



General Assembly

**Amendment**

February Session, 2016

LCO No. 4191



Offered by:

SEN. KENNEDY, 12<sup>th</sup> Dist.

SEN. CHAPIN, 30<sup>th</sup> Dist.

REP. ALBIS, 99<sup>th</sup> Dist.

REP. SHABAN, 135<sup>th</sup> 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 to have a contact toxicity rating to  
29 honey bees of two micrograms or less per bee.

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

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

37 Sec. 3. Section 22a-50 of the general statutes is amended by adding  
38 subsection (l) as follows (*Effective December 31, 2016*):

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

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

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

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

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

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

80 have on agriculture in the state and requisite administrative resources  
81 for overseeing such restrictions.

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

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

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

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

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

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

142 (j) The Commissioner of Agriculture, pursuant to any cooperative  
143 agreement with the United States Department of Agriculture for the  
144 disbursement of funds under federal law, may require that any  
145 property to which rights are acquired under this section with such

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

176 Sec. 11. (NEW) (*Effective from passage*) Not later than January 1, 2017,  
177 the Connecticut Agricultural Experiment Station shall compile a  
178 citizen's guide to model pollinator habitat that shall be made available  
179 on the Internet web site of such agency. Such guide shall include, but

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

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

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

211 As part of its supervision of construction activity in connection with  
212 any transmission line project, the Connecticut Siting Council may

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

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

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

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



246 and open to public inspection, and to make reasonable rules for the  
247 services of such inspectors, and may pay a reasonable sum for such  
248 services. No person or corporation shall remove bees under quarantine  
249 to another locality without obtaining the written permission of an  
250 authorized inspector. No person or transportation company shall  
251 receive for transportation any colony or package of bees, unless such  
252 colony or package is accompanied by a certificate of good health,  
253 furnished by an authorized inspector. No person or transportation  
254 company shall deliver any colony or package of bees brought from any  
255 other country, province, state or territory unless accompanied by a  
256 certificate of health furnished by an authorized inspector of such  
257 country, province, state or territory. Any person or transportation  
258 company receiving a shipment of bees from without the state,  
259 unaccompanied by such certificate, shall, before delivering such  
260 shipment to its consignee, notify the State Entomologist and hold such  
261 shipment until inspected by an authorized inspector. If contagious  
262 diseases are found therein, such shipment shall be returned to the  
263 consignor or delivered to an authorized inspector of this state for  
264 treatment or destruction, provided the requirements of this section  
265 shall not apply to shipments of brood comb, with or without bees,  
266 suspected of being diseased and consigned to the State Entomologist,  
267 the agricultural experiment station or any authorized apiary inspector  
268 of the state or to the Bureau of Entomology of the United States or the  
269 United States Department of Agriculture, and provided there shall be  
270 no destruction of any shipment of bees as herein provided in the  
271 absence of reasonable notice to the consignee thereof. No person shall  
272 resist or hinder the State Entomologist, or any inspector whom he or  
273 she appoints, in the performance of the duties imposed by this section.  
274 No person or corporation shall sell, to be removed to another location,  
275 bees, brood comb, frames or hives that have been in use, with or  
276 without combs, until they have been inspected by an authorized  
277 inspector, who shall issue a certificate of health if they are found free of  
278 contagious disease. Any person violating any provision of this section  
279 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>December 31, 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
Sec. 15	<i>from passage</i>	22-90