

House of Representatives, April 1, 1998. The Committee on Environment reported through REP. STRATTON, 17th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING APPLICATION OF PESTICIDES TO CERTAIN TOBACCO CROPLAND.

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

1 Subsection (e) of section 22a-54 of the
2 general statutes, as amended by section 6 of
3 public act 97-289, is repealed and the following
4 is substituted in lieu thereof:

5 (e) The following provisions shall govern the
6 certification of aircraft applicators:

7 (1) No person shall apply, offer to apply or
8 cause to be applied any pesticide or fertilizer by
9 aircraft without a certificate or permit issued in
10 accordance with the provisions of this subsection.

11 (2) Upon application of any person qualified
12 to fly an aircraft, the commissioner may issue a
13 certificate for the application of pesticides or
14 fertilizers by aircraft. Application for said
15 certificate shall be on forms provided by the
16 commissioner and shall be accompanied by a fee
17 established by the commissioner by regulations
18 adopted in accordance with the provisions of
19 chapter 54 provided the fee shall be not less than
20 twenty-five dollars.

21 (3) The commissioner may issue a permit to
22 the owner of any crop or land, or to a

23 representative designated by such owner, for
24 application of pesticides or fertilizers by a
25 certified aircraft applicator. Application for
26 said permit shall be on forms provided by the
27 commissioner and shall be accompanied by a fee
28 established by the commissioner by regulations
29 adopted in accordance with the provisions of
30 chapter 54 provided the fee shall be not less than
31 ten dollars. The commissioner may waive the
32 application form and fee requirements imposed
33 pursuant to regulations adopted in accordance with
34 the provisions of chapter 54 in circumstances
35 where application of broad spectrum chemical
36 pesticides from the air is necessary to control
37 specific vectors of human disease which pose an
38 imminent threat to public health. The commissioner
39 may require inspection of the crop or area and its
40 immediate environs and approval as follows:

41 (A) For agricultural crops, nurseries and
42 orchards, by the director of the Connecticut
43 Agricultural Experiment Station;

44 (B) For rodent control, woodland spraying and
45 mosquito control spraying, by the commissioner;

46 (C) For control of vectors of human disease,
47 by the Commissioner of Public Health.

48 (4) The commissioner shall designate the kind
49 and amount of pesticides permitted for use by
50 aircraft. Permits for aircraft spraying in
51 congested areas shall be issued only with the
52 approval of the director of health of the
53 municipality in which the operation is to be
54 conducted except in circumstances where the
55 commissioner determines that the application of
56 broad spectrum chemical pesticides from the air is
57 necessary to control specific vectors of human
58 disease which pose an imminent threat to public
59 health.

60 (5) The commissioner, with the advice of the
61 Commissioner of Transportation, may adopt such
62 regulations as he deems necessary for the
63 protection of public health, aquatic and animal
64 life and public and private property, governing:

65 (A) The type of aircraft to be used;

66 (B) The hours during which aircraft may be so
67 used;

68 (C) The wind and weather conditions under
69 which aircraft spraying or dusting may be
70 performed;

71 (D) The minimum area on which aircraft
72 spraying or dusting may be done; and

73 (E) The amount of public liability and
74 property damage insurance to be carried by the
75 aircraft applicator.

76 (6) NO PERSON MAY APPLY PESTICIDES OR
77 FUNGICIDES BY AIRCRAFT OR BY MISTING-TYPE DEVICES
78 TO SHADE TOBACCO CROPS WITHIN THREE HUNDRED FEET
79 OF ANY PARCEL OF REAL PROPERTY ON WHICH THERE IS
80 AN INHABITED RESIDENTIAL BUILDING FOR WHICH A
81 CERTIFICATE OF OCCUPANCY WAS ISSUED PRIOR TO
82 JANUARY 1, 1997, EXCEPT SPRAY APPLICATIONS MAY BE
83 ADMINISTERED WITHIN THE CONFINES OF THE NETTING.
84 THIS SECTION SHALL NOT APPLY TO AN APPLICATION OF
85 PESTICIDES OR FUNGICIDES TO LAND ON WHICH SHADE
86 TOBACCO WAS CULTIVATED BETWEEN JANUARY 1, 1994,
87 AND JANUARY 1, 1997.

88 ENV COMMITTEE VOTE: YEA 22 NAY 1 JFS

January 1, 1997, and (2) the cropland was not used to grow shade tobacco between January 1, 1994 and January 1, 1997. It does not prohibit such applications administered within areas covered by shade netting.

The bill also exempts land used to grow shade tobacco between January 1, 1994 and January 1, 1997 from the statute's pesticide application "section" which includes application, fee, notice, fiscal responsibility, and aerial permit requirements.

Pesticides are any substance intended to prevent, destroy, repel, or mitigate any pest (including fungus) or to defoliate, dehydrate, or regulate and plant.

By law, no one may apply pesticides from an aircraft without a permit from the Department of Environmental Protection, which may require inspection of the crops and immediate environs.

EFFECTIVE DATE: October 1, 1998

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 22 Nay 1