

Pesticide Application at Schools

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Issue

This report provides information regarding school pesticide application statutes ([CGS §§ 10-231a](#) to [-231d](#)). This report updates OLR report [2012-R-0376](#).

Summary

The legislature enacted the school pesticide application law in 1999. The act required most schools to employ certified pesticide applicators to apply pesticides in school buildings and on school grounds. It prohibited most public schools from using pesticides during school hours and activities, except in certain emergencies. In emergencies, noncertified people could apply general use pesticides. Among other things, the act required most public schools to (1) provide notice of their pest management plans or policies, (2) establish a notice registry, and (3) maintain certain application records for five years. The act set different requirements depending on whether or not a board of education had an integrated pest management (IPM) plan.

The legislature has since enacted several changes to the pesticide application laws, including restricting the use of lawn care pesticides, making the Department of Energy and Environmental Protection (DEEP) responsible for the administration and enforcement of pesticide use around schools, and expanding notification requirements.

The focus of this report is on pesticide application at schools and therefore does not discuss pesticide application law as it applies to day care centers (see [CGS § 19a-79a](#)) or municipal playgrounds ([CGS § 22a-66m](#)). It also excludes acts that only made technical changes to the law (PAs [06-14](#), [06-196](#), [08-152](#), [08-170](#), and [11-80](#)).

1999 — Original Law

Certified Applicators

[PA 99-165](#) required all schools, other than regional vocational agriculture (Vo-Ag) schools, to employ certain certified pesticide applicators to apply pesticides in school buildings and on school grounds. But it allowed noncertified people to apply general use pesticides in emergencies to eliminate an immediate human health threat where obtaining a certified applicator was impractical.

Under the act, a pesticide was a fungicide used on plants, an insecticide, an herbicide, or a rodenticide, but not a sanitizer, disinfectant, antimicrobial agent, or pesticide bait.

Prohibited Applications

The act prohibited public schools, other than Vo-Ag schools, from applying pesticides during school hours and scheduled activities, except for an emergency involving an immediate public health threat. It banned applying restricted use pesticides during these emergencies. It also prohibited schools from allowing children to enter an area where pesticide was applied until it was safe to do so according to the pesticide label. By law, a restricted use pesticide was any pesticide classified as such by the federal Environmental Protection Agency (EPA) or DEEP ([CGS § 22a-47\(cc\)](#)). (Restricted use pesticides may cause an unreasonable adverse effect on human health and the environment, even when used properly.)

Annual Pesticide Plan and Policy Statement

The act required most public schools to inform parents, guardians, and staff annually of their pesticide management plan or policy at the start of each school year or during the year for transfer students.

Local or regional boards of education without an IPM plan consistent with DEEP's model plan for schools were required to provide parents and guardians and school staff with a written statement of the board's pesticide application policy and a description of the previous year's applications. Boards with IPM plans consistent with DEEP's model were required to give (1) parents and guardians a plan summary and (2) staff written guidelines on the plan's implementation. The legislature later defined an IPM in the school pesticide application law to mean using pest control techniques to keep a pest population at a certain level but decreasing pesticide use (see Subsequent Legislation – 2005 below).

For both IPM and non-IPM schools, the annual notice was required to (1) indicate that parents, guardians, and staff could register to receive notice of each application and (2) describe the

school's emergency application notification procedures. The schools were required to inform registrants of any modification of the policy or plan.

Registration and Pesticide Application Notice

The act required schools to (1) maintain a list of parents, guardians, and staff who registered for advance notice of school pesticide use and (2) notify them before use, except in emergencies. The notice was required to include the (1) name of the pesticide's active ingredient, (2) application location and date, and (3) name of a school administrator or designee to contact for additional information. Non-IPM schools were also required to include the target pest name.

The act required non-IPM schools to notify registered parents and guardians by mail at least 24 hours in advance of an application, and staff by any practicable method. They were allowed to make emergency applications to eliminate immediate human health threats without the 24-hour advance notice if they gave notice, by any method, on or before the application day. IPM schools were required to give notice to those registered, by any method, on or before the pesticide application day.

Records

The act required schools to maintain pesticide application records on site for five years. The records were required to include information specified in the Connecticut Pesticide Control Act (CPCA) ([CGS § 22a-46 et seq.](#)) regarding pesticide application notice.

Subsequent Legislation

2005

[PA 05-252](#) banned the use of lawn care pesticides at public and private preschools starting January 1, 2006, except in certain emergencies. It also restricted applying these pesticides on the playing fields and playgrounds of public or private elementary schools starting on the same date and banned, except in certain emergencies, their application starting July 1, 2008.

At public and private elementary schools, the act allowed lawn care pesticide application pursuant to an IPM between January 1, 2006, and July 1, 2008, on the playing fields and playgrounds. A local or regional school board could develop an IPM for all schools it controlled, but the plan had to be consistent with a DEEP-developed model plan.

Emergency applications of lawn care pesticides were allowed under the act at public or private preschools or elementary schools to eliminate a human health threat, as determined by the (1)

local health director, or public health or DEEP commissioner, or (2) school superintendent in the case of a public elementary school.

The act defined a lawn care pesticide as a pesticide registered with the EPA and labeled according to the Federal Insecticide, Fungicide, and Rodenticide Act for lawn, garden, and ornamental sites and areas. Under the act, an IPM was the use of all available pest control techniques, including judicious pesticide use when warranted, to maintain a pest population at or below an acceptable level, while decreasing pesticide use.

2007

[PA 07-168](#) (1) expanded the ban on applying lawn care pesticides on the playing fields and playgrounds of public and private preschools and elementary schools to schools with students through grade eight and (2) extended, for one year until July 1, 2009, the exemption to the ban on applying lawn care pesticides on these grounds according to certain IPMs. It allowed a school superintendent and other authorities to authorize certain emergency applications of lawn care pesticides at these schools.

The act gave DEEP the authority under the CPCA to administer and enforce school pesticide application laws, within available appropriations. The laws included provisions on registration, notice, and record-keeping, in addition to the application provisions.

The act made it unlawful to violate the school pesticide application statutes and applied the CPCA's penalties to violators. It also extended to the school pesticide application laws the CPCA's provision that the action, omission, or failure to act of an officer, agent, or person acting for or employed by another person is the responsibility of both people. It also applied these statutes to existing law that allowed the attorney general, on the complaint of the DEEP commissioner, to seek civil penalties against a CPCA violator.

The act also allowed (1) schools to revise and maintain their bidding procedures to require contactors to provide IPM services and (2) DEEP to review any school pesticide application to determine if it used an IPM as required by law. Any DEEP annual review of department, agency, institution, or school pest control management plans had to be within available appropriations.

2009

[PA 09-56](#) extended the exception to the ban on applying lawn care pesticides on the playing fields and playgrounds of public and private schools with students up to grade eight except in certain emergencies, by one year to July 1, 2010.

2015

[PA 15-5, June Special Session](#), §§ 436 to 440 expands the pesticide notice requirements, exempts certain pesticides from a current pesticide ban, places restrictions on pesticide application, and makes changes to current DEEP pesticide regulations.

The act requires a local or regional board of education to (1) indicate on its homepage how parents may register for prior notice of pesticide applications; (2) post the notice at least 24 hours before a pesticide application both online and on social media; (3) by March 15 annually, send an email notification or alert that includes notices for pesticide applications made since March 15 of the previous year; and (4) include this email notification or alert in the parent handbook or manual.

The act also expands the requirement that the target pest be included in notices to also apply to schools with an IPM. For schools without IPM plans, this notice must be electronic.

The act also specifies that a school or board of education is not required to develop or use a website, social media account, or email notification or alert system that is not already in use or existence as of October 1, 2015.

The act exempts certain products from the existing law that bans the use of lawn care pesticides on the grounds of preschools and schools with students in grade eight or lower (§ 438). The exemption applies to EPA-registered microbial or biochemical pesticides, horticultural soaps or oils registered with the EPA and without any synthetic pesticide or synergist, and certain pesticides classified by the EPA as exempt material.

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