



House of Representatives

General Assembly

File No. 651

January Session, 2019

House Bill No. 5999

House of Representatives, April 15, 2019

The Committee on Environment reported through REP. DEMICCO, M. of the 21st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING PESTICIDE REGULATION IN THE STATE.

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

1 Section 1. (NEW) (*Effective July 1, 2019*) There is established an
2 account to be known as the pesticide enforcement account which shall
3 be a separate, nonlapsing account within the General Fund. Moneys in
4 such account shall be used to provide for the costs of regulating
5 pesticides, performing requisite inspections concerning such
6 regulation and any enforcement activities concerning the regulation of
7 pesticides by the Department of Energy and Environmental Protection.
8 All funds collected from the registration of any pesticide pursuant to
9 sections 22a-48 to 22a-50, inclusive, of the general statutes shall be
10 deposited into the pesticide enforcement account. Such account shall
11 contain all moneys required by law to be deposited in such account.
12 Such account may receive funds from private or public sources,
13 including, but not limited to, any municipal government or the federal
14 government.

15 Sec. 2. (NEW) (*Effective October 1, 2019*) Not later than December 1,

16 2021, the Commissioner of Energy and Environmental Protection shall
 17 implement the use of an electronic reporting and record keeping
 18 system for pesticide registrations and private and commercial pesticide
 19 applicator permits and certifications. Such system shall include, but
 20 not be limited to, components that improve the Department of Energy
 21 and Environmental Protection's ability to make available to the public
 22 data concerning the use of pesticides in the state.

23 Sec. 3. (NEW) (*Effective October 1, 2019*) Not later than October 1,
 24 2020, the Commissioner of Energy and Environmental Protection shall
 25 adopt regulations, in accordance with the provisions of chapter 54 of
 26 the general statutes, to: (1) Regulate the on-line purchase of restricted
 27 use pesticides in order to assure that such restricted use pesticides are
 28 not purchased and applied by persons who are not authorized to
 29 possess and apply such pesticides in accordance with the provisions of
 30 chapter 441 of the general statutes; and (2) implement and conduct a
 31 monitoring program that accurately and effectively determines levels
 32 of pesticides in the soil, water and natural resources of the state,
 33 including, but not limited to, the state's wildlife.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>October 1, 2019</i>	New section
Sec. 3	<i>October 1, 2019</i>	New section

ENV *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Department of Energy and Environmental Protection	GF - Potential Cost	Up to 100,000	None
Department of Energy and Environmental Protection	Pesticide Enforcement Account - Revenue Gain	2,154,000	2,872,000
Department of Energy and Environmental Protection	GF - Revenue Loss	2,154,000	2,872,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Department of Energy and Environmental Protection (DEEP) to implement an electronic reporting and recordkeeping system for pesticide registrations and pesticide applicator permits and certifications. This is anticipated to result in a cost of up to \$100,000 in FY 20 to hire an outside consultant to build and implement the electronic reporting and recordkeeping system.

Additionally, the bill establishes a separate, nonlapsing pesticide enforcement account within the General Fund. The newly established account is to be used for DEEP's pesticide regulation activities. It requires all funds collected from pesticides registered with DEEP to be deposited into the account. In FY 18, pesticide registrations and pesticide permits and certifications generated \$2.9 million in revenue. Thus, this provision is anticipated to result in an annualized revenue gain of approximately \$2,872,000 into the newly established account,

and a commensurate revenue loss to the General Fund. In FY 20, the revenue gain to the pesticide enforcement account, and the revenue loss to the General Fund would be approximately \$2,154,000 due to the effective date of the bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of pesticides registered.

OLR Bill Analysis**HB 5999****AN ACT CONCERNING PESTICIDE REGULATION IN THE STATE.****SUMMARY**

This bill requires the Department of Energy and Environmental Protection (DEEP) commissioner to do the following:

1. adopt regulations to regulate online purchases of restricted use pesticides and
2. implement an electronic reporting and recordkeeping system for pesticide registrations and pesticide applicator permits and certifications.

The bill also establishes a separate, nonlapsing “pesticide enforcement account” within the General Fund to be used for (1) regulating pesticides and (2) performing any required pesticide inspections or enforcement activities related to DEEP’s pesticide regulation. The bill requires all funds collected from registering pesticides with DEEP to be deposited into the account. (Existing law sets a \$940 fee for registering a pesticide or renewing a registration, and registrations generally last for five years (CGS § 22a-50(g)). The bill also allows for the account to receive funds from other sources, including from a municipal government or the federal government.

EFFECTIVE DATE: October 1, 2019, except the provision establishing the pesticide enforcement account is effective July 1, 2019.

REGULATION OF ONLINE PESTICIDE PURCHASES

The bill requires the DEEP commissioner, by October 1, 2020, to adopt regulations on:

1. regulating online purchases of restricted use pesticides to assure

that the pesticides are not purchased and applied by persons unauthorized to have or apply them, and

2. implementing and conducting a monitoring program to accurately and effectively determine pesticide levels in soil, water, and the state's natural resources, including wildlife.

By law, a pesticide is any substance or mixture of substances (1) used to prevent, destroy, repel, or mitigate a pest or (2) intended for use as a plant regulator, defoliant, or desiccant (CGS § 22a-47(w)). A restricted use pesticide is classified as restricted by the federal Environmental Protection Agency or the DEEP commissioner because it may cause unreasonable adverse health or environmental effects (CGS §§ 22a-47(cc) and 22a-50). To purchase a restricted use pesticide, the law requires that the purchaser be certified by DEEP as either a private applicator (i.e., for agricultural crops) or as a supervisor commercial applicator.

ELECTRONIC REPORTING AND RECORDKEEPING

The bill requires the DEEP commissioner, by December 1, 2021, to use an electronic reporting and recordkeeping system for (1) pesticide registrations and (2) private and commercial pesticide applicator permits and certifications. The system must be able to improve DEEP's ability to make data on the use of pesticides in the state publicly available.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 28 Nay 1 (03/25/2019)