



Senate

General Assembly

File No. 242

January Session, 2023

Substitute Senate Bill No. 963

Senate, March 28, 2023

The Committee on Environment reported through SEN. LOPES of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING NEONICOTINOIDS FOR NONAGRICULTURAL USE.

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

1 Section 1. Subsection (l) of section 22a-50 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2023*):

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

8 (2) On and after January 1, 2024, no person shall sell, possess or use
9 any pesticide that contains any neonicotinoid, as defined in section 22-
10 61k, except that such pesticide may be used on an agricultural plant or
11 to eliminate an invasive invertebrate pest if the Commissioner of Energy
12 and Environmental Protection, after consultation with the director of the
13 Connecticut Agricultural Experiment Station, determines that no other

14 effective control option is available. The director of the Connecticut
 15 Agricultural Experiment Station may consult with the Pesticide
 16 Advisory Council, established pursuant to subdivision (d) of section
 17 22a-65, to determine if such pesticide is the only effective control option
 18 available. For purposes of this subdivision, "agricultural plant" means
 19 any plant, or part of any plant, that is grown, maintained or otherwise
 20 produced for commercial purposes, including, but not limited to, any
 21 plant grown, maintained or otherwise produced for sale or trade, for
 22 research or experimental purposes or for use, in part or in whole, in
 23 another location such as any grain, fruit, vegetable, wood fiber or timber
 24 product, flowering or foliage plant or tree, seedling, transplant or turf
 25 grass produced for sod. "Agricultural plant" does not include any
 26 pasture or rangeland used for grazing and "invasive invertebrate pest"
 27 means any species of invertebrate, including such invertebrate's eggs or
 28 other biological material capable of propagating such species, and that:
 29 (A) Occur outside of such species' Level III ecoregion, as defined by the
 30 United States Environmental Protection Agency; and (B) are, or threaten
 31 to become, substantial pests to plants of economic importance, an
 32 environmental harm or harmful to human, animal or plant health; or (C)
 33 are species regulated or under quarantine by the Connecticut
 34 Agricultural Experiment Station pursuant to section 22-84a or the
 35 United States Department of Agriculture's Animal and Plant Health
 36 Inspection Service's Plant Protection and Quarantine Program.

37 (3) The Commissioner of Energy and Environmental Protection may
 38 assess a civil penalty of not more than two thousand five hundred
 39 dollars to any person who violates the provisions of subdivision (2) of
 40 this subsection for each such violation.

41 (4) The provisions of subdivision (2) of this subsection shall not apply
 42 to any neonicotinoid that is not labeled for use on plants, including, but
 43 not limited to, neonicotinoids labeled for use in pet care, veterinary use
 44 or indoor or structural pest control.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	October 1, 2023	22a-50(1)
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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 24 \$	FY 25 \$
Department of Energy and Environmental Protection	GF - Revenue Gain	Potential	Potential
Department of Energy and Environmental Protection	GF - Cost	31,541	64,659
State Comptroller - Fringe Benefits ¹	GF - Cost	13,506	27,687

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes a ban, beginning January 1, 2024, on selling, possessing, or using pesticide neonicotinoid pesticides, with certain exemptions (including agriculture).² This results in total costs to the state of \$45,047 in FY 24 (for nine months) and \$92,346 in FY 25 for a new Environmental Analyst 2 within the Department of Energy and Environmental Protection (DEEP) to handle the bill's requirements. The costs may be offset by revenue resulting from violations to the extent they are enforced by the new staff person.

The costs of the new DEEP analyst are: (1) \$31,541 to DEEP in FY 24; and (2) \$13,506 in FY 24 to the Office of the State Comptroller for associated fringe benefits, adjusting for six months. These costs are

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 42.82% of payroll in FY 24.

²A neonicotinoid is a pesticide that impacts the nervous system of an organism.

annualized in FY 25.

Currently, there are no DEEP staff solely tasked with identification of neonicotinoid products; the new staff person would be tasked with this in addition to performing the product reclassification, inspection, and enforcement activities. There are presently two dedicated staff at DEEP who are responsible for all pesticide registration and classification (including aquatic permitting), and there are currently over 13,000 pesticide product registrations within the Pesticide Management Program.

Regarding inspections and enforcement, there are currently three staff at DEEP performing all pesticide inspections and a portion of a staff position performing enforcement activities regarding pesticide laws of approximately 1,100 registered pesticides (and arborist businesses), approximately 9,000 commercial pesticide applicators, 500 certified private applicators (farms), and an unknown number of pesticide retailers.

The bill also authorizes DEEP to assess a civil penalty of up to \$2,500 per violation to anyone who violates the ban. To the extent that violations are discovered and fined, this will result in a revenue gain to the General Fund.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and changes in staff salaries and benefits.

OLR Bill Analysis

sSB 963

AN ACT CONCERNING NEONICOTINOIDS FOR NONAGRICULTURAL USE.

SUMMARY

This bill generally prohibits, beginning January 1, 2024, selling, possessing, or using a pesticide that has any neonicotinoid (see BACKGROUND). The bill exempts the following from the ban:

1. use on agricultural plants;
2. use to eliminate an invasive invertebrate pest if the Department of Environmental Protection (DEEP) commissioner, after consulting with the Connecticut Agricultural Experiment Station’s (CAES) director, determines that there is no effective available alternative; and
3. any neonicotinoid that is not labeled for plant use such as those for pet care, veterinary purposes, or for indoor or structural pest control.

The bill authorizes the commissioner to assess a civil penalty of up to \$2,500 per violation to anyone who violates the ban.

EFFECTIVE DATE: October 1, 2023

AGRICULTURAL PLANTS

Under the bill, 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. It includes things like a grain, fruit, vegetable, wood fiber or timber product, flowering or foliage plant or tree, seedling, transplant, or turf grass for sod.

It excludes from the definition pasture or rangeland for grazing.

INVASIVE INVERTEBRATE PESTS

The bill allows the CAES director to consult with the Pesticide Advisory Council to determine if a pesticide is the only effective control option available for an invasive invertebrate pest.

Under the bill, this pest is any invertebrate species, including its eggs or other biological material that can propagate the species, that also:

1. is regulated or under quarantine by CAES or the U.S. Department of Agriculture or
2. occurs outside of its Level III ecoregion (i.e., an area defined by the U.S. Environmental Protection Agency (EPA) based on things like geology, vegetation, soils, and hydrology) and is, or threatens to be, a substantial pest to plants of economic importance, an environmental harm, or harmful to human, animal, or plant health.

BACKGROUND

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 CAES, 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," and may only be applied by someone certified under state law to do so or by someone that person supervises. Neonicotinoids are currently under review by the EPA.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 6 (03/10/2023)