PERTINENT PESTICIDE STATUTES AND REGULATIONS

FOR

CERTIFIED COMMERCIAL SUPERVISORS AND ARBORISTS
(Revised to October 2014)

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Bureau of Materials Management & Compliance Assurance
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INTRODUCTION

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

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

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

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

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

TABLE OF CONTENTS

Connecticut General Statutes

Section	Title	Page
TITLE 10		
Chapter 170	**Boards of Education**	
Sec. 10-231a.	Pesticide applications at schools: Definitions.	6
Sec. 10-231b.	Pesticide applications at schools: Authorized applicators. Exception.	6
Sec. 10-231c.	Pesticide applications at schools without an integrated pest management plan.	6
Sec. 10-231d.	Pesticide applications at schools with an integrated pest management plan.	7
TITLE 19a		
Chapter 368a	**Department of Public Health**	
Sec. 19a-77.	(Formerly Sec. 19-43b). "Child day care services" defined. Additional license.	7
Sec. 19a-79a.	Pesticide applications at day care facilities.	8
TITLE 22		
Chapter 422	**Department of Agriculture**	
Sec. 22-11a.	Integrated pest management defined.	9
Sec. 22-11b.	Duties of the University of Connecticut Cooperative Extension Service re integrated pest management.	9
Chapter 426	**Agriculture Experiment Station**	
Sec 22-84a.	Research consistent with goals of integrated pest management.	10
TITLE 22a		
Chapter 441	**Pesticide Control**	
Sec. 22a-46.	Short title: Connecticut Pesticide Control Act.	10
Sec. 22a-47.	Definitions.	10
Sec. 22a-54.	Pesticide applicators, certification, classification, notice, fees, reciprocity; financial responsibility; aircraft, tree, public employee applicators.	12
Sec. 22a-58.	Records to be kept by distributors and applicators.	13
Sec. 22a-59.	Enforcement; inspection, samples, warrants.	13
Sec. 22a-61.	Prohibited acts. Certification refusal, revocation; grounds; hearing.	13
Sec. 22a-63.	Penalties; fine, imprisonment. Agents.	15
Sec. 22a-66a.	Notification of the application of pesticides. Registry. Regulations. Penalty.	16

Sec. 22a-66b.	Pesticide application businesses: Definitions. Compliance with record maintenance requirements.	18
Sec. 22a-66c.	Registration of pesticide application businesses. Application. Fee.	18
Sec. 22a-66d.	Action by the commissioner.	18
Sec. 22a-66e.	Grounds for denial.	18
Sec. 22a-66f.	Employment of commercial supervisory pesticide applicator.	19
Sec. 22a-66g.	Records. Availability.	19
Sec. 22a-66h.	Penalties.	20
Sec. 22a-66i.	Action of officer or agent deemed to be action of pesticide application business.	20
Sec. 22a-66j.	Regulations.	20
Sec. 22a-66k.	Utilities pesticide management plan. Notice of application.	20
Sec. 22a-66l.	Application of pesticides by state agencies. Review by Commissioner of Environmental Protection. Model integrated pest management plans.	20
Sec. 22a-66z.	Permit for use of pesticides in state waters. (Formerly Sec. 19-300u)	21
TITLE 23		
Chapter 451	**Public Shade Trees and Tree Protection Examining Board**	21
Sec. 23-61a.	Definitions. Tree Protection Examining Board. Regulations.	21
Sec. 23-61b.	Licensing for arboriculture; examination; fees; renewal; suspension; revocation. Nonresidents. Records. Pesticides.	22
Sec. 23-61e.	Appeals.	23
Sec. 23-61f.	Penalties; jurisdiction of violators.	23
Sec. 23-61g .	Arborist business. Definitions.	23
Sec. 23-61h .	Arborist business. Certificate of registration. Application. Fee. Exemption re pesticide application.	23
Sec. 23-61i.	Issuance of certificate. Denial. Hearing. Revocation or suspension of certificate. Grounds. Reapplication.	24
Sec. 23-61j.	Employment of arborists by arborist business.	24
Sec. 23-61k.	Retention of records by arborist business. Information required. Inspection by commissioner. Customer records.	24
Sec. 23-61*l* .	Violations. Penalty. Attorney General action.	25
Sec. 23-61m.	Action by officer, agent or person acting for or employed by arborist business.	25

REGULATIONS OF CONNECTICUT STATE AGENCIES

Pesticide Control

Sec. 22a-54-2.	Fees for certification of pesticide applicators.	25
Sec. 22a-65-1.	Discarding of pesticides and containers.	26
Sec. 22a-66-1.	Use of pesticides. Definitions.	26
Sec. 22a-66-2.	Control of registrations and uses.	26
Sec. 22a-66-3.	Application of pesticides.	27
Sec. 22a-66-5.	Certification and licensing of applicators.	27
Sec. 22a-66a-1.	Public notification of outdoor pesticide applications.	29
	Requirements for pesticide wholesalers, distributors, retailers	30
	Notice of pesticide applications to golf courses	30
	Notice of pesticide applications to lakes and ponds	31
Sec. 22a-66a-2.	Requests for notification of pesticide application to abutting property.	32
Sec. 22a-66l-1.	Application of pesticides by state agencies.	33
Sec. 22a-66z-1.	Application of chemicals to state waters.	34

Arborist, Tree Protection Examining Board

Sec. 23-61a-1	Purpose.	34
Sec. 23-61a-1a	Definitions.	35
Sec. 23-61a-2	Examinations.	35
Sec. 23-61a-3	Licenses.	35
Sec. 23-61a-4	Renewal.	35
Sec. 23-61a-5	Complaints and investigations.	36
Sec. 23-61a-6	Hearings, suspension and revocations.	36
Sec. 23-61a-7	Records and reports.	36

APPENDIX	**A**	Example – Outdoor pesticide application posting sign	37
APPENDIX	**B**	Example – Aquatic pesticide application posting sign	38

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

Connecticut General Statutes

Chapter 170
Boards of Education

Sec. 10-231a. Pesticide applications at schools: Definitions. As used in sections 10-231b to 10-231d, inclusive, and section 19a-79a, (1) "pesticide" means a fungicide used on plants, an insecticide, a herbicide or a rodenticide, but does not mean a sanitizer, disinfectant, antimicrobial agent or pesticide bait, (2) "lawn care pesticide" means a pesticide registered by the United States Environmental Protection Agency and labeled pursuant to the federal Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and ornamental sites or areas, and (3) "integrated pest management" means use of all available pest control techniques, including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the use of pesticides.

Sec. 10-231b. Pesticide applications at schools: Authorized applicators. Exception. (*Effective July 1, 2009*)
(a) No person, other than a pesticide applicator with supervisory certification under section 22a-54 or a pesticide applicator with operational certification under section 22a-54 under the direct supervision of a supervisory pesticide applicator, may apply pesticide within any building or on the grounds of any school, other than a regional vocational agriculture center. This section shall not apply in the case of an emergency application of pesticide to eliminate an immediate threat to human health where it is impractical to obtain the services of any such applicator provided such emergency application does not involve a restricted use pesticide, as defined in section 22a-47.

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

Sec. 10-231c. Pesticide applications at schools without an integrated pest management plan. (a) As used in this section, "local or regional board of education" means a local or regional board of education that does not have an integrated pest management plan for the schools under its control that is consistent with an applicable model plan provided by the Commissioner of Environmental Protection under section 22a-66*l* and "school" means a school, other than a regional vocational agriculture center, under the control of a local or regional board of education.

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

(c) On and after July 1, 2000, parents or guardians of children in any school and school staff may register for prior notice of pesticide application at their school. Each school shall maintain a registry of persons requesting such notice. Prior to providing for any application of pesticide within any building or on the grounds of any school, the local or regional board of education shall provide for the mailing of notice to parents and guardians who have registered for prior notice under this section such that the notice is received no later than twenty-four hours prior to such application. Notice shall be given by any means practicable to school staff who have registered for such notice. Notice under this subsection shall include (1) the name of the active ingredient of the pesticide being applied, (2) the target pest, (3) the location of the application on the school property, (4) the date of the application, and (5) the name of the school administrator, or a designee, who may be contacted for further information.

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

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

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

Sec. 10-231d. Pesticide applications at schools with an integrated pest management plan. (a) As used in this section, "local or regional board of education" means a local or regional board of education which has an integrated pest management plan for the schools under its control that is consistent with an applicable model plan provided by the Commissioner of Environmental Protection under section 22a-66*l* and "school" means a school, other than a regional vocational agriculture center, under the control of a local or regional board of education.

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

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

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

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

Chapter 368a
Department of Public Health

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

(1) A "child day care center" which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis;

(2) A "group day care home" which offers or provides a program of supplementary care to not less than seven nor more than twelve related or unrelated children on a regular basis;

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

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

(1) (A) Administered by a public school system, or (B) administered by a municipal agency or department and located in a public school building;

(2) Administered by a private school which is in compliance with section 10-188 and is approved by the State Board of Education or is accredited by an accrediting agency recognized by the State Board of Education;

(3) Recreation operations such as, but not limited to, creative art studios for children that offer parent-child recreational programs and classes in music, dance, drama and art that are no longer than two hours in length, library programs, church-related activities, scouting, camping or community-youth programs;

(4) Informal arrangements among neighbors or relatives in their own homes, provided the relative is limited to any of the following degrees of kinship by blood or marriage to the child being cared for or to the child's parent: Child, grandchild, sibling, niece, nephew, aunt, uncle or child of one's aunt or uncle;

(5) Drop-in supplementary child care operations for educational or recreational purposes and the child receives such care infrequently where the parents are on the premises;

(6) Drop-in supplementary child care operations in retail establishments where the parents are on the premises for retail shopping, in accordance with section 19a-77a, provided that the drop-in supplementary child-care operation does not charge a fee and does not refer to itself as a child day care center;

(7) Drop-in programs administered by a nationally chartered boys' and girls' club; or

(8) Religious educational activities administered by a religious institution exclusively for children whose parents or legal guardians are members of such religious institution.

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

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

(b) No person other than a certified pesticide applicator shall apply pesticide within any day care center, except that a person other than a certified pesticide applicator may make an emergency application to eliminate an immediate threat to human health, including, but not limited to, for the elimination of mosquitoes, ticks and stinging insects, provided (1) the licensee or a designee of the licensee determines such emergency application to be necessary, (2) the licensee or a designee

of the licensee deems it impractical to obtain the services of a certified pesticide applicator, and (3) such emergency application does not involve a restricted use pesticide, as defined in section 22a-47.

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

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

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

Chapter 422
Department of Agriculture

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

Sec. 22-11b. Duties of The University of Connecticut Cooperative Extension Service re integrated pest management. (a) Within available appropriations, The University of Connecticut Cooperative Extension Service shall develop and implement (1) nonagricultural integrated pest management programs which shall include, but not be limited to, programs for trees, shrubs, turf and structural applications of integrated pest management techniques and (2) agricultural integrated pest management programs, including, but not limited to, programs for vegetables, fruit, forage crops and nurseries. Such programs may incorporate research developed by the Connecticut Agricultural Experiment Station pursuant to section 22-84a.

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

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

Chapter 426
Agriculture Experiment Stations

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

Chapter 441
Pesticide Control

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

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

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

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

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

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

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

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

(f) "Commercial applicator" means any individual, whether or not such individual is a private applicator with respect to some uses, who uses or supervises the use of (1) any restricted use pesticides, or (2) any pesticide on property not owned or rented by such individual or such individual's employer;

(g) "Commissioner" means the Commissioner of Environmental Protection;

(h) "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission;

(i) "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue;

(j) "Device" means any instrument or contrivance which uses pesticides and is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life; but not including equipment used for the application of pesticides when sold separately therefrom;

(k) "Environment" includes the ecosystem of water, air, land, plants, man and other animals, and the interrelationships which exist among these;

(l) "Imminent hazard" means a situation which exists when the continued use of a pesticide, during the time required for a cancellation proceeding as provided in section 22a-52, would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of the Interior pursuant to the provisions of 83 Stat. 275 (P.L. 91-135), as may be amended from time to time;

(m) "Inert ingredient" means an ingredient which is not active;

(n) "Ingredient statement" means a statement which contains the name and percentage of each active ingredient, and the total percentage of all inert ingredients, in the pesticide; and a statement of the percentages of total and water soluble arsenic, calculated as elementary arsenic, if any;

(o) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, including, but not limited to, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, including, but not limited to, spiders, mites, ticks, centipedes, and wood lice;

(p) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers;

(q) "Labeling" means all labels and all other written, printed or graphic matter, accompanying the pesticide or device or to which reference is made on the label or in literature accompanying the pesticide or device;

(r) A pesticide is misbranded if:

(1) Its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) It is contained in a package or other container or wrapping which does not conform to the standards established by 86 Stat. 979 (P.L. 92-516), as may be amended from time to time;

(3) It is an imitation of, or is offered for sale under the name of another pesticide;

(s) "Microorganism" means any microscopic organism including but not limited to alga, bacterium, fungus, and virus except those on or in living man or other animals and those on or in processed food, beverage or pharmaceuticals;

(t) "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle and inhabiting soil, water, plants, or plant parts which may also be called nemas or eelworms;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 22a-59. Enforcement; inspection, samples, warrants. (a) For purposes of enforcing the provisions of this chapter, sections 10-231b, as amended by this act, 10-231c, 10-231d, subsection (a) of section 23-61a and sections 23-61b and 23-61f, the commissioner may designate, within available appropriations, officers or employees who may enter at reasonable times, any establishment or other place where pesticides or devices are being or have been used, or where pesticides or devices are held for use, distribution or sale in order to: (1) Observe the application of pesticides; (2) determine if the applicator is or should be certified; (3) determine if the applicator has obtained a proper permit to apply restricted use pesticides; (4) inspect equipment or devices used to apply pesticides; (5) inspect or investigate the validity of damage claims; (6) inspect or obtain samples in any place where pesticides or devices have been used or are held for use, storage, distribution or sale; (7) obtain samples of any pesticides or devices packaged, labeled and released for shipment and samples of any containers or labeling for such pesticides or devices, and (8) obtain samples of any pesticides or devices that have been used and obtain samples of any containers or labeling for such pesticides or devices. Before undertaking such inspection, the officers or employees shall present to the owner, operator, or agent in charge of the establishment or other place where pesticides or devices are held for distribution or sale, appropriate credentials and a written statement as to the reason for the inspection, including a statement as to whether a violation of the law is suspected. If no violation is suspected, an alternate and sufficient reason shall be given in writing. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained and, if requested, a portion of each such sample equal in volume or weight to the portion retained. If an analysis is made of such samples, the laboratories of the Connecticut Agricultural Experiment Station may be used and a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge and the commissioner.

Sec. 22a-61. Prohibited acts. Certification refusal, revocation; grounds; hearing. (a) Except as provided by subsection (b) of this section, it shall be unlawful for any person to use, distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and having so received, deliver or offer to deliver, to any person:

(1) Any pesticide which is not registered pursuant to this part, except as provided by subsection (a) of section 22a-52;

(2) Any registered pesticide if any claims made for it as a part of its distribution or sale substantially differ from any claims made for it as a part of the statement required in connection with its registration;

(3) Any registered pesticide the composition of which differs at the time of its distribution or sale from its composition as described in the statement required in connection with its registration;

(4) Any pesticide which has not been colored or discolored pursuant to the provisions of subdivision (3) of subsection (c) of section 22a-66;
(5) Any pesticide which is adulterated or misbranded; or
(6) Any device which is misbranded.

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

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

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

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

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

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

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

Sec. 22a-63. Penalties; fine, imprisonment. Agents. (a) Any registrant, commercial applicator, uncertified person who performs or advertises or solicits to perform commercial application, wholesaler, dealer, retailer or other distributor who knowingly violates any provision of this chapter, section 10-231b, as amended by this act, 10-231c, 10-231d, subsection (a) of section 23-61a or section 23-61b, shall be fined not more than five thousand dollars, or imprisoned for not more than one year or both.
(b) Any private applicator or other person, not included in subsection (a), who knowingly violates any provision of this chapter, section 10-231b, as amended by this act, 10-231c, 10-231d, subsection (a) of section 23-61a or section 23-61b, shall be fined not more than one thousand dollars, or imprisoned for not more than thirty days or both.
(c) Any person who, with intent to defraud, uses or reveals information relative to formulas of products acquired under the authority of this chapter, shall be fined not more than ten thousand dollars, or imprisoned for not more than one year or both.
(d) When construing and enforcing the provisions of this chapter, sections 10-231b, as amended by this act, 10-231c, 10-231d, subsection (a) of section 23-61a and sections 23-61b and 23-61f, the action, omission or failure to act of any officer, agent or other person acting for or employed by any person shall in every case be also deemed to be the action, omission or failure to act of such person as well as that of the person employed.

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

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

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

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

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

(d) Notwithstanding the provisions of subsection (c) of this section, any person making an outdoor application of a restricted use pesticide on land which produces agricultural commodities shall post a sign notifying the public of such application (1) at each conspicuous point of entry and (2) at every one hundred fifty feet of road frontage of treated property if the application is within one hundred yards of any public road. If the application is more than twenty-five feet from a public road, such person shall be exempt from the requirements of subdivision (2) of this subsection for up to five

hundred square feet of an application. Any sign posted pursuant to this subsection may be posted on a seasonal basis from the date of first application until the reentry period established under FIFRA, as amended from time to time, has lapsed for the last pesticide used or may be placed on an application-specific basis from the date of application until the reentry period established under FIFRA has lapsed for such application. Any such sign shall be maintained by the person making application in a readable manner provided such person shall not be responsible for acts of vandalism to such sign. Any sign posted pursuant to this subsection shall be not less than eight and one-half inches by eleven inches in size and shall be in form substantially as follows:

ATTENTION
RESTRICTED USE PESTICIDES ARE IN USE
PLEASE AVOID THIS AREA

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

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

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

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

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

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

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

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

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

Sec. 22a-66b. Pesticide application businesses: Definitions. Compliance with record maintenance requirements. (a) As used in this section and sections 22a-66c to 22a-66j, inclusive:
(1) "Pesticide application business" means any business which wholly or in part holds itself out for hire to apply or to recommend the application of a pesticide, as defined in section 22a-47, or which, for compensation, applies or recommends the use of a pesticide.
(2) "Place of business" means any physical location at or through which the functional operations of business regularly occur, including, but not limited to, financial transactions, arrangement of contracts, assignment of work and record-keeping, and excluding buildings or locations used solely for storage of equipment or supplies or telephone answering services.

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

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

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

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

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

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

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

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

(1) Violation of any provision of this chapter, as amended, or any regulation, permit, certificate, registration or order adopted, administered or issued pursuant thereto;
(2) Inclusion of false or misleading information in an application or failure to notify the commissioner of a change

as required by section 22a-66c;
(3) Inclusion of false or misleading information in records required to be maintained pursuant to section 22a-66g, the failure to maintain such records, or the failure to provide the commissioner with the records required by said section;
(4) Use of a pesticide in a manner inconsistent with the registered labeling or with state or federal restrictions on the use of such pesticide;
(5) Application of pesticides generally known in the trade to be ineffective or improper for the intended use;
(6) Operation of faulty or unsafe equipment which may result in improper application or harm to the environment, the applicator or others from the pesticide;
(7) Application of a pesticide in a faulty, careless or negligent manner;
(8) Aiding or abetting a certified or uncertified person to evade the provisions of this chapter, as amended, or any regulation, permit, certificate, registration or order adopted, administered or issued pursuant thereto;
(9) The making of a false or misleading statement during an inspection or investigation concerning an infestation of pests, an accident in applying a pesticide, misuse of a pesticide, or violation of a statute, regulation, certificate, registration or order;
(10) The performance of work, whether or not for compensation, in a category for which the applicator is not certified; and
(11) The conviction of the applicant or pesticide application business of a felony as defined in section 53a-25.

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

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

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

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

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

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

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

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

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

Sec. 22a-66h. Penalties. Any person who violates any provision of sections 22a- 66b to 22a-66j, inclusive, shall forfeit to the state a sum not to exceed five thousand dollars per day for each day of violation. The Attorney General, upon complaint

of the commissioner, shall institute a civil action to recover such forfeiture in the superior court for the judicial district of Hartford. All actions brought by the Attorney General shall have precedence in the order of trial as provided in section 52-191.

Sec. 22a-66i. Action of officer or agent deemed to be action of pesticide application business. In any proceeding regarding denial, suspension or revocation of a certificate of registration, and any proceeding pursuant to section 22a-66h, the action, omission or failure to act of any officer, agent or other person acting for or employed by the pesticide application business shall also be deemed to be the action, omission or failure to act of the pesticide application business as well as that of the person employed.

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

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

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

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

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

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

Chapter 451
(Arborist)
Public Shade Trees and Tree Protection Examining Board

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

(b) There shall be in the Department of Environmental Protection a State Tree Protection Examining Board which shall consist of the plant pathologist and forester of the Connecticut Agricultural Experiment Station, who shall serve as ex-officio members, and five electors of the state, three of whom shall be public members, and two of whom shall be licensed, practicing arborists to be appointed by the Governor. Any vacancy in the appointed membership of the board shall be filled by the Governor for the unexpired portion of the term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) the type of business.

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

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

(d) Notwithstanding the provisions of section 22a-66c, any person who complies with the registration requirements of this

section shall not be required to register such arborist business pursuant to section 22a-66c if such arborist business also engages in pesticide application.

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

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

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

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

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

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

Sec. 23-61j. Employment of arborists by arborist business. Each arborist business shall employ at each place of business no fewer than one arborist licensed pursuant to section 23-61b.

Sec. 23-61k. Retention of records by arborist business. Information required. Inspection by commissioner. Customer records. (a) Each arborist business shall maintain records for not less than five years from the date such record is made or amended, whichever is later. The record shall indicate:

(1) For each application of a pesticide made on behalf of the business,
(A) the name and certification number of the commercial supervisor and the commercial operator,
(B) the kind and amount of pesticide used and the amount of acreage treated, if applicable,
(C) the date and place of application,

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

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

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

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

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

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

Regulations of Connecticut State Agencies

Pesticide Control

Sec. 22a-54-2. Fees for certification of pesticide applicators. (a) The following fees shall be charged for the examination and certification of pesticide applicators:
(1) Commercial Applicator - Supervisory
(A) examination fee: ~~$100.00~~*****
(B) recertification examination fee for certificate holders: ~~$100.00~~*****
(C) certification fee: $285.00 for five years (fee set by statute in Section 22a-54(f)).
(2) Commercial Applicator - Operator
(A) examination and certification fee: ~~$100.00~~ for five years (fee set by statute in Section 22a-54(f))*****
(3) Private Applicator
(A) examination fee: ~~$100.00~~*****
(B) recertification examination fee for certificate holders: ~~$5.00~~*

certification fee: $100.00 for five years (fee set by statute in section 22a-54(f))

(4) Aircraft Applicator

(A) examination fee: ~~$25.00~~*

(B) certification fee: $50.00 for one year (fee set by statute in section 22a-54(e))

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

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

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

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

(b) As used in sections 22a-66-1 to 22a-66-7, inclusive, of the Regulations of Connecticut State Agencies, the following terms not defined in section 22a-47 of the Connecticut General Statutes are defined as follows:

(1) "Borer control" means the control through the use of pesticides of insects whose larval life takes place within plant stems;

(2) "Termite control" means the extermination of termites within, beneath or closely adjacent to a structure and the prevention of future termite entry which is accomplished through the use of pesticides;

(3) “Electric service entrance” means that area of a structure where the electrical power supply enters and is subsequently distributed to other parts of the structure;

(4) “Pesticide distributor” means any person representing themself or a single firm, corporation, dealership or other entity engaged in the business of distributing, selling, offering for sale, or holding for sale to the ultimate user, any restricted-use or permit-use pesticide;

(5) Place” means the street address, unit number (if applicable) and municipality at which a pesticide is to be applied;

(6) “Site” means the specific location at the place to which a pesticide is to be applied.; and

(7) “FIFRA” means the Federal Insecticide, Fungicide and Rodenticide Act, 7 USC 136, as amended from time to time.

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

(1) Arsenic products except tricalcium arsenate for control of Poa annua, sodium arsenate for use in the treatment of lumber for protection against termites and decay producing fungi, calcium acid methanearsonate (CMA), monosodium methanearsonate (MSMA), disodium methanearsonate (DSMA, MAA), ammonium methanearsonates amd cacodylic acid and its sodium salt.

(2) Benzene hexachloride (BHC).

(3) Cadmium products.

(4) Dichloro diphenyl dichloroethane (DDD).

(5) Dichloro diphenyl trichloroethane (DDT).

(6) Dodecacholorooctahydro-1, 3, 4,-metheno-1H-cyclobuta (cd) pentalene (Mirex).

(7) Lead products.

(8) Mercury products* except inorganic mercury products for control of winter turf diseases on golf courses, provided that no mercury products will be applied to land which is either: (i) (aa) within two hundred and fifty feet of high water of a potable water supply reservoir or one hundred feet of all watercourses leading to a reservoir; (bb) within the areas along watercourses which are covered by any of the critical components of a stream belt; (cc) land with slopes fifteen per cent or greater without significant interception by wetlands, swales and natural depressions between the slopes and the watercourses; (dd) within two hundred feet of groundwater wells; (ee) an identified direct recharge area or outcrop of aquifer now in use or available for future use, or (ff) an area with shallow depth to bedrock, twenty inches or less, or poorly drained or very poorly drained soils as defined by the United States soil conservation service that are contiguous to land described in subdivisions (cc) or (dd) of this subsection and that extend to the top of the slope above the receiving watercourse; or (ii) land which is either (aa) on a public drinking

supply watershed which is not included in subsection (i) above or (bb) completely off a public drinking supply watershed and which is within one hundred and fifty feet of a distribution reservoir or a first-order stream tributary to a distribution reservoir.
(9) Phosphorous paste products
(10) Selenium products
(11) Terpene polychlorinates (65 or 66% chlorine) consisting of chlorinated camphene, pinene and related polychlorinates (Strobane).
(12) Thallium products.
(13) Toxaphene

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

(c) The following pesticides shall not be registered or used for the following purposes:
(1) Any pesticide activated by thermal means, except pyrethrum, pyrethrins or pyrethroids, for indoor application, except indoor application for agricultural purposes;
(2) Captan on pets or other animals;
(3) Chlordane* products
(A)*for indoor applications except by applicators licensed by the State of Connecticut;
(B)* on pets or other animals except by veterinarians licensed by the State of Connecticut;
(C)* for indoor or outdoor application by mistblowers and other mist generators or thermal foggers.

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

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

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

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

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

Sec. 22a-66-5. Certification of applicators.
(a) In the determination of competency required for certifying an operational commercial applicator who is not considered a certified applicator under FIFRA, the commissioner may require that an applicant meet a lower level of competency than is required of a certified supervisory commercial applicator.
(b) The commissioner shall not issue a pesticide certification to any person under 18 years of age.
(c) A certificate holder shall submit a request for a duplicate certificate to the commissioner in writing. The commissioner may charge two dollars to cover the cost of each duplicate certificate issued.
(d) The commissioner may issue two types of certification documents which may include the following information:
(1) Full size document: applicator's name, address, certification number, expiration date and categories of certification; or
(2) Wallet size document: applicator's name, certification number, expiration date, categories of certification, applicator's

photograph and signature. The wallet size document shall be carried on the person of anyone who applies pesticides for hire when such person is acting in the capacity of a supervisory commercial applicator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Year one -

applicators whose last names start with letters A – C

(B) Year two -
applicators whose last names start with letters D – H
(C) Year three -
applicators whose last names start with letters I - M
(D) Year four -
applicators whose last names start with letters N – S
(E) Year five -
applicators whose last names start with letters T – Z

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

Section 22a-66a-1. Public notification of outdoor pesticide applications. (a) **Definitions**.
As used in sections 22a-66a-1 and 22a-66a-2 of the Regulations of Connecticut State Agencies:
(1) "Fenced area" means an area which is completely enclosed by a fence, wall, or other natural or artificial barrier which prevents unauthorized entry;
(2) "Pesticide" means "pesticide" as defined in section 22a-47 of the Connecticut General Statutes; and
(3) "Point of entry" means each location which is designed or generally used for entry onto the property by pedestrians or motor vehicles.

(b) **General notification requirements.**
(1) In accordance with the requirements of subsection (c) of section 22a-66a of the Connecticut General Statutes, and except as provided in subsection (c) of section 22a-66a of the Connecticut General Statutes, any person making an outdoor application of a pesticide one hundred yards or less from any property line shall post a sign notifying the public of the pesticide application at each conspicuous point of entry.
(2) In addition to the requirements of subsection (b) (1) of this section, a commercial applicator making an outdoor application of a pesticide one hundred yards or less from any property line shall post signs notifying the public of the pesticide application at conspicuous locations no farther apart than every one hundred fifty feet or part thereof of road frontage of treated property.
(3) Pesticide application signs required by this subsection shall be posted by the person applying the pesticide at the time of the pesticide application.
(4) Signs posted along road frontage shall face the road, and signs posted at a point of entry shall face the direction of persons as they enter the property.
(5) The bottom of each sign shall be at least twelve inches above the ground and the top no higher than forty-eight inches above the ground. Signs shall be posted at the property boundary between two and five feet from the sidewalk or, if there is no sidewalk, between two and five feet from the road, or, if there is also no road, between two and five feet from the property boundary. When landscaping or other conditions would make a sign inconspicuous or difficult to read if the sign were posted within the distances specified in this subdivision, the sign shall be posted in a similar manner such that it is conspicuous and easily read by any adult or child entering or passing the property on foot.
(6) No person shall remove or render difficult to read, in whole or in part, any posted pesticide application sign within twenty-four hours after the pesticide application to which it applies.
(7) (A) Each sign required by subsection (c) of section 22a-66a of the Connecticut General Statutes shall conform to the following requirements:
(i) The sign shall be four inches high by five inches wide;
(ii) The sign shall be of a rigid material substantial enough to be easily read for at least twenty-four hours after the pesticide application despite adverse weather conditions;
(iii) The sign shall contain only the following information in black lettering on a bright yellow background in the format specified in Appendix A of this section:
(I) The words, "**PESTICIDE APPLICATION**" in bold letters of thirty-six point type;
(II) The symbol of a circle at least two inches in diameter with a diagonal slash over a person, child and dog;
(III) The statement "Pesticide applied on (date) by (name and telephone number of the pesticide application business, or the words "property owner" if the pesticide application is made by the property owner)" in twelve point type; and
(IV) The statement, "This sign must remain for 24 hours after pesticide application" in twelve point type;

and

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

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

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

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

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

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

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

(C) “Exceptions to the posting requirements:

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

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

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

(d) Notice of pesticide applications to golf courses.

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

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

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

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

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

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

(C) The sign shall contain the following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) "**Applicator**: (the name and telephone number of the pesticide application business or other person that applied the pesticide)" in bold print of at least twenty point type;

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

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

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

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

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

(ii) the location of the pesticide application;
(iii) the purpose of the pesticide application;
(iv) the estimated date of the pesticide application, and the statement, "Information on the specific date of application may be obtained from the person named below.";
(v) the name, address and telephone number of a contact person affiliated with the pesticide application business or department, agency or institution of the state or municipality making the pesticide application; and
(vi) the statement, "Do not use the water for the following purpose(s) until the date and time noted below:" followed by the dates and times that swimming and other water contact activities, drinking, fishing, irrigation, livestock watering and other uses specified on the pesticide label or pesticide use permit may be resumed, according to the label and permit, whichever is more stringent. If the label and permit are silent as to when a certain activity may be resumed, the words "No Restriction" shall be used for that activity. Nothing in this clause shall prohibit a pesticide application business, department, agency or institution from placing more stringent water use restrictions in the notice than are required by the label and permit.
(B) A pesticide application business or department, agency or institution of the state or a municipality shall not apply such pesticide prior to the estimated date of application specified in a published notice. If the actual date of pesticide application will exceed the estimated date of application by more than three calendar days, the pesticide application business or department, agency or institution of the state or municipality shall republish the notice.

Section 22a-66a-2. Requests for notification of pesticide application to abutting property. (a) In accordance with subsection (b) of section 22a-66a of the general statutes, persons requesting notice of pesticide applications to abutting property within one hundred yards of any property line shall submit the following information in writing to the pesticide application business or to the Pesticide Management Division of the Department of Environmental Protection:
(1) the name, address, and telephone number of the person requesting notification and the best time to notify that person; and
(2) the name, address and telephone number, if listed in the telephone directory, of any person whose property abuts the property of the person requesting notification.

(b) As part of the business records required under section 22a-66g of the general statutes, a pesticide application business shall retain a copy of any request for notification which it receives, and shall forward the original request to the Pesticide Management Division of the Department of Environmental Protection within five calendar days of its receipt. The pesticide application business shall commence twenty-four-hour prior notification of pesticide application immediately upon receipt of a request for notification, notwithstanding the date the person submitting the request is included in the registry maintained by the commissioner. Except as provided in subdivision (c)(2) of this section, the pesticide application business shall continue to provide such notification for a minimum of three years from the date the request for notification was received, and may discontinue notification at that time only if it gives the person who submitted the request no less than thirty days' prior notice of its intention to discontinue notification and the person's right to renew his or her request.

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

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

(3)The commissioner shall provide a copy of the notification registry to all registered pesticide application businesses. Any pesticide application business that has not received a copy of the registry by April 15 of each year shall notify the commissioner in writing of that fact on or before April 30 of that year.
(4) Upon receipt of the registry, a pesticide application business shall thereafter, until the registry is replaced, provide notice to any owner or tenant on the registry who abuts a property to be treated. When the registry is replaced by the

commissioner, the pesticide application business shall provide notice to any owner or tenant on the replacement registry who abuts a property to be treated.

(d)(1). Any notice provided pursuant to subsection (b) of section 22a-66a of the general statutes, including any notice placed on a door in accordance with that subsection, shall include but not be limited to:
(A) the common name of the pesticide likely to be applied;
(B) the location of the pesticide application;
(C) the date and approximate time of the pesticide application;
(D) the name, address and telephone number of the pesticide application business applying the pesticide;
(2) A pesticide application business shall provide notice in accordance with section 22a-66a(b) of the general statutes. If the pesticide application is not made on the date specified in the notice, the pesticide application business shall notify the owner or tenant of any change in application date at least twenty-four hours prior to the amended date for pesticide application.
(3) For each notification or attempted notification, a pesticide application business shall keep a record of the date, name of person notified or attempted to be notified and the method of notification or attempted notification. These records shall be maintained as a part of the business records required under section 22a-66g of the general statutes.

Section 22a-66l-1. Application of pesticides by state agencies. (a) Any state department, agency or institution considering the indoor or outdoor application of a pesticide, as defined in Section 22a-47 of the general statutes, shall consider using integrated pest management methods and techniques before making any pesticide application. Assistance from the University of Connecticut Cooperative Extension Service may be provided in accordance with Section 22-11b of the general statutes.

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

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

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

(e) Any state department, agency or institution that applies any pesticides or implements an integrated pest management program shall maintain a record of its pesticide applications and integrated pest management programs implemented. These records shall be maintained for not less than five years after the date of pesticide application and the implementation of an integrated pest management program, and shall include:
(1) A description of each integrated pest management method implemented;
(2) the reason for not using integrated pest management methods if none was used;
(3) the purpose of each pesticide application and a description of each pesticide application including but not limited to;
(A) the name and certification number of the commercial supervisor and the commercial operator;
(B) the kind, amount and rate of application of pesticide used;
(C) the date and place of application;
(D) the name of the manufacturer and the U.S. Environmental Protection Agency registration number of each pesticide used; and
(E) the pest treated for.

Sec. 22a-66z-1. Application of chemicals to state waters. (a) No person shall introduce or cause to be introduced any chemical into the waters of the state for the control of aquatic vegetation, fish populations, or other aquatic organisms without a permit issued by the commissioner.
(b) A person applying for a permit, as required in subsection (a) of this section, shall submit an application to the commissioner on forms provided by the commissioner. Such forms shall include but need not be limited to the following information:

(1) Name and address of applicant;
(2) The type of area to be treated (i.e. tidal waters, pond, etc.);
(3) Whether the area to be treated is in a public water supply watershed;
(4) The name, if any, and size of the area to be treated;
(5) Owner(s) of the area to be treated;
(6) Organisms to be controlled;
(7) Species of fish present;
(8) Chemicals to be applied;
(9) Quantity of each chemical to be applied;
(10) Person who will treat the pond tidal waters etc.:
(11) Any other information deemed necessary by the commissioner; and
(12) Signature of the applicant or person responsible for the accuracy of the information in the permit application.

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

Arborist
Public Shade Trees
And Tree Protection Examining Board

Sec. 23-61a-1. Purpose
The commissioner shall examine the qualifications of a person desiring to perform arboriculture as defined in section 23-61a of the Connecticut General Statutes. The commissioner shall issue a license to a qualified applicant and renew such

license as provided in section 23-61a-4 of the Regulations of Connecticut State Agencies. The commissioner may cause to be investigated complaints against licensees. Information on licensing requirements may be obtained from the Department of Energy and Environmental Protection.

Sec. 23-61a-1a. Definitions

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

(1) "Arboriculture" means any work done for hire to improve the condition of fruit, shade or ornamental trees by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods of improving tree conditions, or protecting trees from damage from insects or diseases or curing these conditions by spraying or any other method;

(2) "Board" means the state tree protection examining board; and

(3)"Commissioner" means the Commissioner of Energy and Environmental Protection.

Sec. 23-61a-2. Examinations

(a) The commissioner shall administer examinations for licensure in consultation with the board as needed. Examinations for licensure to perform arboriculture shall be held at least four times a year. The form of the examination, oral or written, or both, shall be determined by the commissioner.

(b) Each candidate for a license shall file an application with the commissioner at least thirty days prior to the date set for the examination. The commissioner shall notify each applicant by mail as to the time, date and place of the exam. No person shall be admitted to an exam without presenting picture identification showing such person to be the person for whom an examination is scheduled.

(c) An applicant shall submit a check or money order for fifty dollars, made payable to "Department of Energy and Environmental Protection" with each application. The fee shall be nonrefundable.

(d) If a candidate fails to pass an examination, such candidate may subsequently reapply for examination and take any other examinations at dates specified by the commissioner upon payment of the required fee for each examination.

(e) The commissioner shall inform each candidate in writing of examination results. If the commissioner finds a candidate unqualified, the commissioner shall indicate areas of deficiency revealed by the examination.

Sec. 23-61a-3. Licenses

(a) An initial license is valid from date of issue until the expiration date indicated on the license, unless sooner suspended or revoked. A licensee shall renew an initial license on or before the expiration date indicated on the license and each five years thereafter on or before the last day of January.

(b) For each organization, there shall be at least one licensed person actively engaged in supervisory duties for each ten unlicensed personnel actively engaged in arboriculture.

(c) No licensee shall be designated to be licensed on behalf of more than one organization engaged in arboriculture at any time.

(d) Each licensee shall notify the commissioner of any change of address not later than thirty days after such change. If any licensee is licensed on behalf of an organization engaged in arboriculture that licensee shall notify the commissioner of any change of the name of the organization or of any change of address not later than thirty days after such change.

Sec. 23-61a-4. Renewal

(a) The commissioner shall issue a license renewal for a period of five years unless sooner suspended or revoked. The expiration date of each license shall be clearly displayed on the face of said license.

(b) At least sixty days before the date of expiration of a license, the commissioner shall mail or otherwise provide a notice of expiration and a renewal application to each licensee. If a signed renewal application accompanied by the statutory renewal fee has not been received by the commissioner on or before midnight of the expiration date, or if the expiration date is Saturday, Sunday, or a legal holiday, on or before midnight of the next working day following, the license automatically lapses. Failure of a licensee to receive a notice of expiration and renewal application shall not prevent lapse of license.

(c) The holder of a license lapsed less than one year may renew the license upon submission of a signed renewal application and payment of the statutory renewal fee. The holder of a license lapsed more than one year shall be examined in accordance with section 23-61a-2 of the Regulations of Connecticut State Agencies and licensed in accordance with section 23-61a-3 of the Regulations of Connecticut State Agencies.

Sec 23-61a-5. Complaints and investigations
A person shall forward a complaint to the commissioner for investigation under the uniform rules of procedure of the Department of Energy and Environmental Protection, as contained in sections 22a-3a-5 to 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies.

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

Sec. 23-61a-7. Records and reports
(a) Each licensee or the senior licensed officer of an organization with more than one licensee shall report to the commissioner on request, but not more than once yearly, the kinds and amounts of pesticides applied during the period covered by the report on forms provided by the commissioner.
(b) Each individual, firm or corporation doing arboriculture in this state shall furnish the commissioner upon request, but not more than once yearly, the maximum number of unlicensed personnel employed by such individual, firm, or corporation and actively engaged in arboriculture. In organizations with more than one licensee, the report shall include the maximum number of licensed personnel employed in supervisory duties.

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

Appendix A

PESTICIDE APPLICATION

Pesticide
Applied On:

By:

This sign must remain for 24 hours following
pesticide application

Appendix B

CAUTION

LAKE TREATED WITH PESTICIDES

PESTICIDE NAME (S): **DATE/TIME:**

APPLICATOR: **PHONE:**

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

Swimming or other Water contact: Fishing: Irrigation:

Drinking: Livestock watering: Other:

This Sign must remain posted until the latest date above