

CHAPTER 441*

PESTICIDE CONTROL

*See also Secs. 23-61a(a), 23-61b, 23-61d, 23-61f re arboriculture.

Table of Contents

[Sec. 22a-46. Short title: Connecticut Pesticide Control Act.](#)

[Sec. 22a-47. Definitions.](#)

[Sec. 22a-47a. Exemption for certain uses of lime.](#)

[Sec. 22a-48. Registration required. Exceptions. Categorization of pesticides.](#)

[Sec. 22a-49. Registration statement. Law Journal notice. Criteria for registration.](#)

[Sec. 22a-50. Classification of pesticides, notice of changes. Registration fees, supplemental statements, prima facie evidence.](#)

[Sec. 22a-51. Pesticide experimental use permit.](#)

[Sec. 22a-52. Cancellation of pesticide registration or change in classification; procedure. Use of chlordane restricted.](#)

[Sec. 22a-53. Order of suspension of registration, imminent hazard, hearing, notice, judicial review.](#)

[Sec. 22a-54. Pesticide applicators, certification, classification, notice, fees; reciprocity; financial responsibility; aircraft, tree, public employee applicators.](#)

[Sec. 22a-54a. Golf course fee.](#)

[Sec. 22a-55. Regulations regarding application of pesticides; penalties.](#)

[Sec. 22a-56. Registration of pesticide distributors. Regulations. Fee.](#)

[Sec. 22a-56a. Grounds for refusal to grant registration.](#)

[Sec. 22a-56b. New registration after suspension or revocation.](#)

[Sec. 22a-57. Restrictions on sale of pesticides.](#)

[Sec. 22a-58. Records to be kept by distributors and applicators.](#)

[Sec. 22a-59. Enforcement; inspection, samples, warrants.](#)

[Sec. 22a-60. Trade secrets and business information protected. Declaratory judgments.](#)

[Sec. 22a-61. Prohibited acts. Certification refusal, revocation; grounds; hearing.](#)

[Sec. 22a-62. Stop sale order; seizure, condemnation; reprocessing. Costs and fees. Court orders.](#)

[Sec. 22a-63. Penalties; fine, imprisonment. Agents.](#)

[Sec. 22a-64. Exemption from or suspension of provisions.](#)

[Sec. 22a-65. Commissioner's duties. Pesticide Advisory Council.](#)

[Sec. 22a-66. Commissioner's powers, hearings, regulations.](#)

[Sec. 22a-66a. Notification of the application of pesticides. Registry. Regulations. Penalty.](#)

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

[Sec. 22a-66c. Registration of pesticide application businesses. Application. Fee.](#)

[Sec. 22a-66d. Action by the commissioner.](#)

[Sec. 22a-66e. Grounds for denial.](#)

[Sec. 22a-66f. Employment of commercial supervisory pesticide applicator.](#)

[Sec. 22a-66g. Records. Availability.](#)

[Sec. 22a-66h. Penalties.](#)

[Sec. 22a-66i. Action of officer or agent deemed to be action of pesticide application business.](#)

[Sec. 22a-66j. Regulations.](#)

[Sec. 22a-66k. Utilities pesticide management plan. Notice of application.](#)

[Sec. 22a-66l. Application of pesticides by state agencies. Review by Commissioner of Environmental Protection. Model integrated pest management plans.](#)

[Secs. 22a-66m to 22a-66x.](#)

[Sec. 22a-66y. \(Formerly Sec. 19-300t\). Sale, use or possession of sodium fluoroacetate.](#)

[Sec. 22a-66z. \(Formerly Sec. 19-300u\). Permits for use of pesticides in state waters.](#)

PART I GENERAL PROVISIONS

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

(P.A. 73-540, S. 1, 28; P.A. 02-89, S. 53.)

History: P.A. 02-89 replaced reference to "sections 23-61b to 23-61d, inclusive, and 23-61f" with reference to "sections 23-61b and 23-61f", reflecting repeal of Sec. 23-61d by the same public act.

(Return to Chapter Table of Contents)	(Return to List of Chapters)	(Return to List of Titles)
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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.

(P.A. 73-540, S. 2, 28; 73-616, S. 27; P.A. 75-551, S. 1, 2; P.A. 77-529, S. 1-4; P.A. 95-79, S. 93, 189; P.A. 97-242, S. 2, 3; P.A. 02-89, S. 54.)

History: P.A. 73-616 made technical changes in Subdivs. (l) and (r); P.A. 75-551 redefined "certified applicator" to replace reference to Sec. 22a-49 with reference to Sec. 22a-54 and redefined "commercial applicator" as one using or supervising use of any restricted use of pesticides, rather than use of any pesticide for any purpose, and as one using or supervising use of pesticide on property not owned or rented by him or his employer rather than "on any property other than as provided by subsection (e) of this section"; P.A. 77-529 substituted "certified" for "licensed" in Subdiv. (d), added reference to matter "to which reference is made on the label or in literature accompanying the pesticide or device" in Subdiv. (q), included government entities as persons in Subdiv. (u) and added Subdivs. (bb) and (cc), defining "FIFRA" and "restricted use pesticide"; P.A. 95-79 redefined "person" to include a limited liability company, effective May 31, 1995; P.A. 97-242 redefined "pest" in Subdiv. (v) to have the same meaning as provided in 40 CFR 152.5, as amended, and defined "integrated pest management" in new Subdiv. (dd); P.A. 02-89 replaced reference in introductory language to "sections 23-61b to 23-61d, inclusive, and 23-61f" with reference to "sections 23-61b and 23-61f", reflecting repeal of Sec. 23-61d by the same public act, and amended definitions of "private applicator" in Subdiv. (e) and "commercial applicator" in Subdiv. (f) to make technical changes for

purposes of gender neutrality.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-47a. Exemption for certain uses of lime. When used to control starfish populations on shellfish beds, the Department of Environmental Protection shall not deem lime to be a pesticide as defined and regulated under this chapter and such lime shall be exempt from regulation under this chapter.

(P.A. 99-93, S. 5, 6.)

History: P.A. 99-93 effective June 3, 1999.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-48. Registration required. Exceptions. Categorization of pesticides. (a) Except as otherwise provided by this part, subsection (a) of section 23-61a or section 23-61b, no person may 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 in this state any pesticide which is not registered with the commissioner, provided a pesticide which is not registered with the commissioner may be transferred if (1) the transfer is from one plant in this state to another plant in this state operated by the same producer solely for packaging at the second plant or for use as a constituent part of another pesticide produced at the second plant; or (2) the transfer is pursuant to and in accordance with the requirements of an experimental use permit.

(b) Pesticides shall be categorized for registration purposes as follows: (1) Specialty pesticides, which include, but are not limited to, any disinfectant, sanitizer, germicide, biocide and any other pesticide which is registered by the United States Environmental Protection Agency and labeled for use directly on humans or pets and any pesticides which are specifically registered by the United States Environmental Protection Agency and labeled pursuant to FIFRA for use in or around household premises including, but not limited to, lawn, garden and ornamental sites or areas; and (2) commercial pesticides, which include, but are not limited to, all restricted use pesticides as determined by the United States Environmental Protection Agency or the commissioner and all other general use pesticides not categorized as specialty pesticides. Such categories shall be based on the information provided under section 22a-49 and shall be indicated by the applicant upon registration. All fees for both pesticide categories shall be equal and nothing in this subsection shall require additional evaluation or certification unless required by the commissioner.

(P.A. 73-540, S. 3, 28; P.A. 97-242, S. 6; P.A. 02-89, S. 55.)

History: P.A. 97-242 added new Subsec. (b) re categorization of pesticides and designated existing

provisions as Subsec. (a); P.A. 02-89 amended Subsec. (a) to replace reference to "sections 23-61b to 23-61d, inclusive" with reference to "section 23-61b", reflecting repeal of Sec. 23-61d by the same public act.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-49. Registration statement. Law Journal notice. Criteria for registration. (a) Each applicant for registration of a pesticide shall file with the commissioner a statement which includes:

(1) The name and address of the applicant and of any other person whose name will appear on the labeling;

(2) The name of the pesticide;

(3) A complete copy of the labeling of the pesticide, a statement of all claims to be made for it, and any directions for its use;

(4) If requested by the commissioner, a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the pesticide was registered or last reregistered;

(5) The complete formula of the pesticide;

(6) A request that the pesticide be classified for general use, for restricted use, or for both. Such requested classification shall be at least as restrictive as the pesticide's classification under FIFRA; and

(7) If requested by the commissioner, a report on the pesticide which includes information on tests that have been made to establish the effectiveness of the product against the pest which is to be controlled, information concerning any hazard involved in the use of the product, information concerning both acute and chronic toxicity of the pesticide, information with regard to the persistence of the pesticide in the environment and information relating to the pesticide's impact on nontarget organisms.

(b) The commissioner shall review the data after receipt of the application and shall, within thirty days, either register the pesticide or notify the applicant of his determination that it does not comply with the provisions of this part.

(c) Repealed by P.A. 77-529, S. 6.

(d) The commissioner shall register a pesticide if he determines that all requirements of this part have been satisfied, and when considered with any restrictions imposed by section 22a-50:

- (1) Its composition is such as to warrant the proposed claims for it;
- (2) Its labeling complies with the requirements of 86 Stat. 979 (P.L. 92-516), as may be amended from time to time;
- (3) It will perform its intended function without unreasonable adverse effects on the environment; and
- (4) When used in accordance with widespread and commonly recognized practice it will not usually cause unreasonable adverse effects on the environment.
- (e) When two or more pesticides meet the requirements of this part, one shall not be registered in preference to the other. The commissioner shall not make any lack of essentialness of a pesticide a criterion for denying registration of such pesticide.

(f) If the commissioner determines that the requirements for registration are not satisfied, he shall notify the applicant for registration of his determination and of his reasons, including the factual basis, and unless the applicant corrects the conditions and notifies the commissioner of such corrections during the thirty-day period beginning with the day after the date on which the applicant receives the notice, the commissioner may refuse to register the pesticide. Whenever the commissioner refuses to register a pesticide, he shall notify the applicant of his decision and of his reasons, including the factual basis, therefor. Upon such notification, the applicant for registration or other interested persons with the concurrence of the applicant shall have the same remedies as provided for in section 22a-52.

(P.A. 73-540, S. 4, 28; P.A. 77-529, S. 5, 6; P.A. 83-587, S. 44, 96.)

History: P.A. 77-529 amended Subdiv. (6) of Subsec. (a) to require that requested classification be at least as restrictive as pesticide's classification under FIFRA and repealed Subsec. (c) which had contained requirements for publication of notice of applications for registration of pesticides containing new active ingredients; P.A. 83-587 made a technical amendment to Subsec. (e).

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 22a-50. Classification of pesticides, notice of changes. Registration fees, supplemental statements, prima facie evidence. (a) All pesticides which are registered shall be classified by the commissioner as acceptable for general use or for restricted use, provided if the commissioner determines that some of the uses for which the pesticide is registered should be for general use and that other uses for which it is registered should be for restricted use, he shall classify it for both general use and restricted use.

(b) In the event that the commissioner determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, will not cause unreasonable adverse effects on the environment, he will classify the pesticide, or the particular use or uses of the pesticide

to which the determination applies for general use.

(c) In the event that the commissioner determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator, he shall classify the pesticide, or the particular use or uses to which the determination applies, for restricted use as follows:

(1) If the commissioner classified a pesticide, or one or more uses of such pesticide, for restricted use because of a determination that the acute dermal or inhalation toxicity of the pesticide presents a hazard to the applicator or other persons, the pesticide shall be applied for any use to which the restricted classification applies only by a certified applicator or under the direct supervision of a certified applicator;

(2) If the commissioner classified a pesticide, or one or more uses of such pesticide, for restricted use because of a determination that its use without additional regulatory restriction may cause unreasonable adverse effects on the environment, the pesticide shall be applied for any use to which the determination applies only by a certified applicator or under the direct supervision of a certified applicator or subject to such other restrictions as the commissioner may provide by regulation.

(d) In the event that the commissioner determines that a general use or restricted use pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, may usually cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator, he shall classify, the general use or restricted use pesticide, or the particular restricted use or uses to which the determination applies, for permit use. If the commissioner classifies a pesticide, or one or more uses of such pesticide for permit use, the pesticide shall be applied for any use to which the permit use classification applies only by or under the direct supervision of a permit holder. The commissioner shall establish guidelines for issuing permits pursuant to this subsection. The commissioner may restrict the permit to authorize that the pesticide be used only to control a particular pest or may restrict the location in which the pesticide may be used.

(e) In the event that the commissioner determines that a change in the classification of any use of a pesticide from general use to restricted use, from restricted use to permit use or from general use to permit use is necessary to prevent unreasonable adverse effects on the environment, he shall notify the registrant of such pesticide of such determination at least thirty days before making the change. The registrant, or other interested person with the concurrence of the registrant, may seek relief from such determination in accordance with section 22a-52.

(f) The commissioner shall change the classification of a pesticide from general use to restricted use in order to conform with the federal classification for such pesticide. The commissioner shall not be required to change the classification of a pesticide registered under this part to conform with a less restrictive federal classification.

(g) The registrant shall pay a fee of seven hundred fifty dollars for each pesticide registered and for each

renewal of a registration. A registration shall expire after five years. The commissioner shall establish regulations to phase in pesticide registration so that one fifth of the pesticides registered expire each year. The commissioner may register a pesticide for less than five years and prorate the registration fee accordingly to implement the regulations established pursuant to this subsection. The fees collected in accordance with this section shall be deposited in the General Fund provided, on and after October 1, 1997, two hundred dollars from each payment of the fee required under this subsection shall be deposited into the Environmental Quality Fund established under section 22a-27g and shall be used by the commissioner to carry out the purposes of section 22a-66l.

(h) Products which have the same formulation, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same pesticide may be registered as a single pesticide, and additional name and labels shall be added to the registration by supplemental statement.

(i) If the labeling or formulation for a pesticide is changed, the registration shall be amended to reflect such change if the commissioner determines that the change will not violate any provisions of this part.

(j) In no event shall registration of an article be construed as a defense for the commission of any offense under this part, subsection (a) of section 23-61a or section 23-61b, provided, if no cancellation proceedings are in effect, registration of a pesticide shall be prima facie evidence that the pesticide, its labeling and its packaging comply with the registration provisions of this part and said sections.

(k) In connection with the consideration of any registration under this part, the commissioner may consult with other state or federal agencies.

(P.A. 73-540, S. 5, 28; P.A. 74-338, S. 38, 94; P.A. 75-345, S. 1, 2; P.A. 77-529, S. 7, 8; P.A. 85-273, S. 1; 85-407, S. 6, 9; P.A. 86-364, S. 1; P.A. 91-369, S. 7, 36; P.A. 95-208, S. 1, 13; P.A. 97-242, S. 5; P.A. 02-89, S. 56; P.A. 03-278, S. 82; June 30 Sp. Sess. P.A. 03-6, S. 109.)

History: P.A. 74-338 substituted "regulation" for "registration" in Subsec. (c)(3); P.A. 75-345 deleted Subdiv. (3) of Subsec. (c) which had required court review of regulations upon petition by a person adversely affected; P.A. 77-529 substituted "certified" for "private" applicators in Subsec. (c), and, in Subsec. (f) made classification changes to achieve conformity with federal classifications mandatory, rather than optional and deleted provision requiring that registrant of a pesticide receive thirty days' notice before commissioner changes its classification; P.A. 85-273 made the provisions of Subsecs. (d) and (e) applicable to general use pesticides; P.A. 85-407 amended Subsec. (g) by increasing the amount of the fee from fifty to one hundred fifty dollars until December 31, 1990, and requiring that such fees be credited to the emergency spill response fund; P.A. 86-364 amended Subsec. (g) by increasing the fee for registrations and renewals from one hundred fifty to three hundred dollars and changed date when fee becomes fifty dollars from December 31, 1990, to December 31, 1991; P.A. 91-369 amended Subsec. (g) to delete a change in the amount of the fee which would have taken effect after December 31, 1991, and to modify method of deposit into fund; P.A. 95-208 amended Subsec. (g) to require that fees collected in accordance with section be deposited in General Fund, rather than Emergency Spill Response Fund and deleted provision authorizing commissioner to expend up to five per cent of such fees for administrative expenses related to collection of such fees, effective July 1, 1995; P.A. 97-242 amended Subsec. (g) to increase the registration fee to five

hundred dollars and provided that two hundred dollars of such fee shall be deposited into the Environmental Quality Fund and used to carry out the purposes of Sec. 22a-66*l*; P.A. 02-89 amended Subsec. (j) to replace reference to "sections 23-61b to 23-61d, inclusive" with reference to "section 23-61", reflecting repeal of Sec. 23-61d by the same public act; P.A. 03-278 made technical changes in Subsec. (j), effective July 9, 2003; June 30 Sp. Sess. P.A. 03-6 amended Subsec. (g) to increase registration fee from five hundred to seven hundred fifty dollars, effective August 20, 2003.

See chapter 54 re uniform administrative procedure.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 22a-51. Pesticide experimental use permit. (a) Any person may apply to the commissioner for an experimental use permit for a pesticide. The commissioner may issue an experimental use permit if he determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide pursuant to this part. An application for an experimental use permit may be filed at the time of or before or after an application for registration is filed.

(b) Use of a pesticide under an experimental use permit shall be under the supervision of the commissioner, and shall be subject to such terms and conditions and be for such period of time as the commissioner may prescribe in the permit.

(c) The commissioner may revoke any experimental use permit, at any time, if he finds that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment.

(P.A. 73-540, S. 7, 28.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 22a-52. Cancellation of pesticide registration or change in classification; procedure. Use of chlordane restricted. (a) The commissioner shall cancel the registration of any pesticide at the end of the five-year period which begins on the date of its registration, or at the end of any five-year period thereafter, unless the registrant, or other interested person with the concurrence of the registrant, before the end of such period, requests in accordance with regulations prescribed by the commissioner that the registration be continued in effect provided the commissioner may permit the continued sale and use of existing stocks of a pesticide whose registration is cancelled under this section to such extent, under such conditions, and for such uses as the commissioner may specify if the commissioner determines that such sale or use is not inconsistent with the purposes of this part, subsection (a) of section 23-61a or section 23-61b, and will not have unreasonable adverse effects on the environment. The commissioner shall notify the registrant, at least thirty days prior to the expiration of such five-year period, that the registration will be cancelled.

(b) If at any time after the registration of a pesticide the registrant has additional factual information regarding unreasonable adverse effects on the environment of the pesticide, he shall submit such information to the commissioner.

(c) If it appears to the commissioner that a pesticide or its labeling or other material required to be submitted does not comply with the provisions of this part or, when used in accordance with widespread and commonly recognized practice, usually causes unreasonable adverse effects on the environment, the commissioner may issue a notice of his intent either:

(1) To cancel its registration or to change its classification together with the reasons, including the factual basis, for his action, or

(2) To hold a hearing to determine whether or not its registration should be cancelled or its classification changed. Such notice shall be sent to the registrant and made public. The proposed action shall become final and effective at the end of thirty days from receipt by the registrant, or publication, of a notice whichever occurs later, unless within that time either the registrant makes the necessary corrections, if possible, or a request for a hearing is made by the registrant or a person adversely affected by the notice with the concurrence of the registrant. A decision pertaining to registration or classification issued after completion of such hearing shall be final.

(d) Final orders of the commissioner, pursuant to this section, shall be subject to judicial review under chapter 54.

(e) On and after July 1, 1981, the use of the pesticide chlordane for any purpose except the treatment of nursery stock or subsoil treatment or pretreatment of soil during construction for termites is prohibited.

(P.A. 73-540, S. 8, 28; P.A. 80-263; P.A. 85-273, S. 2; P.A. 02-89, S. 57.)

History: P.A. 80-263 added Subsec. (e) prohibiting use of chlordane as of July 1, 1981; P.A. 85-273 amended Subsec. (c) to authorize a registrant to request a public hearing and to require the concurrence of the registrant in the case of any other public hearing request; P.A. 02-89 amended Subsec. (a) to replace reference to "sections 23-61b to 23-61d, inclusive" with reference to "section 23-61b", reflecting repeal of Sec. 23-61d by the same public act, and make technical changes for purposes of gender neutrality.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-53. Order of suspension of registration, imminent hazard, hearing, notice, judicial review. (a) In the event that the commissioner determines that action is necessary to prevent an imminent hazard during the time required for cancellation or change in classification proceedings or for the adoption of regulations, he may, by order, immediately suspend the registration or change the classification of the pesticide for some or all uses. No order of suspension may be issued unless the commissioner has issued or

at the same time issues notice of his intention to cancel the registration or change the classification of the pesticide. Except as provided in subsection (c) of this section, the commissioner shall notify the registrant prior to issuing any suspension order. Such notice shall include findings pertaining to the question of imminent hazard. The registrant shall then have an opportunity, in accordance with the provisions of subsection (b) of this section, for an expedited hearing before the department on the question of whether an imminent hazard exists.

(b) If no written request for a hearing is received by the commissioner within five days of the registrant's receipt of the notification provided for by subsection (a) of this section, the suspension order may be issued and shall take effect immediately. If a hearing is requested in writing, the hearing shall commence within five days after the receipt of the request for such hearing unless the registrant and the commissioner agree that it shall commence at a later time. The commissioner shall have fifteen days from the conclusion of the presentation of evidence to render a final order on the issue of suspension.

(c) Whenever the commissioner determines that an emergency exists that does not permit him to hold a hearing before suspending, he may issue a suspension order in advance of notification to the registrant. In that case, subsection (b) of this section shall apply except that the order of suspension shall be in effect pending the expeditious completion of the remedies provided by that subsection and the issuance of a final order on suspension, and no party other than the registrant and the department shall participate provided any person adversely affected may file briefs within the time allotted by the department rules.

(d) A final order on the question of suspension following a hearing shall be reviewable in accordance with chapter 54, notwithstanding the fact that any related cancellation proceedings have not been completed. Any order of suspension entered prior to a hearing before the commissioner shall be subject to immediate review in an action by the registrant or other interested person with the concurrence of the registrant in the superior court for the judicial district of Hartford, solely to determine whether the order of suspension was arbitrary, capricious or an abuse of discretion, or whether the order was issued in accordance with the procedures established by law. The effect of any order of the court shall be to stay the suspension order, pending the commissioner's final decision with respect to cancellation or change in classification. This action may be maintained simultaneously with any other administrative review proceeding. The commencement of proceedings under this section shall not operate as a stay of order, unless ordered by the court.

(P.A. 73-540, S. 9, 28; P.A. 76-436, S. 272, 681; P.A. 78-280, S. 5, 127; P.A. 85-273, S. 3; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6.)

History: P.A. 76-436 replaced court of common pleas with superior court in Subsec. (d), effective July 1, 1978; P.A. 78-280 replaced "Hartford county" with "judicial district of Hartford-New Britain"; P.A. 85-273 amended Subsec. (a) to authorize the commissioner to immediately change a classification for some or all uses and amended Subsec. (b) to make the suspension order effective immediately if no written hearing request is received; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

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.

(3) If the commissioner finds that the applicant is competent with respect to the use and handling of a pesticide or pesticides or a class or classes of pesticides, he shall certify the applicant to perform application within this state of such pesticide or pesticides or class or classes of pesticides. The certification shall be valid for five years and may be renewed by the commissioner with or without further examination. The commissioner may establish regulations for applicator certification so that one-fifth of the certificates expires

each year. The commissioner may certify an applicator for less than five years and prorate the registration fee accordingly to implement the regulations established pursuant to this subsection. The certificate may restrict the applicant to the use of a certain type or types of equipment or materials, if the commissioner finds that the applicant is qualified to use only such type or types of equipment or materials.

(4) If the commissioner finds that the applicant is not competent with respect to the use and handling of a pesticide or pesticides or a class or classes of pesticides, the commissioner shall refuse to issue the applicant a certificate. The commissioner shall inform the applicant of the refusal in writing, giving the reasons for such refusal. Any person aggrieved by such a decision to deny certification may, within thirty days from date of issuance of such denial, request a hearing before the commissioner, which hearing shall be conducted in accordance with chapter 54.

(5) The commissioner may certify without examination any nonresident who is certified in another state under a law which provides substantially similar qualifications for certification and which grants similar privileges of certification without examination to residents of this state certified under the provisions of this section.

(d) When establishing standards for certification, the commissioner shall establish separate standards for supervisory and operational certificates for commercial applicators and separate standards for private applicators.

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

(1) No person shall apply, offer to apply or cause to be applied any pesticide or fertilizer by aircraft without a certificate or permit issued in accordance with the provisions of this subsection.

(2) Upon application of any person qualified to fly an aircraft, the commissioner may issue a certificate for the application of pesticides or fertilizers by aircraft. Application for said certificate shall be on forms provided by the commissioner and shall be accompanied by a fee of fifty dollars.

(3) The commissioner may issue a permit to the owner of any crop or land, or to a representative designated by such owner, for application of pesticides or fertilizers by a certified aircraft applicator. 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. The commissioner may waive the application form and fee requirements imposed pursuant to regulations adopted in accordance with the provisions of chapter 54 in circumstances where application of broad spectrum chemical pesticides from the air is necessary to control specific vectors of human disease which pose an imminent threat to public health. The commissioner may require inspection of the crop or area and its immediate environs and approval as follows:

(A) For agricultural crops, nurseries and orchards, by the director of the Connecticut Agricultural Experiment Station;

(B) For rodent control, woodland spraying and mosquito control spraying, by the commissioner;

(C) For control of vectors of human disease, by the Commissioner of Public Health.

(4) The commissioner shall designate the kind and amount of pesticides permitted for use by aircraft. Permits for aircraft spraying in congested areas shall be issued only with the approval of the director of health of the municipality in which the operation is to be conducted except in circumstances where the commissioner determines that the application of broad spectrum chemical pesticides from the air is necessary to control specific vectors of human disease which pose an imminent threat to public health.

(5) The commissioner, with the advice of the Commissioner of Transportation, may adopt such regulations as he deems necessary for the protection of public health, aquatic and animal life and public and private property, governing:

(A) The type of aircraft to be used;

(B) The hours during which aircraft may be so used;

(C) The wind and weather conditions under which aircraft spraying or dusting may be performed;

(D) The minimum area on which aircraft spraying or dusting may be done; and

(E) The amount of public liability and property damage insurance to be carried by the aircraft applicator.

(6) No person may apply pesticides or fungicides by aircraft or by misting-type devices to shade tobacco crops within three hundred feet of an inhabited residential building for which a certificate of occupancy was issued prior to January 1, 1997, without the written permission of the owner of such building, except spray applications may be administered within the confines of the netting. This subdivision shall not apply to an application of pesticides or fungicides to land which was poled for the cultivation of shade tobacco between January 1, 1994, and January 1, 1997.

(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 twenty-five dollars; (2) for operational certification as a commercial applicator, forty dollars, and (3) for certification as a private applicator, fifty 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.

(g) The commissioner may require any person engaged in the commercial or aircraft application of pesticides to furnish proof of financial responsibility to satisfy claims for damages on account of any physical injuries suffered by any person or damage to property by reason of any act or omission on the part of the applicator, or the agents or employees of the applicator. The Commissioner of Environmental Protection in consultation with the Insurance Commissioner shall determine the amount, character and form of financial responsibility. No person shall engage in the aircraft application of pesticides or fertilizers until the Insurance

Commissioner has reviewed and approved such applicator's proof of financial responsibility.

(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.

(j) The commissioner may require the display of a decal or other evidence, indicating that a commercial applicator has met the requirements of this part, in a prominent place on any licensed vehicle used in the applicator's spraying operations. A fee may be charged to the certified applicator by the commissioner to cover the cost of the decals or other evidence.

(P.A. 73-540, S. 6, 28; P.A. 75-551, S. 3-6; P.A. 77-206, S. 11; 77-529, S. 9-14; 77-614, S. 323, 610; P.A. 82-158, S. 1, 6; P.A. 83-108, S. 1; 83-193; 83-587, S. 45, 46, 73, 96; P.A. 85-407, S. 5, 9; P.A. 86-364, S. 2; P.A. 88-247, S. 8, 12; P.A. 91-369, S. 8, 36; June Sp. Sess. P.A. 91-12, S. 36, 55; P.A. 92-162, S. 3, 25; P.A. 93-381, S. 9, 39; P.A. 95-208, S. 2, 13; 95-257, S. 12, 21, 58; P.A. 97-289, S. 6, 9; P.A. 98-171, S. 1, 2; June 30 Sp. Sess. P.A. 03-6, S. 110, 111.)

History: P.A. 75-551 amended Subsec. (a) to prohibit use of pesticide without a license unless use is under direct supervision of a certified applicator, amended Subsec. (c)(3) to allow commissioner to establish licensure guidelines and to prorate fees for licenses issued for less than five years, amended Subsec. (h) to clarify nature of "standards for commercial tree workers" and amended Subsec. (i) to require licensure in conformity with Sec. 22a-54 rather than in conformity with "standards for operational licenses for commercial applicators"; P.A. 77-206 substituted "arborists" for "commercial tree workers" in Subsec. (h); P.A. 77-529 amended Subsec. (a) to delete provisions empowering commissioner to prescribe licensing standards for private, commercial and aircraft applicators and detailing the nature of such standards, to refer to private or commercial certificates or permits rather than to licenses and to add proviso re pesticides classified for restricted use, rephrased Subsecs. (b), (c), (f) and (h) to conform to changes made in Subsec. (a) and for clarity, added provision re appeals in Subdiv. (4) of Subsec. (c) and added Subsec. (j) re decals; P.A. 77-614 substituted commissioner of health services for commissioner of health in Subsec. (e)(3) (iii), effective January 1, 1979; P.A. 82-158 substituted references to certificates and certification for references to licenses and licensure and made other technical corrections; P.A. 83-108 amended Subsec. (g) by replacing provision authorizing environmental protection commissioner to determine nature of proof of financial responsibility with provision including insurance commissioner in determination process and adding provision prohibiting the aircraft application of pesticides until the commissioner of insurance has approved proof of financial responsibility; P.A. 83-193 amended Subsec. (a) by giving the commissioner exclusive authority in the regulation of pesticide spraying; P.A. 83-587 made technical changes in Subsecs. (b), (g) and (j); P.A. 85-407 amended Subsec. (f) by adding provisions authorizing regulations concerning Sec. 22a-451 and requiring fees to be deposited in the emergency spill response fund; P.A. 86-364 amended Subsec. (f) by deleting reference to use of fees to defray the cost of processing applications for certification and establishing

fee schedule for certification and renewal of various types of certification; P.A. 88-247 amended Subdiv. (1) of Subsec. (c) to authorize that applicants be tested for knowledge of integrated pest management; P.A. 91-369 amended Subsec. (f) to delete changes in the amount of the fees which would have taken effect after December 31, 1991; June Sp. Sess. P.A. 91-12 in Subdivs. (2) and (3) of Subsec. (e) established a fee for a certificate to apply pesticides; P.A. 92-162 amended Subsec. (e) to make crop inspections prior to issuance of permits under this section discretionary rather than mandatory; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-208 amended Subsec. (f) to require that fees collected in accordance with section be deposited in General Fund, rather than Emergency Spill Response Fund and deleted provision authorizing commissioner to expend up to five per cent of such fees for administrative expenses related to collection of such fees, effective July 1, 1995; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 97-289 amended Subdivs. (3) and (4) of Subsec. (e) to allow for expedited approval of aerial spraying of pesticides in cases of threat to public health, effective July 1, 1997; P.A. 98-171 amended Subsec. (e) to add new Subdiv. (6) re application of pesticides to certain tobacco cropland, effective June 4, 1998; June 30 Sp. Sess. P.A. 03-6 amended Subsec. (e)(2) to change application fee for certificate of application of pesticides by aircraft from "not less than twenty-five dollars" to "fifty dollars" and to delete language re establishment of fees by regulation and amended Subsec. (f) to change fee for supervisory certification as a commercial applicator from one hundred fifty to two hundred twenty-five dollars, fee for operational certification as a commercial applicator from twenty to forty dollars, and fee for certification as a private applicator from twenty-five to fifty dollars, effective August 20, 2003.

See chapter 54 re uniform administrative procedure.

See Sec. 7-148 re municipal powers, generally.

See Sec. 22-11a for definition of "integrated pest management".

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-54a. Golf course fee. The owner of any golf course which has a course length greater than one thousand yards shall, not later than December thirty-first annually, pay a fee of two hundred dollars to the Commissioner of Environmental Protection to assist in carrying out the purposes of section 22a-451. The fees collected in accordance with this section shall be deposited in the General Fund.

(P.A. 86-364, S. 4; P.A. 91-369, S. 9, 36; P.A. 95-208, S. 3, 13; June 30 Sp. Sess. P.A. 03-6, S. 112.)

History: P.A. 91-369 deleted changes in the amount of the fee which would have taken effect after December 31, 1991, and modified method of deposit into fund; P.A. 95-208 amended section to require that fees collected in accordance with section be deposited in General Fund, rather than Emergency Spill Response Fund and deleted provision authorizing commissioner to expend up to five per cent of such fees for

administrative expenses related to collection of such fees, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 increased golf course fee from one hundred to two hundred dollars, effective August 20, 2003.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-55. Regulations regarding application of pesticides; penalties. The commissioner may establish regulations, in accordance with the provisions of chapter 54, governing the application of pesticides by private applicators, commercial applicators and aircraft applicators. The commissioner may establish appropriate penalties for the violation of such regulations including certification suspension and revocation, in addition to any other penalties prescribed in this part, or in subsection (a) of section 23-61a, section 23-61b or 23-61f.

(P.A. 73-540, S. 10, 28; P.A. 82-158, S. 2, 6.)

History: P.A. 82-158 made technical changes and deleted obsolete references to Sec. 23-61c and 23-61d.

See chapter 54 re uniform administrative procedure.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-56. Registration of pesticide distributors. Regulations. Fee. (a) No person shall distribute, sell, offer for sale, hold for sale, ship, deliver for shipment or receive and, having so received, deliver or offer to deliver any restricted or permit use pesticide unless that pesticide is registered in accordance with the provisions of this part.

(b) The commissioner may prescribe standards for the registration of sellers and distributors of restricted and permit use pesticides. Such standards shall provide that to be registered, a person must be competent with respect to the handling of pesticides and must demonstrate knowledge concerning the proper application of pesticides, their hazards and impact on the environment.

(c) Any person who distributes, sells, offers for sale, holds for sale or offers to deliver any restricted or permit use pesticide to any person in the state shall register his name and address with the commissioner annually. The commissioner may by regulations adopted in accordance with the provisions of chapter 54 require the payment of a fee sufficient to cover the cost of administering examinations for registration and assisting in carrying out the purposes of section 22a-451. The fee for each annual registration shall be sixty dollars. The fees collected in accordance with this section shall be deposited in the General Fund.

(P.A. 73-540, S. 11, 28; P.A. 77-529, S. 15; P.A. 83-108, S. 2; P.A. 85-407, S. 7, 9; P.A. 86-364,

S. 3; P.A. 91-369, S. 10, 36; P.A. 95-208, S. 4, 13; June 30 Sp. Sess. P.A. 03-6, S. 113.)

History: P.A. 77-529 required distributors, salesmen, etc. of pesticides to pay annual fee in Subsec. (c); P.A. 83-108 amended Subsec. (c) to specify that fee must be sufficient to cover the cost of registration, examinations and the processing of applications; P.A. 85-407 amended Subsec. (c) by authorizing imposition of a fee to cover the cost of implementing Sec. 22a-451 and required that such fees be credited to the emergency spill response fund; P.A. 86-364 amended Subsec. (c) by deleting provision re use of fee to cover the cost of processing annual registration applications and establishing a fee of thirty dollars for annual registrations until December 31, 1991, and twenty dollars thereafter; P.A. 91-369 amended Subsec. (c) to delete changes in the amount of the fee which would have taken effect after December 31, 1991, and to modify method of deposit into fund; P.A. 95-208 amended Subsec. (c) to require that fees collected in accordance with section be deposited in General Fund, rather than Emergency Spill Response Fund and deleted provision authorizing commissioner to expend up to five per cent of such fees for administrative expenses related to collection of such fees, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 amended Subsec. (c) to increase annual registration fee from thirty to sixty dollars, effective August 20, 2003.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-56a. Grounds for refusal to grant registration. The Commissioner of Environmental Protection may refuse to grant distributor registration or renewal of registration and may revoke or suspend registration following a hearing in accordance with the provisions of chapter 54. Any violation of the provisions of this part or of section 22a-66y or 22a-66z or a regulation adopted thereunder, applicable to registered distributors, shall be grounds for revocation, refusal to renew or suspension of registration including, but not be limited to, the following: (1) Falsification of records required to be maintained pursuant to subsections (a) and (b) of section 22a-58 or refusal to keep and maintain such records; (2) neglecting or refusing to comply with or violating any of the provisions of this part, the regulations adopted thereunder, or any lawful order of the commissioner; (3) the distribution, sale or offering for sale of any restricted use pesticide to any person unless that person is a commercial supervisor or a private applicator certified under section 22a-54 or under subsection (a) of section 23-61a or section 23-61b, or a seller registered under section 22a-56; (4) distribution, sale or offering for sale any permit use pesticide to any person unless that person has a permit issued in accordance with the provisions of this part, subsection (a) of section 23-61a or section 23-61b, or to a seller registered under section 22a-56; (5) the distribution, sale, offering for sale, holding for sale or offering to deliver any restricted or permit use pesticide without distributor registration under section 22a-56.

(P.A. 87-261, S. 11; P.A. 02-89, S. 58.)

History: P.A. 02-89 replaced references to "sections 23-61b to 23-61d, inclusive" with references to "section 23-61b", reflecting repeal of Sec. 23-61d by the same public act.

[\(Return to
Chapter Table of](#)

[\(Return to
List of](#)

[\(Return to
List of](#)

[Contents](#))[Chapters](#))[Titles](#))

Sec. 22a-56b. New registration after suspension or revocation. Any registered distributor of restricted pesticides whose registration is suspended or revoked under any provision of this part may apply for a new registration when the time established by the commissioner in the order suspending or revoking the registration has elapsed.

(P.A. 87-261, S. 12.)

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-57. Restrictions on sale of pesticides. (a) No person shall distribute, sell or offer for sale any restricted use pesticide to any person unless that person is a commercial supervisor or a private applicator certified under section 22a-54 or a seller registered under section 22a-56.

(b) No person shall distribute, sell or offer for sale any permit use pesticide to any person unless that person has a permit issued in accordance with the provisions of this part, subsection (a) of section 23-61a or section 23-61b, or to a seller registered under section 22a-56.

(c) The provisions of this section shall apply to all persons who distribute, sell or offer for sale restricted and permit use pesticides for use in the state of Connecticut.

(P.A. 73-540, S. 12, 28; P.A. 82-158, S. 3, 6; P.A. 02-89, S. 59.)

History: P.A. 82-158 clarified Subsec. (a) by limiting the sale of restricted use pesticides to commercial supervisors or private applicators working under the supervision of commercial applicators, where previously sale was limited merely to "applicators"; P.A. 02-89 amended Subsec. (b) to replace reference to "sections 23-61b to 23-61d, inclusive" with reference to "section 23-61b", reflecting repeal of Sec. 23-61d by the same public act.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

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.

(b) For the purposes of enforcing the provisions of this part, subsection (a) of section 23-61a and sections 23-61b and 23-61f, any distributor, carrier, dealer, or any other person who sells or offers for sale, delivers or offers for delivery any pesticide or device subject to this part and said sections, shall, upon request of any officer or employee of the Department of Environmental Protection duly designated by the commissioner, furnish or permit such person at all reasonable times to have access to, and to copy:

(1) All records showing the delivery, movement, or holding of such pesticide or device, including the quantity, the date of shipment and receipt, and the name of the consignor and consignee; or

(2) In the event of the inability of any person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device. Any inspection with respect to any records and information referred to in this subsection shall not extend to financial data, sales data other than shipment data, pricing data, personnel data, and research data.

(c) Private applicators shall maintain a record with respect to each use of restricted use pesticides, which shall include, but not be limited to, the following information: (1) The name of the applicator, (2) the kind and amount of pesticide used, (3) the date and place of application, and (4) the crop or site treated and the amount of acreage treated. A copy of the record shall be submitted to the commissioner on or before January thirty-first for the preceding calendar year in which the application was made.

(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.

(P.A. 73-540, S. 13, 28; P.A. 77-529, S. 16; P.A. 85-273, S. 4; P.A. 86-23, S. 1, 2; P.A. 87-101, S. 1; 87-261, S. 1, 2; P.A. 88-246, S. 11; P.A. 02-89, S. 60.)

History: P.A. 77-529 added Subsecs. (d) and (e) requiring that certain records be kept and that records be accessible to commissioner's designees for enforcement purposes; P.A. 85-273 replaced former Subsec. (c) which had forbidden regulations which would have required private applicators to maintain records or file reports with new provisions requiring them to do so and amended Subsec. (d) to require commercial applicators to preserve records for five years rather than three and to specify in greater detail data to be recorded; P.A. 86-23 amended Subsec. (c) to require the submission of pesticide use applicator records by January 31 for the calendar year of the application rather than one year after the application; P.A. 87-101 amended Subsec. (e) to require private applicators to provide the commissioner with access to use records and to copy records required under Subsec. (c); P.A. 87-261 amended Subsec. (a) to make regulations

mandatory rather than discretionary and amended Subsec. (d) to require that summaries of pesticide applications be submitted to the commissioner; P.A. 88-246 amended Subsec. (a) by making regulations discretionary rather than mandatory; P.A. 02-89 amended Subsec. (b) to replace reference to "sections 23-61b to 23-61d, inclusive, and 23-61f" with reference to "sections 23-61b and 23-61f", reflecting repeal of Sec. 23-61d by the same public act.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-59. Enforcement; inspection, samples, warrants. (a) For purposes of enforcing the provisions of this chapter, subsection (a) of section 23-61a and sections 23-61b and 23-61f, officers or employees duly designated by the commissioner are authorized to 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 agents in charge and the commissioner.

(b) For purposes of enforcing the provisions of this part, subsection (a) of section 23-61a and sections 23-61b and 23-61f, and upon a showing to an officer or court of competent jurisdiction that there is reason to believe that the provisions of this chapter and said sections have been violated, officers or employees duly designated by the commissioner are empowered to obtain and to execute warrants authorizing: (1) Entry for the purpose of this section; (2) inspection and reproduction of all records showing the quantity, date of shipment, and the name of consignor and consignee of any pesticide or device found in the establishment which is adulterated, misbranded, not registered, in the case of a pesticide, or otherwise in violation of this part and said sections and in the event of the inability of any person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device; and (3) the seizure of any pesticide or device which is in violation of this part and said sections.

(P.A. 73-540, S. 14, 28; P.A. 74-338, S. 72, 94; P.A. 77-529, S. 17; P.A. 83-108, S. 3; P.A. 02-89, S. 61.)

History: P.A. 74-338 substituted "are recognized" for "or recognized", a technical change in Subsec. (a); P.A. 77-529 allowed commissioner's designees to enter places for purposes other than inspection or obtaining samples in Subsec. (a); P.A. 83-108 amended Subsec. (a) to clarify the department's authority in obtaining pesticide samples from areas where they have been used or stored and to substitute "chapter" for "part"; P.A. 02-89 replaced references to "sections 23-61b to 23-61d, inclusive, and 23-61f" with references to "sections 23-61b and 23-61f" in Subsecs. (a) and (b), reflecting repeal of Sec. 23-61d by the same public act, and made technical changes in Subsecs. (a) and (b).

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-60. Trade secrets and business information protected. Declaratory judgments. (a) In submitting data required by this part, the applicant may (1) clearly mark any portions thereof which in his opinion are trade secrets or commercial or financial information and (2) submit such marked material separately from other material required to be submitted under this part.

(b) Notwithstanding any other provision of this part, the commissioner shall not make public information which in his judgment contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential, except that, when necessary to carry out the provisions of this part, information relating to formulas of products acquired by authorization of this part may be revealed to any federal or state agency consulted and may be revealed at a public hearing or in findings of fact issued by the commissioner.

(c) If the commissioner proposes to release for inspection information which the applicant or registrant believes to be protected from disclosure under subsection (b) of this section, he shall notify the applicant or registrant in writing. The commissioner shall not thereafter make available for inspection such data until thirty days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may institute an action in the superior court for the judicial district of Hartford for a declaratory judgment as to whether such information is subject to protection under this section.

(P.A. 73-540, S. 15, 28; P.A. 76-436, S. 273, 681; P.A. 78-280, S. 5, 127; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6.)

History: P.A. 76-436 replaced court of common pleas with superior court, effective July 1, 1978; P.A. 78-280 replaced "Hartford county" with "judicial district of Hartford-New Britain"; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

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 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.

(P.A. 73-540, S. 16, 28; 73-616, S. 28; P.A. 74-338, S. 73, 94; P.A. 77-529, S. 18-20; P.A. 82-158, S. 4, 6; P.A. 87-101, S. 2.)

History: P.A. 73-616 made technical change in Subsec. (b)(2); P.A. 74-338 substituted "The provisions of this section shall not apply to" for "It shall not be a violation for" in Subsec. (c); P.A. 77-529 substituted "FIFRA" for full title of federal act in Subsec. (b)(1), prohibited use of pesticide "inconsistent with labeling" in Subsec. (b)(7), clarified exclusion of public officials from provisions in Subsec. (c)(3) by adding "unless such public official is using restricted use pesticides" and added Subsec. (f) re suspension or revocation and review of certifications; P.A. 82-158 amended Subsec. (a) to prohibit the "use" of improperly registered or misbranded pesticides substituted references to certification for references to licensure and made other technical revisions; P.A. 87-101 amended Subsec. (f) by adding Subdiv. (M) making failure to submit records ground for denial, revocation or suspension of certificate.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-62. Stop sale order; seizure, condemnation; reprocessing. Costs and fees. Court orders. (a) Whenever any pesticide or device is found by the commissioner and there is reason to believe on the basis of inspection or tests that such pesticide or device is in violation of any of the provisions of this part, or that such pesticide or device has been or is intended to be distributed or sold in violation of any such provisions, or when the registration of the pesticide has been cancelled by a final order or has been suspended, the commissioner may issue a written or printed stop sale, use, or removal order to any person who owns, controls, or has custody of such pesticide or device, and after receipt of such order no person shall sell, use or remove the pesticide or device described in the order except in accordance with the provisions of the order.

(b) Any pesticide distributed, sold, offered for sale or delivered for transportation or transported into or within the state for the purpose of sale shall be subject to seizure and condemnation upon application of the commissioner to the superior court for the judicial district of Hartford:

(1) In the case of a pesticide, if:

(A) It is adulterated or misbranded;

(B) It is not registered pursuant to the provisions of this part;

(C) Its labeling fails to bear the information required by the federal Insecticide, Fungicide and Rodenticide Act (P.L. 92-516), as may be amended from time to time;

(D) It is not colored or discolored and such coloring or discoloring is required under this part; or

(E) Any of the claims for it or any of the directions for its use differ in substance from the representations made in connection with its registration;

(2) In the case of a device, it is misbranded; or

(3) In the case of a pesticide or device, when used in accordance with the requirements imposed under this part, subsection (a) of section 23-61a or section 23-61b, and as directed by the labeling, it nevertheless causes unreasonable adverse effects on the environment;

(4) In the case of a plant regulator, defoliant or desiccant, used in accordance with the label claims and recommendations, physical or physiological effects on plants or parts thereof shall not be deemed to be injurious, when such effects are the purpose for which the plant regulator, defoliant or desiccant was applied.

(c) If a pesticide is condemned, it shall be disposed of by destruction or sale, as the court may direct. If such article is sold, the proceeds shall revert to the General Fund but no article shall be sold which does not comply with the provisions of this part. Upon payments of costs and execution and delivery of a good and sufficient bond, which is conditioned upon the guarantee that the article shall not be disposed of unlawfully, the court may direct that the article be delivered to the owner thereof for relabeling or reprocessing, as the case may be. When any article is ordered condemned, court costs, legal fees and storage and other proper expenses shall be awarded against the person, if any, who intervenes as claimant of the article or who is responsible for the condition which leads to its condemnation.

(d) Whenever, in the judgment of the commissioner, any person has engaged in or is about to engage in any acts or practices which constitute, or will constitute, a violation of any provision of sections 22a-46 to 22a-66, inclusive, section 22a-66z or any other applicable statute, regulation or order issued thereunder, the commissioner may request the Attorney General to make application to the appropriate court for an order enjoining such acts or practices or for an order directing compliance with such statutes, regulations or orders.

(P.A. 73-540, S. 17, 28; P.A. 74-338, S. 39, 94; P.A. 76-436, S. 274, 681; P.A. 77-529, S. 21; P.A. 78-280, S. 5, 127; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; P.A. 02-89, S. 62.)

History: P.A. 74-338 made technical change in Subsec. (b)(4), substituting "regulator" for "regulatory"; P.A. 76-436 replaced court of common pleas with superior court in Subsec. (b), effective July 1, 1978; P.A. 77-529 added Subsec. (d) re court orders enjoining acts or practices in violation of provisions or orders for compliance with statutes, etc.; P.A. 78-280 replaced "Hartford county" with "judicial district of Hartford-New Britain"; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from

September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 02-89 amended Subsec. (b)(3) to replace reference to "sections 23-61b to 23-61d, inclusive" with reference to "section 23-61b", reflecting repeal of Sec. 23-61d by the same public act.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

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, 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, 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, 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 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.

(P.A. 73-540, S. 18, 28; P.A. 77-529, S. 22; P.A. 88-230, S. 1, 12; 88-246, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; P.A. 98-229, S. 6; P.A. 99-225, S. 23, 33; P.A. 01-204, S. 6, 29; June Sp. Sess. P.A. 01-9, S. 73, 131; P.A. 02-89, S. 63; P.A. 03-19, S. 56.)

History: P.A. 77-529 replaced "unlicensed" with "uncertified" in Subsec. (a) and reduced maximum fine from twenty-five thousand to five thousand dollars; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 88-246 made technical changes and added Subsec. (e) establishing a civil penalty for violations of the chapter; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 98-229 added new Subsec. (f) re fines for certain violations under this chapter; P.A. 99-225 amended Subsec. (f) to change the criminal penalty under that subsection to a civil penalty enforceable by a civil action brought by the Attorney General, effective June 29, 1999; P.A. 01-204 amended Subsec. (f) to delete provisions re violations of Secs. 22a-61(d) or (e), 23-61a(a) or 23-61b(a), to add provisions re assessment of civil penalty against certain persons who are not certified as commercial applicators or who have an operational certificate, and to provide that civil penalty be assessed for each day the violation continues, effective July 11, 2001; June Sp. Sess. P.A. 01-9 revised effective date of P.A. 01-204 but without affecting this section; P.A. 02-89 amended Subsecs. (a) and (b) to replace references to "sections 23-61b to 23-61d, inclusive" with references to "section 23-61b" and amended Subsec. (d) to make a technical change and replace reference to "sections 23-61b to 23-61d, inclusive, and 23-61f" with reference to "sections 23-61b and 23-61f", reflecting repeal of Sec. 23-61d by the same public act; P.A. 03-19 made a technical change in Subsec. (f), effective May 12, 2003.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-64. Exemption from or suspension of provisions. Section 22a-64 is repealed.

(P.A. 73-540, S. 19, 28; P.A. 77-529, S. 23.)

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-65. Commissioner's duties. Pesticide Advisory Council. (a) After public hearing, the commissioner may make regulations governing the disposal of any pesticide or any container therefor, to prevent pollution of any waterway and to protect plant and animal life. Such regulations shall be consistent with Section 19(a) of FIFRA and regulations promulgated thereunder.

(b) The commissioner shall, in cooperation with the college of agriculture and natural resources of The University of Connecticut, the Connecticut Agricultural Experiment Station and other public agencies, publish information regarding proper application or handling of pesticides and methods and precautions designed to prevent damage and injury.

(c) The commissioner may undertake such monitoring activities, including but not limited to monitoring in air, soil, water, man, plants and animals, as may be necessary for the implementation of this part, subsection (a) of section 23-61a or section 23-61b, and of the National Pesticide Monitoring Plan. Such activities shall be carried out in cooperation with federal, state and local agencies.

(d) The commissioner shall establish a Pesticide Advisory Council consisting of, but not limited to, the director of the Agricultural Experiment Station, the Commissioner of Agriculture, the Commissioner of Public Health, and the dean of the college of agriculture of The University of Connecticut or their respective designees. The council shall meet at least annually and the commissioner may consult with the Pesticide Advisory Council on technical matters involving the application and use of pesticides, the determination of imminent hazards and the unreasonable adverse effects on the environment before promulgating regulations or orders in carrying out this part, subsection (a) of section 23-61a and sections 23-61b and 23-61f.

(P.A. 73-540, S. 20, 28; P.A. 77-529, S. 24; 77-614, S. 323, 610; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 96-180, S. 77, 166; P.A. 02-89, S. 64; June 30 Sp. Sess. P.A. 03-6, S. 146(e); P.A. 04-189, S. 1.)

History: P.A. 77-529 substituted "disposal" for "discarding" of pesticides or containers in Subsec. (a) and required that regulations be consistent with Section 19(a) of FIFRA and associated regulations; P.A. 77-614 replaced commissioner of health with commissioner of health services in Subsec. (d), effective January 1, 1979; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 96-180 amended Subsec. (d) to delete a reference to repealed section 22a-64, effective June 3, 1996; P.A. 02-89 amended Subsec. (c) to replace reference to "sections 23-61b to 23-61d, inclusive" with reference to "section 23-61b" and amended Subsec. (d) to make a technical change and replace reference to "sections 23-61b to 23-61d, inclusive, and 23-61f" with reference to "sections 23-61b and 23-61f", reflecting repeal of Sec. 23-61d by the same public act; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Agriculture with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

Sec. 22a-66. Commissioner's powers, hearings, regulations. (a) The commissioner is authorized to prescribe regulations to carry out the provisions of this part, subsection (a) of section 23-61a and section 23-61b. Such regulations shall take into account the difference in concept and usage between various classes of pesticides.

(b) The commissioner may exempt from the requirements of this part, subsection (a) of section 23-61a and section 23-61b, by regulation any pesticide which the commissioner determines to be adequately regulated by another state or federal agency, in order to carry out the purposes of this part, said subsection and said section.

(c) The commissioner, after notice and opportunity for hearing, is authorized:

(1) To declare a pest any form of plant or animal life, other than man and other bacteria, virus and other microorganisms on or in living man or other living animals, which is injurious to health or the environment;

(2) To determine any pesticide which contains any substance or substances in quantities highly toxic to man;

(3) To prescribe regulations requiring any pesticide to be colored or discolored if the commissioner determines that such requirement is feasible and is necessary for the protection of health and the environment. Such regulations shall be consistent with Section 25(c) of FIFRA and regulations promulgated thereunder;

(4) To prohibit the use of any pesticides by officials of towns, cities or boroughs or their agents when such use would result in unreasonable adverse effects on the environment;

(5) To prescribe regulations concerning the time, place, manner, methods, materials and amounts and concentrations, in connection with the application of pesticides in designated areas during specified periods of time and shall encompass all reasonable factors which the commissioner deems necessary to prevent damage or injury by drift or misapplication to:

(i) Plants including forage plants, or adjacent or nearby lands;

(ii) Wildlife in adjoining or nearby areas;

(iii) Fish and other aquatic life in waters in reasonable proximity to the area to be treated;

(iv) Beneficial insects, animals or man.

(d) The commissioner is authorized to exercise all incidental powers including prescribing regulations, in accordance with the provisions of chapter 54, to comply with FIFRA.

(P.A. 73-540, S. 21, 28; P.A. 77-529, S. 25, 26; P.A. 02-89, S. 65.)

History: P.A. 77-529 required that regulations under Subsec. (c)(3) be consistent with Section 25(c) of FIFRA and associated regulations and added Subsec. (d) re incidental powers of commissioner; P.A. 02-89 amended Subsecs. (a) and (b) to replace references to "sections 23-61b to 23-61d, inclusive" with references to "section 23-61b", reflecting repeal of Sec. 23-61d by the same public act, and made technical changes in Subsecs. (b) and (c).

See chapter 54 re uniform administrative procedure.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

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.

(P.A. 86-100; P.A. 87-261, S. 3; 87-298, S. 1; P.A. 88-247, S. 1; 88-364, S. 120, 123; P.A. 90-294, S. 1, 2; May Sp. Sess. P.A. 92-11, S. 46, 70; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 87-261 amended Subsec. (a) to authorize submission of portion of the label rather than the entire label; P.A. 87-298 inserted new Subsec. (b) re outdoor pesticide applications by commercial applicators to maintain electric public service company rights-of-way and relettered the former Subsec. (b) as (c); P.A. 88-247 amended Subsec. (a) by applying provisions to pesticide application businesses rather than commercial pesticide applicators and requiring notice of the registry, inserted new Subsec. (b) re notification of abutting property owners, added Subsec. (c) re posting of signs making an outdoor pesticide application, added Subsec. (d) re notice of pesticide applications at golf courses, added Subsec. (e) re availability of signs from wholesalers or distributors selling pesticides, added Subsec. (f) re adoption of regulations, added Subsec. (g) re pesticide applications to lakes or ponds with public access, added Subsec. (h) re notice of pesticide applications made to rights-of-way, distribution lines and guardrails, added Subsec. (i) re larvicide and adulticide spraying for mosquito control by the department of health services, making former Subsec. (b)

a part of (a) and relettering former Subsec. (c) as (j); P.A. 88-364 made a technical change in Subsec. (b); P.A. 90-294 inserted new Subsec. (d) re application of restricted use pesticides on land which produces agricultural commodities and relettered the remaining Subsecs. effective January 1, 1992; May Sp. Sess. 92-11 amended Subsec. (i) to require electric public service companies to comply with certain regulations adopted pursuant to Subsec. (b) of Sec. 22a-66k; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

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.

(P.A. 86-353, S. 1; 86-403, S. 123, 132; P.A. 88-247, S. 3.)

History: P.A. 86-403 made technical changes; P.A. 88-247 redefined "pesticide application business" to delete provision specifying that business must employ more than one certified applicator.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

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 one hundred twenty 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.

(P.A. 86-353, S. 2; P.A. 88-247, S. 4; P.A. 91-369, S. 11, 36; P.A. 95-208, S. 5, 13; P.A. 98-229, S. 4; P.A. 99-225, S. 18, 33; June 30 Sp. Sess. P.A. 03-6, S. 114.)

History: P.A. 88-247 amended Subsec. (c) to exempt pesticide application businesses which employ not more than one certified applicator from payment of the fee; P.A. 91-369 amended Subsec. (c) to modify the method of depositing the fee into the emergency spill response fund; P.A. 95-208 amended Subsec. (c) to require that fees collected in accordance with section be deposited in General Fund, rather than Emergency Spill Response Fund and deleted provision authorizing commissioner to expend up to ten per cent of such fees for administrative expenses related to registration and collection of such fees, effective July 1, 1995; P.A. 98-229 added new Subsec. (d) re display of registration numbers; P.A. 99-225 amended Subsec. (d) to specify advertisements in which the application business' registration number is required to be displayed, effective June 29, 1999; June 30 Sp. Sess. P.A. 03-6 amended Subsec. (c) to increase application fee from sixty to one hundred twenty dollars, effective August 20, 2003.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

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.

(P.A. 86-353, S. 3.)

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

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.

(P.A. 86-353, S. 4; P.A. 87-261, S. 4.)

History: P.A. 87-261 added new Subsec. (c) requiring submission of records prior to issuance of a certificate or renewal.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

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.

(P.A. 86-353, S. 5.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

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.

(P.A. 86-353, S. 6.)

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

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.

(P.A. 86-353, S. 7; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6.)

History: P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from

September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

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.

(P.A. 86-353, S. 8.)

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

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.

(P.A. 86-353, S. 9.)

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

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.

(P.A. 87-298, S. 2; P.A. 97-97; P.A. 98-229, S. 7.)

History: P.A. 97-97 amended Subsec. (a) to require revision of pesticide management plans every five years, added new Subsec. (b) re notice requirements for application of pesticides by utility companies, redesignated former Subsec. (b) as Subsec. (c) and made technical changes; P.A. 98-229 amended Subsec. (b) to require that notice under this section be given to occupants or tenants of certain property.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 22a-66j. Application of pesticides by state agencies. Review by Commissioner of Environmental Protection. Model integrated pest management plans. (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 subsection (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.

(P.A. 88-247, S. 7, 12; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 97-242, S. 4.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 97-242 amended Subsec. (a) to provide that state agencies shall use integrated pest management at their facilities if the Commissioner of Environmental Protection has provided a model pest control management plan pertinent to such facilities, added new Subsecs. (b) to (d), inclusive, re state contracts for pest control, re review of state agency pest control management plans and re model pest control plans, respectively, redesignated former Subsec. (b) as Subsec. (e) and provided an exception to the requirements of this section for application of pesticides for control of mosquitoes, and added new Subsec. (f) re a public information program on integrated pest management.

See Sec. 22-11a for definition of "integrated pest management".

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Secs. 22a-66m to 22a-66x. Reserved for future use.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

PART II

SODIUM FLUOROACETATE. PESTICIDES IN STATE WATERS

Sec. 22a-66y. (Formerly Sec. 19-300t). Sale, use or possession of sodium fluoroacetate. No person shall (1) sell, except to competent federal, state or municipal officers or pest control operators licensed by and qualified by special examination administered by the Commissioner of Environmental Protection, or receive in intrastate commerce, any sodium fluoroacetate or any product containing any amount of sodium fluoroacetate; or (2) use or have in his possession sodium fluoroacetate as a rodenticide or for any other purpose except under such conditions and at such times and places as may be established by

regulations consistent with public health and the prevention of accidental poisoning, issued by the commissioner, who is authorized to adopt such regulations in accordance with the provisions of chapter 54. The regulations shall include a requirement for specific written permission of the commissioner stating the date and place of each application permitted. Such pest control operators shall register, on or before January first, annually, with the commissioner at a fee of two dollars in the manner established by the commissioner.

(February, 1965, P.A. 225, S. 1; 1971, P.A. 872, S. 429; P.A. 82-472, S. 65, 183; P.A. 88-246, S. 2, 12; June 30 Sp. Sess. P.A. 03-6, S. 115; P.A. 04-109, S. 6.)

History: 1971 act replaced "state board of pesticide control" with "commissioner", i.e. commissioner of environmental protection; P.A. 82-472 replaced obsolete reference to Secs. 4-41 to 4-50 with reference to Ch. 54; Sec. 19-300t transferred to Sec. 22a-66y in 1983; P.A. 88-246 deleted provisions regarding penalty but see Sec. 22a-63; June 30 Sp. Sess. P.A. 03-6 increased registration fee from one to two dollars, effective August 20, 2003; P.A. 04-109 made technical changes, effective May 21, 2004.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)

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 twenty 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.

(February, 1965, P.A. 271, S. 1; 1971, P.A. 872, S. 430; P.A. 77-614, S. 323, 610; P.A. 88-246, S. 3, 12; June Sp. Sess. P.A. 91-12, S. 35, 55; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; June 30 Sp. Sess. P.A. 03-6, S. 116.)

History: 1971 act replaced references to state board of pesticide control, state board of fisheries and game, shellfish commission and water resources commission with references to commissioner and department of environmental protection; P.A. 77-614 replaced department of health with department of health services,

effective January 1, 1979; Sec. 19-300u transferred to Sec. 22a-66z in 1983; P.A. 88-246 deleted provision re penalty but see Sec. 22a-63; June Sp. Sess. P.A. 91-12 established a fee for a certificate to apply pesticides; P.A. 93-381 replaced department and commissioner of health services with department and commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 increased permit application fee from not less than ten dollars to not less than twenty dollars, effective August 20, 2003.

[\(Return to
Chapter Table of
Contents\)](#)

[\(Return to
List of
Chapters\)](#)

[\(Return to
List of
Titles\)](#)