



General Assembly

Substitute Bill No. 6035

January Session, 2015



AN ACT CONCERNING THE APPLICATION OF PESTICIDES AT STATE FACILITIES AND AUTHORIZING THE USE OF CERTAIN MICROBIALS.

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

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) As used in this
2 section:

3 (1) "Pesticide" means a fungicide used on plants, an insecticide, an
4 herbicide or a rodenticide, but does not mean a sanitizer, a
5 disinfectant, an antimicrobial agent or a pesticide bait in a tamper-
6 proof container;

7 (2) "Microbial pesticide" means a pesticide that consists of a
8 microorganism as the active ingredient;

9 (3) "Biochemical pesticide" means a naturally occurring substance
10 that controls pests by nontoxic mechanisms;

11 (4) "Lawn care pesticide" means a pesticide registered by the United
12 States Environmental Protection Agency and labeled pursuant to the
13 federal Insecticide, Fungicide and Rodenticide Act for use in lawn,
14 garden and ornamental sites or areas. "Lawn care pesticide" does not
15 include (A) a microbial pesticide or biochemical pesticide that is
16 registered with the United States Environmental Protection Agency,

17 (B) a horticultural soap or oil that is registered with the United States
18 Environmental Protection Agency and does not contain any synthetic
19 pesticide or synergist, or (C) a pesticide classified by the United States
20 Environmental Protection Agency as an exempt material pursuant to
21 40 CFR 152. 25, as amended from time to time;

22 (5) "Certified pesticide applicator" means a pesticide applicator with
23 (A) supervisory certification under section 22a-54 of the general
24 statutes, or (B) operational certification under section 22a-54 of the
25 general statutes, who operates under the direct supervision of a
26 pesticide applicator with such supervisory certification;

27 (6) "Controlling authority" means the executive head of any state
28 agency or public institution of higher education who is responsible for
29 the maintenance of any property under the custody, control or care of
30 such state agency; and

31 (7) "State agency" has the same meaning as provided in section 4-37e
32 of the general statutes except The University of Connecticut Research
33 Farm shall not constitute a state agency for purposes of this section.

34 (b) No person other than a certified pesticide applicator shall apply
35 pesticide on any property that is under the custody, control or care of
36 any state agency, except a person other than a certified pesticide
37 applicator may make an emergency application of pesticide to
38 eliminate an immediate threat to human health, including, but not
39 limited to, the elimination of mosquitoes, ticks and stinging insects,
40 provided (1) the controlling authority determines such emergency
41 application of pesticide to be necessary, (2) the controlling authority
42 deems it impractical to obtain the services of a certified pesticide
43 applicator, and (3) such emergency application of pesticide does not
44 involve a restricted use pesticide, as defined in section 22a-47 of the
45 general statutes.

46 (c) No person shall apply a lawn care pesticide on the grounds of
47 any property that is under the custody, control or care of any state

48 agency, except an emergency application of pesticide may be made to
49 eliminate an immediate threat to human health, including, but not
50 limited to, the elimination of mosquitoes, ticks and stinging insects,
51 provided (1) the controlling authority determines such emergency
52 application of pesticide to be necessary, and (2) such emergency
53 application of pesticide does not involve a restricted use pesticide, as
54 defined in section 22a-47 of the general statutes.

55 (d) Prior to providing for any application of pesticide on the
56 grounds of any property that is under the custody, control or care of
57 any state agency, the controlling authority shall, within the existing
58 budgetary resources available to the controlling authority, provide
59 public notice of such application not later than twenty-four hours prior
60 to such application of pesticide. Such public notice shall be posted on
61 the Internet web site of the applicable state agency. If a controlling
62 authority determines an emergency application of pesticide to be
63 necessary pursuant to subsection (c) of this section, such notice shall be
64 given as soon as practicable. Notice under this subsection shall include
65 (1) the name of the active ingredient of the pesticide being applied, (2)
66 the target pest, (3) the location of the application of pesticide on the
67 grounds of the property that is under the custody, control or care of
68 such state agency, and (4) the date or proposed date of the application
69 of pesticide. A copy of each notice of such application of pesticide at
70 property that is under the custody, control or care of any state agency
71 shall be maintained by the applicable controlling authority for a period
72 of five years from the date of application of the pesticide and available
73 to members of the public.

74 Sec. 2. Section 10-231a of the general statutes is repealed and the
75 following is substituted in lieu thereof (*Effective from passage*):

76 As used in sections 10-231b to 10-231d, inclusive, [and section 19a-
77 79a,] (1) "pesticide" means a fungicide used on plants, an insecticide, a
78 herbicide or a rodenticide, but does not mean a sanitizer, disinfectant,
79 antimicrobial agent or pesticide bait in a tamper-resistant container, (2)
80 "lawn care pesticide" means a pesticide registered by the United States

81 Environmental Protection Agency and labeled pursuant to the federal
 82 Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and
 83 ornamental sites or areas. "Lawn care pesticide" does not include any:
 84 (A) Microbial pesticide or biochemical pesticide that is registered with
 85 the United States Environmental Protection Agency, (B) horticultural
 86 soap or oil that is registered with the United States Environmental
 87 Protection Agency and that does not contain any synthetic pesticide or
 88 synergist, or (C) a pesticide classified by the United States
 89 Environmental Protection Agency as an exempt material under 40 CFR
 90 152.25, as amended from time to time, [and] (3) "integrated pest
 91 management" means use of all available pest control techniques,
 92 including judicious use of pesticides, when warranted, to maintain a
 93 pest population at or below an acceptable level, while decreasing the
 94 use of pesticides, (4) "microbial pesticide" means a pesticide that
 95 consists of a microorganism as the active ingredient, and (5)
 96 "biochemical pesticide" means a naturally occurring substance that
 97 controls pests by nontoxic mechanisms.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>from passage</i>	10-231a

ENV *Joint Favorable Subst.*

APP *Joint Favorable*