



Senate

General Assembly

File No. 241

January Session, 2023

Substitute Senate Bill No. 962

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 THE USE OF CERTAIN RODENTICIDES.

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

1 Section 1. Section 22a-50 of the general statutes is amended by adding
2 subsection (m) as follows (*Effective from passage*):

3 (NEW) (m) Not later than January 1, 2024, the commissioner shall
4 classify all second-generation anticoagulant rodenticides for restricted
5 use pursuant to subdivision (2) of subsection (c) of this section. For the
6 purposes of this subsection, "second-generation anticoagulant
7 rodenticide" means any pesticide product containing any one of the
8 following active ingredients: (1) Brodifacoum; (2) bromadiolone; (3)
9 difenacoum; or (4) difethialone.

10 Sec. 2. (NEW) (*Effective October 1, 2023*) (a) No person shall engage in
11 the sale or distribution in this state of any second-generation
12 anticoagulant rodenticide, as defined in section 22a-50 of the general
13 statutes, as amended by this act. For purposes of this subsection,
14 "engage in the sale or distribution in this state" includes, but is not

15 limited to, the use of the Internet to perform such sale or distribution.

16 (b) The Commissioner of Energy and Environmental Protection may
17 adopt regulations, in accordance with the provisions of chapter 54 of the
18 general statutes, to ensure that the continued use of second-generation
19 anticoagulant rodenticides, in accordance with the provisions of section
20 22a-50 of the general statutes, as amended by this act, is not reasonably
21 expected to result in significant adverse effects to nontarget wildlife.
22 Any such regulations shall include, but are not limited to, provisions for
23 the use of such rodenticides if the eradication of invasive rodent
24 populations is necessary for the protection of threatened or endangered
25 species or the habitats of such species.

26 (c) Not later than January 1, 2025, the Commissioner of Energy and
27 Environmental Protection shall submit a report, in accordance with the
28 provisions of section 11-4a of the general statutes, to the joint standing
29 committee of the General Assembly having cognizance of matters
30 relating to the environment on the potential implications of the
31 application of existing statutory and regulatory restrictions and
32 licensing requirements for the use of second-generation anticoagulant
33 rodenticides. Such report shall include, but is not limited to, an analysis
34 of the consistency of applying such restrictions and requirements with
35 federal law and any potential effects, including, but not limited to,
36 improved raptor health and expenses and delays that such changes may
37 have on public health and agriculture in the state and requisite
38 administrative resources for overseeing such restrictions.

39 (d) Any person who violates the provisions of subsection (a) of this
40 section shall be subject to a civil penalty of not more than five thousand
41 dollars by the Commissioner of Energy and Environmental Protection
42 for each such violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-50(m)
Sec. 2	<i>October 1, 2023</i>	New section

Statement of Legislative Commissioners:

In Section 1, "as" was changed to "for" for consistency.

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	47,311	64,659
State Comptroller - Fringe Benefits ¹	GF - Cost	20,259	27,687

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which prohibits the sale or distribution of rodenticides and makes related changes, results in costs to the state of \$67,570 beginning in FY 24 (for nine months) and \$92,346 in FY 25 for the Department of Energy and Environmental Protection (DEEP) to carry out the bill's requirements. The bill also results in a potential revenue gain beginning in FY 24 associated with enforcement of the ban.

The bill charges DEEP with enforcement and requires the department to classify all second-generation anticoagulant rodenticides as "restricted use" pesticides. The department is expected to require an additional Environmental Analyst 2 to handle the bill's requirements. The costs of the position are: (1) \$47,311 to DEEP in FY 24 for salary; and (2) \$20,259 in FY 24 to the Office of the State Comptroller for associated

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.

fringe benefits, for nine months. Annualized costs in FY 25 are \$64,659 to DEEP and \$27,687 for fringe benefits.

Currently, there are no DEEP staff solely tasked with identification of rodenticide products; the new staff person would be tasked with this in addition to performing the product reclassification along with 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 for both 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 establishes a civil penalty of \$5,000 through the DEEP for anyone who violates the rodenticide prohibition. This results in a potential revenue gain beginning in FY 24, to the extent that there are violations and enforcement.

The Out Years

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

OLR Bill Analysis**sSB 962*****AN ACT CONCERNING THE USE OF CERTAIN RODENTICIDES.*****SUMMARY**

This bill prohibits, beginning October 1, 2023, the sale or distribution of “second-generation anticoagulant rodenticides” (i.e., pesticide products containing brodifacoum, bromadiolone, difenacoum, or difethialone, see BACKGROUND). The ban includes any sale or distribution through the Internet. The bill subjects violators of the ban to a civil penalty of up to \$5,000 per violation by the Department of Energy and Environmental Protection (DEEP) commissioner.

The bill also requires, by January 1, 2024, the DEEP commissioner to classify all second-generation anticoagulant rodenticides as “restricted use” pesticides, meaning that they may cause unreasonable adverse environmental effects. By law, this classification requires these pesticides to be applied only by a certified applicator, or under his or her direct supervision, and subject to other restrictions the commissioner imposes.

The bill allows the DEEP commissioner to adopt regulations to ensure that continued use of these pesticides is not reasonably expected to cause significant adverse effects to nontarget wildlife. If adopted, the regulations must include provisions on using the pesticides 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, 2025, the DEEP commissioner 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: Upon passage

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 32 Nay 0 (03/10/2023)