

This document contains excerpts from the Connecticut statutes and regulations applicable to commercial operators. This document was prepared by the State of Connecticut Department of Energy and Environmental Protection (DEEP) and is provided for the convenience of the reader. This document contains excerpts, and is not the official version of the statute or regulations. The official regulations are published by the State of Connecticut, Judicial Branch, Commission on Official Legal Publications in the Connecticut Law Journal. The statutes are published by the Connecticut General Assembly. In the event there is inconsistency between this document and the regulations as published in the Connecticut Law Journal, the Connecticut Law Journal publication will serve as the official version. Similarly the statutes published by the Connecticut General Assembly are the official version.

**Pertinent Connecticut General Statutes and Regulations for Individuals
Holding an Operational Certificate
(October 2013)**

Statutes

Section 22a-47(f) of the Connecticut General Statutes is the definition of the term commercial applicator” which includes supervisors and operators.

Section 22a-47(f) of the Connecticut General Statutes states, “Commercial applicator” means any individual, whether or not he 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 him or his employer.”

Section 22a-54(b) explains the difference between a supervisory certificate holder, who is the decision maker, and the operational certificate holder, who applies pesticides only under the instructions of the supervisor.

Section 22a-54(b) of the Connecticut General Statutes states, “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”.

Section 22a-54(c)(1) states that you must have the correct type of certification for the job you are performing. To apply for certification you must contact the DEEP, Pesticide Management Program. To receive certification you must demonstrate knowledge of proper pesticide use by passing an examination.

Section 22a-54(c)(1) of the Connecticut General Statutes states, “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.”

Section 22a-63(a) states the penalties for violations of the Connecticut Pesticide Control Act.

Section 22a-63(a) of the Connecticut General Statutes states “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, 10-231c or 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.”

Regulations

Regulation Section 22a-66-5(b) is self- explanatory.

Section 22a-66-5(b) of the Regulations of Connecticut State Agencies states “The commissioner shall not issue a pesticide certification to any person under 18 years of age.”

Regulation Section 22a-66-5(i) states that a supervisory license holder must either be present at the time of pesticide application or must send written instructions with the operator doing the application.

Section 22a-66-5(i) of the Regulations of Connecticut State Agencies states “(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."

Regulation Section 22a-66-5(g) states the criteria for determining who is required to possess an operator's certification.

Section 22a-66-5(g) of the Regulations of Connecticut State Agencies states "An operator's license shall be required for commercial applicators who actively use 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.

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