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:

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

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

(A) Brodifacoum;

(B) Bromadiolone;

(C) Difenacoum; or

(D) Difethialone.

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

(b) Notwithstanding the provisions of subsection (c) of this section,
the use of any second generation anticoagulant rodenticide is prohibited in a wildlife habitat area.

(c) The use of any second generation anticoagulant rodenticide is prohibited in this state until the Commissioner of Energy and Environmental Protection adopts regulations pursuant to subsection (g) of this section.

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

(e) The provisions of this section shall not apply to any of the following uses:

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

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

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

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

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

(6) The use of any registered second generation anticoagulant rodenticide for research purposes related to the adoption of regulations in accordance with subsection (g) of this section. Before using such a registered second generation anticoagulant in the manner described in this subdivision, a written authorization for research shall be obtained from the Commissioner of Energy and Environmental Protection. The commissioner may specify the conditions under which such research shall be conducted. The commissioner may terminate, amend or refuse to issue an authorization for research if the commissioner makes any of the following determinations:

(A) The research may involve a hazard to the environment;

(B) The research may be used for purposes unrelated to pesticide data development; or

(C) A violation of the authorization for such research or of the provisions of this section has occurred in connection with the research.

(f) (1) The provisions of this section shall not apply to the use of second generation anticoagulant rodenticides in any of the following locations:

(A) A medical waste generator; or

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

(2) This section shall not apply to the use of second generation
anticoagulant rodenticides for agricultural activity.

(3) For purposes of subdivision (2) of this subsection, "agricultural activities" additionally includes activities conducted in any of the following locations:

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

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

(C) A factory, brewery or winery;

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

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

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

This act shall take effect as follows and shall amend the following sections:

| Section 1 | October 1, 2022 | New section |
Statement of Purpose:
To prohibit the use of certain rodenticides in locations such as state parks and forests for the protection of hawks, raptors and other wildlife that feed upon such rodents.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]