Bill No.: HB-5999
Title: AN ACT CONCERNING PESTICIDE REGULATION IN THE STATE.
Vote Date: 3/25/2019
Vote Action: Joint Favorable
PH Date: 3/18/2019
File No.: 651

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SPONSORS OF BILL:

Environment Committee

Rep. David Michel, 146th Dist.

REASONS FOR BILL:

In 2017 the state’s Council on Environmental Quality conducted an analysis of the Pesticide Management Program; a key conclusion of the Council is that an implementation of an online registration, reporting and record keeping would better fulfill the mission of the Pesticide Management Program.

In Connecticut, certain pesticides are classified as restricted by the U.S. Environmental Protection Agency or the Connecticut Department of Energy and Environmental Protection (DEEP). Restricted use pesticides can only be purchased and used by private applicators or supervisors of commercial applicators that are certified by DEEP.

Although state law limits who are legally able to purchase restricted pesticides, there is no monitoring mechanism for regulating the online purchase of these pesticides. The bill requires DEEP to (1) regulate the online purchase of restricted use pesticides and (2) implement an electronic reporting and recordkeeping system for pesticide registrations and pesticide applicator permits and certifications.

RESPONSE FROM ADMINISTRATION/AGENCY:
Katie S. Dykes, Commissioner, Connecticut Department of Energy and Environmental Protection (DEEP): Provided comment on the bill. While DEEP supports the majority of the concepts of the bill, the agency is concerned about the amount of resources necessary to implement the provisions of the bill. DEEP is currently working to transition pesticide program data to an electronic system, and online system as outlined in the bill will be more efficient and will provide convenience to users. Currently, DEEP monitors the online offerings of restricted use pesticides and notifies vendors of unlawful distribution, implementing regulations for online purchases exceeds resources available to DEEP.

Susan D. Merrow, Chair, State of Connecticut Council on Environmental Quality (CEQ): CEQ performed an analysis on the Department of Energy and Environmental Protection’s (DEEP) Pesticide Management Program, Environmental Enforcement in Connecticut, Part 1: Pesticides. The report demonstrated deficiencies in several areas due to staff reductions resulting in less enforcement and monitoring. Restricted-use pesticides can only be sold to certified supervisors and certified private applicators. CEQ found restricted-use pesticides were sold online without the required certifications. DEEP’s current process to track sales of restricted-use pesticides is through paper and filing cabinets.

NATURE AND SOURCES OF SUPPORT:

Louis Burch, Connecticut Program Director, Citizens Campaign for the Environment (CCE): According to the Connecticut Council on Environmental Quality, per-capita illness related to exposure of toxic pesticides in Connecticut exceeds that of neighboring states. The state should increase funding for pesticide inspections and enforcement and allow municipalities to take charge of their own actions to reduce pesticide use. Additionally, CCE recommends that portions of the fund be used for supporting healthy soil programs.

Patrick M. Comins, Executive Director, The Connecticut Audubon Society: While the Connecticut Audubon Society supports the bill, there is concern that the proposed mandates would be an enormous burden to the Connecticut Department of Energy and Environmental Protection.

Allan Fenner, President, The Connecticut Tree Protective Association (CTPA): CTPA is in strong support of the bill, specifically provisions establishing a Pesticide Enforcement Account. While CTPA has advocated for more effective enforcement of arborist laws, such laws are closely related to the regulation of pesticide laws. However, it is not clear whether the bill would increase enforcement related to the full range of arboricultural activities, or just to those related pesticide use in tree care.

Donna Hamzy Carroccia, Advocacy Manager, Connecticut Conference of Municipalities (CCM): While CCM supports section 3 of the bill in regards to the online regulations governing the purchasing of restricted pesticides. CCM opposes section 1 of the bill as application fees were not specified in the bill to a municipality. Any new or expanded fees would impose an unfunded mandate on towns and cities.

Valerie Stolfi Collins, Executive Director, Connecticut Recreation and Parks Association, Inc. (CRPA): The bill provides necessary resources to enforce pesticide regulations, simplify registration and reporting, and makes more data available. While CRPA
supports sections 2 and 3 of the bill, there are concerns about section 1 in regards to the application of any fees to a municipality. Municipalities have insufficient time to budget staff impacted for licensing and certification. Section 1 is an unfunded mandate on municipalities. However, CRPA would support section 1 if language did not mandate any new fees on municipalities.

The Environment Committee received approximately 15 written testimonies supporting the bill. Although supportive, certain testimonies expressed concerns with section 1 of the bill in that it may be an unfunded mandate to municipalities and expressed support for sections 2 and 3. Other testimonies, supported section 1 and expressed concerns for sections 2 and 3 in that the DEEP requirements may be too burdensome on the agency without additional resources.

NATURE AND SOURCES OF OPPOSITION:

None Expressed.

Reported by: Steve Smith / Ussawin R. Bumpen Date: 04/17/2019