



Senate

General Assembly

File No. 68

February Session, 2022

Substitute Senate Bill No. 120

Senate, March 22, 2022

The Committee on Environment reported through SEN. COHEN of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

1 Section 1. (NEW) (*Effective October 1, 2022*) No person shall use or
2 apply chlorpyrifos: (1) On any golf course, or (2) for any cosmetic or
3 nonagricultural use. The Commissioner of Energy and Environmental
4 Protection may enforce the provisions of this section in accordance with
5 the provisions of chapter 441 of the general statutes.

6 Sec. 2. Subsection (l) of section 22a-50 of the general statutes is
7 repealed and the following is substituted in lieu thereof (*Effective October*
8 *1, 2022*):

9 (l) (1) Not later than January 1, 2018, the commissioner shall classify
10 all neonicotinoids, as defined in section 22-61k, that are labeled for
11 treating plants, as restricted use pursuant to subdivision (2) of
12 subsection (c) of this section.

13 (2) On and after January 1, 2023, no person shall sell, possess or use
 14 any pesticide that contains any neonicotinoid, as defined in section 22-
 15 61k, except for such use on an agricultural plant. The provisions of this
 16 subdivision shall not apply to any pet care, veterinary, personal care or
 17 indoor pest control pesticide product. For purposes of this subdivision,
 18 "agricultural plant" means any plant, or part of any plant, that is grown,
 19 maintained or otherwise produced for commercial purposes, including,
 20 but not limited to, any plant grown, maintained or otherwise produced
 21 for sale or trade, for research or experimental purposes or for use, in part
 22 or in whole, in another location such as any grain, fruit, vegetable, wood
 23 fiber or timber product, flowering or foliage plant or tree, seedling,
 24 transplant or turf grass produced for sod. "Agricultural plant" does not
 25 include any pasture or rangeland used for grazing.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	New section
Sec. 2	October 1, 2022	22a-50(l)

ENV *Joint Favorable Subst.*

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 23 \$	FY 24 \$
Department of Energy and Environmental Protection	GF - Cost	170,028	163,731
State Comptroller - Fringe Benefits ¹	GF - Cost	68,912	66,360

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill prohibits: (1) using chlorpyrifos on golf courses or for cosmetic or nonagricultural uses and (2) selling, possessing, or using pesticides containing neonicotinoids under certain conditions.

The bill expands the Department of Energy and Environmental Protection's (DEEP) enforcement authority to both bans. This would result in costs of \$170,028 in FY 23 and \$163,731 in FY 24, plus fringe benefits, associated with hiring two new Environmental Analyst 2 positions and one Office Assistant to enforce the new pesticide ban as there is currently insufficient staff expertise within DEEP for this purpose, due to retirements.

The Out Years

The annualized ongoing costs identified above would continue into

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

the outyears subject to inflation. It should also be noted that that a ban on the use of neonicotinoids, currently used to treat certain invasive insects on trees may result in significant costs in the outyears associated with tree restoration on state lands.

OLR Bill Analysis**sSB 120*****AN ACT CONCERNING THE USE OF CHLORPYRIFOS ON GOLF COURSES AND NEONICOTINOIDS FOR NONAGRICULTURAL USE.*****SUMMARY**

This bill prohibits:

1. using or applying chlorpyrifos (a) on golf courses or (b) for cosmetic or nonagricultural uses and
2. beginning January 1, 2023, selling, possessing, or using pesticides containing any neonicotinoid except for use on an agricultural plant or in pet care, veterinary, personal care, or indoor pest control pesticide products (see BACKGROUND).

Under the bill, for purposes of the neonicotinoid ban, an “agricultural plant” is a plant, or plant part, that is grown, maintained, or produced for commercial purposes, such as for sale or trade, research or experiments, or use (in whole or part) in another location (e.g., grain, fruit, vegetable, wood fiber or timber product, flowering or foliage plant or tree, seedling, transplant, or turf grass for sod). It excludes pasture or rangeland for grazing.

The bill enables the Department of Energy and Environmental Protection (DEEP) commissioner to enforce both bans in accordance with her existing authority under the state’s pesticide control law (CGS § 22a-46 *et seq.*). By law, DEEP regulates pesticide registration, sale, and application, and the certification of pesticide applicators. Among other things, the DEEP commissioner has the authority to do inspections, revoke or suspend certifications, and take court action through the Attorney General. Existing law, unchanged by the bill, subjects those who knowingly violate the pesticide laws to criminal fines of up to

\$5,000, up to one year in jail, or both. Violators may also be subject to civil penalties of up to \$2,500 per day that violations continue (CGS § 22a-63).

EFFECTIVE DATE: October 1, 2022

BACKGROUND

AGRICULTURE UNDER § 1-1(q)

The state's general definitions of agriculture and farming include, among other things, soil cultivation, dairying, forestry, 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 certified under state law to do so, or by someone 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 certified under state law to do so, or by someone directly supervised by a certified person (see *Chlorpyrifos*, above). Neonicotinoids are also under EPA review.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 21 Nay 10 (03/04/2022)