



House of Representatives

General Assembly

File No. 98

February Session, 2024

Substitute House Bill No. 5217

House of Representatives, March 25, 2024

The Committee on Environment reported through REP. GRESKO of the 121st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE USE OF CERTAIN RODENTICIDES.

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

1 Section 1. (NEW) (*Effective October 1, 2024*) (a) No person shall engage
2 in the use in this state of any second-generation anticoagulant
3 rodenticide. For purposes of this section, "second-generation
4 anticoagulant rodenticide" means any pesticide product containing any
5 one of the following active ingredients: (1) Brodifacoum; (2)
6 bromadiolone; (3) difenacoum; or (4) difethialone.

7 (b) The provisions of subsection (a) of this section shall not apply to:

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

12 (2) The use of second-generation anticoagulant rodenticides when
13 used by any state employee for the purposes of protecting water supply

14 infrastructure and facilities in a manner that is consistent with all
15 otherwise applicable federal and state laws and regulations and in
16 furtherance of such employee's duties;

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

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

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

32 (6) The use of second-generation rodenticides in any of the following
33 locations: (A) A medical waste generator; or (B) any facility registered
34 annually and subject to inspection under Section 510 of the federal Food,
35 Drug and Cosmetic Act, 21 USC 360 et seq., and that is compliant with
36 the federal Insecticide, Fungicide and Rodenticide Act, 7 USC 135 et
37 seq.; or

38 (7) The use of second-generation anticoagulant rodenticides for
39 agricultural activities. For purposes of this subdivision, "agricultural
40 activities" additionally includes activities conducted in any of the
41 following locations:

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

44 (B) An agricultural food production site, including, but not limited

45 to, a slaughterhouse or cannery;

46 (C) A factory, brewery or winery;

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

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

51 (c) The Commissioner of Energy and Environmental Protection may
52 adopt regulations, in accordance with the provisions of chapter 54 of the
53 general statutes, to ensure that the continued use of second-generation
54 anticoagulant rodenticides, in accordance with the provisions of section
55 22a-50 of the general statutes is not reasonably expected to result in
56 significant adverse effects to nontarget wildlife. Any such regulations
57 shall include, but are not limited to, provisions for the use of such
58 rodenticides if the eradication of invasive rodent populations is
59 necessary for the protection of threatened or endangered species or the
60 habitats of such species.

61 (d) Not later than January 1, 2026, the Commissioner of Energy and
62 Environmental Protection shall submit a report, in accordance with the
63 provisions of section 11-4a of the general statutes, to the joint standing
64 committee of the General Assembly having cognizance of matters
65 relating to the environment on the potential implications of the
66 application of existing statutory and regulatory restrictions and
67 licensing requirements for the use of second-generation anticoagulant
68 rodenticides. Such report shall include, but is not limited to, an analysis
69 of the consistency of applying such restrictions and requirements with
70 federal law and any potential effects, including, but not limited to,
71 improved raptor health and expenses and delays that such changes may
72 have on public health and agriculture in the state and requisite
73 administrative resources for overseeing such restrictions.

74 (e) Any person who violates the provisions of subsection (a) of this
75 section shall be subject to a civil penalty of not more than five thousand

76 dollars by the Commissioner of Energy and Environmental Protection
77 for each such violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	New section

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 25 \$	FY 26 \$
Department of Energy and Environmental Protection	GF - Cost	79,000	66,000
Department of Energy and Environmental Protection	GF - Potential Cost	113,000	116,000
State Comptroller - Fringe Benefits ¹	GF - Cost	At least 20,000	At least 27,000
Department of Energy and Environmental Protection	GF - Potential Revenue Gain	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which bans the use of certain rodenticides with some exceptions, is anticipated to result in a cost to the state of at least \$99,000 in FY 25 and \$93,000 in FY 26, and a potential revenue gain. The bill's reporting requirement may result in an additional state cost in FY 25 and FY 26.

It is anticipated that the Department of Energy and Environmental Protection (DEEP) will require one new full-time Environmental Analyst 2 to enforce the bill's ban. The associated partial year costs in FY 25 total an estimated \$99,000 (\$49,000 salary, \$20,000 fringe benefits in the Office of the State Comptroller, and \$30,000 in other expenses including a vehicle). The full-year annualized costs are anticipated to

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 41.25% of payroll in FY 25.

be \$93,000 in FY 26 (\$65,000 salary, \$27,000 fringe benefits, and \$1,000 in other expenses).

The bill may additionally result in a cost in at least FY 25 and FY 26 associated with the requirement to report by January 1, 2026 on, among other topics, the potential effects of the ban, including impacts on raptor health. While the new Environmental Analyst 2 may be able to write the report, DEEP may choose to engage in thorough research and monitoring of raptor health. The department anticipates it would hire a State Veterinarian specializing in wildlife, at a cost of approximately \$147,000 in FY 25 (\$83,000 salary, \$34,000 fringe benefits, and \$30,000 in other expenses, including a vehicle) and \$162,000 in FY 26 (\$111,000 salary, \$46,000 fringe benefits, and \$5,000 in other expenses).

The bill makes a violation of the ban subject to a civil penalty of up to \$5,000 per violation, resulting in a potential revenue gain to the General Fund beginning in FY 25. The extent of the revenue gain depends on the number of violations and the amount of each fine collected.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the amount of fines collected.

OLR Bill Analysis**sHB 5217*****AN ACT CONCERNING THE USE OF CERTAIN RODENTICIDES.*****SUMMARY**

This bill generally prohibits the use of “second-generation anticoagulant rodenticides” in Connecticut (i.e., pesticide products containing brodifacoum, bromadiolone, difenacoum, or difethialone; see BACKGROUND). It exempts several uses from the ban, such as by state employees for public health or water supply protection reasons, agricultural activity, or at a medical waste generator location.

Under the bill, a violation of the ban is subject to a civil fine of up to \$5,000 per violation by the Department of Energy and Environmental Protection (DEEP). The bill also allows DEEP to 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. The regulations must include provisions for the rodenticides’ use if it is necessary to eradicate invasive rodent populations to protect threatened or endangered species or their habitats.

Lastly, the bill requires, by January 1, 2026, DEEP to report to the Environment Committee on the potential implications of applying existing statutory and regulatory restrictions and licensing requirements on second-generation anticoagulant rodenticide use. The report must include (1) an analysis of the consistency of applying the restrictions and requirements with federal law; (2) potential effects, including improved raptor health and expenses and delays that the changes may have on public health and agriculture in Connecticut; and (3) required administrative resources to oversee the restrictions.

EFFECTIVE DATE: October 1, 2024

RODENTICIDE EXEMPTIONS

The bill exempts the following uses from the ban:

1. by 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. by a health director to control mosquito or vector breeding areas to protect public health;
3. in a location that is a medical waste generator or a drug or device production facility that is annually registered, subject to inspection under the federal Food, Drug, and Cosmetic Act, and complies with the Federal Insecticide, Fungicide, and Rodenticide Act;
4. to eradicate nonnative invasive species inhabiting or found on offshore islands in a way that is consistent with federal and state laws and regulations;
5. 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
6. for agricultural activities, including those done at a warehouse for storing foods for human or animal consumption; a factory, brewery, or winery; an agricultural food production site (e.g., slaughterhouse or cannery); or an agricultural production site housing water storage or conveyance facilities or rights-of-way and other transportation infrastructure.

Under the bill, a “public health need” is an urgent, nonroutine situation posing a significant human health risk. 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 and are currently under federal Environmental Protection Agency registration review.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 33 Nay 1 (03/08/2024)