



General Assembly

Amendment

February Session, 2016

LCO No. 4281



Offered by:

SEN. KENNEDY, 12th Dist.

SEN. CHAPIN, 30th Dist.

REP. ALBIS, 99th Dist.

REP. SHABAN, 135th Dist.

To: Subst. Senate Bill No. 231

File No. 373

Cal. No. 260

"AN ACT CONCERNING POLLINATOR HEALTH."

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

3 "Section 1. (NEW) (*Effective from passage*) Not later than January 1,
4 2017, the Commissioner of Agriculture, in collaboration with the
5 Connecticut Agricultural Experiment Station and the Department of
6 Energy and Environmental Protection, shall develop best practices for
7 minimizing the airborne liberation of neonicotinoid insecticide dust
8 from treated seeds and mitigating the effects of such dust on
9 pollinators. Such best practices shall include, but not be limited to: (1)
10 Methods to minimize such dust when treated seeds are dispensed
11 from a seed bag into seed planter equipment; (2) guidance on the
12 positioning of the vacuum system discharge of seed planter equipment
13 to direct such discharge toward the soil; (3) time frames for the
14 mowing of flowering vegetation located next to crop fields; (4)

15 identification of weather conditions that minimize drift of such dust;
16 and (5) suggestions for the use of seed lubricants to effectively
17 minimize the drift of such dust. Each such state agency shall make the
18 best practices developed pursuant to this section available to farmers,
19 any person who owns, operates or manages a farm or an agricultural
20 facility and the general public by posting such best practices on the
21 Internet web site of such state agency not later than February 15, 2017.
22 For purposes of this section and sections 2 to 6, inclusive, of this act,
23 "neonicotinoid," means any pesticide that acts selectively on the
24 nicotinic acetylcholine receptors of an organism, including
25 clothianidin, dinotefuran, imidacloprid, thiamethoxam and any other
26 such pesticide that the Commissioner of Energy and Environmental
27 Protection, after consultation with the Connecticut Agricultural
28 Experiment Station, determines will result in the death of fifty per cent
29 or more of a population of bees when two micrograms or less of such
30 pesticide is applied to each bee within such population.

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

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

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

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

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

47 such plant is grown in a greenhouse that is inaccessible to pollinators
48 and such application is consistent with best management strategies for
49 growing annuals, perennials, trees and shrubs that will be safe for
50 pollinators after they are purchased and planted. The prohibitions of
51 this section shall not be construed to apply to any person engaged in
52 academic research.

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

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

68 Sec. 6. (*Effective from passage*) Not later than March 1, 2017, the
69 Commissioners of Energy and Environmental Protection and
70 Agriculture and the Connecticut Agricultural Experiment Station shall
71 submit a report, in accordance with section 11-4a of the general
72 statutes, to the joint standing committee of the General Assembly
73 having cognizance of matters relating to the environment on the
74 potential implications of applying current statutory and regulatory
75 restrictions and licensing requirements for the spraying of pesticides to
76 the planting of seeds that are treated with neonicotinoids, as defined in
77 section 1 of this act. Such report shall include, but not be limited to, an
78 analysis of the consistency of applying such restrictions with federal
79 law and any potential effects, including, but not limited to, improved

80 pollinator health and expenses and delays, that such changes may
81 have on agriculture in the state and requisite administrative resources
82 for overseeing such restrictions.

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

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

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

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

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

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

143 (j) The Commissioner of Agriculture, pursuant to any cooperative
144 agreement with the United States Department of Agriculture for the
145 disbursement of funds under federal law, may require that any

146 property to which rights are acquired under this section with such
147 funds shall be managed in accordance with a conservation plan which
148 utilizes the standards and specifications of the Natural Resources
149 Conservation Service field office technical guide and is approved by
150 such service. Additionally, such conservation plan shall require the
151 establishment of model pollinator habitat, as described in section 11 of
152 this act. Any instrument by which the commissioner acquires such
153 rights and for which any such funds are used may provide for a
154 contingent right in the United States of America in the event that the
155 state of Connecticut fails to enforce any of the terms of its rights
156 acquired under this section which failure shall be determined by the
157 United States Secretary of Agriculture. Such contingent right shall
158 entitle the United States Secretary of Agriculture to enforce any rights
159 acquired by the state under this section by any authority provided
160 under law. Such instrument may provide that such rights shall become
161 vested in the United States of America in the event that the state of
162 Connecticut attempts to terminate, transfer or otherwise divest itself of
163 any such rights without the prior consent of the United States
164 Secretary of Agriculture and payment of consideration to the United
165 States and may further provide that title to such rights may be held by
166 the United States of America at any time at the request of the United
167 States Secretary of Agriculture. In connection with such an agreement,
168 the commissioner may hold the United States harmless from any
169 action based on negligence in the procurement or management of any
170 rights acquired under this section and may assure that proper title
171 evidence is secured, that the title is insured to the amount of the
172 federal cost paid for the interest of the United States of America and
173 that, in the event of a failure of title, as determined by a court of
174 competent jurisdiction, and payment of insurance to the state, the state
175 will reimburse the United States for the amount of the federal cost
176 paid.

177 Sec. 11. (NEW) (*Effective from passage*) Not later than January 1, 2017,
178 the Connecticut Agricultural Experiment Station shall compile a
179 citizen's guide to model pollinator habitat that shall be made available

180 on the Internet web site of such agency. Such guide shall include, but
181 not be limited to: (1) Clearly stated information and steps to take for
182 the establishment of a succession of flowers, wildflowers, vegetables,
183 weeds, herbs, ornamental plants, cover crops and legume species to
184 attract honey bees and other pollinators, provided such information
185 shall include, but not be limited to, suggested groupings or clumpings
186 of such plantings to establish a long season of continuous bloom for
187 such plantings; and (2) information on how to protect important
188 nesting sites for honey bees and other pollinators.

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

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

212 As part of its supervision of construction activity in connection with

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

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

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

232 The State Entomologist shall, to such extent as he or she deems
233 necessary or expedient, examine apiaries and quarantine such as are
234 diseased and treat or destroy cases of the disease known as foul brood.
235 The State Entomologist may appoint such inspectors as he or she
236 deems necessary or expedient, and he or she or any person whom he
237 or she appoints for that purpose shall have access at reasonable times
238 to any apiary or place where bees are kept or where honeycomb and
239 appliances are stored. [He] Any person appointed for such purpose
240 shall possess all the qualifications for an Agricultural Research
241 Technician II employed by the Connecticut Agricultural Experiment
242 Station and have either five or more years of beekeeping experience or
243 a minimum of three years of experience as a bee inspector at the
244 federal or state level. The State Entomologist is authorized to make
245 suitable regulations regarding inspections and quarantine and to

246 prescribe suitable forms for permanent records, which shall be on file
247 and open to public inspection, and to make reasonable rules for the
248 services of such inspectors, and may pay a reasonable sum for such
249 services. No person or corporation shall remove bees under quarantine
250 to another locality without obtaining the written permission of an
251 authorized inspector. No person or transportation company shall
252 receive for transportation any colony or package of bees, unless such
253 colony or package is accompanied by a certificate of good health,
254 furnished by an authorized inspector. No person or transportation
255 company shall deliver any colony or package of bees brought from any
256 other country, province, state or territory unless accompanied by a
257 certificate of health furnished by an authorized inspector of such
258 country, province, state or territory. Any person or transportation
259 company receiving a shipment of bees from without the state,
260 unaccompanied by such certificate, shall, before delivering such
261 shipment to its consignee, notify the State Entomologist and hold such
262 shipment until inspected by an authorized inspector. If contagious
263 diseases are found therein, such shipment shall be returned to the
264 consignor or delivered to an authorized inspector of this state for
265 treatment or destruction, provided the requirements of this section
266 shall not apply to shipments of brood comb, with or without bees,
267 suspected of being diseased and consigned to the State Entomologist,
268 the agricultural experiment station or any authorized apiary inspector
269 of the state or to the Bureau of Entomology of the United States or the
270 United States Department of Agriculture, and provided there shall be
271 no destruction of any shipment of bees as herein provided in the
272 absence of reasonable notice to the consignee thereof. No person shall
273 resist or hinder the State Entomologist, or any inspector whom he or
274 she appoints, in the performance of the duties imposed by this section.
275 No person or corporation shall sell, to be removed to another location,
276 bees, brood comb, frames or hives that have been in use, with or
277 without combs, until they have been inspected by an authorized
278 inspector, who shall issue a certificate of health if they are found free of
279 contagious disease. Any person violating any provision of this section
280 shall be fined not more than fifty dollars."

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>from passage</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
Sec. 15	<i>from passage</i>	22-90