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## OLR Bill Analysis

### sSB 120 (File 68, as amended by Senate "A")\*

#### ***AN ACT CONCERNING THE USE OF CHLORPYRIFOS ON GOLF COURSES AND NEONICOTINOIDS FOR NONAGRICULTURAL USE.***

#### **SUMMARY**

Beginning January 1, 2023, this bill prohibits using or applying chlorpyrifos (1) on golf courses or (2) for cosmetic or nonagricultural uses (see BACKGROUND). The bill allows the Department of Energy and Environmental Protection (DEEP) commissioner to assess a civil penalty of up to \$2,500 to violators of the ban.

The bill also requires the DEEP commissioner to establish a working group to determine (1) if additional statutory restrictions or prohibitions on using neonicotinoids are needed (see BACKGROUND) and (2) the agricultural plants and pet care and personal products that should be exempt from them. The commissioner must submit a report to the Environment Committee by January 1, 2023, on the working group's recommendations.

Under the bill, the DEEP commissioner selects the working group's members. Members must be from DEEP, the Connecticut Agricultural Experiment Station, the Connecticut Grounds Keepers Association, the Connecticut Pest Control Association, the Connecticut Association of Golf Course Superintendents, Friends of the Earth, Pollinators Pathway, and the Connecticut Beekeeper's Association.

\*Senate Amendment "A" (1) replaces the underlying bill's general ban on using pesticides with neonicotinoids with the neonicotinoid working group; (2) establishes the specific civil penalty for a chlorpyrifos ban violation, instead of allowing DEEP to enforce the ban within its existing pesticide enforcement authority; and (3) delays the chlorpyrifos ban by three months (from October 1, 2022, to January 1, 2023).

EFFECTIVE DATE: January 1, 2023, except the working group provision takes effect upon passage.

## **BACKGROUND**

### ***Agriculture Under § 1-1(q)***

The state's general definitions of agriculture and farming include, among other things, (1) soil cultivation; (2) dairying; (3) forestry; and (4) raising or harvesting an agricultural commodity, including raising, shearing, feeding, caring for, training, and managing livestock, including horses, bees (honey production), poultry, fur-bearing animals, and wildlife. The terms also include such things as aquaculture; operating or maintaining a farm and its equipment (as part of farming operations); harvesting or producing maple syrup or lumber (as part of farming operations); harvesting mushrooms; hatching poultry; making or maintaining ditches or waterways for farming; and certain actions to market or sell farm products.

### ***Chlorpyrifos***

Chlorpyrifos is a "restricted use" organophosphate pesticide used mainly to control foliage and soil-borne insect pests. By law, because chlorpyrifos is a restricted use pesticide, it may only be applied by someone (1) certified under state law to do so or (2) directly supervised by a certified individual. Restricted use pesticides are those classified by the federal Environmental Protection Agency (EPA) or DEEP as they may cause unreasonable adverse health or environmental effects.

There is an ongoing review and assessment of the pesticide's registration. In 2021, EPA issued a final rule revoking the tolerances of chlorpyrifos (i.e., the maximum amount of a pesticide that may remain in or on a food) as of February 28, 2022. The tolerance revocation applies to land and greenhouse food crops and certain commercial livestock uses.

### ***Neonicotinoid***

By law, a neonicotinoid is a pesticide that selectively acts on an organism's nicotinic acetylcholine receptors (i.e., impacts the nervous system), including clothianidin, dinotefuran, imidacloprid,

thiamethoxam, and any other pesticide that the DEEP commissioner, after consulting with the Connecticut Agricultural Experiment Station, determines will kill at least 50% of a bee population when up to two micrograms of it is applied to each bee (CGS § 22-61k). Neonicotinoids that are labeled for treating plants are “restricted use,” meaning that they may only be applied by someone (1) certified under state law to do so or (2) directly supervised by a certified person (see *Chlorpyrifos*, above). Neonicotinoids are also under EPA review.

Existing law prohibits applying (1) an insecticide that is a neonicotinoid to linden or basswood trees in the state (CGS § 22a-61a) and (2) a neonicotinoid that is labeled for treating plants to a blossoming plant unless it, among other things, is in a greenhouse that is inaccessible to pollinators (CGS § 22a-61b).

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 21 Nay 10 (03/04/2022)

Appropriations Committee

Joint Favorable

Yea 36 Nay 12 (04/18/2022)