

This document contains the Connecticut regulations for Application of Pesticides from the Air. This document was prepared by the State of Connecticut Department of Environmental Protection and is provided for the convenience of the reader. This is not the official version of the regulations. The official regulations are published by the State of Connecticut, Judicial Branch, Commission on Official Legal Publications in the Connecticut Law Journal. 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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Application of Pesticides from the Air

Section 22a-54-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 22a-54-1. Application of pesticides from the air

(a) No permit for the application of broad spectrum chemical pesticides from the air for non-agricultural purposes shall be issued by the commissioner of environmental protection.

Permits for agricultural purposes, such as, but not limited to, those activities set forth in the definitions of "agriculture" and "farming" in section 1-1 of the general statutes, shall be issued by the commissioner of the department of environmental protection only after the applicant has produced evidence satisfactory to the commissioner that the proposed material and its method of application shall not be injurious to the public health, aquatic and animal life, including pollinating insects, or property not owned or leased by the applicant or those on whose behalf the application is made. For purposes of this section, "broad spectrum chemical pesticides" means a pesticide not of biological origin which is non-selective, and has the potential to prevent, destroy, repel or mitigate a variety of organisms.

(b) Notwithstanding subsection (a) of this section or section 22a-66-7 of the regulations of Connecticut state agencies, if the commissioner of environmental protection, in consultation with the commissioner of public health, determines that the application of broad spectrum chemical pesticides from the ground is impractical and that application of broad spectrum chemical pesticides from the air is necessary to control specific vectors of human disease which pose an imminent threat to public health, the commissioner of environmental protection may authorize a state agency or a municipality or their agents to engage in such application by aircraft, subject to the following conditions:

(1) A request for authorization to apply broad spectrum chemical pesticides from the air shall be in writing and shall include: (A) the purpose of the pesticide application; (B) the name and United States Environmental Protection Agency registration number of the pesticide; (C) a detailed description of the area(s) to be treated; (D) the name and business address of the applicator; and (E) the proposed date(s) and time(s) of application.

(2) Only pesticides registered by the commissioner under section 22a-48 of the Connecticut general statutes, and approved by the commissioner for aircraft applica-

tion under subsection (b) of this section shall be used. Any pesticide approved for aircraft application under subsection (b) of this section shall have the least possible impact on human health and the environment, considering its rate and method of application. The commissioner may impose any conditions upon the approval he finds appropriate.

(3) Following approval by the commissioner of environmental protection, and prior to application from the air of any broad spectrum chemical pesticide authorized under this regulation, public notice of the application shall be provided by the applicant in a manner reasonably calculated to inform persons in the affected area of the pending activity and may include use of the broadcast media. Additionally, notice shall be provided to the principal of any school located within the affected area, and, if the affected area is within the watershed of a public drinking water reservoir, notice shall be given to the water utility affected. Such notice shall include, but is not limited to:

- (A) The purpose of the pesticide application;
- (B) The name of the pesticide(s) to be applied;
- (C) A description of the area(s) to be treated; and
- (D) The proposed date(s) and time(s) of the application.

Statement of purpose: To allow for the aerial application of broad spectrum chemical pesticides to address an imminent peril to the public health, safety, or welfare posed by pests, including mosquitos carrying the eastern equine encephalitis virus.

Be it known that the foregoing regulations are amended as hereinabove stated by the aforesaid agency pursuant to Sec. 22a-54 of the General Statutes, after publication in the Connecticut Law Journal on November 26, 1996, of the notice of the proposal to amend such regulations, and the holding of an advertised public hearing on the 30th day of December, 1996.

Wherefore, the foregoing regulations are hereby amended as hereinabove stated, effective when filed with the Secretary of the State.

In Witness Whereof: February 24, 1997, Sidney J. Holbrook, Commissioner.

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes: March 17, 1997.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: May 27, 1997.

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Sec. 4-172, as amended, of the General Statutes, Secretary of the State: June 2, 1997.

Sec. 22a-54-3. Financial responsibility of commercial aircraft applicators

(a) The Commissioner shall not issue, modify or renew a commercial aircraft applicator certification unless and until the applicant submits valid proof of financial responsibility to consist of the following minimum insurance coverages:

Comprehensive General Liability:

- (1) Bodily Injury Liability – \$100,000 each occurrence, \$300,000 aggregate; and
- (2) Property Damage Liability – \$100,000 each occurrence (including completed operation and chemical liability).

(b) Insurance policies offered to satisfy the requirements of subsection (a) may be written with combined bodily injury and property damage limits so long as their combined limits equal or exceed the sum of required individual limits.

(c) Any misrepresentations or falsehoods contained in the certificate of insurance shall make any commercial aircraft applicator certification issued in reliance on the certificate of insurance automatically void.

(d) The applicator shall notify the Department of Environmental Protection of any material alteration or modification in his or her policy and/or stated coverages within ten (10) days of any such alteration or modification.

(e) The applicator shall notify the Department of Environmental Protection of the cancellation of the policy within ten (10) days of the cancellation.

(f) Failure to maintain the minimum coverages stated in subsection (a) shall render the applicator's certification automatically void.

(g) No aircraft application of pesticides shall be made in Connecticut by an applicator whose insurance policy has lapsed or expired.

(Effective June 23, 1983)