



Senate

General Assembly

File No. 308

February Session, 2022

Substitute Senate Bill No. 239

Senate, April 5, 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 PROHIBITING THE USE OF CERTAIN RODENTICIDES FOR THE PROTECTION OF HAWKS, RAPTORS AND OTHER WILDLIFE.

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

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) For purposes of this
2 section:

3 (1) "Second-generation anticoagulant rodenticide" means any
4 pesticide product containing any of the following active ingredients:

5 (A) Brodifacoum;

6 (B) Bromadiolone;

7 (C) Difenacoum; or

8 (D) Difethialone.

9 (2) "Wildlife habitat area" means any state park, state wildlife refuge,
10 state forest or state conservancy.

11 (b) The use of any second-generation anticoagulant rodenticide is
12 prohibited in a wildlife habitat area.

13 (c) The Department of Energy and Environmental Protection shall
14 encourage federal agencies in the state to comply with the provisions of
15 subsection (b) of this section.

16 (d) The provisions of this section shall not apply to any of the
17 following uses or locations:

18 (1) The use of second-generation anticoagulant rodenticides by any
19 state employee who uses second-generation anticoagulant rodenticides
20 for public health activities in accordance with any provision of the
21 Public Health Code and in furtherance of such employee's duties;

22 (2) The use of second-generation anticoagulant rodenticides when
23 used by any state employee for the purposes of protecting water supply
24 infrastructure and facilities in a manner that is consistent with all
25 otherwise applicable federal and state laws and regulations and in
26 furtherance of such employee's duties;

27 (3) The use of second-generation anticoagulant rodenticides by a
28 director of health to control mosquito or vector breeding areas in order
29 to protect the public health;

30 (4) The use of any second-generation anticoagulant rodenticides for
31 the eradication of nonnative invasive species inhabiting or found to be
32 present on offshore islands in a manner that is consistent with all
33 otherwise applicable federal and state laws and regulations;

34 (5) The use of any registered second-generation anticoagulant
35 rodenticide to control an actual or potential rodent infestation
36 associated with a public health need, as determined by a supporting
37 declaration from the Commissioner of Public Health or a director of
38 health. For purposes of this subdivision, "public health need" means an
39 urgent, nonroutine situation posing a significant risk to human health
40 in which it is documented that other rodent control alternatives,
41 including nonchemical alternatives, are inadequate to control the rodent

42 infestation;

43 (6) A medical waste generator;

44 (7) Any facility registered annually and subject to inspection under
45 Section 510 of the Federal Food, Drug, and Cosmetic Act, 21 USC 360 et
46 seq. and that is compliant with the Federal Insecticide, Fungicide, and
47 Rodenticide Act, 7 USC 135 et seq.;

48 (8) Agricultural activity. For purposes of this subdivision,
49 "agricultural activity" additionally includes activities conducted in any
50 of the following locations:

51 (A) A warehouse used to store foods for human or animal
52 consumption;

53 (B) An agricultural food production site, including, but not limited
54 to, a slaughterhouse or cannery;

55 (C) A factory, brewery or winery;

56 (D) An agricultural production site housing water storage and
57 conveyance facilities; or

58 (E) An agricultural production site housing rights-of-way and other
59 transportation infrastructure.

60 (e) The Commissioner of Energy and Environmental Protection shall
61 adopt regulations, in accordance with the provisions of chapter 54 of the
62 general statutes, to ensure that the continued use of second-generation
63 anticoagulant rodenticides is not reasonably expected to result in
64 significant adverse effects to nontarget wildlife. Such regulations shall
65 include, but not be limited to, provisions for the use of such rodenticides
66 if the eradication of invasive rodent populations is necessary for the
67 protection of threatened or endangered species or the habitats of such
68 species.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2022</i>	New section
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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 - Potential Cost	62,351	60,042
State Comptroller - Fringe Benefits ¹	GF - Potential Cost	25,271	24,335

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill prohibits the use of certain pesticides used for rodent control in state parks, wildlife refuges, forests, or conservancies, allowing for certain exemptions. It also requires the Department of Energy and Environmental Protection to: (1) encourage federal agencies in Connecticut to comply with the ban and, (2) adopt regulations on the use of these rodenticides.

To the extent the bill requires DEEP to enforce this new pesticide ban, it would result in annualized costs of \$60,042, plus fringe benefits, for a Wildlife Biologist to track the cases, health status, and outcome of impacted hawks, raptors and wildlife.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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.

OLR Bill Analysis**sSB 239*****AN ACT PROHIBITING THE USE OF CERTAIN RODENTICIDES FOR THE PROTECTION OF HAWKS, RAPTORS AND OTHER WILDLIFE.*****SUMMARY**

This bill prohibits the use of “second generation anticoagulant rodenticides” (i.e., pesticide products containing brodifacoum, bromadiolone, difenacoum, or difethialone, see BACKGROUND) in state parks, wildlife refuges, forests, or conservancies. It also requires the Department of Energy and Environmental Protection to:

1. encourage federal agencies in Connecticut to comply with the ban and
2. adopt regulations on the continued use of these rodenticides to ensure that it is not reasonably expected to have significant adverse effects on nontarget wildlife, including provisions for the rodenticides’ use if it is necessary to eradicate invasive rodent populations to protect threatened or endangered species or their habitats.

The bill exempts from the rodenticide ban several uses and locations, such as use by state employees for public health or public water supply protection reasons, agricultural activity, and at a medical waste generator.

EFFECTIVE DATE: October 1, 2022

RODENTICIDE EXEMPTIONS

The bill exempts eight locations and uses from its ban. The exempt locations are (1) medical waste generators and (2) drug or device production facilities that are annually registered, subject to inspection under the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 360 et seq.),

and comply with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 135 et seq.). Exempt uses are the following:

1. a state employee within the scope of his or her duties (a) for public health activities conducted in accordance with the Public Health Code or (b) to protect water supply infrastructure and facilities in a way that is consistent with federal and state laws and regulations;
2. a health director to control mosquito or vector breeding areas to protect public health;
3. to eradicate nonnative invasive species inhabiting or found on offshore islands in a way that is consistent with federal and state laws and regulations;
4. to control an actual or potential rodent infestation associated with a public health need that the public health commissioner or a health director determines by a supporting declaration; and
5. for agricultural activities, including those done at a warehouse for storing foods for human or animal consumption; factory, brewery, winery, or an agricultural production site (e.g., slaughterhouses or canneries), including a site housing water storage or conveyance facilities or housing rights-of-way and other transportation infrastructure.

Under the bill, a “public health need” is an urgent, nonroutine situation posing a significant risk to human health. It must also be documented that other rodent control methods, including nonchemical ones, are inadequate to control the infestation.

BACKGROUND

Second-Generation Anticoagulant Rodenticide

Most rodenticides are anticoagulant compounds that interfere with blood clotting and cause death from excessive bleeding. Second-generation anticoagulants were developed to control rodents that are

resistant to first-generation anticoagulants. These pesticides are more likely to be effective after a single feeding and may remain in animal tissue longer than first-generation products. They are registered only for the commercial and structural pest control markets.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 31 Nay 0 (03/21/2022)