



General Assembly

Substitute Bill No. 231

February Session, 2016

* SB00231ENV__031416__ *

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 minimizing the airborne liberation of neonicotinoid insecticide dust
6 from treated seeds and mitigating the effects of such dust on
7 pollinators. Such best practices shall include, but not be limited to: (1)
8 Methods to minimize such dust when treated seeds are dispensed
9 from a seed bag into seed planter equipment; (2) guidance on the
10 positioning of the vacuum system discharge of seed planter equipment
11 to direct such discharge toward the soil; (3) time frames for the
12 mowing of flowering vegetation located next to crop fields; (4)
13 identification of weather conditions that minimize drift of such dust;
14 and (5) suggestions for the use of seed lubricants to effectively
15 minimize the drift of such dust. Each such state agency shall make the
16 best practices developed pursuant to this section available to farmers,
17 any person who owns, operates or manages a farm or an agricultural
18 facility and the general public by posting such best practices on the
19 Internet web site of such state agency not later than February 15, 2017.
20 For purposes of this section and sections 2 to 6, inclusive, of this act,

21 "neonicotinoid," means any pesticide that acts selectively on the
22 nicotinic acetylcholine receptors of an organism and that is required by
23 the Environmental Protection Agency to contain a label that includes
24 the bee advisory box.

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

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

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

34 (NEW) (l) The commissioner shall classify all neonicotinoids, as
35 defined in section 1 of this act, that are labeled for treating plants, as
36 restricted use pursuant to subdivision (2) of subsection (c) of this
37 section.

38 Sec. 4. (NEW) (*Effective from passage*) (a) No person shall apply any
39 neonicotinoid, as defined in section 1 of this act, that is labeled for
40 treating plants to any plant when such plant bears blossoms.

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

45 Sec. 5. (NEW) (*Effective from passage*) The director of the Connecticut
46 Agricultural Experiment Station shall establish a Pollinator Advisory
47 Committee from the staff of such agency. Such committee shall consist
48 of not fewer than three persons who have expertise in matters relating
49 to the health and viability of pollinator populations in the state and
50 who are knowledgeable of federal and other states' efforts concerning

51 pollinator health. Such committee shall serve as an information
52 resource for the joint standing committee of the General Assembly
53 having cognizance of matters relating to the environment and shall
54 work collaboratively with the members of said committee on matters
55 pertaining to pollinators in the state.

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

69 Sec. 7. (*Effective from passage*) Not later than January 1, 2017, the State
70 Entomologist shall report, in accordance with section 11-4a of the
71 general statutes, to the joint standing committee of the General
72 Assembly having cognizance of matters relating to the environment on
73 the conditions that cause an increase in the presence of varroa mites
74 that affect honey bee and other pollinator populations in the state.
75 Such report shall include, but not be limited to, any recommendations
76 for legislation to assist in limiting or offsetting the effects of such
77 conditions.

78 Sec. 8. (NEW) (*Effective from passage*) The Office of Policy and
79 Management shall amend the state plan of conservation and
80 development adopted pursuant to chapter 297 of the general statutes
81 to give priority to: (1) Development that includes model pollinator
82 habitat, as described in section 11 of this act; and (2) the expenditure of
83 state funds for conservation purposes when an aspect of such

84 conservation includes the protection or enhancing of pollinator
85 habitats.

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

89 (i) The Commissioner of Agriculture, pursuant to any cooperative
90 agreement with the United States Department of Agriculture for the
91 disbursement of funds under federal law, may require that any
92 property to which rights are acquired under this section with such
93 funds shall be managed in accordance with a conservation plan which
94 utilizes the standards and specifications of the Natural Resources
95 Conservation Service field office technical guide and is approved by
96 such service. Additionally, such conservation plan shall require the
97 establishment of model pollinator habitat, as described in section 11 of
98 this act. Any instrument by which the commissioner acquires such
99 rights and for which any such funds are used may provide for a
100 contingent right in the United States of America in the event that the
101 state of Connecticut fails to enforce any of the terms of its rights
102 acquired under this section which failure shall be determined by the
103 United States Secretary of Agriculture. Such contingent right shall
104 entitle the secretary to enforce any rights acquired by the state under
105 this section by any authority provided under law. Such instrument
106 may provide that such rights shall become vested in the United States
107 of America in the event that the state of Connecticut attempts to
108 terminate, transfer or otherwise divest itself of any such rights without
109 the prior consent of the United States Secretary of Agriculture and
110 payment of consideration to the United States and may further provide
111 that title to such rights may be held by the United States of America at
112 any time at the request of the United States Secretary of Agriculture. In
113 connection with such an agreement, the commissioner may hold the
114 United States harmless from any action based on negligence in the
115 procurement or management of any rights acquired under this section
116 and may assure that proper title evidence is secured, that the title is

117 insured to the amount of the federal cost paid for the interest of the
118 United States of America and that, in the event of a failure of title, as
119 determined by a court of competent jurisdiction, and payment of
120 insurance to the state, the state will reimburse the United States for the
121 amount of the federal cost paid.

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

125 (j) The Commissioner of Agriculture, pursuant to any cooperative
126 agreement with the United States Department of Agriculture for the
127 disbursement of funds under federal law, may require that any
128 property to which rights are acquired under this section with such
129 funds shall be managed in accordance with a conservation plan which
130 utilizes the standards and specifications of the Natural Resources
131 Conservation Service field office technical guide and is approved by
132 such service. Additionally, such conservation plan shall require the
133 establishment of model pollinator habitat, as described in section 11 of
134 this act. Any instrument by which the commissioner acquires such
135 rights and for which any such funds are used may provide for a
136 contingent right in the United States of America in the event that the
137 state of Connecticut fails to enforce any of the terms of its rights
138 acquired under this section which failure shall be determined by the
139 United States Secretary of Agriculture. Such contingent right shall
140 entitle the United States Secretary of Agriculture to enforce any rights
141 acquired by the state under this section by any authority provided
142 under law. Such instrument may provide that such rights shall become
143 vested in the United States of America in the event that the state of
144 Connecticut attempts to terminate, transfer or otherwise divest itself of
145 any such rights without the prior consent of the United States
146 Secretary of Agriculture and payment of consideration to the United
147 States and may further provide that title to such rights may be held by
148 the United States of America at any time at the request of the United
149 States Secretary of Agriculture. In connection with such an agreement,

150 the commissioner may hold the United States harmless from any
151 action based on negligence in the procurement or management of any
152 rights acquired under this section and may assure that proper title
153 evidence is secured, that the title is insured to the amount of the
154 federal cost paid for the interest of the United States of America and
155 that, in the event of a failure of title, as determined by a court of
156 competent jurisdiction, and payment of insurance to the state, the state
157 will reimburse the United States for the amount of the federal cost
158 paid.

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

171 Sec. 12. (NEW) (*Effective from passage*) The Department of
172 Transportation shall identify opportunities in the state for the
173 replacement of nonnative, cool-season turf grasses installed along state
174 highways with native plant communities that include model pollinator
175 habitat, as described in section 11 of this act. In identifying such
176 opportunities, the department may consider, but shall not be limited
177 to, the availability of partnerships with private entities to assist in the
178 funding of such replacement costs. Not later than January 1, 2017, the
179 Commissioner of Transportation shall submit a report to the joint
180 standing committees of the General Assembly having cognizance of
181 matters relating to the environment and transportation on such
182 identified areas. Such report shall include, but not be limited to,

183 information concerning any proposed timetable for any such
 184 replacements or proposed replacements, the location and dimensions
 185 for any identified areas, information concerning any partnership with
 186 a private entity to allay the costs of any such replacement or proposed
 187 replacements, a description of the anticipated costs associated with any
 188 such replacement or proposed replacement and a comparison of such
 189 costs with the operational expenditures made to otherwise maintain
 190 such areas.

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

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

206 Sec. 14. (NEW) (*Effective from passage*) The Commissioner of
 207 Transportation shall plant vegetation that includes pollinator habitat,
 208 including, but not limited to, flowering vegetation, in areas that have
 209 been deforested along state highway rights of way.

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>from passage</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>	22-26cc(i)
Sec. 10	<i>from passage</i>	22-26nn(j)
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	16-50hh
Sec. 14	<i>from passage</i>	New section

ENV *Joint Favorable Subst.*