

ADDENDUM NO. 1

Explanation of Changes to Bid Documents

March 6, 2019

Landscape Maintenance and Snow Removal for some or all of the following DOT Transportation centers Stamford, Merritt 7, Wilton, and Cannondale Train Stations

The following clarifications and changes to the Project Manual, Specifications, and Drawings are a part of the Contract Documents superseding previously issued Project Manual, Specifications, and Drawings to the extent modified by this Addendum No. 1. Bidders shall ensure this addendum is acknowledged on the Bid Form when submitting their bid.

- 1) Specification Document Landscaping Specifications
 - a. **Item 3) C. Ornamental Tree Maintenance, Insect Control – DELETED**
 - b. **Item 4) C. Shrub Maintenance, Insect Control – DELETED**
 - c. **Item 9) Integrated Pest Management (IPM) Contract Specifications For Commercial Landscaping Services, Ornamental & Turf – Full Service - ADDED**
 - d. **Item 9) A. Model Integrated Pest Management Plan For Connecticut State Agencies Ornamental & Turf – ADDED**
 - e. **Item 9) B. IPM Monitoring Forms – ADDED**
 - f. **Item 9) C. Pertinent Pesticide Statutes and Regulations for Certified Commercial Supervisors and Arborists (Revised to February 2019) - ADDED**

END OF ADDENDUM NO. 1

STAMFORD TRANSPORTATION CENTER
LANDSCAPING SPECIFICATIONS

1) GENERAL CLEAN-UP

A. Spring Clean-up: (Application - Early Spring)

A general thorough cleaning of the entire grounds, shrub beds, etc., after the winter season in preparation for all applications.

Sand Removal:

All roadways, parking areas and garages shall be cleaned once to remove sand that has accumulated from winter road sanding. Timing of operation will be at the discretion of Fusco Management Company, LLC.

B. Fall Clean-up: (Application – Late Fall Multiple times if needed)

A general cleaning of the entire grounds, shrub beds, etc., will be performed in preparation for the winter season. This clean-up may be completed multiple times with the final to be performed once the majority of leaves have fallen.

2) LAWN CARE & MAINTENANCE

A. Pre-emergent: (Application - Spring & Summer)

Two applications of pre-emergent shall be applied to all lawn areas for the prevention of crabgrass and certain other annual grasses and broadleaves. No chemical treatment shall be made when the grass is wet from rain or dew. If rain falls within one hour after treatment, application shall be repeated at no additional cost to Fusco Management Company, LLC. Contractor shall repeat treatment, at his own expense, on all grass areas where weed control is unsatisfactory in the opinion of Fusco Management Company, LLC.

B. Herbicide: (Application - Spring & Fall)

Two general applications of a broad spectrum liquid weed killer for the control of dicotyledons will be made to all lawn areas. The liquid herbicide shall be spread in an even manner. The herbicide shall have 2, 4-D, MCPP and dicamba, if needed.

C. Fertilization: (Application - Spring, Summer & Fall)

Four applications of fertilizer shall be applied to all lawn areas. The fertilizer shall be applied in a uniform fashion so as to produce a uniformly green condition. All fertilizer used will have at least a 50% slow release nitrogen of the highest quality, as well as a low salt content. Fusco Management must be notified when each application has been completed.

D. Liming: (Application - Fall)

One application of pelletized dolomitic limestone shall be spread over all of the lawn areas. This product breaks down rapidly with water and quickly penetrates the soil profile. Some of the other benefits of this lime are the elimination of the clouds of dust, a more even application, a much quicker correction of acidity problems, and no tracking of lime dust into buildings.

- E. Insect Control: (Application - Summer)
One application of insecticide will be applied to all lawn areas. This insecticide will be registered with the State of Connecticut for this use. The chemical used will be dependent upon the diagnosis in the target area.
- F. Lawn Cutting: (Application - Weekly)
All lawn areas will be cut as required throughout the season. All edges will be trimmed, such as around tree wells, buildings, etc. This trimming not to be mistaken for power edging. This trimming shall maintain the grass areas in a neat condition and at approximately the same length as the adjacent mowed areas. All grass clippings will be removed from the sidewalks after each cutting.
- G. Fungicide: (Application - When needed)
All lawn areas will receive one application of the appropriate lawn fungicide. A second application will be made if needed. Timing will be determined by need.
- H. Soil Test: (Application - Spring/Late Summer)
Soil tests will be taken once each season to determine chemical properties of the turf areas. Test results will be provided to Fusco Management Company, LLC immediately following each test. When required by soil tests, lime or sulfur should be incorporated with fertilizer and shall be applied at the rate indicated by soil analysis test.

3) **ORNAMENTAL TREE MAINTENANCE**

- A. Pruning: (Application - Dormant Season)
There are basically three reasons to prune. They are as follows: corrective, thinning, and to direct or control growth. All planted trees shall be pruned in accordance with National Arborist Standards for ornamental & Shade Tree Maintenance for the three above stated reasons.
- B. Feeding: (Application - Spring/Summer)
All trees up to and including 4-inch caliper will be fertilized with a soluble fertilizer using the liquid injection method. The fertilizer shall be a balanced blend designed for liquid injection use.
- ~~C. Insect Control: (Application - Late Spring/Summer)
All ornamental trees on the property will receive one insect spray application. Timing of application will be determined by plant species, weather conditions and type of pest to be controlled in the target area. Insecticide used will be dependent on the diagnosis of staff experts.~~
- D. Disease Control: (Application - Spring)
All crabapples will receive three fungicide applications. Applications will be made in the spring when the buds swell, repeated when the buds break and when the leaf is half-open.

4) **SHRUB MAINTENANCE**

A. Pruning: (Application - Dependent on Seasonal Growth)

All shrubs on the property will be hand pruned and/or sheared to maintain their aesthetic qualities. Pruning and shearing are performed to keep plants within the bounds of planting beds, to maintain shape and form and to encourage vigorous new growth. Type of pruning will be in accordance with industry standards.

B. Feeding: (Application - Spring/Summer)

All ericaceous plant material will be fed using the liquid injection method. Fertilizer shall be a balanced blend, designed for liquid injection use.

~~C. Insect Control: (Application - Early Spring/Summer)~~

~~All shrubs will receive one insect spray application. Timing of application shall be determined by plant species, weather conditions, and type of pest to be controlled in the largest area. Insecticide used will be dependent on the diagnosis of staff experts.~~

D. Disease Control: (Application - Summer)

All shrubs will be monitored for disease. Attention will be paid to the hemlock, juniper and lilac. Applications will be made and repeated as necessary.

5) **SHRUB BED MAINTENANCE**

A. Re-edging: (Application - Spring)

All shrub beds and tree rings that adjoin lawn areas will be re-edged in the spring to maintain a crisp appearance.

B. Weeding: (Application - When needed)

All shrubs beds and planted areas as well as walkways, curbs, driveways shall be kept free of weeds and grass throughout the term of the contract. The grass areas should be free of weeds throughout this contract.

C. Pre-emergent: (Application - Spring)

All shrub beds will be sprayed with the pre-emergent herbicide for the suppression of weeds. The herbicide will have no adverse effect on the existing shrubbery.

D. Mulch: (Application - Spring)

All shrub beds will be re-mulched (top-dressed) so they will have a crisp rich appearance. Shredded brown cedar bark mulch will be used. Mulch shall maintain a 3-inch depth and should be replenished as necessary to comply with this standard. During the winter months, contractor to rake back into plant beds any mulch blown into walks and drives. Contractor will cut down tree rings as necessary to avoid mulch rising too high on tree trunk – no “volcano mulching.”

6) **POWER EDGING**

A. Re-edging: (Application - Spring)

All concrete sidewalks on the property will be edged with a gas-powered edger, and all debris as a result of this application will be removed. Special attention to be paid to avoid cutting too short causing grass edges to burn.

7) **Plantings:**

Plantings are to be installed in the 3 Planters located at STC 2/year and planters are to be maintained .

8) **Garage Maintenance:**

Garage Beds along exterior of Garage area to weed free and not over growing the wall

9) **Integrated Pest Management (IPM) (See attached):**

A. Integrated Pest Management Plan for Connecticut State Agencies Ornamental & Turf **(See attached)**

B. IPM Monitoring Forms **(see Attached)**

C. Pertinent Pesticide Statutes and Regulations for Certified Commercial Supervisors and Arborists (Revised to February 2019) **(See Attached)**

**STAMFORD TRANSPORTATION CENTER
SNOW REMOVAL SPECIFICATIONS**

- Contractor shall furnish all labor, materials, transportation, equipment, trucking and supervision necessary for and incidental to all Snow Removal and Ice Management at the facility.
- All work to be performed and wages paid shall conform to all municipal, State and Federal guidelines, regulations, requirements and statutes.
- Contractor shall not subcontract any portion of this work with out prior written permission from Fusco Management Company, LLC.
- Contractor will be held responsible for any and all damages to the Facility and the Owner's property caused by contractor's personnel or equipment. Contractor shall advise Fusco Management Company, LLC immediately, either verbally or by telephone, and shall then follow-up with a written report within 48 hours with the following information:
 - Description and extent of damages
 - Cause of damage
 - Steps taken, in progress or completed to remedy the situation or repair damage
- No additional work outside the scope of this contact will be performed without prior written approval of Fusco Management Company, LLC.
- Contractor will provide Fusco Management Company, LLC with a list of accounts and contract with whom it is currently doing business.
- Contractor will have management representatives available to meet with Fusco Management Company, LLC at any time.
- Fusco Management Company reserves the right to reject in whole or impart, any or all bids submitted.

SPECIFICATIONS

- Snow Removal is to commence once accumulation is achieved and to continue throughout remainder of event. This is to include Ice Management as well.
- Sand and non-corrosive ice melt will be used as needed to insure safe passage for both pedestrians as well as autos.
- A Skid Steer or equivalent equipment shall be on site to provide additional clearing and stacking of snow in addition to regularly used equipment, i.e. snow throwers, power brooms, shovels, etc...
- All Garage Decking should be plowed with a “Non-Steel Blade” to protect the surface.
- Any Snow Hauling/Removal that may need to occur from the garage or the surrounding area would be an additional cost with rates of Machine/Labor approved in advance by Fusco Management Company, LLC
- Clear top and bottom of all stairs/escalator that meet the Platform Level and address any snow/slush/ice that may have accumulated on the same stairs/escalators.
- The Contractor will provide emailed updates regarding Snow Removal/Ice Management status to Fusco Management at the following times during a Winter Weather Event: 430am, 1130am, and 530pm. These can be brief with just an update on the status (Area has been plowed, or staff are on site, or lots have been treated and are currently clear) A photo of the site would be helpful when possible.
- See attached map of facilities for areas requiring Contractor Attention.

MERRITT 7, WILTON & CANNONDALE STATIONS
LANDSCAPING SPECIFICATIONS

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2) SHRUB MAINTENANCE

- A. Pruning: (Application - Dependent on Seasonal Growth)
All shrubs on the property will be hand pruned and/or sheared to maintain their aesthetic qualities. Pruning and shearing are performed to keep plants within the bounds of planting beds, to maintain shape and form and to encourage vigorous new growth. Type of pruning will be in accordance with industry standards.
- B. Feeding: (Application - Spring/Summer)
All ericaceous plant material will be fed using the liquid injection method. Fertilizer shall be a balanced blend, designed for liquid injection use.

3) SHRUB BED MAINTENANCE

- A. Re-edging: (Application - Spring)
All shrub beds and tree rings that adjoin lawn areas will be re-edged in the spring to maintain a crisp appearance.
- B. Weeding: (Application - When needed)
All shrubs beds and planted areas as well as walkways, curbs, driveways shall be kept free of weeds and grass throughout the term of the contract. The grass areas should be free of weeds throughout this contract.
- C. Pre-emergent: (Application - Spring)

All shrub beds will be sprayed with the pre-emergent herbicide for the suppression of weeds. The herbicide will have no adverse effect on the existing shrubbery.

D. Mulch: (Application - Spring)

All shrub beds will be re-mulched (top-dressed) so they will have a crisp rich appearance. Shredded brown cedar bark mulch will be used. Mulch shall maintain a 3-inch depth and should be replenished as necessary to comply with this standard. During the winter months, contractor to rake back into plant beds any mulch blown into walks and drives. Contractor will cut down tree rings as necessary to avoid mulch rising too high on tree trunk – no “volcano mulching.”

MERRITT 7, WILTON & CANNONDALE STATIONS
SNOW REMOVAL SPECIFICATIONS

- Snow Removal is to commence once accumulation is achieved and to continue throughout remainder of event. This is to include Ice Management as well.
- Sand and non-corrosive ice melt will be used as needed to insure safe passage for both pedestrians as well as autos.
- See attached map of facilities for areas requiring Contractor Attention.

**Model Integrated Pest Management (IPM) Contract
Specifications
For Commercial Landscaping Services**

Ornamental & Turf - Full Service



**State of Connecticut
Department of Environmental Protection
Pesticide Management Program
79 Elm Street
Hartford, CT 06106
(860) 424-3369**

Gina McCarthy, Commissioner

The Department of Environmental Protection has developed this model contract to assist with the development of comprehensive integrated pest management programs at state departments, agencies and institutions as outlined in Connecticut General Statutes Section 22a-66l. Integrated Pest Management (IPM) is defined as the use of all available pest control

techniques including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the unnecessary use of pesticides.

The primary goal of IPM is to reduce the amounts of pesticides applied by using alternative methods of pest control which may include general maintenance, sanitation and mechanical or biological control. These methods will help to eliminate conditions that are favorable to pest infestation, making their survival more difficult.

Please consult with your pest control provider or the DEP Pesticide Management Program for technical assistance if needed.

Section 22a-66l of the Connecticut General Statutes states:

(a) Each state department, agency or institution shall use integrated pest management at facilities under its control if the Commissioner of Environmental Protection has provided model pest control management plans pertinent to such facilities.

(b) Each state agency which enters into a contract for services for pest control and pesticide application may revise and maintain its bidding procedures to require contractors to supply integrated pest management services.

(c) The Commissioner of Environmental protection shall annually review a sampling of state department, agency or institution pest control management plans required by regulations adopted under section (e) of this section and may review any application of pesticides to determine whether a state department agency, or institution acted in accordance with subsection (a) of this section.

(d) The Commissioner of Environmental Protection may provide model pest control management plans which incorporate integrated pest management for each appropriate category of commercial pesticide certification which it offers. The commissioner shall, within available resources, notify municipalities, school boards, and other political subdivisions of the state of the availability of the model plans for their use. The Commissioner of Environmental Protection shall consult with any state agency head in the development of any such plan for properties in the custody or control of such agency head.

(e) The Commissioner of Environmental Protection, in consultation with the Commissioner of Public Health, shall adopt regulations in accordance with the provisions of chapter 54 establishing requirements for the application of pesticides by any state department, agency or institution. Such regulation shall include provisions for integrated pest management methods to reduce the amount of pesticides used. Notwithstanding the provisions of this section and any regulations adopted under this section, a pesticide may be applied if the Commissioner of Public Health determines there is a public health emergency or the Commissioner of Environmental Protection determines that such application is necessary for control of mosquitoes.

(f) The Commissioner of Environmental Protection shall develop and implement a program to inform the public of the principles of integrated pest management and to encourage its application in private properties.

The Department of Environmental Protection is an equal opportunity/affirmative action employer, offering its services without regard to race, color, regional/national origin, age, sex or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxillary aids or services should call (860) 424-3000.

INTEGRATED PEST MANAGEMENT (IPM)

CONTRACT FOR COMMERCIAL LANDSCAPING SERVICES

Ornamental & Turf - Full Service

1. **GENERAL**

a. **Description of Service**

This contract is part of a comprehensive Integrated Pest Management (IPM) program for the all areas specified herein. The goal of IPM is to deliver effective pest control while at the same time reducing the volume and toxicity of pesticides used and human and environmental exposure to pesticides. IPM is a process for achieving long term, environmentally sound pest control through the use of a wide variety of technological and management practices. Control techniques in an IPM program include a combination of pest monitoring, good sanitation practices, education, grounds maintenance, alternative physical, mechanical, and biological pest control, and the use of pesticides when warranted according to a predetermined hierarchy of pest management choices, formulations, and application techniques, which will minimize the exposure and potential risk to people and the environment.

The contractor shall furnish all supervision, labor, materials and equipment necessary to accomplish the surveillance, trapping, and pesticide application components of the IPM program. The Contractor shall also provide detailed, site-specific recommendations for procedural modifications that may be necessary to achieve pest prevention.

b. **Requirements for Bidding**

In order for a company to qualify for the bidding process, it must meet the following requirements:

- (1) Possess a valid commercial pesticide application business certificate of registration from the Connecticut Department of Environmental Protection;
- (2) Employ a minimum of one certified commercial supervisory applicator for every five certified commercial operational applicators employed;
- (3) Provide proof of appropriate insurance;
- (4) Provide three references attesting to the company's knowledge or experience in the field of IPM.

c. **Pests Included and Excluded**

The Contractor shall adequately suppress populations of undesirable weeds, insects that feed primarily on or may otherwise cause harm to outdoor vegetation, herbaceous diseases and ticks.

Populations of the following pests will be considered special services, separate from

the specifications of this contract:

- Birds, bats, snakes, commensal rodents and all other vertebrates;
- Mosquitoes and other free flying insects;
- General pest control within structures;
- Termite & Wood Destroying Organisms;
- Fleas and ants

d. Initial Inspection

The Contractor shall conduct a thorough, initial inspection of the entire site within **ten (10)** working days after **a purchase order has been issued**. The purpose of the initial inspection is for the Contractor to identify problem areas and any equipment, landscape features, or management practices that are contributing to pest infestations. Soil samples shall be collected and sent for analysis to determine the need for any soil amendments necessary to correct pH and/or fertility. The initial inspection shall be conducted by a certified commercial supervisory applicator employed by the Contractor.

Access to the site shall be coordinated with the Contracting Officer's Representative (COR). The COR will inform the Contractor of any restrictions or areas requiring special scheduling.

Ideally, the COR should have oversight of maintenance staff to ensure that sanitation practices and maintenance procedures associated with proper pest control are accomplished, and should interact with all facility staff members to ensure that pest sightings and other pest control related items are promptly brought to the attention of the Contractor.

e. Pest Control Plan

Prior to initiation of service, the Contractor shall submit to the COR a written Pest Control Plan for the site within **ten (10)** working days following the initial inspection. Upon receipt of the Pest Control Plan, the COR will render a decision regarding its acceptability within **ten (10)** working days. If aspects of the Pest Control Plan are incomplete or disapproved, the Contractor shall have **five (5)** working days to submit revisions. The Contractor shall initiate services outlined in the terms and conditions of the contract following notice of approval.

The Pest Control Plan shall include:

(1) Proposed methods for control, including labels and Material Safety Data Sheets (MSDS) for all pesticides to be used. A list of types of rodent bait boxes, pest monitoring devices, and any other control devices or equipment should also be

included;

(2) A proposed pest population level referred to as a predetermined tolerance threshold, if thresholds exist for the targeted pest;

(3) A service schedule for the site;

(4) A description of any operational changes that would facilitate the pest control effort;

(5) A copy of the Commercial Pesticide Applicator Certificate for every Contractor's representative who will be performing on-site service under contract.

(6) A description of the Contractor's Quality Control Program as described in Section Five of this document.

(7) Any additional information as required by RCSA Sec. 22a-66I-1. Application of pesticides by State Agencies.

It shall be the Contractor's responsibility to carry out work according to the approved Pest Control Plan for the site. The Contractor shall receive approval of the COR prior to implementing any changes to the approved Pest Control Plan, including additions or replacements to the pesticide list and to on-site service personnel.

f. Pesticide Application

The Contractor shall not apply any pesticide product that has not been included in the Pest Control Plan or approved in writing by the COR. The COR will make a timely decision on any matter that requires a written approval.

Pesticide application shall be according to need and not by schedule. As a general rule, application of pesticides shall not occur unless visual inspections or monitoring devices indicate the presence of pests in that specific area.

Preventive pesticide treatments of areas determined to be at high risk for infestation by weeds, insects or disease, through inspection at the onset of the program or as part of a maintenance program, are acceptable. These applications must be conducted in accordance with the pesticide use hierarchy found in section 2 WEED, INSECT AND DISEASE CONTROL of this document.

The Contractor shall not store any pesticide product on the property of the contractee.

g. Employing Best Management Practices

Turf - Soil fertility and pH

The Contractor is expected to utilize best management practices at all times to maintain turf health and appearance. Prior to the application of any fertilizer or pesticide, composite soil samples will be collected and analyzed for pH and fertility. The Contractor will be expected to perform soil sampling on an annual basis throughout the term of the contract, either in late fall or early spring when the frost has left the ground. The Contractor will be responsible to apply amendments to the soil as

recommended by the soil analysis reports. Organic fertilizers should be used whenever possible, otherwise, fertilizer with 50% slow release nitrogen shall be used. Fertilizer applications are to be performed when grasses are actively growing, usually late May/early June and late August/early September. Fertilizer applications will not exceed 2 1/2 pounds of nitrogen per 1000 square feet unless soil sample analysis reports indicate a necessity to further amend the soil.

The Contractor will be responsible for mowing turf grass to a height of 2"-3" on a schedule that is frequent enough to avoid clumping of grass clippings. Clippings will remain on the lawn and allowed to degrade. The Contractor will be responsible for the removal and proper disposal of grass clippings if the mowing schedule is not maintained and results in excessive grass clippings being deposited on the lawn area.

Weed Control

Herbicide applications are not to be relied upon as a sole method of controlling weeds. Proper cultural practices are to be employed to encourage dense, healthy turf, which will help to prevent the germination of weed seeds and survival of seedlings. The Contractor will be required to perform spot applications of herbicide on an as needed basis to small or limited areas. Widespread applications of broadleaf herbicides may be required in areas where invasive weed species have invaded greater than 25% of the total turf area. Widespread applications of pre-emergent herbicides may be necessary to control invasive annual grasses.

Pre-emergent applications of herbicide may be necessary in flowerbeds and areas of formal landscaping.

Insect and Disease Control

A certified supervisor employed by the Contractor will be expected to conduct visual inspections monthly, April through September, to monitor for evidence of destructive turf pests and conduct additional sampling as necessary to confirm the presence of such pests. Applications of insecticide to turf areas are to be limited to locations where unacceptable levels of activity have been identified in an effort to preserve populations of beneficial insects and nematodes.

h. General Requirements

The Contractor will be expected to perform spring and fall clean-up (April & November) by raking and removal of leaves, branches and other debris to maintain the appearance of the property. Materials are to be removed from the premises on the days that clean-up activities are performed.

Bark mulch shall be placed in areas of formal landscaping and flowerbeds at a depth no greater than 3" and tapered to a shallow depth around the base of trees to reduce weed growth and retain moisture. Mulch beds shall be restored annually throughout the term of the contract. Black plastic mulch is not to be used.

i. Record Keeping

The Contractor shall be responsible for maintaining a pest control logbook or file for

each site specified in this contract. These records shall be kept on the property of the contractee and maintained on each visit by the Contractor.

Each logbook or file shall contain at least the following items:

(1) A copy of the Pest Control Plan for the site, including labels and MSDS sheets for all pesticides which may be used, and the Contractor's service schedule for the facility;

(2) The Pesticide Application Record and IPM Monitoring Form will be supplied to the Contractor by the COR, and will be used to document the performance of all work, including emergency work. Upon completion of each service visit to the site, the Contractor's representative performing the service shall complete, sign and date the form, and return it to the logbook or file on the same or succeeding day of the services rendered.

The Contractor's representative shall provide recommendations in writing whenever appropriate as to what steps the facility must take to reduce or eliminate conditions that are favorable for pests covered by the terms of the contract.

(3) Copies of soil test analysis reports.

(4) Maps or graphs indicating the placement of insect monitoring devices and/or rodent bait boxes.

j. Contractor Personnel

Throughout the life of this contract, all Contractor personnel providing on-site pest control service must meet state requirements for training and certification as Commercial Pesticide Applicators. Uncertified individuals working under the supervision of a Certified Applicator will not be permitted to provide service under the terms of this contract.

k. Manner and Time to Conduct Service

The Contractor shall perform routine services that do not adversely affect occupant health or productivity during the regular hours of operation in the buildings. No pesticides may be applied when the immediate area to be treated is occupied. When it is necessary to perform work outside of the regularly scheduled hours set forth in the Pest Control Plan, the Contractor shall notify the COR at least one day in advance.

The Contractor shall observe all safety precautions throughout the performance of this contract. Certain areas within some buildings may require special instructions for persons entering the building. Any restrictions associated with these special areas will be explained by the COR. The Contractor shall adhere to these restrictions and incorporate them into the Pest Control Plan for the specific building or site.

All Contractor personnel working in or around buildings designated under this contract shall wear distinctive uniform clothing. The Contractor shall determine and provide additional personal protection equipment required for the safe performance of work. Protective clothing, equipment, and devices shall, as a minimum, conform to Occupational Safety and Health Administration (OSHA) standards for the products being used.

l. Special Requests and Emergency Service

On occasion, the COR may request that the Contractor perform corrective, special, or emergency service (s) that are beyond routine service requests. The Contractor shall respond to these exceptional circumstances and complete the necessary work within one (1) working day after receipt of the request. In the event that such services cannot be completed within one working day, the Contractor shall immediately notify the COR and indicate an anticipated completion date.

2. WEED, INSECT AND DISEASE CONTROL

a. Non-pesticide Products and Use

The Contractor shall use non-pesticide methods of control wherever possible and economically feasible.

b. Pesticide Products and Use

The goal of IPM is to deliver effective pest control while at the same time reducing the volume and toxicity of pesticides used and human and environmental exposure to

pesticides. When it is determined that a pesticide must be used in order to obtain adequate control, the Contractor shall employ the use of formulations and treatment techniques which minimize the amount of pesticides used and the potential exposure of people and the environment.

The Contractor shall be responsible for application of pesticides according to the product label. All pesticides used by the Contractor must be registered with the Environmental Protection Agency (EPA) and the state Department of Environmental Protection. Transport, handling and use of all pesticides shall be in strict accordance with the manufacturer's label instructions and all applicable federal and state laws and regulations.

The Contractor will use the following pesticide use hierarchy as a guide to minimize the amounts of pesticides applied as well as the potential for exposure.

(1) Biological Pesticides

(2) Insecticidal Soaps/Horticultural Oil

(3) Spot treatments - As differentiated from overall, broadcast, or complete coverage, spot treatment is application to localized or restricted areas no more than (2) square feet where weeds, insects or disease are present.

(a) Wettable powders

(b) Microencapsulated products

(c) Emulsifiable concentrates

(4) Granular pesticides

(5) General sprays

(6) Fogging or Aerosolized Sprays

Application of pesticides shall be restricted to situations where no alternative measures which will result in timely control within the predetermined tolerance thresholds, are practical. In the event that these applications become necessary, a formulation with the least potential for exposure will be chosen. As a general rule, biologicals, insecticidal soaps, horticultural oil, wettable powder and microencapsulated formulations will be considered as first choices. Solvent-based pesticides will be used only as a last resort when no other effective alternatives exist. All application shall be made only to areas unoccupied at the time of application and shall remain unoccupied until the treated areas have dried, or longer if the label specifies a longer re-entry time. The Contractor and COR will determine, on a case-by-case basis, if any pre-notification is needed.

The Contractor shall obtain the approval of the COR prior to any widespread application of pesticide. The Contractor shall take all necessary precautions to ensure

occupant and employee safety, and all necessary steps to ensure the containment of the pesticide to the site of application. No applications shall be made while persons other than those employed by the Contractor are present in the area to be treated.

3. PROGRAM EVALUATION

The contracting agency reserves the right to evaluate the progress of this contract in terms of effectiveness and safety, and to require such changes as necessary. The Contractor shall take prompt action to correct all identified deficiencies.

4. QUALITY CONTROL PROGRAM

The Contractor shall establish a complete quality control program to assure the requirements of the contract are provided as specified. Within five (5) working days prior to the starting date of the contract, the Contractor shall submit a copy of their program to the COR. The program shall include, but not be limited to the following:

- a. An inspection system covering all the services stated in this contract. A checklist used in inspecting contract performance during regularly scheduled or unscheduled inspections. The name (s) of the individuals (s) who will perform the inspections;
- b. The checklist shall include every area of the operation serviced by the Contractor as well as every task required to be performed;
- c. A system for identifying and correcting deficiencies in the quality of services before the level of performance becomes unacceptable;
- d. A file of all inspections conducted by the Contractor and the corrective actions taken. This documentation shall be maintained locally and made available upon request.

5. PERFORMANCE - LESS THAN SATISFACTORY RATING

The contractor, upon receiving two "less than satisfactory" ratings of the same nature in the same treatment area, must document all procedures done, to date, and establish the extent of the pest level. If the pest levels are outside the predetermined tolerance thresholds (if thresholds exist for the given pest), the Contractor shall have five (5) days to submit to the COR an acceptable recommendation to alleviate the unsatisfactory situation.

Any treatment area receiving three consecutive "less than satisfactory" ratings of the same nature may result in the filing of a formal complaint from the COR to the Contracting Agent with intent to terminate the contract. The Contractor will not be terminated if the "less than satisfactory" rating is a result of circumstances outside of the Contractor's control, such as failure of the COR to make operational changes that would facilitate the pest control effort.

6. SAFETY AND HEALTH

- a. All work shall comply with all applicable state and federal safety and health

requirements. Where there is a conflict between applicable regulations, the most stringent will apply.

- b. The Contractor shall assume full responsibility and liability for compliance with all applicable regulations pertaining to the health and safety of personnel during the execution of work.

DEP/PMD
03/30/05
Rev. 05/08

Model Integrated Pest Management Plan For Connecticut State Agencies

Ornamental & Turf



**State of Connecticut
Department of Energy and Environmental Protection
Pesticide Management Program
79 Elm Street
Hartford, CT 06106
(860) 424-3369**

The Department of Energy and Environmental Protection (DEEP) has developed this model plan with the assistance of the University of Connecticut Cooperative Extension Service and the Connecticut Agricultural Experiment Station to assist with the development of comprehensive integrated pest management programs at state departments, agencies and institutions as outlined in Connecticut General Statutes Section 22a-66l. Integrated Pest Management (IPM) is defined as the use of all available pest control techniques including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the unnecessary use of pesticides.

The primary goal of IPM is to reduce the amounts of pesticides applied by using alternative methods of pest control which may include structural maintenance, sanitation and mechanical or biological control. These methods will help to eliminate conditions that are favorable to pest infestation, making their survival more difficult.

Please consult with your landscape pest control provider, University of Connecticut Cooperative Extension Service or the DEEP Pesticide Management Program for technical assistance if needed.

Section 22a-66l of the Connecticut General Statutes states:

(a) Each state department, agency or institution shall use integrated pest management at facilities under its control if the Commissioner of Environmental Protection has provided model pest control management plans pertinent to such facilities.

(b) Each state agency which enters into a contract for services for pest control and pesticide application may revise and maintain its bidding procedures to require contractors to supply integrated pest management services.

(c) The Commissioner of Environmental protection shall annually review a sampling of state department, agency or institution pest control management plans required by regulations adopted under section (e) of this section and may review any application of pesticides to determine whether a state department agency, or institution acted in accordance with subsection (a) of this section.

(d) The Commissioner of Environmental Protection may provide model pest control management plans which incorporate integrated pest management for each appropriate category of commercial pesticide certification which it offers. The commissioner shall, within available resources, notify municipalities, school boards, and other political subdivisions of the state of the availability of the model plans for their use. The Commissioner of Environmental Protection shall consult with any state agency head in the development of any such plan for properties in the custody or control of such agency head.

(e) The Commissioner of Environmental Protection, in consultation with the Commissioner of Public Health, shall adopt regulations in accordance with the provisions of chapter 54 establishing requirements for the application of pesticides by any state department, agency or institution. Such regulation shall include provisions for integrated pest management methods to reduce the amount of pesticides used. Notwithstanding the provisions of this section and any regulations adopted under this section, a pesticide may be applied if the Commissioner of Public Health determines there is a public health emergency or the Commissioner of Environmental Protection determines that such application is necessary for control of mosquitoes.

(f) The Commissioner of Environmental Protection shall develop and implement a program to inform the public of the principles of integrated pest management and to encourage its application in private properties.

The Department of Environmental Protection (DEEP) is an equal opportunity/affirmative action employer,

offering its services without regard to race, color, regional/national origin, age, sex or disability. In conformance with the Americans with Disabilities Act, DEEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services should call (860) 424-3000.

**Sample Integrated Pest Management Plan For
Connecticut State Agencies
Ornamental & Turf Program**

**Facility Name
Address
Telephone Number**

Facility Name will be inspected by name of the landscaping/pest control company (LCO) for the purpose of identifying areas of pest infestation (weed, insect & disease) on the grounds of the facility, making recommendations for corrective measures that should be implemented and developing a comprehensive integrated pest management (IPM) plan. The IPM plan will utilize all methods of pest control which may include modifying cultural practices, monitoring for pest populations, mechanical and biological control and the judicious use of pesticides. If possible, pesticides will not be applied on a routine basis, however, they may be used as a tool to maintain pest populations at or below an acceptable level while maintaining plant health and aesthetic quality. The selection of pesticides that may be used will be based on a pre-determined hierarchy that will utilize least toxic products as first choice. Whenever practicable, biological controls such as predatory insects, beneficial nematodes or microbial pesticides will be used. Proper implementation of this program will reduce the volume, toxicity and frequency of application of pesticides and other chemicals, thereby reducing negative environmental impact and the risk of potential exposure of building occupants and visitors to the grounds who may be sensitive to their use.

The LCO and name of responsible individual - Contracting Officer's Representative (COR) shall meet to discuss areas that have been problematic or sensitive. (e.g.; wet, shady and/or high traffic areas or areas where there is a history of high pest pressure) Areas that are sensitive to pesticide use will also be discussed. (e.g.; daycare areas, elderly residence, work area of sensitive employees, etc.)

Once these areas have been identified, the LCO and COR will discuss various pest control options and determine the speed of control necessary as well as threshold/action levels based on pest population, species, plant health and aesthetic considerations.

Name of LCO will submit recommendations for corrective measures in writing to Name of (COR) specifying action that should be taken by the facility (e.g.; correct drainage/runoff problems) prior to the application of any pesticides. He/she is responsible for scheduling and coordinating maintenance activities at the facility and will act on the recommendations as soon as possible. He/she will report in writing which recommendations will not be followed and state the reasons if no action is to be taken as required by CSR Sec.22a-66I-1(c). Otherwise, all IPM methods that are recommended will be followed.

Pest control services will be supervised by name & certification number, and performed by name & certification number(s) of name of landscaping/pest control company & business registration number. The IPM program will begin on date with six weekly visits in order to start the program. Subsequent service calls will be performed twice a month or as needed depending upon pest pressure. Service calls will be scheduled on day of week & approx. time and involve a visual inspection of potential problem areas, with the assistance of monitoring devices where appropriate and application of pesticides where pest populations exceed threshold levels. Records will be completed at the conclusion of each service call and will include written recommendations of corrective measures that need to be made by building maintenance personnel.

Name of certified supervisor will monitor/scout the grounds of the facility at least once monthly April through September. Additional monitoring may be required during peak periods (June-August) to monitor for weeds and diseases. Off-season (October-March) monitoring may also be scheduled on an as needed basis. All pest problem areas and written recommendations for structural, sanitary or procedural modifications will be recorded on "**Ornamental & Turf Pesticide Application Record /Monitoring Report**" forms or substantially similar substitute. These forms will be kept in a file that will be maintained in responsible individual(COR) office. Additional records that will be maintained in this file will include a copy of this plan, copies of all soil sample analysis reports, a diagram indicating the placement of all pest monitoring devices and copies of the pesticide product label information provided at the time of contract by the LCO. He/she (COR) will act as a liaison between the landscaping/pest control company and department supervisor(s) and will be responsible

for notifying the appropriate personnel of corrective actions that are needed (e.g.; correct drainage and/or runoff problems).

*****The certified supervisor shall conduct a follow up inspection to confirm the presence of the pest(s) and verify damage level estimates prior to *any widespread application* of pesticide if the landscape/pest control technician has identified weed, insect and/or disease infestation.*****

Pest sighting report logs provided by name of LCO will be reviewed by the landscape/pest control technician at the beginning of each service call. The log will be maintained in responsible individual (COR) office and will serve as a tool to facilitate communication between all personnel and the landscape/pest control technician. All pest sightings should be reported in the logs and should include specific information as to the location and type of pest, if known. Whenever possible, a sample will be provided to the landscape/pest control technician for identification purposes.

Service call/monitoring inspections include list specific areas that will be inspected.

Turf Plan

Best management practices will be implemented at all times in an effort to maintain turf health and appearance. Turf will be mowed to a 2"- 3" height or as high as possible on a weekly/bi-weekly basis. Mowing should be done when the grass is dry to avoid spread of turf diseases. Mower blades should be maintained with sharp cutting edges to avoid excessive wounding and stress of the turf-grass.

Upon implementation of the IPM program and prior to the application of any fertilizer or pesticides, soil samples will be collected by the landscape/pest control technician and analyzed. Soil samples will also be collected and analyzed annually to assess soil fertility and pH. Annual sampling will be performed in late fall or early spring after the frost has left the ground. Amendments will be made to the soil as recommended by the analysis reports. Proper soil pH and fertility will help to prevent many turf-grass diseases and promote plant vigor, thereby reducing the occurrence of insect and weed invasion.

When practicable, organic fertilizers may be used, otherwise, fertilizer with 50% slow release nitrogen shall be utilized. Fertilizer should be applied no later than October 15. Late fall applications of lime will be avoided if possible to reduce the risk of **snow mold**. Over-fertilization may result in an increase of some plant diseases, more frequent mowing, increased thatch layer and risk of leachate into groundwater in some circumstances.

Proper management of grass clippings is an important part of maintaining the lawn. Grass clippings will remain on the lawn and allowed to degrade, returning 50% of available nitrogen back to the lawn. This will help to increase the soil organic matter and promote beneficial earthworm activity.

Watering may be done once a week to a depth of 6" between the hours of **5:00 am and 8:00 am**. The second best time to water is late evening/early morning after the dew has fallen. Watering in the evening is not recommended on hot, humid nights because it may increase the occurrence of diseases. **Necrotic ring spot and summer patch** may be prevented by keeping the upper soil layers moist.

A thatch layer up to 1/2-3/4 inches thick is beneficial. An excessive layer is undesirable because it will block moisture, fertilizers and/or pesticides from reaching the root zone of the turf. Over-development of thatch can be prevented by reducing fertilizer applications and maintaining proper soil pH. If de-thatching is necessary, it will be done mechanically during the spring or late summer (September) when grasses are actively growing and can recover faster.

Fertilizer applications should be performed when grasses are actively growing, usually late May/early June and late August/early September. Fertilizer applications will not exceed 2-2 1/2 pounds of nitrogen per 1000 square feet per year unless soil sample analysis reports indicate a necessity to further amend the soil.

Turf Insects

Visual inspection of the turf areas will be done monthly, April through September, by the certified supervisor to monitor for evidence of chinch bug, sod webworm, billbug and/or other destructive turf pests. Additional

sampling may be performed to confirm the presence of these pests and/or White Grubs.

Applications of insecticide to turf areas will be limited in an effort to preserve populations of beneficial insects and nematodes. Pesticide application will be considered if monitoring indicates the following pest populations or up to 20% damage can be anticipated.

- | | |
|---|---|
| 1) White Grubs | 10 Larvae/square foot |
| 2) Chinch Bug | 30 - 50 Nymphs & adults/square foot or when damage is evident |
| 3) Sod Webworms/Cutworms | Areas will be treated only when damage is evident. |
| 4) Hyperodes weevil (annual bluegrass weevil) | tolerance |
| 5) Black turfgrass atenioides | tolerance |
| 4) Ticks | tolerance |

_____ or _____ contact insecticides can be applied to control Japanese beetle, European chafer, Masked chafer, Oriental beetle and/or Asiatic garden beetle or other beetle species during late August/early September when larvae are present.

_____ will be applied to control chinch bug, billbug and sod webworm when damage is evident. (Damage periods normally occur during hot, dry weather - late June/July/early August).

Weed Control

A lawn area that is properly managed should produce dense, thick turf-grass, which ideally will help to prevent invasive weed species from getting established. Some weed growth should be anticipated, and tolerated to some degree. Widespread applications of broadleaf herbicides will not be performed unless weed species have invaded greater than **25%** of the entire turf area. Spot applications will be performed to small areas on an as needed basis.

_____ or _____ may be applied as a spot application to control annual and perennial broadleaf weeds in the turf. The same product(s) may be applied when and if a widespread application of pesticides is deemed necessary.

Over seeding the area in late summer/early fall with improved turf-grass and raising the mower height during the growing season will help to prevent crabgrass encroachment. _____ may be applied as a post-emergent crabgrass control only when cultural practices have failed and providing that the area is not widespread. This will prevent problems with soil erosion in areas where the crabgrass has been killed off. pre-emergent herbicide, may be applied the following season to help prevent redevelopment of crabgrass.

_____ or _____ may be applied as a spot application to control invasive annual grasses. The same product(s) may be applied when and if a widespread application of pesticides is deemed necessary.

A complete re-evaluation of any area requiring a broad application of pesticide will be performed by name of certified supervisor to assess and re-implement proper cultural practices to maintain turf density and vigor.

Disease Management

Pesticide applications for control of turf diseases will be performed only if evidence of disease has been found and significant areas (**10-15% of the total turf area**) of permanent damage can be anticipated and all proper cultural practices have been employed. Name of Certified Supervisor will discuss pest control options with Name of COR to determine the appropriate course of action.

Flower Beds & Formal Landscaping

Best management practices will also be followed for the care and management of all flowerbeds and ornamental plantings. Insect and disease resistant plant varieties will be selected for planting in any flowerbeds and/or formal landscaping areas whenever possible. The landscape/pest control technician will visually inspect plants for insect and/or disease infestation prior to planting. Plants found to have any infestation will be rejected in an effort to eliminate damage on a large scale. Plants will be planted at the

proper depth to avoid plant stress. Mulch will be placed in all garden areas and around individual trees and shrubs. Mulch materials will be placed at sufficient depth to reduce weed growth and help to retain moisture. Mulch placement will also be placed to provide a buffer area to eliminate mechanical damage that may result from use of string trimmers or mechanical edgers.

Foundation plantings and vines will be trimmed at least 12" away from the building to eliminate rodent harborage and access to the building and allow for monitoring of rodent activity.

The landscape/pest control technician will remove and dispose of dead and dying vegetation from plants and plant beds (*monthly*) to prevent spread of disease. Leaves will also be raked away to prevent accumulation and development of rodent harborage. Branches and plant material will be properly disposed of at the end of each day that work has been performed.

Ornamental Insect Control

Visual inspections will be conducted during routine maintenance activities and pest monitoring traps will be utilized, where appropriate, to indicate the presence of harmful pests. Wherever pest activity is found and if practicable, infested plant(s) or branches will be washed off using a strong stream of water or removed and properly disposed of.

In an effort to preserve beneficial and predatory insects, pesticides will be applied only on an as needed basis. Application of pesticide may be considered if it is anticipated that pest activity will result in unacceptable levels of damage to ornamental plants. For this facility, up to **15%** damage or defoliation to ornamental plants will be considered acceptable.

Pesticide application will be limited to only the infested area(s). General applications of pesticides will not be done. Bio-insecticides, insecticidal soaps, dormant oil or summer oil will be utilized if possible.

The timing of each application will be based first on whether the pest is present and causing damage, the pest life cycle and at what stage the pest is most vulnerable to pesticides.

Preventive pesticide applications may be performed only to areas where the previous year's monitoring has shown evidence of insect pests that may over-winter on ornamental plants.

Weed Control

_____ may be applied as a pre-emergent weed control in annual flower beds and ornamental shrub gardens. Pre-emergent weed control may also be used in perennial flower gardens where pesticide labeling allows. _____ may be used for post-emergent spot applications. Where practicable, hand weeding will be performed in flower gardens and areas of ornamental plantings on a limited basis due to labor expenses. Borders and walkways will be edged using a string trimmer or mechanical edger.

Disease Management

Pesticide applications for control of ornamental diseases will be performed if evidence of disease has been found and significant areas (**15% or greater**) of permanent damage can be anticipated and all proper cultural practices have been employed.

Preventive pesticide applications may only be performed when the previous year's monitoring has indicated a likelihood of disease or if certain plant species, prone to disease problems, are present. Preventive applications should be made only to specific problem areas

Name of Certified Supervisor will discuss pest control options with Name of COR to determine the appropriate course of action.

*****Pesticide applications will be performed after regular business hours or on the weekend when the building is unoccupied.*****

Pesticide Plan

Pesticides may be applied if pest populations exceed an acceptable level. Applications will be performed after regular business hours or on the weekend when the building is unoccupied. Priority is given to those pesticides having the lowest toxicity, taking into consideration the method and frequency of application and the risk of exposure to building occupants. Whenever practicable, biological pest control such as predatory insects, beneficial nematodes or microbial pesticides will be utilized. Pesticides selected for possible use are as follows;

First Choice (*Products having the lowest toxicity and/or least risk of exposure based on the formulation, method and frequency of application.*)

Turf Herbicides

- a)
- b)
- c)

Turf Insecticides

- a)
- b)

Ornamental Insecticides

- a)
- b)
- c)

Second Choice (*Products having moderate toxicity and/or risk of exposure based on the formulation, method and frequency of application.*)

Turf Herbicides

- a)
- b)

Turf Insecticides

- a)
- b)

Ornamental Insecticides

- a)
- b)
- c)

Third Choice (*Products having moderate to high toxicity and/or risk of exposure based on the formulation, method and frequency of application.*)

Use of any third choice pesticide product requires written approval of COR prior to application

Turf Herbicides

- a)

Turf Insecticides

- a)

Turf Fungicides

- a)
- b)

Ornamental Insecticides

- a)
- b)

Ornamental Fungicides

- a)
- b)

An appraisal of this IPM program will be conducted bi-monthly by responsible individual (COR) and name of certified supervisor. A determination will be made as to the effectiveness of the program and revisions will be made to correct potential problems.

An evaluation of the potential to contaminate water will be made. Maps will be copied from the "Atlas of the

Public Water Supply Sources and Drainage Basins of Connecticut" which identify the location of any public water supply, watershed or wellfield and will be attached to this plan as required by CSR Section 22a-661-1(6)(F).

09/24/99
Rev. 3/06

IPM Monitoring Form

Ornamental Checklist

Site/ Area	Host Plant	Size	Stage	Pest	Stage	Damage Site	Damage Level	Natural Enemies	Control Action

Key to Codes:

Host Plant Size: < 1ft. Seedling= 1 1-3 ft. tall= 2 3-6 ft. Tall= 3 6-8 ft. Tall= 4 > 8 ft. Tall= 5	Host Plant Stage: seedling= 2 budding= 3 flowering= 4 fruiting= 8 leafing out= 9 mature= 10 dormant = 11	Pest Stage: egg= 1 early instar= 2 late instar= 3 pupa= 4 adult= 5 damage only, past damage= 6	Damage Site: bark= 1 bud = 2 flower= 3 fruit= 4 foliage= 5 miner = 6 borer = 7 roots= 8 general dieback= 9 gall= 10	Damage Level: none(0%)= 0 trace (< 5%)= 1 light (5-10%)= 2 moderate (10-30%)= 3 heavy (30-90%)= 4 total damage (100%)= 5	Natural Enemies: rare= 1 few= 2 common= 3 abundant= 4	Action: no action= 1 mechanical= 2 cultural= 3 biological= 4 chemical= 5
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Turf Checklist

Recommendations

Turfgrass Species Present	Kentucky Bluegrass____ Tall Fescue____ Perennial Ryegrass Fine Leaf Fescue____ Other:					
Lawn Establishment	Age:____ Seed:____ Sod:____ Sun:____ Shade:					
Thatch Accumulation	____ < 1/2" ____ 1/2 to 1" ____ > 1"					
Turf Density	Thick (TK) Thin (TN) Moderately Thick (MTK) Sparce (SP)					
Turf Color	Dark Green (DG) Light Green (LG) Yellow Green (YG) Turf Dormant (TD)					
Soil	Texture: Depth: Condition:					
Weeds	Dandelion____ Crabgrass____ Plantain____ Oxalis____ Spurge Knotweed____ Ground Ivy____ Yellow Nutsedge____ Other:					
Insects	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">_____ Avg.No./Sq. Ft.</td> <td style="width: 50%;">_____ Avg.No./Sq. Ft.</td> </tr> <tr> <td>_____ Avg.No./Sq. Ft.</td> <td>_____ Avg.No./Sq. Ft.</td> </tr> </table>	_____ Avg.No./Sq. Ft.	_____ Avg.No./Sq. Ft.	_____ Avg.No./Sq. Ft.	_____ Avg.No./Sq. Ft.	
_____ Avg.No./Sq. Ft.	_____ Avg.No./Sq. Ft.					
_____ Avg.No./Sq. Ft.	_____ Avg.No./Sq. Ft.					
Disease	Affected Species:_____ %Area of Turf Infected____ Disease: Affected Species:_____ %Area of Turf Infected____ Disease:					
Cultural Practices	Mowing:_____ Watering:					

Comments:

PERTINENT PESTICIDE STATUTES AND REGULATIONS
FOR
CERTIFIED COMMERCIAL SUPERVISORS AND ARBORISTS
(Revised to February 2019)



Department of Energy and Environmental Protection
Bureau of Materials Management & Compliance Assurance
Pesticide Management Program
79 Elm Street
Hartford, CT 06106
www.ct.gov/deep

INTRODUCTION

This informational booklet contains pertinent excerpts from the General Statutes of Connecticut and Regulations of Connecticut State Agencies of relevance to commercial supervisory pesticide applicators and arborists. It contains the revisions of the General Statutes of Connecticut as of the 2009 Legislative Session and is current up to the date of publication of this booklet.

The Pesticides Management Program of the Department of Energy and Environmental Protection (DEEP) oversees the licensing of pesticide applicators and arborists, and the enforcement of the Pesticide Control Act, its statutes and regulations, as well as those statutes and regulations relating to the practice of Arboriculture. Pertinent regulations that fall under the oversight of the Pesticides Management Program are included in this booklet.

This informational booklet includes some General Statutes that do not fall within the jurisdiction or enforcement capability of DEEP, but nevertheless are of importance to commercial pesticide applicators. Specifically, the statute sections regarding pesticide applications at schools and daycare facilities have been added to this edition. Individuals with questions regarding these statutes or any subsequent regulations are advised to contact the appropriate state agency.

From time to time this publication may be updated by the Pesticides Management Program to include any new amendments or additions that are of importance to commercial supervisory pesticide applicators or arborists. Readers are advised to keep up to date regarding any changes in these laws, new Public Acts or regulations. The General Statutes of Connecticut may be viewed at the Connecticut State Library Web Site as found at www.cslib.org/psaindex.htm. Copies of Regulations of Connecticut State Agencies may be obtained from the state agency that oversees them or from the Connecticut State Library.

DEEP is an affirmative action/equal opportunity employer, providing programs and services in a fair and impartial manner. In conformance with the Americans with Disabilities Act, DEEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services, or for more information by voice or TTY/TDD call (860) 424-3000.

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(Note: A break in the numbering sequence indicates that a section not pertinent to certified commercial pesticide applicators or arborists has been omitted.)

****New****

Public Act 18-84

AN ACT PROHIBITING THE USE OF RESIDENTIAL AUTOMATIC PESTICIDE MISTING SYSTEMS.

Sec. 22a-66n. Residential automatic pesticide misting system. Prohibition. Regulations. Fine. (a) On and after January 1, 2019, no person shall install or utilize any residential automatic pesticide misting system in this state. For purposes of this section, "residential automatic pesticide misting system" means any device that is designed to be installed on, near or around the exterior of any residential dwelling or the grounds of such residential dwelling and to automatically spray any pesticide solution at timed intervals.

(b) The Commissioner of Energy and Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of subsection (a) of this section. Such regulations may include, but shall not be limited to, the establishment of a fine for the violation of subsection (a) of this section.

Connecticut General Statutes

Chapter 170

Boards of Education

Sec. 10-231a. Pesticide applications at schools: Definitions. *(Effective from passage – 7/1/2015)*

As used in sections 10-231b to 10-231d, inclusive, as amended by this act, (1) "pesticide" means a fungicide used on plants, an insecticide, a herbicide or a rodenticide, but does not mean a sanitizer, disinfectant, antimicrobial agent or pesticide bait, (2) "lawn care pesticide" means a pesticide registered by the United States Environmental Protection Agency and labeled pursuant to the federal Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and ornamental sites or areas, "Lawn care pesticide" does not include (A) a microbial pesticide or biochemical pesticide that is registered with the United States Environmental Protection Agency, (B) a horticultural soap or oil that is registered with the United States Environmental Protection Agency and does not contain any synthetic pesticide or synergist, or (C) a pesticide classified by the United States Environmental Protection Agency as an exempt material pursuant to 40 CFR 152.25, as amended from time to time. (3) "integrated pest management" means use of all available pest control techniques, including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the use of pesticides, (4) "microbial pesticide" means a pesticide that consists of a microorganism as the active ingredient, and (5) "biochemical pesticide" means a naturally occurring substance that controls pests by nontoxic mechanisms.

Sec. 10-231b. Pesticide applications at schools: Authorized applicators. Exception. *(Effective July 1, 2009)*

(a) No person, other than a pesticide applicator with supervisory certification under section 22a-54 or a pesticide applicator with operational certification under section 22a-54 under the direct supervision of a supervisory pesticide applicator, may apply pesticide within any building or on the grounds of any school, other than a regional vocational agriculture center. This section shall not apply in the case of an emergency application of pesticide to eliminate an immediate threat to human health where it is impractical to obtain the services of any such applicator provided such emergency application does not involve a restricted use pesticide, as defined in section 22a-47.

(b) No person shall apply a lawn care pesticide on the grounds of any public or private preschool or public or private school with students in grade eight or lower, except that (1) on and after January 1, 2006, until July 1, 2010, an application of a lawn care pesticide may be made at a public or private school with students in grade eight or lower on the playing fields and playgrounds of such school pursuant to an integrated pest management plan, which plan (A) shall be consistent with the model pest control management plan developed by the Commissioner of Environmental Protection pursuant to section 22a-66l, and (B) may be developed by a local or regional board of education for all public schools under its control, and (2) an emergency application of a lawn care pesticide may be made to eliminate a threat to human

health, as determined by the local health director, the Commissioner of Public Health, the Commissioner of Environmental Protection or, in the case of a public school, the school superintendent.

Sec. 10-231c. Pesticide applications at schools without an integrated pest management plan. *(Effective 10/1/2015)*

(a) As used in this section, "local or regional board of education" means a local or regional board of education that does not have an integrated pest management plan for the schools under its control that is consistent with an applicable model plan provided by the Commissioner of Environmental Protection under section 22a-66/ and "school" means a school, other than a regional vocational agriculture center, under the control of a local or regional board of education.

(b) On and after July 1, 2000, at the beginning of each school year, each local or regional board of education shall provide the staff of each school and the parents or guardians of each child enrolled in each school with a written statement of the board's policy on pesticide application on school property and a description of any pesticide applications made at the school during the previous school year. Such statement and description shall be provided to the parents or guardian of any child who transfers to a school during the school year. Such statement shall (1) indicate that the staff, parents or guardians may register for prior notice of pesticide applications at the school, and (2) describe the emergency notification procedures provided for in this section. Notice of any modification to the pesticide application policy shall be sent to any person who registers for notice under this section.

(c) (1) On and after July 1, 2000, parents or guardians of children in any school and school staff may register for prior notice of pesticide application at their school. Each school shall maintain a registry of persons requesting such notice. Prior to providing for any application of pesticide within any building or on the grounds of any school, the local or regional board of education shall provide for the transmittal of notice, by electronic mail, to parents and guardians who have registered for prior notice under this section such that such electronic mail notice is received no later than twenty-four hours prior to such application. Notice shall be given by any means practicable to school staff who have registered for such notice. Notice under this subsection shall include (A) the name of the active ingredient of the pesticide being applied, (B) the target pest, (C) the location of the application on the school property, (D) the date of the application, and (E) the name of the school administrator, or a designee, who may be contacted for further information.

(2) On and after October 1, 2015, prior to providing for any application of pesticide within any building or on the grounds of any school, in addition to the requirements of subdivision (1) of this subsection, the local or regional board of education shall provide for notice of such application not less than twenty-four hours prior to such application by posting the notice required by subdivision (1) of this subsection either on or through: (A) The home page of the Internet web site for the school where such application will occur, or, in the event such school does not have a web site, on the home page of the Internet web site for such local or regional board of education, and (B) the primary social media account of such school or local or regional board of education. Each local or regional board of education shall indicate on the home page of such board of education how parents may register for prior notice of pesticide applications, as described in subdivision (1) of this subsection. Not later than March fifteenth of each year, the local or regional board of education shall send through the electronic mail notification or alert system or service of such school or local or regional board of education the notice required by subdivision (1) of this subsection for applications made since January first of such year and a listing of such notices for applications made during the March fifteenth through December thirty-first timeframe from the preceding calendar year. The local or regional board of education shall additionally print such electronic mail notification required by this subdivision in the applicable parent handbook or manual, provided nothing in this subdivision shall be construed to require the reprinting of such handbook or manual to provide such notification. Nothing in this subdivision shall require the development or use of an Internet web site, social media account or electronic mail notification or alert system that is not already in use or existence prior to the effective date of this section. For purposes of this section and section 10-231d, as amended by this act, "social media" means an electronic medium where users may create and view user-generated content, such as uploaded or downloaded videos or still photographs, blogs, video blogs, podcasts or instant messages.

(d) On and after July 1, 2000, no application of pesticide may be made in any building or on the grounds of any school during regular school hours or during planned activities at any school except that an emergency application may be made to eliminate an immediate threat to human health if (1) it is necessary to make the application during such a period, and (2) such emergency application does not involve a restricted use pesticide, as defined in section 22a-47. No child may enter an area where such application has been made until it is safe to do so according to the provisions on the pesticide label.

(e) On and after July 1, 2000, a local or regional board of education may make an emergency application of pesticide without prior notice under this section in the event of an immediate threat to human health provided the board provides for notice, by any means practicable, on or before the day that the application is to take place to any person who has requested prior notice under this section and concomitantly provides such notice in accordance with subdivision (2) of subsection (c) of this section.

(f) A copy of the record of each pesticide application at a school shall be maintained at the school for a period of five years. Such record shall include the information required under section 22a-66a.

Sec. 10-231d. Pesticide applications at schools with an integrated pest management plan. *(Effective 10/1/2015)*

(a) As used in this section, "local or regional board of education" means a local or regional board of education which has an integrated pest management plan for the schools under its control that is consistent with an applicable model plan provided by the Commissioner of Environmental Protection under section 22a-66l and "school" means a school, other than a regional vocational agriculture center, under the control of a local or regional board of education.

(b) On and after July 1, 2000, at the beginning of each school year, each local or regional board of education shall provide the staff of each school with written guidelines on how the integrated pest management plan is to be implemented and shall provide the parents or guardians of each child enrolled in each school with a statement that shall include a summary of the integrated pest management plan for the school. Such statement shall be provided to the parents or guardian of any child who transfers to a school during the school year. Such statement shall (1) indicate that the staff, parents or guardians may register for notice of pesticide applications at the school, and (2) describe the emergency notification procedures provided for in this section. Notice of any modification to the integrated pest management plan shall be sent to any person who registers for notice under this section.

(c) On and after July 1, 2000, parents or guardians of children in any school and school staff may register for notice of pesticide application at their school. Each school shall maintain a registry of persons requesting such notice. Notice under this subsection shall include (1) the name of the active ingredient of the pesticide being applied, (2) the target pest, (3) the location of the application on the school property, (4) the date of the application, and (5) the name of the school administrator, or a designee, who may be contacted for further information.

(d) (1) On and after July 1, 2000, a local or regional board of education shall provide notice, by any means practicable, to any person who has requested notice under this section on or before the day that any application of pesticide is to take place at a school. No application of pesticide may be made in any building or on the grounds of any school during regular school hours or during planned activities at any school except that an emergency application may be made to eliminate an immediate threat to human health if [(1)] (A) it is necessary to make the application during such a period, and [(2)] (B) such emergency application does not involve a restricted use pesticide, as defined in section 22a-47. No child may enter an area of such application until it is safe to do so according to the provisions on the pesticide label.

(2) On and after October 1, 2015, prior to providing for any application of pesticide within any building or on the grounds of any school, in addition to the requirements of subdivision (1) of this subsection, the local or regional board of education shall provide for notice of such application not less than twenty-four hours prior to such application by posting the notice required by subdivision (1) of this subsection either on or through: (A) The home page of the Internet web site for the school where such application will occur, or, in the event such school does not have a web site, on the home page of the Internet web site for such local or regional board of education, and (B) the primary social media account of such school or local or regional board of education. Each local or regional board of education shall indicate on the home page of such board of education how parents may register for prior notice of pesticide applications, as described in subdivision (1) of this subsection. Not later than March fifteenth of each year, the local or regional board of education shall send through the electronic mail notification or alert system or service of such school or local or regional board of education the notice required by subdivision (1) of this subsection for applications made since January first of such year and a listing of such notices for applications made during the March fifteenth through December thirty-first timeframe from the preceding calendar year. The local or regional board of education shall additionally print such electronic mail notification required by this subdivision in the applicable parent handbook or manual, provided nothing in this subdivision shall be construed to require the reprinting of such handbook or manual to provide such notification. Nothing in this subdivision shall require the development or use of an Internet web site, social media account or electronic mail notification or alert system that is not already in use or existence prior to the effective date of this section. For purposes of this section and

section 10-231d, as amended by this act, "social media" means an electronic medium where users may create and view user-generated content, such as uploaded or downloaded videos or still photographs, blogs, video blogs, podcasts or instant messages.

(e) A copy of the record of each pesticide application at a school shall be maintained at the school for a period of five years. Such record shall include the information required under section 22a-66a.

Sec. 448. (NEW) (*Effective October 1, 2015*) (a) As used in this section:

(1) "Pesticide" means a fungicide used on plants, an insecticide, a herbicide or a rodenticide but does not mean a sanitizer, disinfectant, antimicrobial agent or a pesticide bait;

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

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

(4) "Lawn care pesticide" means a pesticide registered by the United States Environmental Protection Agency and labeled pursuant to the federal Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and ornamental sites or areas. "Lawn care pesticide" does not include (A) a microbial pesticide or biochemical pesticide that is registered with the United States Environmental Protection Agency, (B) a horticultural soap or oil that is registered with the United States Environmental Protection Agency and does not contain any synthetic pesticide or synergist, or (C) a pesticide classified by the United States Environmental Protection Agency as an exempt material pursuant to 40 CFR 152.25, as amended from time to time;

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

(6) "Controlling authority" means the executive head of the municipal department responsible for the maintenance of a playground or such person's designee. "Controlling authority" does not include the executive head of any municipal department responsible for the maintenance of any school;

(7) "Municipal playground" means an outdoor area owned or controlled by any town, city or borough, consolidated town and city or consolidated town and borough that is designated, dedicated and customarily used for playing by children, such as any such outdoor area that contains any swing set, slide, climbing structure, playset or device or object upon which children play. "Municipal playground" does not include any: (A) Playground located on the premises of any school, or (B) athletic field; and

(8) "Athletic field" means any field or open space used primarily for sporting activities.

(b) No person other than a certified pesticide applicator shall apply pesticide within any municipal playground except a person other than a certified pesticide applicator may make an emergency application of pesticide to eliminate an immediate threat to human health, including, but not limited to, the elimination of mosquitoes, ticks and stinging insects, provided (1) the controlling authority determines such emergency application of pesticide to be necessary, (2) the controlling authority deems it impractical to obtain the services of a certified pesticide applicator, and (3) such emergency application of pesticide does not involve a restricted use pesticide, as defined in section 22a-47 of the general statutes.

(c) No person shall apply a lawn care pesticide on the grounds of any municipal playground, except an emergency application of pesticide may be made to eliminate an immediate threat to human health, including, but not limited to, the elimination of mosquitoes, ticks and stinging insects, provided (1) the controlling authority determines such emergency application of pesticide to be necessary, and (2) such emergency application of pesticide does not involve a restricted use pesticide, as defined in section 22a-47 of the general statutes.

(d) Prior to providing for any application of pesticide on the grounds of any municipal playground, the controlling authority shall, if the situation permits, within the existing budgetary resources available to the controlling authority, provide public notice of such application not later than twenty-four hours prior to such application of pesticide. Such

public notice shall be posted on the Internet web site of the applicable municipality. If a controlling authority determines an emergency application of pesticide to be necessary pursuant to subsection (b) or (c) of this section, such notice shall be given as soon as practicable. Notice under this subsection shall include (1) the name of the active ingredient of the pesticide being applied, (2) the target pest, (3) the location of the application of pesticide on the grounds of the municipal playground, and (4) the date or proposed date of the application of pesticide. A copy of each notice of such application of pesticide at a municipal playground shall be maintained by the controlling authority for a period of five years from the date of application of the pesticide and available to members of the public.

Chapter 368a **Department of Public Health**

Sec. 19a-77. (Formerly Sec. 19-43b). "Child day care services" defined. Additional license. (a) As used in sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive, "child day care services" shall include:

- (1) A "child day care center" which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis;
- (2) A "group day care home" which offers or provides a program of supplementary care to not less than seven nor more than twelve related or unrelated children on a regular basis;
- (3) A "family day care home" which consists of a private family home caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four-hour period and where care is given on a regularly recurring basis except that care may be provided in excess of twelve hours but not more than seventy-two consecutive hours to accommodate a need for extended care or intermittent short-term overnight care. During the regular school year, a maximum of three additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all of the provider's children shall be permitted;

(b) For licensing requirement purposes, child day care services shall not include such services which are:

- (1) (A) Administered by a public school system, or (B) administered by a municipal agency or department and located in a public school building;
- (2) Administered by a private school which is in compliance with section 10-188 and is approved by the State Board of Education or is accredited by an accrediting agency recognized by the State Board of Education;
- (3) Recreation operations such as, but not limited to, creative art studios for children that offer parent-child recreational programs and classes in music, dance, drama and art that are no longer than two hours in length, library programs, church-related activities, scouting, camping or community-youth programs;
- (4) Informal arrangements among neighbors or relatives in their own homes, provided the relative is limited to any of the following degrees of kinship by blood or marriage to the child being cared for or to the child's parent: Child, grandchild, sibling, niece, nephew, aunt, uncle or child of one's aunt or uncle;
- (5) Drop-in supplementary child care operations for educational or recreational purposes and the child receives such care infrequently where the parents are on the premises;
- (6) Drop-in supplementary child care operations in retail establishments where the parents are on the premises for retail shopping, in accordance with section 19a-77a, provided that the drop-in supplementary child-care operation does not charge a fee and does not refer to itself as a child day care center;
- (7) Drop-in programs administered by a nationally chartered boys' and girls' club; or
- (8) Religious educational activities administered by a religious institution exclusively for children whose parents or legal guardians are members of such religious institution.

(c) No registrant or licensee of any child day care services as defined in subsection (a) of this section shall be issued an additional registration or license to provide any such services at the same facility.

Sec. 19a-79a. Pesticide applications at day care facilities. (*Effective October 1, 2009*) (a) As used in this section, "pesticide" means a fungicide used on plants, an insecticide, a herbicide or a rodenticide but does not mean a sanitizer, disinfectant, antimicrobial agent or a pesticide bait; "lawn care pesticide" means a pesticide registered by the United States Environmental Protection Agency and labeled pursuant to the federal Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and ornamental sites or areas; "certified pesticide applicator" means a pesticide applicator with (1) supervisory certification under section 22a-54, or (2) operational certification under section 22a-54, who operates under the direct supervision of a pesticide applicator with said supervisory certification; "licensee" means a person licensed under sections 19a-77 to 19a-87e, inclusive, and "day care center" means a child day care center, group day care home or family day care home that provides "child day care services", as described in section 19a-77.

(b) No person other than a certified pesticide applicator shall apply pesticide within any day care center, except that a person other than a certified pesticide applicator may make an emergency application to eliminate an immediate threat to human health, including, but not limited to, for the elimination of mosquitoes, ticks and stinging insects, provided (1) the licensee or a designee of the licensee determines such emergency application to be necessary, (2) the licensee or a designee of the licensee deems it impractical to obtain the services of a certified pesticide applicator, and (3) such emergency application does not involve a restricted use pesticide, as defined in section 22a-47.

(c) No person shall apply a lawn care pesticide on the grounds of any day care center, except that an emergency application of pesticide may be made to eliminate an immediate threat to human health, including, but not limited to, the elimination of mosquitoes, ticks and stinging insects, provided (1) the licensee or a designee of the licensee determines such emergency application to be necessary, and (2) such emergency application does not involve a restricted use pesticide, as defined in section 22a-47. The provisions of this subsection shall not apply to a family day care home, as described in section 19a-77, if the grounds of such family day care home are not owned or under the control of the licensee.

(d) No licensee or designee of a licensee shall permit any child enrolled in such licensee's day care center to enter an area where a pesticide has been applied in accordance with this section until it is safe to do so according to the provisions on the pesticide label.

(e) On and after October 1, 2009, prior to providing for any application of pesticide on the grounds of any day care center, the licensee or a designee of the licensee shall, within the existing budgetary resources of such day care center, notify the parents or guardians of each child enrolled in such licensee's day care center by any means practicable no later than twenty-four hours prior to such application, except that for an emergency application made in accordance with this section, such notice shall be given as soon as practicable. Notice under this subsection shall include (1) the name of the active ingredient of the pesticide being applied, (2) the target pest, (3) the location of the application on the day care center property, and (4) the date or proposed date of the application. A copy of the record of each pesticide application at a day care center shall be maintained at such center for a period of five years.

Chapter 422 Department of Agriculture

Sec. 22-11a. "Integrated pest management" defined. As used in sections 22- 11b and 22-84a, "integrated pest management" means a comprehensive strategy of pest control whose major objective is to maintain high crop quality with a minimum use of pesticides and includes, but is not limited to, the following methods: Pest trapping, crop scouting, pest-resistant crop varieties, increased use of biological control, cultural controls, and judicious use of certain pesticides.

Sec. 22-11b. Duties of The University of Connecticut Cooperative Extension Service re integrated pest management. (a) Within available appropriations, The University of Connecticut Cooperative Extension Service shall develop and implement (1) nonagricultural integrated pest management programs which shall include, but not be limited to, programs for trees, shrubs, turf and structural applications of integrated pest management techniques and (2) agricultural integrated pest management programs, including, but not limited to, programs for vegetables, fruit, forage crops and nurseries. Such programs may incorporate research developed by the Connecticut Agricultural Experiment

Station pursuant to section 22-84a.

(b) Within available appropriations, The University of Connecticut Cooperative Extension Service, upon request of any state department, agency or institution, shall assist such department, agency or institution in determining the feasibility of integrated pest management and may provide technical assistance to such department, agency or institution in implementing integrated pest management.

(c) The University of Connecticut Cooperative Extension Service shall, on or before February first, annually, submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on implementation of integrated pest management programs.

Chapter 426 Agriculture Experiment Stations

Sec. 22-84a. Research consistent with goals of integrated pest management. The Connecticut Agricultural Experiment Station shall, in accordance with the provisions of this chapter, continue its research in the reduction of pesticide use, the improvement of crop quality and other projects that are consistent with the goals of integrated pest management and shall make its findings available to The University of Connecticut Cooperative Extension Service.

Chapter 441 Pesticide Control

Sec. 22a-46. Short title: Connecticut Pesticide Control Act. This part, subsection (a) of section 23-61a, sections 23-61b to 23-61d, inclusive, and 23-61f may be cited as the "Connecticut Pesticide Control Act".

Sec. 22a-47. Definitions. For purposes of this part, subsection (a) of section 23-61a and sections 23-61b and 23-61f:

(a) "Active ingredient" means:

- (1) In the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate any pest;
- (2) In the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof;
- (3) In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant; and
- (4) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue;

(b) "Adulterated" applies to any pesticide if:

- (1) Its strength or purity falls below the professed standard of quality as expressed on its labeling under which it is sold;
- (2) Any substance has been substituted wholly or in part for the pesticide; or
- (3) Any valuable constituent of the pesticide has been wholly or in part abstracted;

(c) "Animal" means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish;

(d) "Certified applicator" means any individual who is certified under section 22a-54;

(e) "Private applicator" means a certified applicator who uses or supervises the use of any pesticide, which is classified for restricted use for the purpose of producing any agricultural commodity, on property owned or rented by the applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the property of another person: A pesticide shall be construed to be applied under the direct supervision of a private applicator if it is applied by a competent person on property owned or rented by a private applicator acting under the instructions and control of a private applicator who is available if and when needed;

- (f) "Commercial applicator" means any individual, whether or not such individual is a private applicator with respect to some uses, who uses or supervises the use of (1) any restricted use pesticides, or (2) any pesticide on property not owned or rented by such individual or such individual's employer;
- (g) "Commissioner" means the Commissioner of Environmental Protection;
- (h) "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission;
- (i) "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue;
- (j) "Device" means any instrument or contrivance which uses pesticides and is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life; but not including equipment used for the application of pesticides when sold separately therefrom;
- (k) "Environment" includes the ecosystem of water, air, land, plants, man and other animals, and the interrelationships which exist among these;
- (l) "Imminent hazard" means a situation which exists when the continued use of a pesticide, during the time required for a cancellation proceeding as provided in section 22a-52, would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of the Interior pursuant to the provisions of 83 Stat. 275 (P.L. 91-135), as may be amended from time to time;
- (m) "Inert ingredient" means an ingredient which is not active;
- (n) "Ingredient statement" means a statement which contains the name and percentage of each active ingredient, and the total percentage of all inert ingredients, in the pesticide; and a statement of the percentages of total and water soluble arsenic, calculated as elementary arsenic, if any;
- (o) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, including, but not limited to, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, including, but not limited to, spiders, mites, ticks, centipedes, and wood lice;
- (p) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers;
- (q) "Labeling" means all labels and all other written, printed or graphic matter, accompanying the pesticide or device or to which reference is made on the label or in literature accompanying the pesticide or device;
- (r) A pesticide is misbranded if:
- (1) Its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;
 - (2) It is contained in a package or other container or wrapping which does not conform to the standards established by 86 Stat. 979 (P.L. 92-516), as may be amended from time to time;
 - (3) It is an imitation of, or is offered for sale under the name of another pesticide;
- (s) "Microorganism" means any microscopic organism including but not limited to alga, bacterium, fungus, and virus except those on or in living man or other animals and those on or in processed food, beverage or pharmaceuticals;
- (t) "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle and inhabiting soil, water, plants, or plant parts which may also be called nemas or eelworms;

(u) "Person" means any individual, partnership, association, corporation, limited liability company, government entity, or any organized group of persons whether incorporated or not;

(v) "Pest" shall have the meaning provided in 40 CFR 152.5, as amended from time to time;

(w) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant;

(x) "Plant regulator" means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments which are not for pest destruction and are nontoxic, nonpoisonous in the undiluted packaged concentration;

(y) "Registrant" means a person who has registered any pesticide pursuant to the provisions of this chapter;

(z) "Unreasonable adverse effects on the environment" means any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide;

(aa) "Weed" means any plant which grows where not wanted;

(bb) "FIFRA" means the federal Insecticide, Fungicide and Rodenticide Act, 7 USC 135 et seq., as amended by the federal Environmental Pesticide Control Act of 1972, 7 USC 136 et seq., and as may be amended from time to time;

(cc) "Restricted use pesticide" means any pesticide or pesticide use classified as restricted by the administrator of the United States Environmental Protection Agency or by the commissioner; and

(dd) "Integrated pest management" means use of all available pest control techniques including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the unnecessary use of pesticides.

****New**** **Sec. 22a-50 Classification of pesticides, notice of changes. Registration fees, supplemental statements, prima facie evidence.** (1) Not later than January 1, 2018, the commissioner shall classify all neonicotinoids, as defined in section 22-61k, that are labeled for treating plants, as restricted use pursuant to subdivision (2) of subsection (c) of this section.

Sec. 22a-54. Pesticide applicators, certification, classification, notice, fees; reciprocity; financial responsibility; aircraft, tree, public employee applicators. (a) No individual shall use or supervise the use of any restricted use pesticide within this state at any time without a private or commercial certificate or permit issued in accordance with the provisions of this section, unless the use is under the direct supervision of a certified applicator; provided, any pesticide classified for restricted use by the administrator of the United States Environmental Protection Agency shall be used only by a certified applicator or under the direct supervision of a certified applicator. The commissioner shall have exclusive authority in the regulation of pesticide spraying, including, but not limited to, practices and procedures prior to and during any spraying, except as provided in section 22a-66z. The commissioner may by regulations adopted in accordance with the provisions of chapter 54 establish procedures for municipalities to designate watercourses or other sources of water which applicators may draw upon for pesticide spraying.

(b) There shall be two classifications for commercial applicators, supervisory and operational. Supervisory certification shall be required for commercial applicators who are responsible for deciding whether or not pesticides are to be employed, how they are to be mixed, where they are to be employed, what pesticides are to be used, the dosages and timing involved in the pesticide use and the methods of application and precautions to be taken in the use of such pesticides. Operational certification shall be required for commercial applicators who actively use pesticides in other than a supervisory capacity.

(c) The following provisions shall govern the certification of applicators:

(1) No person shall engage in commercial application of pesticides within this state at any time without a certificate issued in accordance with the provisions of this section. No person shall engage in the private application of restricted use pesticides without a certificate issued in accordance with the provisions of this section. Application for such certificate shall be made to the commissioner and shall contain such information regarding the applicant's qualifications and proposed operations and other relevant matters including, but not limited to, a knowledge of integrated pest management and the role of honey bees in agriculture, pesticides that are especially toxic to honey bees, and methods of application which minimize damage to honey bees, as the commissioner may require.

(2) The commissioner shall require the applicant to demonstrate, upon examination, that he possesses adequate knowledge concerning the proper use and application of pesticides and the dangers involved and precautions to be taken in connection with their application.

(f) The commissioner may by regulation prescribe fees for applicants to defray the cost of administering examinations and assisting in carrying out the purposes of section 22a-451, except the fees for certification and renewal of a certification shall be as follows: (1) For supervisory certification as a commercial applicator, two hundred eighty-five dollars; (2) for operational certification as a commercial applicator, eighty dollars, and (3) for certification as a private applicator, one hundred dollars. A federal, state or municipal employee who applies pesticides solely as part of his employment shall be exempt from payment of a fee. Any certificate issued to a federal, state or municipal employee for which a fee has not been paid shall be void if the holder leaves government employment. The fees collected in accordance with this section shall be deposited in the General Fund.

(h) The commissioner shall prescribe standards for certification of arborists, as defined in subsection (a) of section 23-61a, with respect to the application of pesticides. The standards shall provide that in order to be certified, an individual shall be competent with respect to the use and handling of the pesticide or class of pesticides covered by such individual's application. The commissioner may designate as his agent the Tree Protection Examining Board for the administration of any standards or examinations prescribed by the commissioner pursuant to this section. (i) Federal, state and municipal employees who use or supervise the use of restricted or permit use pesticides shall be certified in conformance with this section.

Sec. 22a-58. Records to be kept by distributors and applicators. (a) The commissioner may prescribe regulations requiring each distributor, common or contract carrier, dealer, or any other person who distributes, sells or offers for sale, delivers or offers for delivery any restricted or permit use pesticide or device subject to this part to maintain such records with respect to their operations and the pesticides and devices produced as specified in subsection (b) of this section.

(d) Commercial applicators shall maintain records with respect to their use of and supervision of the use of pesticides. Such records shall be maintained for not less than five years after the date of application and shall include, but not be limited to, the (1) name and certification number of the commercial supervisor and the commercial operator, (2) kind and amount of pesticide used, (3) date and place of application, (4) pest treated for, and (5) crop or site treated. A summary of the items maintained under subdivisions (1) and (2) shall be submitted to the commissioner on or before January thirty-first for the preceding calendar year in which the application was made on such form as the commissioner may prescribe.

(e) For purposes of enforcing the provisions of this part, any commercial applicator or private applicator using restricted pesticides shall, upon request of any officer or employee duly designated by the commissioner, furnish such person or permit such person to have access to and to copy, at reasonable times, the records required by subsection (c) or (d) of this section.

Sec. 22a-59. Enforcement; inspection, samples, warrants. (a) For purposes of enforcing the provisions of this chapter, sections 10-231b, as amended by this act, 10-231c, 10-231d, subsection (a) of section 23-61a and sections 23-61b and 23-61f, the commissioner may designate, within available appropriations, officers or employees who may enter at reasonable times, any establishment or other place where pesticides or devices are being or have been used, or where pesticides or devices are held for use, distribution or sale in order to: (1) Observe the application of pesticides; (2) determine if the applicator is or should be certified; (3) determine if the applicator has obtained a proper permit to apply restricted use pesticides; (4) inspect equipment or devices used to apply pesticides; (5) inspect or investigate the validity of damage claims; (6) inspect or obtain samples in any place where pesticides or devices have been used or are held for use, storage, distribution or sale; (7) obtain samples of any pesticides or devices packaged, labeled and released for shipment and samples of any containers or labeling for such pesticides or devices, and (8) obtain samples of any

pesticides or devices that have been used and obtain samples of any containers or labeling for such pesticides or devices. Before undertaking such inspection, the officers or employees shall present to the owner, operator, or agent in charge of the establishment or other place where pesticides or devices are held for distribution or sale, appropriate credentials and a written statement as to the reason for the inspection, including a statement as to whether a violation of the law is suspected. If no violation is suspected, an alternate and sufficient reason shall be given in writing. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained and, if requested, a portion of each such sample equal in volume or weight to the portion retained. If an analysis is made of such samples, the laboratories of the Connecticut Agricultural Experiment Station may be used and a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge and the commissioner.

Sec. 22a-61. Prohibited acts. Certification refusal, revocation; grounds; hearing. (a) Except as provided by subsection

(b) of this section, it shall be unlawful for any person to use, distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and having so received, deliver or offer to deliver, to any person:

- (1) Any pesticide which is not registered pursuant to this part, except as provided by subsection (a) of section 22a-52;
- (2) Any registered pesticide if any claims made for it as a part of its distribution or sale substantially differ from any claims made for it as a part of the statement required in connection with its registration;
- (3) Any registered pesticide the composition of which differs at the time of its distribution or sale from its composition as described in the statement required in connection with its registration;
- (4) Any pesticide which has not been colored or discolored pursuant to the provisions of subdivision (3) of subsection (c) of section 22a-66;
- (5) Any pesticide which is adulterated or misbranded; or
- (6) Any device which is misbranded.

(b) It shall be unlawful for any person:

- (1) To detach, alter, deface, or destroy, in whole or in part, any labeling required under FIFRA;
- (2) To refuse to keep any records required pursuant to section 22a-58, or to refuse to allow the inspection of any records or establishment pursuant to sections 22a-58 and 22a-59, or to refuse to allow an officer or employee of the Department of Environmental Protection to take a sample of any pesticide pursuant to section 22a-59;
- (3) To give a guaranty or undertaking provided for in subsection (c) of this section which is false in any particular, except that a person who receives and relies upon a guaranty authorized under subsection (c) of this section may give a guaranty to the same effect, which guaranty shall contain, in addition to that person's own name and address, the name and address of the person residing in the United States from whom the guaranty or undertaking was received;
- (4) To use for his own advantage or to reveal, other than to the commissioner or officials or employees of the Department of Environmental Protection or other federal or state executive agencies, or to the courts, or to physicians, pharmacists and other qualified persons, needing such information for the performance of their duties, in accordance with such directions as the commissioner may prescribe, any information acquired by authority of this part which is confidential under this part;
- (5) Who is a registrant, wholesaler, dealer, retailer or other distributor to advertise a product registered under this part for restricted use without giving the classification of the product assigned to it under section 22a-50;
- (6) To make available for use, or to use, any registered pesticide classified for restricted use or permit use for some or all purposes other than in accordance with section 22a-50 and any regulations adopted thereunder;
- (7) To use any registered pesticide in a manner inconsistent with restrictions prescribed under this part, subsection (a) of section 23-61a, section 23-61b or inconsistent with labeling;
- (8) To use any pesticide which is under an experimental use permit contrary to the provisions of the permit;
- (9) To violate any order issued under section 22a-62;
- (10) To violate any suspension order issued pursuant to this part;
- (11) To violate any cancellation of registration of a pesticide;
- (12) To violate any provision of section 22a-56 or any regulation established pursuant to this part;
- (13) To violate any provision of section 10-231b, as amended by this act, 10-231c, 10-231d or 22a-57;

- (14) To knowingly falsify all or part of any application for registration, application for experimental use permit, any records required to be maintained pursuant to section 22a-58, any report filed under this part, or any information marked as confidential and submitted to the commissioner under any provision of this part;
- (15) Who is a registrant, wholesaler, dealer, retailer or other distributor to fail to file reports required by this part;
- (16) To use any pesticide in tests on human beings unless such human beings (i) are fully informed of the nature and purposes of the test and of any physical and mental health consequences which are reasonably foreseeable, therefrom, and (ii) freely volunteer to participate in the test.

(c) The provisions of this section shall not apply to:

- (1) Any person who establishes a guaranty signed by, and containing the name and address of, the registrant or person residing in the United States from whom the pesticide was purchased or received in good faith in the same unbroken package, to the effect that the pesticide was lawfully registered at the time of sale and delivery to him, and that it complies with the other requirements of this part, and in such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guaranty under the provisions of this part;
- (2) Any common or contract carrier while lawfully shipping, transporting or delivering for shipment any pesticide or device, if such carrier upon request by any officer or employee duly designated by the commissioner shall permit such officer or employee to copy all of its records concerning such pesticide or device;
- (3) Any public official while engaged in the performance of official duties, unless such public official is using restricted use pesticides;
- (4) Any person using or possessing any pesticide as provided by an experimental use permit in effect with respect to such pesticide and such use or possession; or
- (5) Any person who ships a substance or mixture of substances being put through tests in which the purpose is only to determine its value for pesticide purposes or to determine its toxicity or other properties and from which the user does not expect to receive any benefit in pest control from its use.

(d) It shall be unlawful for any person not certified as a commercial applicator to advertise or to solicit to perform commercial application of pesticides.

(e) It shall be unlawful for any person possessing an operational certificate for commercial application to perform or to advertise or solicit to perform any activity requiring a supervisory certificate for commercial application.

(f) (1) The commissioner may refuse to grant applicator certification or renewal of certification and may revoke or suspend certification following a hearing in accordance with the provisions of chapter 54. Any violation of a section of this part or section 22a-66y or 22a-66z or a regulation adopted thereunder, applicable to certified applicators, shall be grounds for denial, suspension or revocation of certification. Grounds for denial, revocation or suspension shall include, but shall not be limited to the following: (A) Use of a pesticide in a manner inconsistent with the registered labeling or with state or federal restrictions on the use of such pesticide; (B) falsification of records required to be maintained pursuant to subsection (c) or (d) of section 22a-58, or refusal to keep and maintain such records; (C) applying pesticides generally known in the trade to be ineffective or improper for the intended use; (D) operating faulty or unsafe equipment; (E) applying a pesticide in a faulty, careless or negligent manner; (F) neglecting or refusing to comply with the provisions of this part, the rules or regulations adopted hereunder, or any lawful order of the commissioner; (G) using fraud or misrepresentation in making an application for or in renewing a permit or certification; (H) refusing or neglecting to comply with any limitations or restriction in a duly issued permit or certification; (I) aiding or abetting a certified or an uncertified person to evade the provisions of this part, or conspiring with such a certified or an uncertified person to evade the provisions of this part; (J) allowing one's permit or certification to be used by another person; (K) making a false or misleading statement during an inspection or investigation concerning an infestation of pests, accident in applying a pesticide, misuse of a pesticide, or violation of a statute or regulation; (L) performing work, whether for compensation or not, in a category for which the applicator does not have certification; or (M) failure to submit records required to be maintained pursuant to subsection (c) of section 22a-58.

(2) The commissioner shall review an applicator's certification in the event that: (A) The applicator is convicted of a criminal violation of FIFRA; (B) a final order is issued by the Environmental Protection Agency assessing a civil penalty against the applicator under FIFRA, or (C) the applicator's certification has been revoked in another state, and may institute a suspension or revocation hearing.

(3) Any certified applicator whose certification is suspended or revoked under the provisions of this part shall not be eligible to apply for a new certificate until such time has elapsed from the date of the order suspending or revoking said certificate as has been established by the commissioner.

****New** Sec. 22a-61a. Prohibition re neonicotinoid applications on linden or basswood trees.** Prohibition re neonicotinoid applications on linden or basswood trees. (a) No person shall apply, in any manner, any insecticide that is a neonicotinoid, as defined in section 22-61k, to any linden or basswood tree in this state.

(b) The Commissioner of Energy and Environmental Protection may enforce the provisions of this section pursuant to section 22a-6 and establish a fine for the violation of the provisions of this section.

****New** Sec. 22a-61b. Prohibition re application of neonicotinoids when plant bears blossoms. Exceptions.** Prohibition re application of neonicotinoids when plant bears blossoms. Exceptions. (a) No person shall apply any neonicotinoid, as defined in section 22-61k, that is labeled for treating plants to any plant when such plant bears blossoms unless such plant is grown in a greenhouse that is inaccessible to pollinators and such application is consistent with best management strategies for growing annuals, perennials, trees and shrubs that will be safe for pollinators after they are purchased and planted. The prohibitions of this section shall not be construed to apply to any person engaged in academic research.

(b) The Commissioner of Agriculture, in conjunction with the Commissioner of Energy and Environmental Protection, may enforce the provisions of this section pursuant to sections 22-4c and 22a-6 and establish a fine for the violation of this section.

Sec. 22a-63. Penalties; fine, imprisonment. Agents. (a) Any registrant, commercial applicator, uncertified person who performs or advertises or solicits to perform commercial application, wholesaler, dealer, retailer or other distributor who knowingly violates any provision of this chapter, section 10-231b, as amended by this act, 10-231c, 10-231d, subsection (a) of section 23-61a or section 23-61b, shall be fined not more than five thousand dollars, or imprisoned for not more than one year or both.

(b) Any private applicator or other person, not included in subsection (a), who knowingly violates any provision of this chapter, section 10-231b, as amended by this act, 10-231c, 10-231d, subsection (a) of section 23-61a or section 23-61b, shall be fined not more than one thousand dollars, or imprisoned for not more than thirty days or both.

(c) Any person who, with intent to defraud, uses or reveals information relative to formulas of products acquired under the authority of this chapter, shall be fined not more than ten thousand dollars, or imprisoned for not more than one year or both.

(d) When construing and enforcing the provisions of this chapter, sections 10-231b, as amended by this act, 10-231c, 10-231d, subsection (a) of section 23-61a and sections 23-61b and 23-61f, the action, omission or failure to act of any officer, agent or other person acting for or employed by any person shall in every case be also deemed to be the action, omission or failure to act of such person as well as that of the person employed.

(e) Any person who violates any provision of this chapter, section 10-231b, as amended by this act, 10-231c or 10-231d, may be assessed a civil penalty of not more than two thousand five hundred dollars per day for each day such violation continues. The Attorney General, upon complaint of the commissioner, shall institute a civil action to recover such penalty in the superior court for the judicial district of Hartford. All actions brought by the Attorney General shall have precedence in the order of trial as provided in section 52-191.

(f) Any person who is not certified as a commercial applicator who performs or advertises or solicits to perform commercial application of a pesticide, or any person possessing an operational certificate for commercial application under section 22a-54 who performs or advertises or solicits to perform any activity requiring a supervisory certificate for commercial application shall be assessed a civil penalty in an amount not less than one thousand dollars or more than two thousand dollars for each day such violation continues. For any subsequent violation, such penalty shall be not more than five thousand dollars. The Attorney General, upon complaint of the commissioner, may institute a civil action to recover such penalty in the superior court for the judicial district of Hartford. Any penalties collected under this subsection shall be deposited in the Environmental Quality Fund established under section 22a-27g and shall be used by the commissioner to carry out the purposes of this section.

Sec. 22a-66a. Notification of the application of pesticides. Registry. Regulations. Penalty. (a) A pesticide application business, prior to entering into a written or oral agreement to apply a pesticide, shall provide to the person requesting the

application and the resident or manager of the property to be treated (1) notification of the registry established pursuant to subsection (b) of this section and (2) a copy of that portion of the pesticide label, as defined in section 22a-47, which states the product name and registration number, the manufacturer, the active ingredients, the signal word, an emergency phone number, if listed, and any precautionary statements, including statements on environmental hazards, human and animal hazards, emergency treatment and reentry. Thereafter, the pesticide application business shall provide to such persons a copy of those portions of the label that state such information for any other pesticide to be applied prior to the initial application of such other pesticide. The provisions of subdivision (2) of this subsection shall not apply to any outdoor application of a pesticide made by a pesticide application business to maintain rights-of-way, facilities or equipment for an electric public service company, provided such application is consistent with a pesticide management plan approved in accordance with section 22a-66k.

(b) On or after the adoption of regulations pursuant to subsection (g) of this section, a pesticide application business, prior to applying a pesticide within one hundred yards of any property line, shall provide notice of the time and date of the application to any owner or tenant who abuts the property to be treated and who requests notification. Notification may be requested by submitting a form prescribed by the commissioner to the pesticide application business or the commissioner. The form shall include the name, address and telephone number of the person requesting notification and the best time for notification and the name, address and telephone number, if listed in the directory, of any person whose property abuts the property of the person requesting notification. Each pesticide application business shall submit requests for notification to the commissioner who shall maintain a registry of persons requesting notification. A pesticide application business shall make not less than two attempts to notify any owner or tenant who requests notification. Such attempts shall be made as early as practicable but not later than twenty-four hours before the application. Notice may be by any method, including telephone, mail or personal notification. If attempts at notification by the applicator fail, an emergency application is necessary or best management practices of integrated pest management, as defined in section 22-11a, recommend an immediate pesticide application to reduce the amount of pesticides that would otherwise be necessary, the pesticide application business shall attempt to notify the owner or tenant in person immediately prior to the application. Notice of the application and attempts at notification shall be placed on the door of the person requesting notification if all notification attempts fail. Any person who provides notice of an aircraft application of a pesticide pursuant to regulations adopted under section 22a-66 shall not be required to provide notice under this subsection.

(c) On or after the adoption of regulations pursuant to subsection (g), any person making an outdoor application of a pesticide within one hundred yards of any property line shall at the time of application post a sign notifying the public of the application at any conspicuous point of entry. A commercial pesticide applicator making an application shall post a sign every one hundred fifty feet of road frontage of treated property notifying the public of such application. Any sign posted pursuant to this subsection shall comply with the requirements adopted pursuant to subsection (g) of this section. The provisions of this subsection shall not apply to (1) noncommercial applications to an area less than one hundred square feet or to a fenced area or (2) applications on land that produces agricultural commodities from which gross sales in excess of one thousand dollars were realized or can reasonably be expected to be realized during any calendar year.

(d) Notwithstanding the provisions of subsection (c) of this section, any person making an outdoor application of a restricted use pesticide on land which produces agricultural commodities shall post a sign notifying the public of such application (1) at each conspicuous point of entry and (2) at every one hundred fifty feet of road frontage of treated property if the application is within one hundred yards of any public road. If the application is more than twenty-five feet from a public road, such person shall be exempt from the requirements of subdivision (2) of this subsection for up to five hundred square feet of an application. Any sign posted pursuant to this subsection may be posted on a seasonal basis from the date of first application until the reentry period established under FIFRA, as amended from time to time, has lapsed for the last pesticide used or may be placed on an application-specific basis from the date of application until the reentry period established under FIFRA has lapsed for such application. Any such sign shall be maintained by the person making application in a readable manner provided such person shall not be responsible for acts of vandalism to such sign. Any sign posted pursuant to this subsection shall be not less than eight and one-half inches by eleven inches in size and shall be in form substantially as follows:

ATTENTION
RESTRICTED USE PESTICIDES ARE IN USE
PLEASE AVOID THIS AREA

The use of these products is in compliance with state and federal law. This notice is required by section 22a-66a of the general statutes.

The word "attention" shall be in letters at least one and one-half inches high, the words "restricted use pesticides are in use, please avoid this area" shall be in letters at least three-fourths of an inch high and any other wording on the sign shall be one-quarter of an inch or smaller.

(e) On or after the adoption of regulations pursuant to subsection (g) of this section, a pesticide application business or any other person authorized to apply a pesticide, prior to applying a pesticide on a golf course, shall post a sign at the clubhouse and at the first tee notifying the public of the application. Such sign shall comply with regulations adopted by the Commissioner of Environmental Protection pursuant to said subsection (g).

(f) On or after the adoption of regulations pursuant to subsection (g), any wholesaler or distributor selling pesticides to retail establishments shall make available to the owners of such retail establishments signs for notification of a pesticide application. Such owner shall provide a sign to any purchaser of a pesticide requiring the posting of a sign pursuant to subsection (c) of this section and shall display, at the point of sale, notice of the requirements for signs pursuant to said subsection (c).

(g) On or before October 1, 1989, the commissioner shall adopt regulations in accordance with the provisions of chapter 54, establishing (1) specifications for signs required pursuant to subsections (c) and (e) and provisions for posting of signs in retail establishments and (2) procedures for compilation and maintenance of the registry required pursuant to subsection (b) of this section.

(h) Any pesticide application business or department, agency or institution of the state or municipality prior to making a pesticide application in any lake or pond with any public access owned by the state or municipality shall cause to be published notice of the application in a newspaper of general circulation in each municipality in which the lake or pond is located and shall post a sign notifying the public of the application at each place of public access. Such sign shall comply with regulations adopted by the commissioner pursuant to subsection (g) of this section. Any pesticide application business prior to making a pesticide application on any private lake or pond with more than one owner of shoreline property shall cause to be published notice of such application in a newspaper of general circulation in each municipality in which the lake or pond is located.

(i) Notwithstanding the provisions of this section, neither the state nor any municipality nor any pesticide application business, public service company or railroad company shall be required to provide notice of any pesticide application made to rights-of-way, distribution lines and roadsides, including guardrails, except that an electric public service company shall be required to comply with regulations adopted pursuant to subsection (b) of section 22a-66k concerning the on-site posting of a notice of pesticide application.

(j) The Commissioner of Public Health, prior to spraying a seasonal larvicide for mosquito control, shall cause to be published in a newspaper of general circulation in the area of the spraying notice of such spraying. The Commissioner of Public Health or any municipal or district health department, prior to adulticide spraying for mosquito control, shall post a sign in the area of such spraying notifying the public of the spraying.

(k) Notwithstanding the provisions of section 22a-63, any person who violates any provision of this section shall be fined not more than ninety dollars.

Sec. 22a-66b. Pesticide application businesses: Definitions. Compliance with record maintenance requirements. (a)

As used in this section and sections 22a-66c to 22a-66j, inclusive:

(1) "Pesticide application business" means any business which wholly or in part holds itself out for hire to apply or to recommend the application of a pesticide, as defined in section 22a-47, or which, for compensation, applies or recommends the use of a pesticide.

(2) "Place of business" means any physical location at or through which the functional operations of business regularly occur, including, but not limited to, financial transactions, arrangement of contracts, assignment of work and record-keeping, and excluding buildings or locations used solely for storage of equipment or supplies or telephone answering services.

(b) All certified applicators shall comply with the recording requirements in section 22a-66g.

Sec. 22a-66c. Registration of pesticide application businesses. Application. Fee. (a) No person shall engage in the operation of a pesticide application business without first obtaining a certificate of registration from the Commissioner of Environmental Protection. Any person engaged in the operation of a pesticide application business on October 1, 1986, who submits an application for a certificate of registration to the commissioner on or before December 31, 1986, may continue to operate until the application for a certificate of registration is finally determined by the agency, and, in the case of an application for a certificate of registration which has been denied, until the last day for seeking review of the agency determination or a later date fixed by order of a reviewing court. A certificate shall expire on the thirty-first day of August next succeeding its issuance. A pesticide application business with more than one place of business in the state or which operates under more than one name shall register and pay the application fee for each place of business and for each business name.

(b) Application for a certificate shall be made on such form as the commissioner may prescribe and with such information as the commissioner deems necessary to fulfill the purposes of this section, section 22a-66b, and sections 22a-66d to 22a-66j, inclusive, including, but not limited to: (1) The applicant's name and residential address; (2) the name, address and telephone number of the place of business; and (3) the type of business. A pesticide application business shall notify the commissioner of any change in the information contained in an application or in the status of the business as a pesticide application business. The notification shall be submitted, in writing, not more than thirty days after the change.

(c) An application for a certificate shall be accompanied by payment of a fee of two hundred forty dollars. The commissioner may waive payment of the fee for the initial renewal of a certificate issued during the three months prior to expiration. A pesticide application business which employs not more than one certified applicator shall be exempt from payment of a fee. An application for a certificate or renewal shall not be deemed to be complete or sufficient until the fee is paid in full. Funds received by the commissioner in accordance with the provisions of this section shall be deposited in the General Fund.

(d) Any business registered under this section shall display the registration number assigned to it by the commissioner on the body of any motor vehicle used by it in the course of business, in any newspaper advertisement for the business, on any billboard advertisement for the business, and in any advertisement for the business placed in the generally circulated telephone directory. Any such business shall further include the number in any written contract it enters into for provision of pesticide application services.

Sec. 22a-66d. Action by the commissioner. (a) The commissioner shall, after review of a complete application, issue or deny a certificate of registration. An applicant shall be informed of a denial by certified mail, return receipt requested. A denial shall briefly state the reasons therefor. Any person aggrieved by a decision to deny a certificate may, within thirty days from the date such decision is deposited in the mail, request a hearing before the commissioner. Such hearing shall be held in accordance with the provisions of chapter 54.

(b) The commissioner may revoke or suspend a registration in accordance with the provisions of section 4-182.

Sec. 22a-66e. Grounds for denial. (a) The grounds for denial, revocation or suspension of a registration shall include, but not be limited to:

- (1) Violation of any provision of this chapter, as amended, or any regulation, permit, certificate, registration or order adopted, administered or issued pursuant thereto;
- (2) Inclusion of false or misleading information in an application or failure to notify the commissioner of a change as required by section 22a-66c;
- (3) Inclusion of false or misleading information in records required to be maintained pursuant to section 22a-66g, the failure to maintain such records, or the failure to provide the commissioner with the records required by said section;
- (4) Use of a pesticide in a manner inconsistent with the registered labeling or with state or federal restrictions on the use of such pesticide;
- (5) Application of pesticides generally known in the trade to be ineffective or improper for the intended use;
- (6) Operation of faulty or unsafe equipment which may result in improper application or harm to the

environment, the applicator or others from the pesticide;

(7) Application of a pesticide in a faulty, careless or negligent manner;

(8) Aiding or abetting a certified or uncertified person to evade the provisions of this chapter, as amended, or any regulation, permit, certificate, registration or order adopted, administered or issued pursuant thereto;

(9) The making of a false or misleading statement during an inspection or investigation concerning an infestation of pests, an accident in applying a pesticide, misuse of a pesticide, or violation of a statute, regulation, certificate, registration or order;

(10) The performance of work, whether or not for compensation, in a category for which the applicator is not certified; and

(11) The conviction of the applicant or pesticide application business of a felony as defined in section 53a-25.

(b) Any pesticide application business whose certificate of registration is denied, suspended or revoked shall not be eligible for a new certificate until such time has elapsed from the date of the denial, suspension or revocation as has been established by the commissioner.

(c) A new certificate or renewal of a certificate shall not be issued to a commercial applicator unless the applicant has submitted the summary required pursuant to subsection (d) of section 22a-58, for the previous calendar year.

Sec. 22a-66f. Employment of commercial supervisory pesticide applicator. The pesticide application business shall employ at each place of business, for each category or subcategory in which it makes pesticide applications, not less than one commercial supervisory pesticide applicator certified pursuant to section 22a-54 in that category or subcategory.

Sec. 22a-66g. Records. Availability. (a) A pesticide application business shall maintain records for not less than five years from the date such record is made or amended, whichever is later. The record shall indicate: (1) For each application of a pesticide made on behalf of the business, (A) the name and certification number of the commercial supervisor and the commercial operator, (B) the kind and amount of pesticide used and the amount of acreage treated, if applicable, (C) the date and place of application, (D) the pest treated for, and (E) the crop or site treated;

(2) A list of the names and corresponding Environmental Protection Agency registration numbers of any pesticide applied by the business, and

(3) The names and applicator certification numbers of all certified commercial pesticide applicators, operator or supervisory, who are employees or agents of the business, and a list of the types of applications which each is performing.

(b) Information required under subdivision (2) of subsection (a) of this section may be kept separately from the records required by subdivision (1) of said subsection or may be integrated with such records by including on the record of each pesticide application the full name and Environmental Protection Agency registration number of the pesticide used.

(c) All records and information required to be kept pursuant to this section shall be kept at the registrant's place of business and may be inspected by the commissioner pursuant to section 22a-59. If the registrant's place of business is outside of the state, the records and information shall be made available to the commissioner at a location in the state not more than ten days after receipt of a request for inspection from the commissioner.

(d) A pesticide application business shall, upon written request, provide a customer with a copy of the record which is required to be kept pursuant to this section and which pertains to a pesticide application performed for that customer.

Sec. 22a-66h. Penalties. Any person who violates any provision of sections 22a-66b to 22a-66j, inclusive, shall forfeit to the state a sum not to exceed five thousand dollars per day for each day of violation. The Attorney General, upon complaint of the commissioner, shall institute a civil action to recover such forfeiture in the superior court for the judicial district of Hartford. All actions brought by the Attorney General shall have precedence in the order of trial as provided in section 52-191.

Sec. 22a-66i. Action of officer or agent deemed to be action of pesticide application business. In any proceeding regarding denial, suspension or revocation of a certificate of registration, and any proceeding pursuant to section 22a-66h,

the action, omission or failure to act of any officer, agent or other person acting for or employed by the pesticide application business shall also be deemed to be the action, omission or failure to act of the pesticide application business as well as that of the person employed.

Sec. 22a-66j. Regulations. The Commissioner of Environmental Protection may, in accordance with the provisions of chapter 54, adopt such regulations as he deems necessary to carry out the purposes of sections 22a-66b to 22a-66i, inclusive.

Sec. 22a-66k. Utilities pesticide management plan. Notice of application. (a) Each electric company, as defined in section 16-1, shall submit a utilities pesticide management plan to the Commissioner of Environmental Protection for approval with the concurrence of the Public Utilities Control Authority. A plan shall be revised at such time as the electric company filing the plan or the commissioner determines provided such plan shall be revised not less than once every five years.

(b) Any electric company, as defined in section 16-1, telephone company, as defined in section 16-1 or telecommunications company, as defined in section 16-1, which provides for the application of a pesticide within a right-of-way maintained by such company shall ensure that owners, occupants or tenants of buildings or dwellings that are located on property which abuts such right-of-way, or property within which such right-of-way lies, are notified at least forty-eight hours prior to the application. Notice may be made by any method, including telephone, mail or personal notification. Any such company which provides for the application of pesticides in connection with removal of trees or brush from private property shall obtain the consent of the owner, occupant or tenant of such property prior to the application. Notwithstanding the provisions of section 23-65, any such company which provides for the application of pesticides to any utility pole, after it has been installed, for purposes of maintaining, preserving or extending the useful life of the pole shall post notice of such application on each such pole.

(c) The commissioner shall adopt regulations in accordance with the provisions of chapter 54 setting forth the contents of a pesticide management plan. Such regulations shall include provisions for the on-site posting of a notice of a pesticide application. A notice required by such regulations may be posted at the time of or after the application, provided the time of such posting shall be sufficient to protect persons engaged in a lawful public recreational use of any unimproved real property in which such application is made.

Sec. 22a-66l. Application of pesticides by state agencies. Review by Commissioner of Environmental Protection. Model integrated pest management plans. (Effective from passage – 7/1/2015) (a) Each state department, agency or institution shall use integrated pest management at facilities under its control if the Commissioner of Energy and Environmental Protection has provided model pest control management plans pertinent to such facilities.

(b) Each state agency or school which enters into a contract for services for pest control and pesticide application may revise and maintain its bidding procedures to require contractors to supply integrated pest management services.

(c) The Commissioner of Energy and Environmental Protection shall, within available appropriations, annually review a sampling of state department, agency, school or institution pest control management plans required by regulations adopted under subsection (e) of this section or section 10-231b, and may review any application of pesticides to determine whether a state department, agency, school or institution acted in accordance with subsection (a) of this section.

(d) The Commissioner of Energy and Environmental Protection may provide model pest control management plans which incorporate integrated pest management for each appropriate category of commercial pesticide certification which it offers. The commissioner shall, within available resources, notify municipalities, school boards, and other political subdivisions of the state of the availability of the model plans for their use. The Commissioner of Energy and Environmental Protection shall consult with any state agency head in the development of any such plan for properties in the custody or control of such agency head.

(e) The Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Public Health, shall adopt regulations, in accordance with the provisions of chapter 54, establishing requirements for the application of pesticides by any state department, agency or institution. Such regulations shall include provisions: (1) Requiring the use of integrated pest management methods that reduce the amount of pesticides used if the Commissioner of Energy and

Environmental Protection has provided model pest control management plans pertinent to such facilities, and (2) for the retention of records by each state department, agency or institution that applies any pesticide or implements an integrated pest management program that include, but are not limited to, the need that resulted in the use of pesticides, the location treated with such pesticide, the frequency of pesticide application at such location, the toxicity category and carcinogenic classification for any pesticide used, as established by the United States Environmental Protection Agency, and the cost for each pesticide application. Notwithstanding the provisions of this section and any regulations adopted under this section, a pesticide may be applied if the Commissioner of Public Health determines there is a public health emergency or the Commissioner of Energy and Environmental Protection determines that such application is necessary for control of mosquitoes.

(f) The Commissioner of Energy and Environmental Protection shall develop and implement a program to inform the public of the principles of integrated pest management and to encourage its application in private properties.

Sec. 22a-66z. (Formerly Sec. 19-300u). Permits for use of pesticides in state waters. The Commissioner of Environmental Protection may issue permits for the introduction of chemicals into the waters of the state for the control of aquatic vegetation, fish populations or other aquatic organisms. Application for said permit shall be on forms provided by the commissioner and shall be accompanied by a fee established by the commissioner by regulations adopted in accordance with the provisions of chapter 54 provided the fee shall be not less than ten dollars. No permit shall be issued without prior approval, if the proposed application of chemicals involves areas tributary to reservoirs, lakes, ponds or streams used for public water supply, by the Commissioner of Public Health. Each permittee shall be responsible for any and all damages resulting from the applications of any pesticide to control aquatic vegetation, fish populations or other organisms. The commissioner, acting with the Department of Public Health, may establish regulations governing the use of pesticides in the waters of the state, including the marine district. The provisions of this section shall not apply to normal, emergency or experimental operations of the Department of Environmental Protection, the Department of Public Health or public water supply utilities, except that chemicals may not be applied to waters used for water supply furnished to the public or tributary to such water supply without prior approval of the Department of Public Health. Enforcement officers of the Department of Environmental Protection and the Department of Public Health may enforce the provisions of this section.

Chapter 451 (Arborist)

Public Shade Trees and Tree Protection Examining Board

Sec. 23-61a. Definitions. Tree Protection Examining Board. Regulations. (a) As used in sections 23-61a to 23-61f, inclusive, "arboriculture" means any work done for hire to improve the condition of fruit, shade or ornamental trees by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods of improving tree conditions, or protecting trees from damage from insects or diseases or curing these conditions by spraying or any other method; "arborist" means one who is qualified to perform arboriculture and is licensed by the Commissioner of Environmental Protection as provided in section 23-61b; "board" means the State Tree Protection Examining Board established under subsection (b); "fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any fungus; "fungus" means any non-chlorophyll-bearing thallophyte; that is, any non-chlorophyll-bearing plant of a lower order than mosses and liverworts; for example, rusts, smuts, mildews, molds and yeast, except those on or in any living human or other vertebrate animal; "herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weed; "insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes and wood lice; "insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating insects; "plant regulator" means any substance or mixture of substances determined to be a plant regulator under chapter 441; "pesticide" means any substance or mixture of substances determined to be a pesticide under said chapter; "weed" means any plant which grows where not wanted.

(b) There shall be in the Department of Environmental Protection a State Tree Protection Examining Board which shall consist of the plant pathologist and forester of the Connecticut Agricultural Experiment Station, who shall serve as ex-

officio members, and five electors of the state, three of whom shall be public members, and two of whom shall be licensed, practicing arborists to be appointed by the Governor. Any vacancy in the appointed membership of the board shall be filled by the Governor for the unexpired portion of the term.

(c) The board shall have a seal and, in any proceeding in court, a certificate under such seal shall be bona fide evidence of any proceeding or action by or before the board stated in such certificate. A majority of members acting as a board shall constitute a quorum for the transaction of business.

(e) The Commissioner of Environmental Protection, with the advice and assistance of the board, may adopt such regulations as are necessary for the purpose of giving examinations, issuing and renewing licenses, inspection of work or revocation of licenses.

Sec. 23-61b. Licensing for arboriculture; examination; fees; renewal; suspension; revocation. Nonresidents.

Records. Pesticides. (a) No person shall advertise, solicit or contract to do arboriculture within this state at any time without a license issued in accordance with the provisions of this section, except that any person may improve or protect any tree on such person's own premises or on the property of such person's employer without securing such a license provided such activity does not violate the provisions of chapter 441, subsection (a) of section 23-61a or this section. Application for an examination for such license shall be made to the Commissioner of Energy and Environmental Protection and shall contain such information regarding the applicant's qualifications and proposed operations and other relevant matters as the commissioner may require and shall be accompanied by a fee of two hundred dollars which shall not be returnable.

(b) The commissioner shall require the applicant to show upon examination that the applicant possesses adequate knowledge concerning the proper methods of arboriculture and the dangers involved and the precautions to be taken in connection with these operations, together with knowledge concerning the proper use and application of pesticides and the danger involved and precautions to be taken in connection with their application. If the applicant is other than an individual, the applicant shall designate an officer, member or technician of the organization to take the examination, which designee shall be subject to approval of the commissioner except that any person who uses pesticides in arboriculture shall be licensed to do arboriculture or shall be a licensed commercial applicator under chapter 441. If the extent of the applicant's operations warrant, the commissioner may require more than one such member or technician to be examined. If the commissioner finds the applicant qualified, the commissioner shall issue a license to perform arboriculture within this state. A license shall be valid for a period of five years, provided the commissioner may issue such licenses such that one-fifth of such licenses expire each year and the commissioner may issue a license for a period of less than five years and prorate the license fee accordingly. If the commissioner finds that the applicant is not qualified, or if the commissioner refuses to issue a license for any other reason, the commissioner shall so inform the applicant in writing, giving reasons for such refusal.

(c) The commissioner may issue a license without examination to any nonresident who is licensed in another state under a law that provides substantially similar qualifications for licensure and which grants similar privileges of licensure without examination to residents of this state licensed under the provisions of this section.

(d) Each licensee shall pay a license fee of two hundred eighty-five dollars for each license or renewal. All examination and license fees shall be deposited as provided in section 4-32, and any expenses incurred by the commissioner in making examinations, issuing certificates, inspecting tree work or performing any duties of the commissioner shall be charged against appropriations of the General Fund.

(e) Each licensee shall maintain and, upon request, furnish such records concerning licensed activities as the commissioner may require.

(f) The commissioner may suspend for not more than ten days and, after notice and hearing as provided in any regulations established by the commissioner, may suspend for additional periods, or the commissioner may revoke, any license issued under this section if the commissioner finds that the licensee is no longer qualified or has violated any provision of section 23-61a or this section, or any regulation adopted thereunder.

(g) The Commissioner of Energy and Environmental Protection, in consultation with the board, shall establish standards for examining applicants and reexamining applicators with respect to the proper use and application of pesticides and arboricultural methods. Such standards shall provide that in order to be certified, an individual shall be competent with respect to the use and handling of pesticides or the use and handling of the pesticide or class of pesticides covered by such individual's application or certification and in the proper and safe application of recognized arboricultural methods.

(h) Any licensed arborist shall be considered to be a certified applicator under section 22a-54 with respect to the use of pesticides.

(i) Any person who is a certified supervisory pesticide applicator, as described in section 22a-54, and who is also licensed as an arborist pursuant to this section, shall not be required to pay a license fee pursuant to this section provided such person pays any fee required pursuant to section 22a-54.

Sec. 23-61e. Appeals. Any person aggrieved by an order or finding of the commissioner may appeal therefrom in accordance with the provisions of section 4-183.

Sec. 23-61f. Penalties; jurisdiction of violators. (a) Any person who violates any provision of subsection (b), (c) or (d) of section 23-61b or section 23-61d or of any regulation issued under subsection (e) of section 23-61a shall be fined not more than two hundred dollars.

(b) Any person who violates any provision of chapter 441 or sections 23-61a to 23-61d, inclusive, shall be considered under the jurisdiction of the Commissioner of Environmental Protection.

(c) Any person who violates any provision of subsection (a) of section 23-61b or section 23-61d shall be assessed a civil penalty of not less than one thousand dollars but not more than two thousand five hundred dollars for each day such violation continues. The Attorney General, upon complaint of the commissioner, shall institute a civil action in the superior court for the judicial district of Hartford to recover such penalty. Any such action shall have precedence in the order of trial as provided in section 52-191.

Sec. 23-61g. Arborist business. Definitions. For the purposes of sections 23-61h to 23-61m, inclusive:

(1) "Arborist business" means any business that wholly, or in part, holds itself out for hire to perform arboriculture.

(2) "Arboriculture" has the same meaning as provided in section 23-61a.

(3) "Place of business" means any physical location at or through which the functional operations of business regularly occur, including, but not limited to, financial transactions, arrangement of contracts, assignment of contracts, assignment of work and record keeping. "Place of business" does not include buildings or locations used solely for storage of equipment or supplies or any telephone answering service.

Sec. 23-61h. Arborist business. Certificate of registration. Application. Fee. Exemption re pesticide application. (a) No person shall engage in the operation of an arborist business unless such person has a certificate of registration from the Commissioner of Energy and Environmental Protection. A certificate of registration shall expire on the thirty-first day of August next succeeding its issuance. Any arborist business with more than one place of business in the state or that operates under more than one name shall register and pay the application fee for each place of business and for each business name.

(b) Application for a certificate of registration shall be made on such form as the commissioner may prescribe and with such information as the commissioner deems necessary to fulfill the purposes of this section and sections 23-61i to 23-61m, inclusive, provided such information shall, at a minimum, include the following:

(1) The applicant's name and residential address,

(2) the name, address and telephone number of the place of business,

(3) the name and license number of the licensed arborist employed by the arborist business, and

(4) the type of business.

Each arborist business shall notify the commissioner of any change in the information contained in an application or in the status of the business as an arborist business. Such notification shall be submitted, in writing, not more

than thirty days after any change.

(c) An application for a certificate of registration shall be accompanied by payment of a fee of two hundred forty dollars. The commissioner may waive payment of the fee for the initial renewal of a certificate of registration issued during the three months prior to expiration of such certificate of registration. An application for a certificate of registration or renewal shall not be deemed to be complete or sufficient until the applicable fee is paid in full.

(d) Notwithstanding the provisions of section 22a-66c, any person who complies with the registration requirements of this section shall not be required to register such arborist business pursuant to section 22a-66c if such arborist business also engages in pesticide application.

Sec. 23-61i. Issuance of certificate. Denial. Hearing. Revocation or suspension of certificate. Grounds.

Reapplication. (a) The Commissioner of Energy and Environmental Protection shall, after review of a complete application submitted in accordance with the provisions of section 23-61h, issue or deny a certificate of registration. The commissioner shall inform an applicant of a denial of a certificate of registration by certified mail, return receipt requested. The commissioner shall briefly state the reasons, as listed in subsection (c) of this section, for such denial. Any applicant aggrieved by the commissioner's decision to deny a certificate of registration may, not later than thirty days after the date of such decision, request a hearing before the commissioner. Such hearing shall be held in accordance with the provisions of chapter 54.

(b) The commissioner may revoke or suspend a certificate of registration in accordance with the provisions of subsection (c) of this section and section 4-182.

(c) The grounds for denial, revocation or suspension of a certificate of registration shall include the following:

- (1) Violation of any provision of this chapter or chapter 441 or any regulation, permit, certificate, registration or order adopted, issued or administered or issued pursuant to this chapter and chapter 441;
- (2) Inclusion of false or misleading information in an application or the failure to notify the commissioner of a change, as required by section 23-61h;
- (3) Inclusion of false or misleading information in records required to be maintained pursuant to section 23-61k, or the failure to maintain such records or provide the commissioner with the records required by section 23-61k;
- (4) Use of a pesticide in a manner inconsistent with the registered labeling or with state or federal restrictions on the use of such pesticide;
- (5) Application of pesticides generally known in the trade to be ineffective or improper for the intended use;
- (6) Operation of faulty or unsafe equipment which may result in improper pesticide application or harm to the environment, a worker or other persons;
- (7) Application of a pesticide or performance of arboriculture in a faulty, careless or negligent manner;
- (8) Aiding or abetting a licensed or unlicensed person to evade the provisions of this chapter or chapter 441 or any regulation, permit, certificate, registration or order adopted, issued or administered pursuant to this chapter and chapter 441;
- (9) The making of a false or misleading statement during an inspection or investigation concerning an infestation of pests, an accident in applying a pesticide, misuse of a pesticide, or violation of a statute, regulation, certificate, registration or order;
- (10) The performance of arboriculture which does not meet generally accepted industry standards;
- (11) The performance of work, whether or not for compensation, in a category for which the arborist is not certified; and
- (12) The conviction of the applicant of a felony, as defined in section 53a-25.

(d) Any arborist business whose certificate of registration is denied, suspended or revoked shall not be eligible to reapply for a certificate of registration until the commissioner determines that such applicant may reapply.

(e) The commissioner shall not issue a certificate of registration or a renewal of a certificate of registration to an arborist business unless such arborist business submits the summary required pursuant to subsection (d) of section 22a-58 for the previous calendar year.

Sec. 23-61j. Employment of arborists by arborist business. Each arborist business shall employ at each place of

business no fewer than one arborist licensed pursuant to section 23-61b.

Sec. 23-61k. Retention of records by arborist business. Information required. Inspection by commissioner.

Customer records. (a) Each arborist business shall maintain records for not less than five years from the date such record is made or amended, whichever is later. The record shall indicate:

- (1) For each application of a pesticide made on behalf of the business,
 - (A) the name and certification number of the commercial supervisor and the commercial operator,
 - (B) the kind and amount of pesticide used and the amount of acreage treated, if applicable,
 - (C) the date and place of application,
 - (D) the pest treated for, and
 - (E) the crop or site treated;
- (2) a list of the names and corresponding United States Environmental Protection Agency registration numbers of any pesticide applied by the business;
- (3) the names and applicator certification numbers of all certified commercial pesticide applicators, whether operator or supervisory, who are employees or agents of the arborist business, and a list of the types of applications that each applicator performs; and
- (4) for each site where arboriculture not involving the use of pesticides was performed:
 - (A) The type of work performed, including, but not limited to, pruning, trimming, cabling, bracing, fertilization or treating cavities,
 - (B) the date and place of work,
 - (C) the name and license number of the licensed arborist supervising the work, and
 - (D) the names of any unlicensed or licensed persons performing the work under the supervision of the licensed arborist.

(b) Information required under subdivision (2) of subsection (a) of this section may be kept separately from the records required by subdivision (1) of subsection (a) of this section or may be integrated with such records by including on the record of each pesticide application the full name and the United States Environmental Protection Agency registration number of the pesticide used.

(c) All records and information required to be kept pursuant to this section shall be kept at the place of business for such arborist business and may be inspected by the Commissioner of Energy and Environmental Protection pursuant to section 22a-59. If the place of business for such arborist business is outside of the state, the records and information shall be made available to the commissioner at a location in the state not more than ten days after receipt of a request for inspection from the commissioner.

(d) Each arborist business shall, upon written request, provide any customer with a copy of the record which is required to be kept pursuant to this section and which pertains to arboriculture performed for such customer.

Sec. 23-61l. Violations. Penalty. Attorney General action. Any person who violates any provision of sections 23-61h to 23-61m, inclusive, shall forfeit to the state a sum not to exceed five thousand dollars per day for each day of violation. The Attorney General, upon complaint of the Commissioner of Energy and Environmental Protection, shall institute a civil action to recover such forfeiture in the superior court for the judicial district of Hartford. All actions brought by the Attorney General shall have precedence in the order of trial as provided in section 52-191.

Sec. 23-61m. Action by officer, agent or person acting for or employed by arborist business. In any proceeding regarding the denial, suspension or revocation of a certificate of registration, and any proceeding pursuant to section 23-61i, the action, omission or failure to act of any officer, agent or other person acting for or employed by the arborist business shall be deemed to be the action, omission or failure to act of the arborist business as well as that of the person employed.

Regulations of Connecticut State Agencies

Pesticide Control

Sec. 22a-54-2. Fees for certification of pesticide applicators. (a) The following fees shall be charged for the

examination and certification of pesticide applicators:

- (1) Commercial Applicator - Supervisory
 - (A) examination fee: ~~\$100.00~~*
 - (B) recertification examination fee for certificate holders: ~~\$100.00~~*
 - (C) certification fee: \$285.00 for five years (fee set by statute in Section 22a-54(f)).
- (2) Commercial Applicator - Operator
 - (A) examination and certification fee: ~~\$100.00~~ for five years (fee set by statute in Section 22a-54(f))*
- (3) Private Applicator
 - (A) examination fee: ~~\$100.00~~*
 - (B) recertification examination fee for certificate holders: ~~\$5.00~~*
 - certification fee: \$100.00 for five years (fee set by statute in section 22a-54(f))
- (4) Aircraft Applicator
 - (A) examination fee: ~~\$25.00~~*
 - (B) certification fee: \$50.00 for one year (fee set by statute in section 22a-54(e))

* **Fee changed to \$200.00 by Statute in Section 22a-6f(b) as of October 1, 2009**

(b) No fee shall be charged to any federal, state or municipal employee who applies pesticides as part of his or her duties as a governmental employee provided that any certificate for which a fee is not charged shall be automatically void if the holder leaves government employment.

Sec. 22a-65-1. Discarding of pesticides and containers. No person shall discard any pesticide or container therefor in such a manner as to cause pollution of any waterway or endanger plant and animal life or the public health and safety. The discarding of any pesticide into any public sewage disposal system is prohibited.

Sec. 22a-66-1. Use of Pesticides. Definitions. (a) The definitions of terms used in sections 22a-66-1 to 22a-66-7, inclusive, of the Regulations of Connecticut State Agencies shall be consistent with the definitions in section 22a-47 of the Connecticut General Statutes.

- (b) As used in sections 22a-66-1 to 22a-66-7, inclusive, of the Regulations of Connecticut State Agencies, the following terms not defined in section 22a-47 of the Connecticut General Statutes are defined as follows:
- (1) "Borer control" means the control through the use of pesticides of insects whose larval life takes place within plant stems;
 - (2) "Termite control" means the extermination of termites within, beneath or closely adjacent to a structure and the prevention of future termite entry which is accomplished through the use of pesticides;
 - (3) "Electric service entrance" means that area of a structure where the electrical power supply enters and is subsequently distributed to other parts of the structure;
 - (4) "Pesticide distributor" means any person representing himself or a single firm, corporation, dealership or other entity engaged in the business of distributing, selling, offering for sale, or holding for sale to the ultimate user, any restricted-use or permit-use pesticide;
 - (5) "Place" means the street address, unit number (if applicable) and municipality at which a pesticide is to be applied;
 - (6) "Site" means the specific location at the place to which a pesticide is to be applied.; and
 - (7) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act, 7 USC 136, as amended from time to time.

Sec. 22a-66-2. Control of registrations and uses.(a) The following pesticides shall not be registered and their use shall be prohibited:

- (1) Arsenic products except tricalcium arsenate for control of *Poa annua*, sodium arsenate for use in the treatment of lumber for protection against termites and decay producing fungi, calcium acid methanearsonate (CMA), monosodium methanearsonate (MSMA), disodium methanearsonate (DSMA, MAA), ammonium methanearsonates and cacodylic acid and its sodium salt.
- (2) Benzene hexachloride (BHC).
- (3) Cadmium products.
- (4) Dichloro diphenyl dichloroethane (DDD).
- (5) Dichloro diphenyl trichloroethane (DDT).
- (6) Dodecacholorooctahydro-1, 3, 4,-metheno-1H-cyclobuta (cd) pentalene (Mirex).

- (7) Lead products.
- (8) Mercury products* except inorganic mercury products for control of winter turf diseases on golf courses, provided that no mercury products will be applied to land which is either: (i) (aa) within two hundred and fifty feet of high water of a potable water supply reservoir or one hundred feet of all watercourses leading to a reservoir; (bb) within the areas along watercourses which are covered by any of the critical components of a stream belt; (cc) land with slopes fifteen per cent or greater without significant interception by wetlands, swales and natural depressions between the slopes and the watercourses; (dd) within two hundred feet of groundwater wells; (ee) an identified direct recharge area or outcrop of aquifer now in use or available for future use, or (ff) an area with shallow depth to bedrock, twenty inches or less, or poorly drained or very poorly drained soils as defined by the United States soil conservation service that are contiguous to land described in subdivisions (cc) or (dd) of this subsection and that extend to the top of the slope above the receiving watercourse; or (ii) land which is either (aa) on a public drinking supply watershed which is not included in subsection (i) above or (bb) completely off a public drinking supply watershed and which is within one hundred and fifty feet of a distribution reservoir or a first-order stream tributary to a distribution reservoir.
- (9) Phosphorous paste products
- (10) Selenium products
- (11) Terpene polychlorinates (65 or 66% chlorine) consisting of chlorinated camphene, pinene and related polychlorinates (Strobane).
- (12) Thallium products.
- (13) Toxaphene

(b) The following pesticides shall be registered and used for the following purposes only:

- (1) Aldrin* for use as a termite control.
- (2) Dieldrin* for use as a termite control.
- (3) Lindane* for leafminer, bark beetle, powder post beetle, or borer control, or for prescribed use on humans by a physician licensed by the State of Connecticut, or for prescribed use on animals by a veterinarian licensed by the State of Connecticut.
- (4) Endrin* for use as a mouse control in commercial orchards.
- (5) Sodium fluoride for use as a wood preservative.
- (6) Strychnine* for use as a rat and mouse control.
- (7) Heptachlor* to control subterranean termites when the method involves soil injection, trench application, or other soil incorporation method of application.

(c) The following pesticides shall not be registered or used for the following purposes:

- (1) Any pesticide activated by thermal means, except pyrethrum, pyrethrins or pyrethroids, for indoor application, except indoor application for agricultural purposes;
- (2) Captan on pets or other animals;
- (3) Chlordane* products
 - (A)*for indoor applications except by applicators licensed by the State of Connecticut;
 - (B)* on pets or other animals except by veterinarians licensed by the State of Connecticut;
 - (C)* for indoor or outdoor application by mistblowers and other mist generators or thermal foggers.

***Note: Those pesticides indicated with an asterisk are not registered for use in Connecticut**

Sec. 22a-66-3. Application of pesticides.(a) No person may use a federally restricted-use pesticide except under the supervision of a certified applicator.

(b) There shall be a check valve or anti-siphoning device on all hoses used to draw water from a water supply if a reversal of flow would cause any pesticide to enter into the hose. The discharge side of a pump shall not be connected to any water system.

(c) All filler hoses used as the intake in drawing water from water courses shall be covered except when in use, in order to prevent pesticide contamination.

(d) No water to be used in pesticide applications shall be drawn from any stream or pond leading to a potable water supply reservoir.

Sec. 22a-66-5. Certification of applicators.

(a) In the determination of competency required for certifying an operational commercial applicator who is not considered a certified applicator under FIFRA, the commissioner may require that an applicant meet a lower level of competency than is required of a certified supervisory commercial applicator.

(b) The commissioner shall not issue a pesticide certification to any person under 18 years of age.

(c) A certificate holder shall submit a request for a duplicate certificate to the commissioner in writing. The commissioner may charge two dollars to cover the cost of each duplicate certificate issued.

(d) The commissioner may issue two types of certification documents which may include the following information:

(1) Full size document: applicator's name, address, certification number, expiration date and categories of certification; or

(2) Wallet size document: applicator's name, certification number, expiration date, categories of certification, applicator's photograph and signature. The wallet size document shall be carried on the person of anyone who applies pesticides for hire when such person is acting in the capacity of a supervisory commercial applicator.

(e) A certified applicator shall notify the commissioner of any change of address not later than 30 days after such change.

(f) A supervisory certificate shall be required for a commercial applicator who is responsible for deciding whether or not pesticides are to be employed, how they are to be employed, what pesticides are to be used, the dosages and timing involved in such pesticide use and the methods of application and precautions to be taken in the use of such pesticides. This includes, but is not limited to, any person who, upon inspection of stored products, crops, plants, bodies of water, or a building or other structure for pest damage, recommends or suggests treatment to control or alleviate pest damage.

(g) An operator's certificate shall be required for a commercial applicator who actively uses pesticides in other than a supervisory capacity including but not limited to:

(1) a person who applies, mixes or handles pesticides in other than completely closed containers;

(2) a person who comes in contact with pesticides through drift for more than brief periods; or

(3) a person who assists with the application of pesticides under the supervision of a holder of a supervisory certificate.

(h) There shall be two classes of operational certificates: junior operational certificate and senior operational certificate. The commissioner shall require an applicant in either class to take a written examination in order to determine the competency of the applicant. In order to obtain a senior operational certificate, the commissioner may require the applicant to take separate examinations for different categories of pesticide application. The senior operator shall be certified only in those categories in which the senior operator has passed such examination.

(i) (1) No commercial application of pesticides shall be made unless a person holding a valid supervisory certificate:

(A) is present at the time of application where such presence is required by the labeling; or

(B) where labeling does not require the presence of a certified supervisory applicator at the site of application, the certified supervisory applicator shall either be present at the time of application or provide written instruction to the certified operator. The written instructions may be delivered to the certified operator in electronic form. If the instructions are delivered in electronic form, they shall be made available in printed form or electronically transmitted to the commissioner or the commissioner's representative at the time of an inspection of the operator or the operator's business. The written instructions shall be in the possession of the certified operator at the time of application.

(2)(A) Written directions for use of a pesticide provided to a junior operator shall include the certified supervisor's name and certification number, the certified operator's name and certification number, the pest to be controlled, the pesticide to be used, directions for use of the pesticide, including but not limited to, the dilution rate of the pesticide to be used if other than a ready-to-use product and method of application, the place to be treated and the site or sites at the place that is to be treated. Site shall be specifically designated so it is clear which of the instructions on the pesticide label are to be followed. The written instructions may require further directions depending on the product label precautions and site specific treatment limitations.

(II) A junior operator may choose not to apply a pesticide if there are no pests present or if conditions present a potential increased risk of harm if pesticides are used.

(3)(A) Written instructions for use of a pesticide provided to a senior operator shall include the certified supervisor's name and certification number, the certified operator's name and certification number, place of application, and the directions for control of each pest expected to be encountered at the place. The directions for control of a pest shall include, but not be limited to, the pesticide or pesticides to be used, the dilution rate, if

applicable, of the pesticide and method of application. A senior operator may maintain the directions for control of a pest as a reference for future applications at multiple places.

(B) The written instructions provided to a senior operator shall be limited to the category of pesticide application in which the senior operator is certified.

(C) For the purposes of each pesticide application, a senior operator who is not certified to apply a particular category of pesticide shall be considered a junior operator.

(D) The senior operator may choose not to apply a pesticide if there are no pests present or if conditions present a potential increased risk of harm if pesticides are used.

(4) A certified supervisor shall be available to an operator when and if needed, and shall be able to be present at the site of pesticide application not later than two hours after being contacted by the operator.

(5) A commercial applicator shall retain the written instructions provided to the operator as part of the records described in section 22a-58(d) of the Connecticut General Statutes.

(j)(1) The commissioner may issue new certificates so that one-fifth of the certificates come due each year on the following schedule:

(A) Year one -
applicators whose last names start with letters A – C

(B) Year two -
applicators whose last names start with letters D – H

(C) Year three -
applicators whose last names start with letters I - M

(D) Year four -
applicators whose last names start with letters N – S

(E) Year five -
applicators whose last names start with letters T – Z

(2) The commissioner may pro-rate the required fee in order to have the next renewal date fall due according to the schedule in subdivision (1) of this subsection.

Section 22a-66a-1. Public notification of outdoor pesticide applications. (a) Definitions.

As used in sections 22a-66a-1 and 22a-66a-2 of the Regulations of Connecticut State Agencies:

(1) “Fenced area” means an area which is completely enclosed by a fence, wall, or other natural or artificial barrier which prevents unauthorized entry;

(2) “Pesticide” means “pesticide” as defined in section 22a-47 of the Connecticut General Statutes; and

(3) “Point of entry” means each location which is designed or generally used for entry onto the property by pedestrians or motor vehicles.

(b) General notification requirements.

(1) In accordance with the requirements of subsection (c) of section 22a-66a of the Connecticut General Statutes, and except as provided in subsection (c) of section 22a-66a of the Connecticut General Statutes, any person making an outdoor application of a pesticide one hundred yards or less from any property line shall post a sign notifying the public of the pesticide application at each conspicuous point of entry.

(2) In addition to the requirements of subsection (b) (1) of this section, a commercial applicator making an outdoor application of a pesticide one hundred yards or less from any property line shall post signs notifying the public of the pesticide application at conspicuous locations no farther apart than every one hundred fifty feet or part thereof of road frontage of treated property.

(3) Pesticide application signs required by this subsection shall be posted by the person applying the pesticide at the time of the pesticide application.

(4) Signs posted along road frontage shall face the road, and signs posted at a point of entry shall face the direction of persons as they enter the property.

(5) The bottom of each sign shall be at least twelve inches above the ground and the top no higher than forty-eight inches above the ground. Signs shall be posted at the property boundary between two and five feet from the sidewalk or, if there is no sidewalk, between two and five feet from the road, or, if there is also no road, between two and five feet from the property boundary. When landscaping or other conditions would make a sign inconspicuous or difficult to read if the sign were posted within the distances specified in this subdivision, the

sign shall be posted in a similar manner such that it is conspicuous and easily read by any adult or child entering or passing the property on foot.

(6) No person shall remove or render difficult to read, in whole or in part, any posted pesticide application sign within twenty-four hours after the pesticide application to which it applies.

(7) (A) Each sign required by subsection (c) of section 22a-66a of the Connecticut General Statutes shall conform to the following requirements:

(i) The sign shall be four inches high by five inches wide;

(ii) The sign shall be of a rigid material substantial enough to be easily read for at least twenty-four hours after the pesticide application despite adverse weather conditions;

(iii) The sign shall contain only the following information in black lettering on a bright yellow background in the format specified in Appendix A of this section:

(I) The words, "**PESTICIDE APPLICATION**" in bold letters of thirty-six point type;

(II) The symbol of a circle at least two inches in diameter with a diagonal slash over a person, child and dog;

(III) The statement "Pesticide applied on (date) by (name and telephone number of the pesticide application business, or the words "property owner" if the pesticide application is made by the property owner)" in twelve point type; and

(IV) The statement, "This sign must remain for 24 hours after pesticide application" in twelve point type; and

(iv) Except for the date of the pesticide application and the name and telephone number of the pesticide application business or the words "property owner," the information required on the sign shall be professionally printed. The remaining information may be handwritten, provided it is in permanent ink and in a print that is easy to read.

(B) If a commercial applicator is contacted by any person who obtains such contact information from a sign posted under the requirements of this section, the commercial applicator shall provide such person with the name(s) of the pesticide(s), and EPA registration number(s), re-entry restrictions, if any, and the date of application.

(c) Requirements for pesticide wholesalers, distributors and retailers.

(1) In accordance with subsection (f) of section 22a-66a of the Connecticut General Statutes, any wholesaler or distributor selling pesticides to a retail establishment shall make available to the owner of such retail establishment signs which meet the requirements of subsection (b) of this section. The owner of each retail establishment shall, at the time of sale, provide signs which meet the requirements of subsection (b) of this section to each purchaser of a pesticide registered with the state or federal government for outdoor use and shall provide such signs in a sufficient number to allow the purchaser to meet the requirements of section 22a-66a(c) of the Connecticut General Statutes.

(2) The owner of each retail establishment selling pesticides which are registered with the state or federal government for outdoor use shall display a sign notifying customers of the posting requirements of section 22a-66a(c) of the Connecticut General Statutes. The sign shall be conspicuously displayed at each point of sale in the retail establishment in such a manner that it is easily read by purchasers at the time of sale and shall comply with the following requirements: (A) The sign shall be in the following format and contain the following statements which shall be professionally printed: "**NOTICE TO PESTICIDE BUYERS**" in bold letters at least one-half inch high, and the following statements in letters at least three-eighths of an inch high:

(1) "Under Connecticut law, any person making an outdoor application of a pesticide within 100 yards of any property line must, at the time the pesticide is applied, post a sign notifying the public of the pesticide application at each conspicuous point of entry to the property.";

(2) "Pesticide sellers must provide the required signs to each buyer of a pesticide which is registered with the state or federal government for outdoor use."; and

(3) "Exceptions to the posting requirements:

a. noncommercial pesticide applications to an area less than 100 square feet;

b. noncommercial pesticide applications to a completely fenced area; or

c. pesticide applications on land that produces agricultural commodities from which gross sales in excess of one thousand dollars were realized or can reasonably be expected to be realized during any calendar

year.”

(d) Notice of pesticide applications to golf courses.

(1) In accordance with subsection (e) of section 22a-66a of the Connecticut General Statutes, no more than twenty-four hours prior to applying a pesticide on a golf course, any pesticide application business or other person applying a pesticide shall post a sign notifying the public of the application at a conspicuous location on the first tee and at a conspicuous location at the point of registration at the clubhouse. For golf courses with more than nine holes, a pesticide application business or other person applying a pesticide shall place a pesticide application sign at the first tee of each nine holes. If the location of the first tee differs for men and women, a sign shall be posted at both tees.

(2) The bottom of each sign shall be posted a minimum of forty inches above the ground and the top no higher than sixty inches above the ground.

(3) No person shall remove or render difficult to read, in whole or in part, any information which is required to be posted under this subsection within twenty-four hours after the pesticide application to which it applies.

(4) Each sign required by subsection (e) of section 22a-66a of the Connecticut General Statutes shall conform to the following requirements:

(A) The sign shall be a minimum of twelve inches high by twelve inches wide;

(B) The sign shall be of a rigid material substantial enough to be easily read for at least twenty-four hours after the pesticide application despite adverse weather conditions; and

(C) The sign shall contain the following information:

(i) The statement, "**PESTICIDE APPLICATION WITHIN LAST 24 HOURS**" in bold letters at least one inch high;

(ii) The statement, "Contact (blank) for more information" in letters at least three-quarters of an inch high. The blank space shall contain the name or names of the person or persons at the golf course to contact for more information on the pesticide application to the golf course; and

(iii) Each sign shall specify in letters at least one-half inch high the tees, greens, fairways and other areas on the golf course to which pesticides have been applied within the preceding twenty-four hours or will soon be applied.

(5) The requirements of this subsection shall be in addition to those prescribed in section 22a-66a(b) of the Connecticut General Statutes and section 22a-66a-2 of the Regulations of Connecticut State Agencies.

(e) Notice of pesticide applications to lakes and ponds.

(1) In accordance with subsection (h) of section 22a-66a of the Connecticut General Statutes, any pesticide application business or department, agency or institution of the state or a municipality, prior to making a pesticide application in any lake or pond with any public access owned by the state or a municipality shall give newspaper notice to the public in accordance with subsection (h) of section 22a-66a of the Connecticut General Statutes, and shall post a sign in a conspicuous location at each place of public access owned by the state or a municipality.

(2) The bottom of each sign shall be posted a minimum of forty inches above the ground and the top no higher than sixty inches above the ground.

(3) No person shall remove or render difficult to read, in whole or in part, any information which is required by this subsection until the end of the longest waiting period specified in subdivision (4)(C)(v) of this subsection.

(4) Each sign required by subsection (h) of section 22a-66a of the Connecticut General Statutes shall conform to the following requirements:

(A) The sign shall be a minimum of eight and one half inches high by eleven inches wide;

(B) The sign shall be of a rigid material substantial enough to be easily read for at least the longest waiting period specified in subdivision (4)(C)(v) of this subsection;

(C) The sign shall contain the following information in black lettering on a bright yellow background in the format specified in Appendix B of this section:

(i) "**CAUTION**" in bold print of at least thirty-six point type, followed by, "**LAKE TREATED WITH PESTICIDES**" in bold print of at least twenty-four point type;

(ii) "**Pesticide name(s):** (the common name of each pesticide applied)" in bold print of at least twenty point type;

(iii) "**Date/time:** (date and time each pesticide was applied)" in bold print of at least twenty point type;

(iv) "**Applicator:** (the name and telephone number of the pesticide application business or other person

that applied the pesticide)" in bold print of at least twenty point type;

(v) The statement, "Do not use the water for the following purpose(s) until the date and time noted below:" in at least eighteen point type, followed by the dates and times that swimming and other water-contact activities, drinking, fishing, irrigation, livestock watering and other uses specified on the pesticide label or pesticide use permit may be resumed, according to the label and permit, whichever is more stringent. If the label and permit are silent as to when a certain activity may be resumed, the words "No Restriction" shall be used for that activity. Nothing in this clause shall prohibit a pesticide application business, department, agency or institution from placing more stringent water use restrictions on the notice than are required by the label and permit; and

(vi) The statement, "**This sign must remain posted until the latest date above**" in bold print of at least twenty-four point type; and

(D) Except for the date and time of the pesticide application, the name and telephone number of the pesticide application business or other person that applied the pesticide, and the end of each waiting period, the information required on the sign shall be professionally printed. The remaining information may be handwritten, provided it is in permanent ink and in a print that is easy to read.

(5)(A) Any notice of pesticide application required to be published pursuant to subsection (h) of section 22a-66a of the Connecticut General Statutes regarding pesticide application to a lake or pond with any public access owned by the state or a municipality and pesticide applications to any private lake or pond with more than one owner of shoreline property, or required to be published or posted pursuant to subsection (j) of section 22a-66a of the Connecticut General Statutes regarding mosquito control, shall include but not be limited to the following information:

(i) the common name of each pesticide to be applied;

(ii) the location of the pesticide application;

(iii) the purpose of the pesticide application;

(iv) the estimated date of the pesticide application, and the statement, "Information on the specific date of application may be obtained from the person named below.";

(v) the name, address and telephone number of a contact person affiliated with the pesticide application business or department, agency or institution of the state or municipality making the pesticide application; and

(vi) the statement, "Do not use the water for the following purpose(s) until the date and time noted below:" followed by the dates and times that swimming and other water contact activities, drinking, fishing, irrigation, livestock watering and other uses specified on the pesticide label or pesticide use permit may be resumed, according to the label and permit, whichever is more stringent. If the label and permit are silent as to when a certain activity may be resumed, the words "No Restriction" shall be used for that activity. Nothing in this clause shall prohibit a pesticide application business, department, agency or institution from placing more stringent water use restrictions in the notice than are required by the label and permit.

(B) A pesticide application business or department, agency or institution of the state or a municipality shall not apply such pesticide prior to the estimated date of application specified in a published notice. If the actual date of pesticide application will exceed the estimated date of application by more than three calendar days, the pesticide application business or department, agency or institution of the state or municipality shall republish the notice.

Section 22a-66a-2. Requests for notification of pesticide application to abutting property. (a) In accordance with subsection (b) of section 22a-66a of the general statutes, persons requesting notice of pesticide applications to abutting property within one hundred yards of any property line shall submit the following information in writing to the pesticide application business or to the Pesticide Management Division of the Department of Environmental Protection:

(1) the name, address, and telephone number of the person requesting notification and the best time to notify that person; and

(2) the name, address and telephone number, if listed in the telephone directory, of any person whose property abuts the property of the person requesting notification.

(b) As part of the business records required under section 22a-66g of the general statutes, a pesticide application business shall retain a copy of any request for notification which it receives, and shall forward the original request to the Pesticide Management Division of the Department of Environmental Protection within five calendar days of its receipt. The pesticide application business shall commence twenty-four-hour prior notification of pesticide application immediately upon receipt of a request for notification, notwithstanding the date the person submitting the request is included in the registry maintained by the commissioner. Except as provided in subdivision (c)(2) of this section, the pesticide application business shall continue to provide such notification for a minimum of three years from the date the request for

notification was received, and may discontinue notification at that time only if it gives the person who submitted the request no less than thirty days' prior notice of its intention to discontinue notification and the person's right to renew his or her request.

(c)(1) The commissioner shall maintain a registry of persons who have submitted requests for notification to a pesticide application business or to the commissioner. In order to be included on the registry for any calendar year, the request must be received by the commissioner no later than January 31, 1991 for the 1991 calendar year and no later than December 31 of the preceding year for each calendar year thereafter. In 1991, requests received after February 1 shall be included in the 1992 registry. In years thereafter, requests received after January 1 shall be included in the next year's registry.

(2) The commissioner may periodically send a notice to persons listed on the registry requesting that if they wish to remain on the registry they must submit the information specified in subsection (a) to the Pesticide Management Division within a specified number of days. The commissioner may delete from the registry any person who does not submit the required information by the required date. A pesticide application business may discontinue providing notification to any person who the commissioner deletes from the registry in accordance with this paragraph. Any person deleted from the registry may submit a new request for notification in accordance with subsection (a) of this section, and notice shall be provided to such person in accordance with this section.

(3) The commissioner shall provide a copy of the notification registry to all registered pesticide application businesses. Any pesticide application business that has not received a copy of the registry by April 15 of each year shall notify the commissioner in writing of that fact on or before April 30 of that year.

(4) Upon receipt of the registry, a pesticide application business shall thereafter, until the registry is replaced, provide notice to any owner or tenant on the registry who abuts a property to be treated. When the registry is replaced by the commissioner, the pesticide application business shall provide notice to any owner or tenant on the replacement registry who abuts a property to be treated.

(d)(1). Any notice provided pursuant to subsection (b) of section 22a-66a of the general statutes, including any notice placed on a door in accordance with that subsection, shall include but not be limited to:

(A) the common name of the pesticide likely to be applied;

(B) the location of the pesticide application;

(C) the date and approximate time of the pesticide application;

(D) the name, address and telephone number of the pesticide application business applying the pesticide;

(2) A pesticide application business shall provide notice in accordance with section 22a-66a(b) of the general statutes. If the pesticide application is not made on the date specified in the notice, the pesticide application business shall notify the owner or tenant of any change in application date at least twenty-four hours prior to the amended date for pesticide application.

(3) For each notification or attempted notification, a pesticide application business shall keep a record of the date, name of person notified or attempted to be notified and the method of notification or attempted notification. These records shall be maintained as a part of the business records required under section 22a-66g of the general statutes.

Section 22a-661-1. Application of pesticides by state agencies. (a) Any state department, agency or institution considering the indoor or outdoor application of a pesticide, as defined in Section 22a-47 of the general statutes, shall consider using integrated pest management methods and techniques before making any pesticide application. Assistance from the University of Connecticut Cooperative Extension Service may be provided in accordance with Section 22-11b of the general statutes.

(b) By April 1, 1991, any state department, agency or institution which applies pesticides or contracts for the application of pesticides shall adopt a pest control management plan describing the pest control activities to be conducted by the department, agency, institution and its agents. Any state department, agency or institution which does not currently apply pesticides or contract for their application and which therefore does not prepare a plan by April 1, 1991, but which thereafter intends to apply or contract for the application of a pesticide, shall prepare such a plan prior to any pesticide application. Pest control management plans shall be revised by January 1 of each year to reflect any changes in the pest control activities or intentions of the department, agency or institution.

(c) Each pest control management plan shall include:

- (1) the name and business address of the state department, agency or institution preparing and implementing the plan;
- (2) a description of the objectives of the plan;
- (3) the name, business address and telephone number of a contact person, employed by the department, agency or institution, familiar with the objectives and contents of the plan;
- (4) a list and description of integrated pest management options to be implemented by the department, agency or institution;
- (5) a list and description of integrated pest management options rejected and the reasons for rejecting each option;
- (6) a list and description of pesticide use programs to be implemented by the department, agency or institution including but not limited to the following:
 - (A) the types and amounts of pesticide to be used;
 - (B) the need for pesticide use and purposes for which the pesticides are to be used;
 - (C) the locations to be treated and the timing and frequency of pesticide application to each location;
 - (D) the name and business registration number of any commercial pesticide application business that the department, agency or institution plans to have perform pesticide applications for it;
 - (E) the name and certification number of any state employees that will perform pesticide applications for the department, agency or institution; and
 - (F) maps identifying the location of any public water supply watershed or well field, as delineated in the "Atlas of the Public Water Supply Sources and Drainage Basins of Connecticut" published by the Department of Environmental Protection, within which any pesticide applications may be made, and special considerations regarding pesticide applications in those areas.

(d) The plan shall be reviewed and approved by a designated representative of the head of the department, agency or institution, retained by the department, agency or institution, and made available for inspection upon request of a representative of the Department of Environmental Protection.

(e) Any state department, agency or institution that applies any pesticides or implements an integrated pest management program shall maintain a record of its pesticide applications and integrated pest management programs implemented. These records shall be maintained for not less than five years after the date of pesticide application and the implementation of an integrated pest management program, and shall include:

- (1) A description of each integrated pest management method implemented;
- (2) the reason for not using integrated pest management methods if none was used;
- (3) the purpose of each pesticide application and a description of each pesticide application including but not limited to:
 - (A) the name and certification number of the commercial supervisor and the commercial operator;
 - (B) the kind, amount and rate of application of pesticide used;
 - (C) the date and place of application;
 - (D) the name of the manufacturer and the U.S. Environmental Protection Agency registration number of each pesticide used; and
 - (E) the pest treated for.

Sec. 22a-66z-1. Application of chemicals to state waters. (a) No person shall introduce or cause to be introduced any chemical into the waters of the state for the control of aquatic vegetation, fish populations, or other aquatic organisms without a permit issued by the commissioner.

(b) A person applying for a permit, as required in subsection (a) of this section, shall submit an application to the commissioner on forms provided by the commissioner. Such forms shall include but need not be limited to the following information:

- (1) Name and address of applicant;
- (2) The type of area to be treated (i.e. tidal waters, pond, etc.);
- (3) Whether the area to be treated is in a public water supply watershed;
- (4) The name, if any, and size of the area to be treated;
- (5) Owner(s) of the area to be treated;
- (6) Organisms to be controlled;
- (7) Species of fish present;
- (8) Chemicals to be applied;
- (9) Quantity of each chemical to be applied;

- (10) Person who will treat the pond tidal waters etc.:
 - (11) Any other information deemed necessary by the commissioner; and
 - (12) Signature of the applicant or person responsible for the accuracy of the information in the permit application.
- (c) No person shall distribute, sell or offer for sale any pesticide for which a permit is required under this section unless the person receiving such pesticide has a valid permit issued under section 22a-66z of the Connecticut General Statutes by the commissioner for the introduction of chemicals to state waters to control aquatic organisms or a valid supervisory certificate for the category of application required by the permit-use pesticide.
- (d) The pesticide distributor shall sign the permit at the time of sale or distribution and the permit shall remain in the possession of the permit holder. Once the permit is signed by the distributor, the permit shall no longer be valid for the purchase of any chemicals.
- (e) The commissioner shall indicate the date of expiration on the permit. The expiration date shall not exceed three calendar years after the date of issuance. The permittee shall report the use of the pesticides allowed under each permit to the commissioner no later than January 31 of the year following application.
- (f) An applicant shall submit a fee of \$200.00 per year with each application filed under this section. The commissioner shall consider an application submitted without the proper fee to be incomplete, and shall not process such application.
- (g) An applicant shall make the payment of fees under this section by certified check, money order, or personal check payable to the Department of Energy and Environmental Protection.
- (h) Fees paid under this section shall be nonrefundable.

**Arborist
Public Shade Trees
And Tree Protection Examining Board**

Sec. 23-61a-1. Purpose

The commissioner shall examine the qualifications of a person desiring to perform arboriculture as defined in section 23-61a of the Connecticut General Statutes. The commissioner shall issue a license to a qualified applicant and renew such license as provided in section 23-61a-4 of the Regulations of Connecticut State Agencies. The commissioner may cause to be investigated complaints against licensees. Information on licensing requirements may be obtained from the Department of Energy and Environmental Protection.

Sec. 23-61a-1a. Definitions

As used in sections 23-61a-1 to 23-61a-7, inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Arboriculture" means any work done for hire to improve the condition of fruit, shade or ornamental trees by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods of improving tree conditions, or protecting trees from damage from insects or diseases or curing these conditions by spraying or any other method;
- (2) "Board" means the state tree protection examining board; and
- (3) "Commissioner" means the Commissioner of Energy and Environmental Protection.

Sec. 23-61a-2. Examinations

- (a) The commissioner shall administer examinations for licensure in consultation with the board as needed. Examinations for licensure to perform arboriculture shall be held at least four times a year. The form of the examination, oral or written, or both, shall be determined by the commissioner.
- (b) Each candidate for a license shall file an application with the commissioner at least thirty days prior to the date set for the examination. The commissioner shall notify each applicant by mail as to the time, date and place of the exam. No person shall be admitted to an exam without presenting picture identification showing such person to be the person for whom an examination is scheduled.
- (c) An applicant shall submit a check or money order for fifty dollars, made payable to "Department of Energy and Environmental Protection" with each application. The fee shall be nonrefundable.
- (d) If a candidate fails to pass an examination, such candidate may subsequently reapply for examination and take any other examinations at dates specified by the commissioner upon payment of the required fee for each examination.
- (e) The commissioner shall inform each candidate in writing of examination results. If the commissioner finds a candidate unqualified, the commissioner shall indicate areas of deficiency revealed by the examination.

Sec. 23-61a-3. Licenses

- (a) An initial license is valid from date of issue until the expiration date indicated on the license, unless sooner suspended or revoked. A licensee shall renew an initial license on or before the expiration date indicated on the license and each five years thereafter on or before the last day of January.
- (b) For each organization, there shall be at least one licensed person actively engaged in supervisory duties for each ten unlicensed personnel actively engaged in arboriculture.
- (c) No licensee shall be designated to be licensed on behalf of more than one organization engaged in arboriculture at any time.
- (d) Each licensee shall notify the commissioner of any change of address not later than thirty days after such change. If any licensee is licensed on behalf of an organization engaged in arboriculture that licensee shall notify the commissioner of any change of the name of the organization or of any change of address not later than thirty days after such change.

Sec. 23-61a-4. Renewal

- (a) The commissioner shall issue a license renewal for a period of five years unless sooner suspended or revoked. The expiration date of each license shall be clearly displayed on the face of said license.
- (b) At least sixty days before the date of expiration of a license, the commissioner shall mail or otherwise provide a notice of expiration and a renewal application to each licensee. If a signed renewal application accompanied by the statutory renewal fee has not been received by the commissioner on or before midnight of the expiration date, or if the expiration date is Saturday, Sunday, or a legal holiday, on or before midnight of the next working day following, the license automatically lapses. Failure of a licensee to receive a notice of expiration and renewal application shall not prevent lapse of license.
- (c) The holder of a license lapsed less than one year may renew the license upon submission of a signed renewal application and payment of the statutory renewal fee. The holder of a license lapsed more than one year shall be examined in accordance with section 23-61a-2 of the Regulations of Connecticut State Agencies and licensed in accordance with section 23-61a-3 of the Regulations of Connecticut State Agencies.

Sec 23-61a-5. Complaints and investigations

A person shall forward a complaint to the commissioner for investigation under the uniform rules of procedure of the Department of Energy and Environmental Protection, as contained in sections 22a-3a-5 to 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies.

Sec. 23-61a-6. Hearings, suspension and revocation

- (a) The commissioner shall hold such hearings as necessary to decide on suspension or revocation of license or the issuance of an order of immediate discontinuance pursuant to sections 22a-6, 22a-7, 23-61b(f), and 22a-61 of the Connecticut General Statutes. The commissioner shall provide notice and conduct hearings in accordance with Chapter 54 of the Connecticut General Statutes and section 22a-3a-5 of the Regulations of Connecticut State Agencies.
- (b) The commissioner may suspend or revoke a license if the licensee is found to have:
 - (1) violated any provision of sections 23-61a through 23-61d of the Connecticut General Statutes;
 - (2) violated any provision of the regulations promulgated pursuant to section 23-61a of the Connecticut General Statutes;
 - (3) engaged in substandard or improper workmanship; or
 - (4) engaged in fraudulent practices regarding work to be performed.

Sec. 23-61a-7. Records and reports

- (a) Each licensee or the senior licensed officer of an organization with more than one licensee shall report to the commissioner on request, but not more than once yearly, the kinds and amounts of pesticides applied during the period covered by the report on forms provided by the commissioner.
- (b) Each individual, firm or corporation doing arboriculture in this state shall furnish the commissioner upon request, but not more than once yearly, the maximum number of unlicensed personnel employed by such individual, firm, or corporation and actively engaged in arboriculture. In organizations with more than one licensee, the report shall include the maximum number of licensed personnel employed in supervisory duties.

Section 23-61a-8 of the Regulations of Connecticut State Agencies is repealed.

PESTICIDE APPLICATION



Pesticide
Applied On:

By:

This sign must remain for 24 hours following
pesticide application

CAUTION

LAKE TREATED WITH PESTICIDES

PESTICIDE NAME (S):

DATE/TIME:

APPLICATOR:

PHONE:

Do not use the water for the following purpose(s) until the date and time noted below:

Swimming or other

Fishing:

Irrigation:

Water contact:

Drinking:

Livestock watering:

Other:

**This Sign must remain posted until the latest
date above**

