

Environment Committee JOINT FAVORABLE REPORT

Bill No.: HB-5219

AN ACT CONCERNING STANDARDS FOR THE SPRAYING OF HERBICIDES

Title: ALONG RAILROAD RIGHT-OF-WAYS.

Vote Date: 3/15/2024

Vote Action: Joint Favorable Substitute

PH Date: 2/28/2024

File No.:

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SPONSORS OF BILL:

Environment Committee

Rep. Maria P. Horn, 64th Dist.

Rep. Geraldo C. Reyes, 75th Dist.

REASONS FOR BILL:

Current Connecticut law does not regulate the use of herbicides by railroad companies. Excessive use of herbicides can contaminate nearby water supply, harming wildlife and unrelated herbaceous life in the area. Railroads often use lots of herbicides to treat the entirety of the railroad land, despite only a portion of this being essential to ensure the safety of trains. Therefore, a bill seeking to limit herbicide usage to only absolutely necessary areas will limit the negative impact of the sprays.

SUBSTITUTE LANGUAGE:

The substitute language transformed the reference to Massachusetts' law in section 2 into Connecticut specific legislative regulations.

RESPONSE FROM ADMINISTRATION/AGENCY:

Katie Dykes, Commissioner, Department of Energy and Environment

The Commissioner supports the bill implementing existing Connecticut statutory requirements. She explains how current Massachusetts law aligns with our existing implementation of integrated pest management. DEEP recommends that the bill be amended to reference Connecticut statues rather than Massachusetts' law.

Garett T Eucalitto, Commissioner, Department of Transportation

The Department recommends clarification in subsection (2) as to what specifically in Massachusetts' regulations are appealing to the legislature. They suggest would be better to

align specific areas with what Connecticut already complies with, and that there are also federal laws that railroads already follow.

NATURE AND SOURCES OF SUPPORT:

Alicea Charamut, Executive Director, River Alliance of Connecticut

Due to the proximity of railways to our river's vegetation, the Alliance believes management should be carried out judiciously. It is their belief that vegetation management of railways falls under the Department of Transportation, but the DOT's management guidelines are not strong enough to protect our waterways. With Massachusetts has higher standards, the alliance believes these standards should be considered and adopted to protect our waterways along railroad right of ways.

Anna Timell, Housatonic Herbicide Working Group

The group was formed in response to concerns about the nature of herbicides being used along the Housatonic Railroad's Right of Way. Many of the herbicides wind up in ground water or drift into adjacent waters. The railroad chose four herbicides that had EPA warning labels against using near water. Massachusetts has a robust law pertaining to vegetation management, but the testifier believes that all their elements would not be suited for Connecticut and a more detailed bill is necessary.

Jeanne Dubino

People who live near railroad tracks are often exposed to toxic chemicals; it is the testifiers belief that regulations would make entities mindful of the toxicity of these products. The testifier expresses that it would be preferable to refrain from applying any pesticides.

Laura Cahn, Mary La Sala, Michell Palmeri, Cindy-Lee Vaporis

The testifiers expressed support for the bill.

NATURE AND SOURCES OF OPPOSITION:

Howard Pincus, President, Naugatuck Railroad Company

The testifier notes federal law already requires railroads to control vegetation in and along railroad rights of ways, as specified in 49, C.F.R. Section 213.37. Typical railroad beds consist of stone ballasts with earthwork slopes into drainage ditches; the presence of vegetation interferes with proper drainage and destabilizes the roadbed. The testifier believes there are presently no adequate mechanical methods for controlling vegetation.

Parker Rodriguez, Chairman, Connecticut Railroad Association

The testifier provided a detailed [summary](#) of Railroad historical herbicide usage, the current federal and state laws concerning railroad vegetation management, and current practices.

The main concerns of the summary address how sufficient herbicide use must occur to guarantee the safety of: train operators (visibility must not be impaired), railroad maintenance individuals (disease carrying ticks and other harmful wildlife can threaten them when out in the field), and the local community and wildlife (the risk of loose sparks from the tracks can cause wildfires). One related issue raised by the Chairman was one concerning the use of

optical electronic tools to detect flaws in the track, as vegetation can hinder the ability for these tools to work. The Chairman also spoke to the dangers posed to trains by plants being too close to the tracks and causing loss of friction between the wheels and the rails.

On the topic of alternative methods of vegetation management, the testifier spoke of how non-conventional methods often did nothing, or even promoted vegetation growth. Mechanical techniques often require complicated machinery and can leave rough roadbeds which pose a risk to employees. The testifier provided different areas of the railroad, and discussed the different techniques utilized to manage vegetation.

Reported by: Pamela Bianca

Date: March 25th, 2024