit a  
88 report on its findings and recommendations to the joint standing  
89 committee of the General Assembly having cognizance of matters  
90 relating to the environment, in accordance with the provisions of  
91 section 11-4a of the general statutes. The task force shall terminate on  
92 the date that it submits such report or January 1, 2017, whichever is  
93 later.

94 Sec. 6. (NEW) (*Effective October 1, 2016*) (a) No person shall label or  
95 advertise any plant that was treated with a neonicotinoid as being  
96 beneficial to honey bees or any other pollinators.

97 (b) Not later than July 1, 2017, the Commissioner of Energy and  
98 Environmental Protection, in conjunction with the Commissioners of  
99 Agriculture and Consumer Protection shall adopt regulations, in  
100 accordance with chapter 54 of the general statutes, to implement the  
101 provisions of this section. Such regulations shall include, but not be  
102 limited to, a schedule of warnings, violations and reasonable fines.

103       Sec. 7. (NEW) (*Effective from passage*) Not later than January 1, 2017,  
104 the Commissioners of Energy and Environmental Protection and  
105 Agriculture shall submit a report, in accordance with section 11-4a of  
106 the general statutes, to the joint standing committee of the General  
107 Assembly having cognizance of matters relating to the environment on  
108 the requisite statutory and regulatory changes for applying current  
109 statutory and regulatory restrictions and licensing requirements for the  
110 spraying of pesticides to the planting of seeds that are treated with  
111 neonicotinoids. Such report shall include, but not be limited to, an  
112 analysis of the consistency of such changes with federal law and any  
113 potential effects, including, but not limited to, improved pollinator  
114 health, expenses and delays, that such changes may have on  
115 agriculture in the state.

116       Sec. 8. (NEW) (*Effective from passage*) Not later than January 1, 2017,  
117 the State Entomologist shall report, in accordance with section 11-4a of  
118 the general statutes, to the joint standing committee of the General  
119 Assembly having cognizance of matters relating to the environment on  
120 the conditions that cause an increase in the presence of verroa mites  
121 that affect honey bee and other pollinator populations in the state.  
122 Such report shall include, but not be limited to, any recommendations  
123 for legislation to assist in limiting or offsetting the effects of such  
124 conditions.

125       Sec. 9. (NEW) (*Effective from passage*) The Office of Policy and  
126 Management shall amend the state plan of conservation and  
127 development adopted pursuant to chapter 297 of the general statutes  
128 to give priority to: (1) Development that includes model pollinator  
129 habitat, as described in section 12 of this act, and (2) the expenditure of  
130 state funds for conservation purposes when an aspect of such  
131 conservation includes the protection or enhancing of pollinator  
132 habitats.

133       Sec. 10. Subsection (a) of section 22-26cc of the general statutes is  
134 repealed and the following is substituted in lieu thereof (*Effective from*

135 *passage*):

136 (a) There is established within the Department of Agriculture a  
137 program to solicit, from owners of agricultural land, offers to sell the  
138 development rights to such land and to inform the public of the  
139 purposes, goals and provisions of this chapter. The commissioner, with  
140 the approval of the State Properties Review Board, shall have the  
141 power to acquire or accept as a gift, on behalf of the state, the  
142 development rights of any agricultural land, if offered by the owner.  
143 Notice of the offer shall be filed in the land records wherein the  
144 agricultural land is situated. If ownership of any land for which  
145 development rights have been offered is transferred, the offer shall be  
146 effective until the subsequent owner revokes the offer in writing. The  
147 state conservation and development plan established pursuant to  
148 section 16a-24 shall be applied as an advisory document to the  
149 acquisition of development rights of any agricultural lands. The factors  
150 to be considered by the commissioner in deciding whether or not to  
151 acquire such rights shall include, but not be limited to, the following:  
152 (1) The probability that the land will be sold for nonagricultural  
153 purposes; (2) the current productivity of such land and the likelihood  
154 of continued productivity; (3) the suitability of the land as to soil  
155 classification and other criteria for agricultural use; (4) the degree to  
156 which such acquisition would contribute to the preservation of the  
157 agricultural potential of the state; (5) any encumbrances on such land;  
158 (6) the cost of acquiring such rights; and (7) the degree to which such  
159 acquisition would mitigate damage due to flood hazards. In  
160 determining priority for the acquisition of such development rights, all  
161 other factors being equal, the commissioner shall give priority to  
162 properties that contain model pollinator habitat, as described in section  
163 12 of this act. Ownership by a nonprofit organization authorized to  
164 hold land for conservation and preservation purposes of land which  
165 prior to such ownership qualified for the program established  
166 pursuant to this section shall not be deemed to diminish the  
167 probability that the land will be sold for nonagricultural purposes.

168 After a preliminary evaluation of such factors by the Commissioner of  
169 Agriculture, he shall obtain and review one or more fee appraisals of  
170 the property selected in order to determine the value of the  
171 development rights of such property. The commissioner shall notify  
172 the Department of Transportation, the Department of Economic and  
173 Community Development, the Department of Energy and  
174 Environmental Protection and the Office of Policy and Management  
175 that such property is being appraised. Any appraisal of the value of  
176 such land obtained by the owner and performed in a manner  
177 approved by the commissioner shall be considered by the  
178 commissioner in making such determination. The value of  
179 development rights for all purposes of this section shall be the  
180 difference between the value of the property for its highest and best  
181 use and its value for agricultural purposes as determined by the  
182 commissioner. The use or presence of pollutants or chemicals in the  
183 soil shall not be deemed to diminish the agricultural value of the land  
184 or to prohibit the commissioner from acquiring the development rights  
185 to such land. The commissioner may purchase development rights for  
186 a lesser amount provided he complies with all factors for acquisition  
187 specified in this subsection and in any implementing regulations. In  
188 determining the value of the property for its highest and best use,  
189 consideration shall be given but not limited to sales of comparable  
190 properties in the general area, use of which was unrestricted at the  
191 time of sale.

192 Sec. 11. Subsection (b) of section 22-26nn of the general statutes is  
193 repealed and the following is substituted in lieu thereof (*Effective from*  
194 *passage*):

195 (b) If the Commissioner of Agriculture establishes a program in  
196 accordance with subsection (a) of this subsection, the commissioner  
197 shall, in consultation with the Farmland Preservation Advisory Board  
198 established under section 22-26ll, establish criteria for said program.  
199 Such criteria shall give preference to farms that produce food or fiber,  
200 and at a minimum shall consider (1) the probability that the land will

201 be sold for nonagricultural purposes, (2) the current productivity of  
 202 the land and the likelihood of continued productivity of such land, (3)  
 203 the suitability of the land for agricultural use, including whether the  
 204 soil is classified as locally important soils by the United States  
 205 Department of Agriculture, and (4) the demonstrated level of  
 206 community support for preservation of the parcel. In determining  
 207 priority for the acquisition of such development rights, all other factors  
 208 being equal, the commissioner shall give priority to properties that  
 209 contain model pollinator habitat, as described in section 12 of this act.  
 210 The commissioner shall, in consultation with said board, consider  
 211 mechanisms that encourage continuation of the land in agricultural  
 212 production to maintain its long-term availability and affordability for  
 213 future generations of farmers, including, but not limited to, deed  
 214 restrictions or stewardship requirements.

215 Sec. 12. (NEW) (*Effective from passage*) Not later than August 1, 2016,  
 216 the Connecticut Agricultural Experiment Station shall develop a  
 217 citizen's guide to model pollinator habitat that shall be made available  
 218 on the Internet web site of such agency. Such guide shall include, but  
 219 not be limited to: (1) Clearly stated information and steps to take for  
 220 the establishment of a succession of flowers, wildflowers, vegetables,  
 221 weeds, herbs, ornamental plants, cover crops and legume species to  
 222 attract honey bees and other pollinators, provided such information  
 223 shall include, but not be limited to, suggested groupings or clumpings  
 224 of such plantings to establish a long season of continuous bloom for  
 225 such plantings; and (2) information on how to protect important  
 226 nesting sites for honey bees and other pollinators.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2016</i>	22a-50
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section



Sec. 6	<i>October 1, 2016</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	22-26cc(a)
Sec. 11	<i>from passage</i>	22-26nn(b)
Sec. 12	<i>from passage</i>	New section

**Statement of Purpose:**

To implement state and private actions that are aimed at protecting pollinator populations through restrictions on the use of neonicotinoids and the increase and preservation of pollinator habitats.

*[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.]*