

**LEGAL NOTICE**

**TOWN OF LEDYARD, CONNECTICUT**  
**REQUEST FOR PROPOSALS**

**LPS-0043 PEST CONTROL SERVICES**  
***May 31, 2017***

The Town of Ledyard will receive sealed bids for **PEST CONTROL SERVICES** until 2:30pm on June 21, 2017. At that time proposals will be opened in public and read aloud.

The documents comprising the Request for Proposals may be obtained by Samuel Kilpatrick III, Ledyard Public Schools, 4 Blonders Boulevard, Ledyard, CT 06339 during the hours of 8:00 am – 4:00 pm Monday through Friday or on the Town's website ([www.ledyard.net](http://www.ledyard.net)), click District, Finance, Bids/RFPS, 2017-2018, then click on corresponding LPS bid number.

The Town of Ledyard reserves the rights to amend or terminate this Request for Proposals, accept all or any part of a proposal, reject all proposals, waive any informalities or non-material deficiencies in a proposal, and award the proposal to the proposer that, in the Town's judgment, will be in the Town's best interests.

TOWN OF LEDYARD, CONNECTICUT

REQUEST FOR PROPOSALS FOR  
PEST CONTROL SERVICES

Proposal Number: LPS-0043

Proposal Opening Date: June 21, 2017

Proposal Opening Time: 2:30 pm

Proposal Opening Place: LEDYARD PUBLIC SCHOOLS, 4 BLONDERS BLVD,  
LEDYARD, CT 06339

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*The Town of Ledyard is seeking proposals for PEST CONTROL SERVICES.*

One (1) original, (1) copy, and (1) digital copy of sealed proposals must be received at the Ledyard Board of Education, 4 Blonders Boulevard, Ledyard, CT 06339, by the date and time noted above. The Town of Ledyard (the "Town") will not accept submissions by e-mail or fax. The Town will reject proposals received after the date and time noted above.

The documents comprising this Request for Proposals may be obtained by Samuel Kilpatrick III, Ledyard Public Schools, at 4 Blonders Boulevard, Ledyard, CT 06339 during the hours of 8:00 AM – 4:00 PM Monday through Friday or on the Town's website, www.ledyard.net, click District, Finance, Bids/RFPS, 2017-2018, then click on corresponding LPS bid number. **Each proposer is responsible for checking the Town's website to determine if the Town has issued any addenda and, if so, to complete its proposal in accordance with the RFP as modified by the addenda.**

Proposals must be held firm and cannot be withdrawn for sixty (60) calendar days after the opening date

The Town reserves the rights to amend or terminate this Request for Proposals, accept all or any part of a proposal, reject all proposals, waive any informalities or non-material deficiencies in a proposal, and award the proposal to the proposer that, in the Town's judgment, will be in the Town's best interests.

This Request for Proposals (“RFP”) includes:

- Standard Instructions to Proposers
- Specifications
- Insurance Requirements
- Proposal Form
- Proposer’s Legal Status Disclosure
- Proposer’s Certification Concerning Equal Employment Opportunities and Affirmative Action Policy
- Proposer’s Non Collusion Affidavit
- Proposer’s Statement of References
- The Contract in the form attached
- State of Connecticut Bidders Qualification Statement
- State of Connecticut Contractor Verification
- Addenda A – CT DEEP Integrated Pest Management Guidelines
- Addenda B – Ledyard Public Schools Policy 3518

## TOWN OF LEDYARD, CONNECTICUT

### STANDARD INSTRUCTIONS TO PROPOSERS

#### 1. INTRODUCTION

The Town of Ledyard (the "Town") is soliciting proposals for [PEST CONTROL SERVICES](#). This RFP is not a contract offer, and no contract will exist unless and until a written contract is signed by the Town and the successful proposer.

Interested parties should submit a proposal in accordance with the requirements and directions contained in this RFP. **A firm must have demonstrated experience in providing such service and adhere to standards and requirements typical for such service. Proposers are prohibited from contacting any Town employee, officer or official concerning this RFP, except as set forth in Section 6, below. A proposer's failure to comply with this requirement may result in disqualification.**

If there are any conflicts between the provisions of these Standard Instructions to Proposers and any other documents comprising this RFP, these Standard Instructions to Proposers shall prevail.

#### 2. RIGHT TO AMEND OR TERMINATE THE RFP OR CONTRACT

The Town may, before or after proposal opening and in its sole discretion, clarify, modify, amend or terminate this RFP if the Town determines it is in the Town's best interest. Any such action shall be effected by a posting on the Town's website, [www.ledyard.net](http://www.ledyard.net). **Each proposer is responsible for checking the Town's website to determine if the Town has issued any addenda and, if so, to complete its proposal in accordance with the RFP as modified by the addenda.**

If this RFP provides for a multi-year agreement, the Town also reserves the right to terminate the Contract at the end of the last fiscal year for which funds have been appropriated, and the Town shall have no obligation or liability to the successful proposer for any unfunded year or years.

### 3. KEY DATES

Pre-Proposal Conference or Site Visit:	BY APPOINTMENT email <a href="mailto:Samkilpatrick@ledyard.net">Samkilpatrick@ledyard.net</a>
<b>Questions Due By:</b>	<b>June 12, 2017 10:00 am</b>
<b>Responses Posted to Website By:</b>	<b>June 14, 2017 10:00 am</b>
Proposal Opening:	June 21, 2017 2:30 pm
Preliminary Notice of Award:	June 23, 2017 10:00 am
Contract Execution:	June 26, 2017 10:00 am

The Preliminary Notice of Award and Contract Execution dates are anticipated, not certain, dates.

### 4. OBTAINING THE RFP

All documents that are a part of this RFP may be obtained from Samuel Kilpatrick III, Ledyard Public Schools, 4 Blonders Boulevard, Ledyard, CT 06339 during the hours of 8:00 AM – 4:00 PM Monday through Friday or on the Town’s website, [www.ledyard.net](http://www.ledyard.net), click District, Finance, Bids/RFPS, 2017-2018, then click on corresponding LPS bid number.

### 5. PROPOSAL SUBMISSION INSTRUCTIONS

Proposals must be received in the at Ledyard Public Schools, Central Office, 4 Blonders Boulevard, Ledyard, CT 06339, prior to the date and time the proposals are scheduled to be opened publicly. Postmarks prior to the opening date and time do **NOT** satisfy this condition. The Town will not accept submissions by e-mail or fax. Proposers are solely responsible for ensuring timely delivery. The Town will **NOT** accept late proposals.

One (1) original, (1) copy, and (1) digital copy of all proposal documents must be submitted in sealed, opaque envelopes clearly labeled with the proposer’s name, the proposer’s address, the words "**BID SUBMISSION**," and "**PEST CONTROL**", "**LPS-0043**" "**OPENING JUNE 21, 2017**". The Town may decline to accept proposals submitted in unmarked envelopes that the Town opens in its normal course of business. The Town may, but shall not be required to, return such proposal documents and inform the proposer that the proposal documents may be resubmitted in a sealed envelope properly marked as described above.

Proposal prices must be submitted on the Proposal Form included in this RFP. All blank spaces for proposal prices must be completed in ink or be typewritten; proposal prices must be stated in both words and figures. The person signing the Proposal Form must

initial any errors, alterations or corrections on that form. Ditto marks or words such as "SAME" shall not be used in the Proposal Form.

Proposals may be withdrawn personally or in writing provided that the Town receives the withdrawal prior to the time and date the proposals are scheduled to be opened. Proposals are considered valid, and may not be withdrawn, cancelled or modified, for sixty (60) days after the opening date, to give the Town sufficient time to review the proposals, investigate the proposers' qualifications, secure any required municipal approvals, and execute a binding contract with the successful proposer.

An authorized person representing the legal entity of the proposer must sign the Proposal Form and all other forms included in this RFP.

## **6. QUESTIONS AND AMENDMENTS**

Questions concerning the process and procedures applicable to this RFP are to be submitted **in writing** (including by e-mail or fax) and directed **only to:**

Name: Samuel Kilpatrick III  
Department: Board Of Education  
E-mail: [samkilpatrick@ledyard.net](mailto:samkilpatrick@ledyard.net)  
Fax: 860 464-8589

Questions concerning this RFP's Specifications are to be submitted **in writing** (including by e-mail or fax) and directed **only to:**

Name: Samuel Kilpatrick III  
Department: Board Of Education  
E-mail: [samkilpatrick@ledyard.net](mailto:samkilpatrick@ledyard.net)  
Fax: 860 464-8589

**Proposers are prohibited from contacting any other Town employee, officer or official concerning this RFP. A proposer's failure to comply with this requirement may result in disqualification.**

The appropriate Town representative listed above must receive any questions from proposers no later than seven (7) business days before the proposal opening date. That representative will confirm receipt of a proposer's questions by e-mail. The Town will answer all written questions by issuing one or more addenda, which shall be a part of this RFP and the resulting Contract, containing all questions received as provided for above and decisions regarding same.

At least four (4) calendar days prior to proposal opening, the Town will post any addenda on the Town's website, [www.ledyard.net](http://www.ledyard.net). **Each proposer is responsible for checking the website to determine if the Town has issued any addenda and, if so, to complete its proposal in accordance with the RFP as modified by the addenda.**

No oral statement of the Town, including oral statements by the Town representatives listed above, shall be effective to waive, change or otherwise modify any of the provisions of this RFP, and no proposer shall rely on any alleged oral statement.

**7. ADDITIONAL INFORMATION**

The Town reserves the right, either before or after the opening of proposals, to ask any proposer to clarify its proposal or to submit additional information that the Town in its sole discretion deems desirable.

**8. COSTS FOR PREPARING PROPOSAL**

Each proposer's costs incurred in developing its proposal are its sole responsibility, and the Town shall have no liability for such costs.

**9. OWNERSHIP OF PROPOSALS**

All proposals submitted become the Town's property and will not be returned to proposers.

**10. FREEDOM OF INFORMATION ACT**

All information submitted in a proposal or in response to a request for additional information is subject to disclosure under the Connecticut Freedom of Information Act as amended and judicially interpreted. A proposer's responses may contain financial, trade secret or other data that it claims should not be public (the "Confidential Information"). A proposer must identify specifically the pages and portions of its proposal or additional information that contain the claimed Confidential Information by visibly marking all such pages and portions. Provided that the proposer cooperates with the Town as described in this section, the Town shall, to the extent permitted by law, protect from unauthorized disclosure such Confidential Information.

If the Town receives a request for a proposer's Confidential Information, it will promptly notify the proposer in writing of such request and provide the proposer with a copy of any written disclosure request. The proposer may provide written consent to the disclosure, or may object to the disclosure by notifying the Town in writing to withhold disclosure of the information, identifying in the notice the basis for its objection, including the statutory exemption(s) from disclosure. The proposer shall be responsible for defending any complaint brought in connection with the nondisclosure, including but not only appearing before the Freedom of Information Commission, and providing witnesses and documents as appropriate.

**11. REQUIRED DISCLOSURES**

Each proposer must, in its Proposal Form, make the disclosures set forth in that form. A proposer's acceptability based on those disclosures lies solely in the Town's discretion.

**12. QUALIFICATIONS AND REFERENCES**

Each proposer must complete and submit the Proposer's Statement of References form included in this RFP.

**13. LEGAL STATUS**

If a proposer is a corporation, limited liability company, or other business entity that is required to register with the Connecticut Secretary of the State's Office, it must have a current registration on file with that office. The Town may, in its sole discretion, request acceptable evidence of any proposer's legal status. Each proposer must complete and submit the Proposer's Legal Status Disclosure form included in this RFP.

**14. PROPOSAL (BID) SECURITY**

***"THIS ITEM IS NOT APPLICABLE TO THIS RFP"***

**15. PRESUMPTION OF PROPOSER'S FULL KNOWLEDGE**

Each proposer is responsible for having read and understood each document in this RFP and any addenda issued by the Town. A proposer's failure to have reviewed all information that is part of or applicable to this RFP, including but not only any addenda posted on the Town's website, shall in no way relieve it from any aspect of its proposal or the obligations related thereto.

Each proposer is deemed to be familiar with and is required to comply with all federal, state and local laws, regulations, ordinances, codes and orders that in any manner relate to this RFP or the performance of the work described herein.

By submitting a proposal, each proposer represents that it has thoroughly examined and become familiar with the scope of work outlined in this RFP, and it is capable of performing the work to achieve the Town's objectives. If applicable, each proposer shall visit the site, examine the areas and thoroughly familiarize itself with all conditions of the property before preparing its proposal.

**16. SUBSTITUTION FOR NAME BRANDS**

The proposer must attach detailed information concerning deviations from any name brands specified in the RFP and explain in detail how the substitution compares with the name brand's specifications. The Town in its sole discretion shall decide whether the substitution is acceptable.



**17. TAX EXEMPTIONS**

The Town is exempt from the payment of federal excise taxes and Connecticut sales and use taxes. Federal Tax Exempt # 06-6001630.

**18. INSURANCE**

The successful proposer shall, at its own expense and cost, obtain and keep in force at least the insurance listed in the Insurance Requirements that are a part of this RFP. The Town reserves the right to request from the successful proposer a complete, certified copy of any required insurance policy.

**19. PERFORMANCE SECURITY**

***“THIS ITEM IS NOT APPLICABLE TO THIS RFP”***

**20. DELIVERY ARRANGEMENTS**

The successful proposer shall deliver the items that are the subject of the RFP, at its sole cost and expense, to the location(s) listed in the Specifications.

**21. AWARD CRITERIA; SELECTION; CONTRACT EXECUTION**

All proposals will be publicly opened and read aloud as received on the date, at the time, and at the place identified in this RFP. Proposers may be present at the opening.

The Town reserves the right to correct, after proposer verification, any mistake in a proposal that is a clerical error, such as a price extension, decimal point error or FOB terms. If an error exists in an extension of prices, the unit price shall prevail. In the event of a discrepancy between the price quoted in words and in figures, the words shall control.

The Town reserves the rights to accept all or any part of a proposal, reject all proposals, and waive any informalities or non-material deficiencies in a proposal. The Town also reserves the right, if applicable, to award the purchase of individual items under this RFP to any combination of separate proposals or proposers.

The Town will accept the proposal that, all things considered, the Town determines is in its best interests. Although price will be an important factor, it will not be the only basis for award. Due consideration may also be given to a proposer’s experience, references, service, ability to respond promptly to requests, past performance, and other criteria relevant to the Town’s interests, including compliance with the procedural requirements stated in this RFP

The Town will not award the proposal to any business that or person who is in arrears or in default to the Town with regard to any tax, debt, contract, security or any other obligation.

The Town will select the proposal that it deems to be in the Town's best interest and issue a Preliminary Notice of Award to the successful proposer. The award may be subject to further discussions with the proposer. **The making of a preliminary award to a proposer does not provide the proposer with any rights and does not impose upon the Town any obligations. The Town is free to withdraw a preliminary award at any time and for any reason. A proposer has rights, and the Town has obligations, only if and when a Contract is executed by the Town and the proposer.**

If the proposer does not execute the Contract within ten (10) business days of the date of the Preliminary Notice of Award, unless extended by the Town, the Town may call any proposal security provided by the proposer and may enter into discussions with another proposer.

The Preliminary Notice of Award and Contract Execution dates in Section 3's Key Dates are anticipated, not certain, dates.

## **22. AFFIRMATIVE ACTION, AND EQUAL OPPORTUNITY**

Each proposer must submit a completed Proposer's Certification Concerning Equal Employment Opportunities and Affirmative Action Policy form included with this RFP. Proposers with fewer than ten (10) employees should indicate that fact on the form and return the form with their proposals.

## **23. NONRESIDENT REAL PROPERTY CONTRACTORS**

If the successful proposer is a "nonresident contractor" as defined in Conn. Gen. Stat. § 12-430(7)(A) as amended, it shall comply fully with the provisions of § 12-430(7) and, prior to execution of the Contract, shall furnish the Town with proof that it is a "verified contractor" within the meaning of General Statutes Section 12-430(7) or that it has posted a bond with the Commissioner of Revenue Services in compliance with General Statutes Section 12-430(7). The successful proposer agrees to defend, indemnify, and hold harmless the Town, its employees, officers, officials, agents, volunteers and independent contractors, including any of the foregoing sued as individuals (collectively, the "Town Indemnified Parties"), from any and all taxes, interest and penalties that the State of Connecticut asserts are due with respect to the successful proposer's activities under the Contract.

The successful proposer shall also be required to pay any and all attorney's fees incurred by the Town Indemnified Parties in enforcing any of the successful proposer's obligations under this section, whether or not a lawsuit or other proceeding is commenced, which obligations shall survive the termination or expiration of the Contract.

## **24. COMPLIANCE WITH IMMIGRATION LAWS**

By submitting a proposal, each proposer confirms that it has complied, and during the term of the Contract will comply, with the Immigration Reform and Control Act ("IRCA") and that each person it provides under the Contract will at all times be authorized for employment in the United States of America. Each proposer confirms that it has a

properly completed Employment Eligibility Verification, Form I-9, for each person who will be assigned under the Contract and that it will require each subcontractor, if any, to confirm that it has a properly completed Form I-9 for each person who will be assigned under the Contract.

The successful proposer shall defend, indemnify, and hold harmless the Town, its employees, officers, officials, agents, volunteers and independent contractors, including any of the foregoing sued as individuals (collectively, the "Town Indemnified Parties"), against any and all proceedings, suits, actions, claims, damages, injuries, awards, judgments, losses or expenses, including fines, penalties, punitive damages, attorney's fees and costs, brought or assessed against, or incurred by, the Town Indemnified Parties related to or arising from the obligations under IRCA imposed upon the successful proposer or its subcontractor. The successful proposer shall also be required to pay any and all attorney's fees and costs incurred by the Town Indemnified Parties in enforcing any of the successful proposer's obligations under this provision, whether or not a lawsuit or other proceeding is commenced, which obligations shall survive the termination or expiration of the Contract.

## **25. NON COLLUSION AFFIDAVIT**

Each proposer shall submit a completed Proposer's Non Collusion Affidavit that is part of this RFP.

## **26. CONTRACT TERMS**

The following provisions will be mandatory terms of the Town's Contract with the successful proposer. If a proposer is unwilling or unable to meet any of these Contract Terms, the proposer must disclose that inability or unwillingness in its Proposal Form (see Section 11 of these Standard Instructions to Proposers):

### **a. DEFENSE, HOLD HARMLESS AND INDEMNIFICATION**

The successful proposer agrees, to the fullest extent permitted by law, to defend, indemnify, and hold harmless the Town, its employees, officers, officials, agents, volunteers and independent contractors, including any of the foregoing sued as individuals (collectively, the "Town Indemnified Parties"), from and against all proceedings, suits, actions, claims, damages, injuries, awards, judgments, losses or expenses, including attorney's fees, arising out of or relating, directly or indirectly, to the successful proposer's malfeasance, misconduct, negligence or failure to meet its obligations under the RFP or the Contract. The successful proposer's obligations under this section shall not be limited in any way by any limitation on the amount or type of the successful proposer's insurance. **Nothing in this section shall obligate the successful proposer to indemnify the Town Indemnified Parties against liability for damage arising out of bodily injury to persons or damage to property caused by or resulting from the negligence of the Town Indemnified Parties.**

In any and all claims against the Town Indemnified Parties made or brought by any employee of the successful proposer, or anyone directly or indirectly employed or

contracted with by the successful proposer, or anyone for whose acts or omissions the successful proposer is or may be liable, the successful proposer's obligations under this section shall not be limited by any limitation on the amount or type of damages, compensation or benefits payable by the successful proposer under workers' compensation acts, disability benefit acts, or other employee benefits acts.

The successful proposer shall also be required to pay any and all attorney's fees incurred by the Town Indemnified Parties in enforcing any of the successful proposer's obligations under this section, which obligations shall survive the termination or expiration of this RFP and the Contract.

**As a municipal agency of the State of Connecticut, the Town will NOT defend, indemnify, or hold harmless the successful proposer.**

b. ADVERTISING

The successful proposer shall not name the Town in its advertising, news releases, or promotional efforts without the Town's prior written approval.

If it chooses, the successful proposer may list the Town in a Statement of References or similar document required as part of its response to a public procurement. The Town's permission to the successful proposer to do so is not a statement about the quality of the successful proposer's work or the Town's endorsement of the successful proposer.

c. W-9 FORM

The successful proposer must provide the Town with a completed W-9 form before Contract execution.

d. PAYMENTS

Proposers are encouraged to offer discounts for early payment. All other payments are to be made 30 days after the appropriate Town employee receives and approves the invoice, unless otherwise specified in the Specifications. **Late fees or interest charges will NOT be charged until 90 days past due.**

e. TOWN INSPECTION OF WORK

The Town may inspect the successful proposer's work at all reasonable times. This right of inspection is solely for the Town's benefit and does not transfer to the Town the responsibility for discovering patent or latent defects. The successful proposer has the sole and exclusive responsibility for performing in accordance with the Contract.

f. REJECTED WORK OR MATERIALS

The successful proposer, at its sole cost and expense, shall remove from the Town's property rejected items, commodities and/or work within 48 hours of the Town's notice of rejection. Immediate removal may be required when safety or health issues are present.

g. MAINTENANCE AND AVAILABILITY OF RECORDS

The successful proposer shall maintain all records related to the work described in the RFP for a period of five (5) years after final payment under the Contract or until all pending Town, state and federal audits are completed, whichever is later. Such records shall be available for examination and audit by Town, state and federal representatives during that time.

h. SUBCONTRACTING

***“THIS ITEM IS NOT APPLICABLE TO THIS RFP”***

i. PREVAILING WAGES

***“THIS ITEM IS NOT APPLICABLE TO THIS RFP”***

j. PREFERENCES

***“THIS ITEM IS NOT APPLICABLE TO THIS RFP”***

k. WORKERS COMPENSATION

Prior to Contract execution, the Town will require the tentative successful proposer to provide a current statement from the State Treasurer that, to the best of her knowledge and belief, as of the date of the statement, the tentative successful proposer was not liable to the State for any workers' compensation payments made pursuant to Conn. Gen. Stat. § 31-355.

l. SAFETY

The successful proposer and each of its permitted subcontractors shall furnish proof that each employee performing the work of a mechanic, laborer or worker under the Contract has completed a course of at least ten (10) hours in construction safety and health approved by the federal Occupational Safety and Health Administration or has completed a new miner training program approved by the Federal Mine Safety and Health Administration. Such proof shall be provided with the certified payroll submitted for the first week each such employee, mechanic, laborer, or worker begins work under the Contract.

m. COMPLIANCE WITH LAWS

The successful proposer shall comply with all applicable laws, regulations, ordinances, codes and orders of the United States, the State of Connecticut and the Town related to its proposal and the performance of the work described in the Contract.

n. LICENSES AND PERMITS

The successful proposer certifies that, throughout the Contract term, it shall have and provide proof of all approvals, permits and licenses required by the Town and/or any state or federal authority. The successful proposer shall immediately and in writing notify the Town of the loss or suspension of any such approval, permit or license.

o. CESSATION OF BUSINESS/BANKRUPTCY/RECEIVERSHIP

If the successful proposer ceases to exist, dissolves as a business entity, ceases to operate, files a petition or proceeding under any bankruptcy or insolvency laws or has such a petition or proceeding filed against it, the Town has the right to terminate the Contract effective immediately. In that event, the Town reserves the right, in its sole discretion as it deems appropriate and without prior notice to the successful proposer, to make arrangements with another person or business entity to provide the services described in the Contract.

p. AMENDMENTS

The Contract may not be altered or amended except by the written agreement of both parties.

q. ENTIRE AGREEMENT

It is expressly understood and agreed that the Contract contains the entire agreement between the parties, and that the parties are not, and shall not be, bound by any stipulations, representations, agreements or promises, oral or otherwise, not printed or inserted in the Contract or its attached exhibits.

r. VALIDITY

The invalidity of one or more of the phrases, sentences or clauses contained in the Contract shall not affect the remaining portions so long as the material purposes of the Contract can be determined and effectuated.

s. CONNECTICUT LAW AND COURTS

The Contract shall be governed by and construed in accordance with the internal laws (as opposed to the conflicts of law provisions) of the State of Connecticut, and the parties irrevocably submit in any suit, action or proceeding arising out of the Contract to the jurisdiction of the United States District Court for the District of Connecticut or of any court of the State of Connecticut, as applicable.

t. NON-EMPLOYMENT RELATIONSHIP

The Town and the successful proposer are independent parties. Nothing contained in the Contract shall create, or be construed or deemed as creating, the relationships of principal and agent, partnership, joint venture, employer and employee, and/or any relationship other than that of independent parties contracting with each other solely for the purpose of carrying out the terms and conditions of the Contract. The successful proposer understands and agrees that it is not entitled to employee benefits, including but not limited to workers compensation and employment insurance coverage, and disability. The successful proposer shall be solely responsible for any applicable taxes.

**END OF STANDARD INSTRUCTIONS TO PROPOSERS**

**TOWN OF LEDYARD, CONNECTICUT**

**SPECIFICATIONS FOR  
PEST CONTROL SERVICES**

**PROPOSAL #LPS-0043**

**“STATE GRANT/LOAN AGREEMENT**

***“THIS ITEM IS NOT APPLICABLE TO THIS RFP”***

Proposals should include monthly scheduled and documented inspections of each premises outside of school hours, as well as on-call services for emergent items, and active participation in the redevelopment and implementation of the district Integrated Pest Management plan in accordance with the detailed specifications herein.

All products and services shall be in accordance with federal EPA guidelines, Connecticut General Statutes , and all local board policies regarding Integrated Pest Management further detailed in Appendix A and B.

Locations for inspection include:

Ledyard Board of Education 4 Blonders Boulevard Ledyard, CT  
Ledyard High School 24 Gallup Hill Rd Ledyard, CT  
Ledyard Middle School 1860 Route 12 Gales Ferry, CT 06335  
Ledyard Center School 740 Colonel Ledyard Hwy, Ledyard, CT 06339  
Gallup Hill School 169 Gallup Hill Rd Ledyard, CT 06339  
Gales Ferry School 1858 Route 12 Gales Ferry, CT 06335  
Juliet Long School 1854 Route 12 Gales Ferry, CT 06335



## 1. GENERAL

Definitions: Ledyard Public schools maintains custodial and maintenance staff at each building whose primary responsibility is the safe and cleanly operation of our schools. A facility director and assistant facility director monitor these staff and coordinate services provided by both contractors and district personnel.

Description of program: This specification is part of a comprehensive Integrated Pest Management (IPM) program for the premises listed herein. IPM is a process for achieving long-term, environmentally sound pest suppression and prevention through the use of a wide variety of technological and management practices.

Control strategies in an IPM program include:

- Facility inspections to identify pest harborages and presence of conditions favorable to pests
- Proper identification of pests and an understanding of pest biology and behavior
- Structural and procedural changes to reduce the availability of food, water, and shelter to pests
- A preference for non-pesticide technologies, such as trapping and monitoring devices
- Use of application methods that presents a reduced potential hazard to humans and the environment
- Coordination among all facilities management programs that have a bearing on the pest control effort

Contractor service requirements: The Contractor shall furnish all supervision, labor, materials, and equipment (excluding insect light traps, air curtains, and other major expense items unless requested by the contract administrator) necessary to accomplish the inspection, monitoring, trapping, pest management (including pesticide application if needed, excluding sanitation and building maintenance), and pest removal components of the IPM program. The Contractor shall also provide detailed, site-specific recommendations for structural and procedural modifications to aid in pest prevention/exclusion.

## 2. PESTS INCLUDED AND EXCLUDED

### A. PESTS INCLUDED

The Contractor shall adequately suppress the following pests:

- Indoor populations and incidental invaders of commensal rodents (mice and rats), insects, spiders, and other pests, unless excluded. For the purposes of this contract, commensal rodents include Norway rat, roof rat, field mouse and house mouse.
- Outdoor populations of potentially indoor-infesting species that are within the property boundaries within fifty (50) yards of the specified buildings.
- Nests of stinging insects within the property boundaries of the specified buildings.
- Populations of vertebrates or individual vertebrates, other than commensal rodents, including birds and bats. For vertebrate pests, the Contractor should have a qualified person on staff to control them or recommend a qualified wildlife damage control agent.

### B. PESTS EXCLUDED

The following pests are excluded from this contract:

- Termites, carpenter ants, and other wood-destroying organisms.
- Bed bugs.
- Mosquitoes.
- Pests that feed on outdoor vegetation.

### 3. INITIAL BUILDING INSPECTIONS

The Contractor shall complete a thorough initial inspection of each building\* or site at least ten (30) working days prior to the starting date of the contract. The purpose of the initial inspections is for the Contractor to evaluate the pest control needs of all locations and to identify problem areas and any equipment, structural features, and other conditions or management practices that are conducive or contributing to pest infestations. Access to building space shall be coordinated with Samuel Kilpatrick

### 4. INTEGRATED PEST MANAGEMENT PLAN

The Contractor shall submit to the Facilities Director or designee an Integrated Pest Management (IPM) Plan at least ten (10) working days prior to the starting date of the contract. Upon receipt of the IPM Plan, the Facilities Director or designee will render a decision regarding its acceptability within five (5) working days. If aspects of the IPM Plan are incomplete or disapproved, the Contractor shall have five (5) working days to submit revisions. The Contractor shall be on site to perform the initial service visit for each building within the first thirty (30) working days of the contract.

The IPM Plan shall consist of five (5) parts as follows:

1. Proposed methods for pest identification, monitoring, and detection: The Contractor shall describe methods and procedures to be used to identify pests, determine pest population levels and sites of pest harborage and access, and determine the need to implement specific control measures throughout the term of the contract.

2. Inspection schedule for each building or site: The Contractor shall provide complete inspection schedules for scheduled Contractor visits.

3. Description of site-specific pest management methods:

The Contractor shall describe physical, structural, operational, and least-hazardous methods that will be used to respond to pest populations. The Contractor shall use nonchemical methods wherever possible. The Contractor shall provide the IPM Coordinator with written recommendations for any maintenance or sanitation measures to prevent future pest infestations.

4. Proposed materials and equipment for service: The Contractor shall provide the following information:

(a) A list of all pesticide products to be used. This list shall include each product's brand name(s), EPA Registration Number (unless exempt from federal registration), common name of the active ingredient, and the signal word ("CAUTION," "WARNING," or "DANGER"), as appropriate and as defined under 40CFR 156.10(i).

(b) A list of the brand names of pesticide application equipment, rodent bait boxes, insect and rodent trapping devices, pest monitoring devices, pest detection equipment, and any other pest control devices or equipment that may be used to provide service.

(c) The current label (the information printed on or attached to the pesticide container), labeling (which includes the label and all other product information received from the

manufacturer when the product is purchased), and SDS for each pesticide product referenced in item 1 above.

5. Commercial pesticide applicator documentation: The Contractor shall provide the following documents:

(a) The names and phone numbers of at least two individuals who are designated as the primary and secondary 24-hour contacts for information concerning any aspects of the pest control service being provided.

(b) A photocopy of the valid state commercial pesticide applicator license(s) or certificate(s) under which all pest control is to be performed.

(c) A photocopy of the Contractor's valid Certificate of Insurance.

(d) A list of all Contractor employees who will be performing on-site service under this contract. This list shall include the employee's name and a statement of whether the employee is a licensee, certified applicator, or registered technician, as described in the regulations of the state or tribal organization responsible for oversight. The Contractor shall be responsible for carrying out work according to the approved Pest Control Plan. The Contractor shall receive the concurrence of the (specify person or position) prior to implementing any subsequent changes to the approved Pest Control Plan, including changes in on-site service personnel and any additional or replacement pesticides.

## 5. RECORD KEEPING

The Contractor shall be responsible for providing and maintaining a pest management log for each building or site specified in this contract. These logs shall be kept on site and accessible to all site staff and the IPM Coordinator. The Contractor shall maintain or update the contents of these logs on each visit. Each log shall contain at least the following items:

- Integrated Pest Management Plan: A complete copy of the Contractor's approved IPM Plan.
- Pest-sighting log: A form that permits school personnel to record the location of any pest sightings. The IPM Coordinator will review and approve the design of this form prior to its distribution and use at the facilities. The IPM Coordinator will be responsible for informing and educating all site staff about methods for reporting pest observations in the log.
- Contractor's service report: The Contractor shall document site-specific pest findings and subsequent control measures performed during the service visit. A separate form is not required if the Pest-Sighting Form is designed to incorporate this information.

## 6. MANNER AND TIME TO CONDUCT PEST MANAGEMENT ACTIVITIES

A. Time frame of service visits: The Contractor shall conduct routine pest management activities after school hours (except for non-serving areas of the cafeteria) to avoid class disruption. All contractor employees shall adhere to all policies for notifying local personnel that the employee is on site and working in the building. When it is necessary to perform work outside of the regularly scheduled service time set forth in the IPM Plan, the Contractor shall notify the Facilities Director or designee at least five days in advance, except when the Facilities Director or designee requests emergency service as described in Section 7 of this contract. The Facilities Director or designee shall approve such changes before any work is done.

B. Safety and health: The Contractor shall observe all applicable safety precautions throughout the performance of this contract. All work shall be in strict accordance with all applicable federal, state, and local safety and health requirements, as well as specific pest control product label instructions. Where there is a conflict between applicable regulations, the most restrictive shall apply.

C. Compliance: The Contractor shall assume full responsibility and liability for compliance with all applicable regulations pertaining to the health and safety of personnel during the execution of work. The contractor's liability insurance must be in force throughout the term of this contract.

D. Special entrance: Certain areas within some buildings may require special instructions for persons entering them. Any restrictions associated with these special areas will be explained by the Facilities Director or designee. The Contractor shall adhere to these restrictions and incorporate them into the IPM Plan.

E. Uniforms and protective clothing: The Contractor shall determine the need for, and shall provide, any personal protective items required for the safe performance of work. Protective clothing, equipment, and devices shall, at a minimum, conform to U.S. Occupational Safety and Health Administration (OSHA) standards and to any specific label requirements for the products being used.

F. Vehicles: Vehicles used by the Contractor shall be identified in accordance with state and local regulations. While on site, all service vehicles shall be secured to prevent unauthorized access to chemicals and equipment. Service vehicles shall be equipped with appropriate pesticide spill control equipment in accordance with state and local regulations. Where no state/local regulations exist, service vehicles shall be equipped with the spill kit contents identified on the Pesticide Environmental Stewardship Website (<http://pesticidestewardship.org/spill/Pages/SpillKit.aspx>). All pesticides in Contractor vehicles shall remain locked or remain inaccessible while vehicles are unattended.

## 7. SPECIAL REQUESTS AND EMERGENCY SERVICE

On occasion, the (specify person or position) may request that the Contractor perform corrective, special, or emergency services that are beyond routine service requests. The Contractor shall, if possible, respond to these exceptional circumstances and complete the necessary work within a time frame approved by the (specify person or position), to minimize disruption of the daily activities of the building.

## 8. CONTRACTOR PERSONNEL

Priority should be given to Contractors holding current third-party or State IPM certification(s), in States offering an IPM certification category. Throughout the term of this contract, all Contractor personnel providing onsite pest control service must be currently registered technicians or certified applicators as described in the regulations of the State's pesticide regulatory authority.

## 9. INSECT CONTROL

The Contractor shall use non-pesticide methods of control wherever possible. For example:

- Portable vacuum cleaners rather than pesticide sprays shall be the standard method for initial cleanouts of cockroach infestations and the control of spiders and other miscellaneous pests.
- Trapping devices, such as light traps, shall be the standard method for indoor fly control. The Contractor

will make recommendations to the (specify person or position) regarding the purchase and installation of such traps. Where pesticides are used, the Contractor shall use reduced-risk materials and methods of application.

A. Monitoring: Monitoring devices (sticky traps, light traps, etc.) shall be used to guide decisions on appropriate pest control measures and subsequently to evaluate the effectiveness of these measures.

B. Insecticide bait formulations: Nonvolatile bait formulations, such as gel baits and containerized bait stations, shall be the first choice for cockroach and ant control. If possible, baits shall be applied or placed in areas that cannot be accessed by children or building occupants.

C. Application of insecticides to cracks and crevices: As a general rule, the Contractor shall apply liquid/dry insecticide formulations as "crack and crevice" treatments only, defined in this contract as treatments in which the formulated insecticide is applied to hidden or protected areas that are used as harborage sites by pests.

D. Application of insecticides to exposed surfaces: Application of insecticides to exposed surfaces shall be restricted to exceptional circumstances where no alternative effective measures are practical. The Contractor shall obtain approval of (specify person or position) prior to any application of insecticide to an exposed surface or use of any space spray treatment. The IPM Coordinator is responsible for complying with any parent/staff notification requirements and shall inform the contractor of compliance prior to the application. No surface application or space spray shall be made while the treatment site is occupied. The Contractor shall take all necessary precautions to ensure occupant and employee safety and all necessary steps to ensure the containment of the pesticide to the site of application. The contract and IPM Coordinator will determine who is responsible for any post-treatment cleanup (such as cleaning of surfaces, equipment, and other items).

E. Space sprays: Application of pesticides as space sprays ("fogging") must follow the same restrictions outlined for surface sprays. Space sprays must be timed to allow the specific treatment site to remain unoccupied for a minimum of forty-eight (48) hours. The Contractor shall be responsible for ventilating the treatment site in accordance with instructions on the product label before school facility personnel reenter the site.

The (specify person or position) will assist the Contractor in securing the treatment site to prevent any unauthorized re-entry to the area prior to ventilation or before any reentry period specified on the product label/in accordance with the IPM Plan and will arrange for appropriate cleaning of exposed surfaces by (specify person or position) employees before the site is free for general use.

## 10. RODENT CONTROL

A. Indoor trapping: As a general rule, rodent control inside buildings shall be accomplished using live or lethal trapping devices only. All such devices shall be placed so as to conceal them from general view, make them inaccessible to building occupants, and protect them from any adverse effects of routine cleaning and other operations.

B. Trapping devices shall be checked on a schedule approved by the (specify person or position). Except under special circumstances, the Contractor shall be responsible for disposing of all trapped rodents or their carcasses in an appropriate manner.

C. Use of rodenticides: In exceptional circumstances, when rodenticides are deemed essential for adequate rodent control inside buildings, the Contractor shall obtain approval of the Facilities Director or designee prior to making any interior rodenticide

treatment. ONLY block (paraffin-based or other types) rodenticides shall be used. Pellet/pack bait formulations and packaging shall not be used in/around school buildings. All bait must be placed in tamper-resistant bait boxes that are approved by the EPA and that can be secured to a surface.

D. Use of bait stations: All bait stations shall be maintained in accordance with EPA, State and Local regulations, with an emphasis on the safety of non-target organisms. The Contractor shall adhere to the following five (5) procedural points:

1. All bait stations shall be placed out of general view, in locations where they will not be disturbed by routine operations.
2. The lids of all bait stations shall be securely locked or fastened shut.
3. All bait boxes shall be securely attached or anchored to the floor, ground, wall, or other immovable surface, so that the station cannot be picked up or moved by unauthorized personnel.
4. Bait shall always be secured within the feeding chamber of the station and shall never be placed in the runway or entryway of the station where it could be removed or dislodged.
5. All bait stations shall be labeled with the Contractor's business name, address, and phone number, and the active ingredient of the bait. All bait stations shall be dated by the Contractor's technician at the time of installation and each servicing.

E. The locations of all trapping devices and baiting stations will be recorded in the site's log. The Contractor shall record all changes/additions to this information before leaving the site during that service visit. The Contractor will provide the (specify person or position) with a key and instructions for opening bait stations in the event of an emergency.

## 11. USE OF PESTICIDES

Any required notification of parents and facility staff concerning application of pesticides is the responsibility of the Facilities Director or designee. The Contractor shall be responsible for application of pesticides according to the label and all additional labeling. All pesticides used by the Contractor must be registered with the EPA or be EPA-exempt and be registered, if required, in accordance with the State's laws and regulations. Transport, handling, and use of all pesticides shall be in strict accordance with the manufacturer's label instructions and all applicable federal, state, and local laws and regulations. The Contractor shall adhere to the following rules for pesticide use: Where pesticide use is necessary, the Contractor shall adhere to a policy of "minimizing exposure," i.e., the Contractor shall employ materials, quantities, and application methods that minimize the risk or hazard of exposure to the applicator, building occupants, and environment in general. The Contractor shall not give any pesticides to any site personnel for application to the site without written approval from the Facilities Director or designee.

## 12. QUALITY CONTROL PROGRAM

The Contractor shall establish a complete quality control program to ensure that the requirements of the contract are provided as specified. Within thirty (30) working days prior to the starting date of the contract, the Contractor shall submit a copy of the program to the Contracting Officer. The Quality Control Program shall include at least the following items:

A. Inspection system: The Contractor's quality control inspection system shall cover all the services stated in this contract. The purpose of the system is to detect and correct deficiencies in the quality of services before the level of performance becomes unacceptable and/or the (specify person or position) identifies the deficiencies. For the duration of this contract, the contractor shall carry out such inspections on a quarterly basis.

B. Checklist: A quality control checklist shall be used in evaluating contract performance during regularly scheduled and unscheduled inspections. Every task shall be included on the checklist for every building or site serviced by the Contractor.

C. File: A quality control file shall contain a record of all inspections conducted by the Contractor and any corrective actions taken. The file shall be maintained throughout the term of the contract, and a copy shall be provided to the (specify person or position).

D. Inspector(s): The Contractor shall state the name(s) of the individual(s) responsible for performing the quality control inspections.

E. The Contractor will meet with (specify person or position) at an agreed-upon interval to review the current program and address any problems.

F. The contractor may use an electronic system of bar codes and scanning systems to record such information. Such systems can facilitate the tracking of time "in and out" of technicians and the sanitation condition of the facility. These records can allow the contractor to track the process and ensure performance at the facility.

### 13. REFERENCES

1. Alder, P., M. Waldvogel, and G. Nalyanya. 2012. Integrated Pest Management for North Carolina Schools and Child Care Facilities. North Carolina State University. Publication AG-631-01. 48pp.
2. Merchant, M.E., J. Hurley, D. Renchie. 2004. An Introduction to IPM in Schools: A manual for facilities maintenance professionals. Texas Cooperative Extension Bull. B-6015.

**END OF SPECIFICATIONS**

**TOWN OF LEDYARD, CONNECTICUT**

**INSURANCE REQUIREMENTS FOR  
DESCRIBE PEST CONTROL SERVICES**

**PROPOSAL #LPS-0043**

The successful Bidder shall be required to furnish to Ledyard Public Schools a certificate of insurance within thirty (30) days of notification of award. Any changes in insurance coverage will require thirty (30) days' notice to Ledyard Public Schools. Insurance coverage must include Ledyard Public Schools as an additional insured. The required insurance coverage is:

Comprehensive form General Liability including premises/operations, underground explosion and collapse hazard, oil spills, completed products/operations, contractual independent contractors, broad form property damage, and personal injury.

**Limits of Liability shall combine bodily injury and property damage:  
\$1,000,000; each occurrence. \$2,000,000; aggregate.**

**Automobile Liability including owned vehicles, hired vehicles, and non-owned vehicles.**

**Limits of liability shall combine bodily injury and property damage:  
\$1,000,000; each occurrence. \$2,000,000 aggregate.**

**Excess Liability-Umbrella Form.**

**Limits of Liability shall combine bodily injury and property damage:  
\$1,000,000; each occurrence. \$2,000,000; aggregate.**

**Worker's Compensation Insurance.**

**Limit of Liability shall be the statutory limit of:  
\$1,000,000 each accident.**

**END OF INSURANCE REQUIREMENTS**



TOWN OF LEDYARD, CONNECTICUT

PROPOSAL FORM  
PEST CONTROL SERVICES

PROPOSAL # LPS-0043

PROPOSER'S FULL LEGAL NAME:

\_\_\_\_\_

Pursuant to and in full compliance with the RFP, the undersigned proposer, having visited the site or property if applicable, and having thoroughly examined each and every document comprising the RFP, including any addenda, hereby offers and agrees as follows:

To provide the products and/or services specified in, and upon the terms and conditions of, the RFP for the total sum of \_\_\_\_\_

/100 Dollars per year.

(write out in words) (\$\_\_\_\_\_).

**ACKNOWLEDGEMENT**

In submitting this Proposal Form, the undersigned proposer acknowledges that the price(s) include all labor, materials, transportation, hauling, overhead, fees and insurances, bonds or letters of credit, profit, security, permits and licenses, and all other costs to cover the completed work called for in the RFP. Except as otherwise expressly stated in the RFP, no additional payment of any kind will be made for work accomplished under the price(s) as proposed.

**REQUIRED DISCLOSURES**

1. Exceptions to or Modifications or Clarifications of the RFP

\_\_\_\_\_ This proposal does not take exception to or seek to modify or clarify any requirement of the RFP, including but not only any of the Contract Terms set forth in Section 26 of the Standard Instructions to Proposers.

OR

\_\_\_\_\_ This proposal takes exception(s) to or seeks to modify or clarify certain of the RFP requirements, including but not only the following Contract Terms set forth in Section 26 of the Standard Instructions to Proposers. **Attached is a sheet fully describing each such exception.**

2. State Debarment List

Is the proposer on the State of Connecticut's Debarment List?

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

3. Occupational Safety and Health Law Violations

Has the proposer or any firm, corporation, partnership or association in which it has an interest (1) been cited for three (3) or more willful or serious violations of any occupational safety and health act or of any standard, order or regulation promulgated pursuant to such act, during the three-year period preceding the proposal (provided such violations were cited in accordance with the provisions of any state occupational safety and health act or the Occupational Safety and Health Act of 1970, and not abated within the time fixed by the citation and such citation has not been set aside following appeal to the appropriate agency or court having jurisdiction) or (2) received one or more criminal convictions related to the injury or death of any employee in the three-year period preceding the proposal?

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

If "yes," attach a sheet fully describing each such matter.

4. Arbitration/Litigation

Has either the proposer or any of its principals (regardless of place of employment) been involved for the most recent ten (10) years in any pending or resolved arbitration or litigation?

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

If "yes," attach a sheet fully describing each such matter.

5. Criminal Proceedings

Has the proposer or any of its principals (regardless of place of employment) ever been the subject of any criminal proceedings?

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

If "yes," attach a sheet fully describing each such matter.

6. Ethics and Offenses in Public Projects or Contracts

Has either the proposer or any of its principals (regardless of place of employment) ever been found to have violated any state or local ethics law, regulation, ordinance, code, policy or standard, or to have committed any other offense arising out of the submission of proposals or bids or the performance of work on public works projects or contracts?

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

If "yes," attach a sheet fully describing each such matter.

**PROPOSAL (BID) SECURITY**

I/we have included herein the required certified check or proposal (bid) bond in the amount of 10% of the proposal amount.

**NOTE:** THIS DOCUMENT, IN ORDER TO BE CONSIDERED A VALID PROPOSAL, MUST BE SIGNED BY A PRINCIPAL OFFICER OR OWNER OF THE BUSINESS ENTITY THAT IS SUBMITTING THE PROPOSAL. SUCH SIGNATURE CONSTITUTES THE PROPOSER'S REPRESENTATIONS THAT IT HAS READ, UNDERSTOOD AND FULLY ACCEPTED EACH AND EVERY PROVISION OF EACH DOCUMENT COMPROMISING THE RFP, UNLESS AN EXCEPTION IS DESCRIBED ABOVE.

BY \_\_\_\_\_  
TITLE:

\_\_\_\_\_  
(PRINT NAME)

\_\_\_\_\_ DATE: \_\_\_\_\_  
(SIGNATURE)

**END OF PROPOSAL FORM**

**TOWN OF LEDYARD, CONNECTICUT**

**PROPOSER'S LEGAL STATUS DISCLOSURE**

Please fully complete the applicable section below, attaching a separate sheet if you need additional space.

For purposes of this disclosure, "permanent place of business" means an office continuously maintained, occupied and used by the proposer's regular employees regularly in attendance to carry on the proposer's business in the proposer's own name. An office maintained, occupied and used by a proposer only for the duration of a contract will not be considered a permanent place of business. An office maintained, occupied and used by a person affiliated with a proposer will not be considered a permanent place of business of the proposer.

**IF A SOLELY OWNED BUSINESS:**

Proposer's Full Legal Name \_\_\_\_\_

Street Address \_\_\_\_\_

Mailing Address (if different from Street Address) \_\_\_\_\_

Owner's Full Legal Name \_\_\_\_\_

Number of years engaged in business under sole proprietor or trade name \_\_\_\_\_

Does the proposer have a "permanent place of business" in Connecticut, as defined above?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If yes, please state the full street address (not a post office box) of that "permanent place of business."

\_\_\_\_\_

**IF A CORPORATION:**

Proposer's Full Legal Name \_\_\_\_\_

Street Address \_\_\_\_\_

Mailing Address (if different from Street Address) \_\_\_\_\_

Owner's Full Legal Name \_\_\_\_\_

Number of years engaged in business \_\_\_\_\_

Names of Current Officers

\_\_\_\_\_  
President                                      Secretary                                      Chief Financial Officer

Does the proposer have a "permanent place of business" in Connecticut, as defined above?

\_\_\_\_\_ Yes                                      \_\_\_\_\_ No

If yes, please state the full street address (not a post office box) of that "permanent place of business."

\_\_\_\_\_  
—

**IF A LIMITED LIABILITY COMPANY:**

Proposer's Full Legal Name \_\_\_\_\_

Street Address \_\_\_\_\_

Mailing Address (if different from Street Address) \_\_\_\_\_

Owner's Full Legal Name \_\_\_\_\_

Number of years engaged in business \_\_\_\_\_

Names of Current Manager(s) and Member(s)

\_\_\_\_\_  
Name & Title (if any)                                      Residential Address (street only)

\_\_\_\_\_  
Name & Title (if any)                                      Residential Address (street only)

\_\_\_\_\_  
Name & Title (if any)                                      Residential Address (street only)

\_\_\_\_\_  
Name & Title (if any)                                      Residential Address (street only)

\_\_\_\_\_  
Name & Title (if any)                                      Residential Address (street only)

Does the proposer have a "permanent place of business" in Connecticut, as defined above?

\_\_\_\_\_ Yes                                      \_\_\_\_\_ No

If yes, please state the full street address (not a post office box) of that "permanent place of business."

---

**IF A PARTNERSHIP:**

Proposer's Full Legal Name \_\_\_\_\_

Street Address \_\_\_\_\_

Mailing Address (if different from Street Address) \_\_\_\_\_

Owner's Full Legal Name \_\_\_\_\_

Number of years engaged in business \_\_\_\_\_

Names of Current Partners

\_\_\_\_\_  
Name & Title (if any) Residential Address (street only)

\_\_\_\_\_  
Name & Title (if any) Residential Address (street only)

\_\_\_\_\_  
Name & Title (if any) Residential Address (street only)

\_\_\_\_\_  
Name & Title (if any) Residential Address (street only)

Does the proposer have a "permanent place of business" in Connecticut, as defined above?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please state the full street address (not a post office box) of that "permanent place of business."

\_\_\_\_\_

\*\*\*\*\*

\_\_\_\_\_  
Proposer's Full Legal Name

---

(print)  
Name and Title of Proposer's Authorized  
Representative

---

(signature)  
Proposer's Representative, Duly Authorized

---

Date

**END OF LEGAL STATUS DISCLOSURE FORM**

**TOWN OF LEDYARD, CONNECTICUT**

**PROPOSAL # LPS-0043**  
**PEST CONTROL SERVICES**

**PROPOSER'S CERTIFICATION**  
**Concerning Equal Employment Opportunities**  
**And Affirmative Action Policy**

I/we, the proposer, certify that:

- 1) I/we are in compliance with the equal opportunity clause as set forth in Connecticut state law (Executive Order No. Three, <http://www.cslib.org/exeorder3.htm>).
- 2) I/we do not maintain segregated facilities.
- 3) I/we have filed all required employer's information reports.
- 4) I/we have developed and maintain written affirmative action programs.
- 5) I/we list job openings with federal and state employment services.
- 6) I/we attempt to employ and advance in employment qualified handicapped individuals.
- 7) I/we are in compliance with the Americans with Disabilities Act.
- 8) I/we (check one):  
\_\_\_\_\_ have an Affirmative Action Program, or  
\_\_\_\_\_ employ 10 people or fewer.

\_\_\_\_\_  
Legal Name of Proposer

\_\_\_\_\_  
(Signature)  
Proposer's Representative, Duly Authorized

\_\_\_\_\_  
Name of Proposer's Authorized  
Representative

\_\_\_\_\_  
Title of Proposer's Authorized Representative

\_\_\_\_\_  
Date



**TOWN OF LEDYARD, CONNECTICUT**

**PROPOSER'S NON COLLUSION AFFIDAVIT**

**PROPOSAL FOR:**

**PROPOSAL NUMBER:**

The undersigned proposer, having fully informed himself/herself/itself regarding the accuracy of the statements made herein, certifies that:

- (1) the proposal is genuine; it is not a collusive or sham proposal;
- (2) the proposer developed the proposal independently and submitted it without collusion with, and without any agreement, understanding, communication or planned common course of action with, any other person or entity designed to limit independent competition;
- (3) the proposer, its employees and agents have not communicated the contents of the proposal to any person not an employee or agent of the proposer and will not communicate the proposal to any such person prior to the official opening of the proposal; and
- (4) no elected or appointed official or other officer or employee of the Town of Ledyard is directly or indirectly interested in the proposer's proposal, or in the supplies, materials, equipment, work or labor to which it relates, or in any of the profits thereof.

The undersigned proposer further certifies that this affidavit is executed for the purpose of inducing the Town of Ledyard to consider its proposal and make an award in accordance therewith.

\_\_\_\_\_  
Legal Name of Proposer

\_\_\_\_\_  
(signature)  
Proposer's Representative, Duly Authorized

\_\_\_\_\_  
Name of Proposer's Authorized  
Representative

\_\_\_\_\_  
Title of Proposer's Authorized Representative

\_\_\_\_\_  
Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**TOWN OF LEDYARD, CONNECTICUT**

**PROPOSAL # LPS-0043**  
**PEST CONTROL SERVICES**

**PROPOSER'S STATEMENT OF REFERENCES**

Provide at least three (3) references:

1. BUSINESS NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY, STATE \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_  
INDIVIDUAL CONTACT NAME AND POSITION  
\_\_\_\_\_

2. BUSINESS NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY, STATE \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_  
INDIVIDUAL CONTACT NAME AND POSITION  
\_\_\_\_\_

3. BUSINESS NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY, STATE \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
INDIVIDUAL CONTACT NAME AND POSITION  
\_\_\_\_\_

**END OF STATEMENT OF REFERENCES**

**CONTRACT FOR *PEST CONTROL SERVICES***  
**LPS-0043**

This Contract is made as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the "Effective Date"), by and between the Town of Ledyard, \_\_\_\_\_, Ledyard, Connecticut, a municipal corporation organized and existing under the laws of the State of Connecticut (the "Town"), and \_\_\_\_\_ (the "Contracting Party").

**RECITALS:**

WHEREAS, the Town has issued a Request for Proposals for ***PEST CONTROL SERVICES*** (the "RFP"), a copy of which, along with any addenda, is attached as Exhibit A;

WHEREAS, the Contracting Party submitted a proposal to the Town dated \_\_\_\_\_ (the "Proposal"), a copy of which is attached as Exhibit B;

WHEREAS, the Town has selected the Contracting Party to perform the Work (as defined in Section 1 below); and

WHEREAS, the Town and the Contracting Party desire to enter into a formal contract for the performance of the Work.

NOW THEREFORE, in consideration of the recitals set forth above and the parties' mutual promises and obligations contained below, the parties agree as follows:

1. Work: The Contracting Party agrees to perform the Work described more fully in the attached Exhibits A and B,

The Contracting Party also agrees to comply with all of the terms and conditions set forth herein and in the RFP, including but not only **all of the terms set forth in Section 26 (the "Contract Terms") of the Standard Instructions to Bidders.**

2. Term: **JULY 1, 2017 – JUNE 30, 2017**

3. Contract Includes Exhibits; Order of Construction: The Contract includes the RFP (Exhibit A) and the Proposal (Exhibit B), which are made a part hereof. In the event of a conflict or inconsistency between or among this document, the RFP, and the Proposal, this document shall have the highest priority, the RFP the second priority, and the Proposal the third priority.

4. Price and Payment: TBD

5. Right to Terminate: If the Contracting Party's fails to comply with any of the terms, provisions or conditions of the Contract, including the exhibits, the Town shall have the right, in addition to all other available remedies, to declare the Contract in

default and, therefore, to terminate it and to resubmit the subject matter of the Contract to further public procurement. In that event, the Contracting Party shall pay the Town, as liquidated damages, the amount of any excess of the price of the new contract over the Contract price provided for herein, plus any legal or other costs or expenses incurred by the Town in terminating this Contract and securing a new contracting party.

6. No Waiver or Estoppel: Either party's failure to insist upon the strict performance by the other of any of the terms, provisions and conditions of the Contract shall not be a waiver or create an estoppel. Notwithstanding any such failure, each party shall have the right thereafter to insist upon the other party's strict performance, and neither party shall be relieved of such obligation because of the other party's failure to comply with or otherwise to enforce or to seek to enforce any of the terms, provisions and conditions hereof.

7. Notice: Any notices provided for hereunder shall be given to the parties in writing (which may be hardcopy, facsimile, or e-mail) and shall be effective upon receipt at their respective addresses set forth below:

If to the Town:

*Ledyard Board of Education  
Attention: Samuel Kilpatrick  
4 Blonder Boulevard, Ledyard, CT 06339  
860-464-9255 Phone  
860-464-8589 Facsimile*

If to the Contracting Party:

8. Execution: This Contract may be executed in one or more counterparts, each of which shall be considered an original instrument, but all of which shall be considered one and the same agreement, and shall become binding when one or more counterparts have been signed by each of the parties hereto and delivered (including delivery by facsimile) to each of the parties.

IN WITNESS THEREOF, the parties have executed this contract as of the last date signed below.

TOWN OF LEDYARD

By \_\_\_\_\_  
Jason Lathrop, Business Manager  
Its Duly Authorized Agent  
Date: \_\_\_\_\_

[CONTRACTING PARTY LEGAL NAME]

By \_\_\_\_\_  
Name, Title  
Its Duly Authorized Agent  
Date: \_\_\_\_\_

**STATE OF CONNECTICUT BIDDER QUALIFICATION STATEMENT**

**SECTION 00 45 14  
GENERAL CONTRACTOR'S  
BIDDER QUALIFICATION STATEMENT**

**PAGE 1 OF 5**

**GENERAL CONTRACTOR  
BIDDER'S QUALIFICATION STATEMENT**

All bidders are required to file this form, properly completed, WITH THEIR PROPOSAL. Failure of a bidder to answer any question or provide required information may be grounds for the awarding authority to disqualify and reject the bid. If a question or request for information does not pertain to your organization in any way, use the symbol "NA" (Not Applicable). Use additional 8 ½ x 11" sheets with your letterhead as necessary.

**THE DEPARTMENT RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL OR SUPPLEMENTAL INFORMATION NECESSARY TO COMPLETE ITS EVALUATION OF A BIDDER'S QUALIFICATION.**

1. Indicate exactly the name by which this organization is known:

Name: \_\_\_\_\_

2. How many years has this organization been in business under its present business name?

Years \_\_\_\_\_

3. How many years has this organization been in business as a General Contractor?

Years: \_\_\_\_\_

4. Indicate all other names by which this organization has been known and the length of time known by each name:

4.1 \_\_\_\_\_

4.2 \_\_\_\_\_

4.3 \_\_\_\_\_

5. This firm is a:

Corporation

Partnership

Sole Proprietorship

Joint Venture

Other

**SECTION 00 45 14  
GENERAL CONTRACTOR'S  
BIDDER QUALIFICATION STATEMENT**

**PAGE 2 OF 5**

6. Attach **resumes** of all **supervisory personnel**, such as **Principals, Project Managers**, and **Superintendents**, and **Construction Scheduler** (see Section 01 32 16 or 01 32 16.13 of the General Requirements, as applicable) who will be directly involved with the project on which you are now a bidder. Indicate their construction related training, certifications and licenses and the number of years of actual construction experience. Indicate the number of years of this actual construction experience which were in a Supervisory capacity.

7. List all sub-trades, which your firm customarily performs with own employees:

7.1 \_\_\_\_\_

7.2 \_\_\_\_\_

7.3 \_\_\_\_\_

7.4 \_\_\_\_\_

7.5 \_\_\_\_\_

8. All Construction Projects your organization has in process (attach separate sheets using the following format as necessary):

8.1 Specific Title & Location: \_\_\_\_\_

8.2 Contract Amount: \_\_\_\_\_

8.3 Description of your scope of work performed: \_\_\_\_\_

8.4 Owners Representatives \_\_\_\_\_

(Name) \_\_\_\_\_ Telephone Number \_\_\_\_\_

9. Has your organization ever failed to complete a contract, or has any officer or partner of your organization ever been an officer or partner of another organization that failed to complete a contract?

- NO
- YES

If yes, indicate the circumstances leading to the project failure and the name of the company which provided the bonding for the failed contract(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Has your organization ever had a contract terminated?

- NO  
 YES

If yes indicate the circumstances leading to the project termination of contract(s):

---

---

---

11. Has your organization had any legal or administrative proceedings against the organization, or any officers, principals, partners, members, or employees of the organization currently pending or concluded adversely within the last five years, and any judicial or administrative sanctions that are still in effect against such organization, and any of its officers, principals, partners, members, or employees? (Exclude OSHA violations which are called for elsewhere in this statement.)

- NO  
 YES

If yes, list and explain:

12. Has your organization had any disbarments or suspensions that have been imposed in the past five years or that was still in effect during the five year period or is still in effect?

- NO  
 YES

If yes, list and explain; such list must include disbarments and suspensions of officers, principals, partners, members, and employees of your organization:

13. Has your organization had any other reason that precludes your organization or any officer, principal, partner, member, or employees thereof from bidding on a contract in Connecticut or any other jurisdiction?

- NO  
 YES

If yes. list and explain:



14. Has your organization had any willful or serious violations of any Occupational Safety and Health Act (OSHA) or of any standard, order or regulation promulgated pursuant to such act, during the three-year period preceding the bid, provided such violations were cited in accordance with the provisions of any State Occupational Safety and Health Act or Occupational Safety and Health Act of 1970?

- NO  
 YES

If yes, list and explain; indicate whether these were abated within the time fixed by the citation or whether the citation was appealed. If appealed, what is the status or disposition?

15. Has your organization had any criminal convictions related to the injury or death of any employee in the three year period preceding the bid?

- NO  
 YES

If yes, list and explain any such convictions:

16. Have there been any changes in your company's financial condition or business organization, which might affect your company's ability to successfully complete this contract?

- NO  
 YES

If yes, list and explain:

**SECTION 00 45 14  
GENERAL CONTRACTOR'S  
BIDDER QUALIFICATION STATEMENT**

PAGE 5 OF 5

Dated at \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Name of Organization: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_

(Print Name) \_\_\_\_\_

**Notary Statement:**

Mr./Mrs./Ms. \_\_\_\_\_ being duly sworn

Deposes and says that he/she is the \_\_\_\_\_ of  
(Position or Title)

\_\_\_\_\_, and that the answers to the foregoing  
(Firm Name)

Questions and all statements therein contained are true and correct.

Notary Public \_\_\_\_\_

My Commission Expires \_\_\_\_\_, 20 \_\_\_\_

**END OF SECTION**

CT DCS • 6000 - Bid Phase Forms- 09.01.11

PROJECT NO.: LPS-00-043

**STATE OF CONNECTICUT**  
**Contractor Verification**  
**(in accordance with Public Act 16-67)**

**Directions to Contractor:** Connecticut law requires that any contractor applying or bidding for a contract (including individuals who are independent contractors) with a local or regional board of education, a governing council of a state or local charter school, or interdistrict magnet school operator require any employee with the contractor who would be in a position involving direct student contact to supply the contractor with the information provided in this form. Information may be collected either through a written communication or telephonically.

In addition, pursuant to Connecticut General Statutes (C.G.S.) § 10-233c, the contractor is required to contact – either telephonically or through written communication – any current or former employer of an employee if such employer was a local or regional board of education, a governing council of a state or local charter school, or interdistrict magnet school operator or if the employment caused the employee to have contact with children, to request any information concerning whether there was a finding of abuse or neglect or sexual misconduct against the employee. If the contractor receives any information indicating such a finding, or otherwise has knowledge of such a condition, the contractor must immediately forward such information to any local or regional board of education with which the contractor is under contract.

**Directions to Employee of Contractor:** Pursuant to Connecticut state law, employees of a contractor who would be in a position involving direct student contact must supply all of the information provided in Section 2 of this form.

**Section 1 - To be completed by Contractor**

Name	
Street address	
City, State, Zip Code	
Contact person	
Telephone number/email address	

**Section 2 – To be completed by Employee of Contractor**

**Part A.** Please list the name, address and telephone number of each current or former employer below, if such current or former employer was a local or regional board of education, a governing council of a state or local charter school, or interdistrict magnet school operator, or if such employment otherwise caused you to have contact with children.

Employer 1: Name \_\_\_\_\_ Address: \_\_\_\_\_ Phone \_\_\_\_\_

Employer 2: Name \_\_\_\_\_ Address: \_\_\_\_\_ Phone \_\_\_\_\_

Employer 3: Name \_\_\_\_\_ Address: \_\_\_\_\_ Phone \_\_\_\_\_

Employer 4: Name \_\_\_\_\_ Address: \_\_\_\_\_ Phone \_\_\_\_\_

Employer 5: Name \_\_\_\_\_ Address: \_\_\_\_\_ Phone \_\_\_\_\_

Employer 6: Name \_\_\_\_\_ Address: \_\_\_\_\_ Phone \_\_\_\_\_

Employer 7: Name \_\_\_\_\_ Address: \_\_\_\_\_ Phone \_\_\_\_\_

Employer 8: Name \_\_\_\_\_ Address: \_\_\_\_\_ Phone \_\_\_\_\_

Employer 9: Name \_\_\_\_\_ Address: \_\_\_\_\_ Phone \_\_\_\_\_

**Part B.** Please complete the questions below in their entirety.

Have you ever:

Been the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency or municipal police department (answer “no” if the investigation resulted in a finding that all allegations were unsubstantiated)?

Been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by the Department of Children and Families (the “department”), or an allegation of sexual misconduct was pending or under investigation or due to an allegation substantiated pursuant to section 17a-101g of abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct?

Y  N

Had a professional or occupational license or certificate suspended or revoked or ever surrendered such a license or certificate while an allegation of abuse or neglect was pending or under investigation by the department or an investigation of sexual misconduct was pending or under investigation, or due to an allegation substantiated by the department of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct

**Part C – Written Consent and Disclosure Authorization.** I hereby authorize the entities I have listed in Section 2 of this form to release to the entity listed in Section 1 of this form the information required to be released by my previous employer pursuant to (C.G.S.) § 10-222c along with any related records. I hereby consent to and authorize disclosure by the State Department of Education of the information requested pursuant to C.G.S. § 10-222c, as amended by Public Act 16-67, and I hereby authorize the release by the State Department of Education of any related records. I further hereby release the above-named employer(s) and the State Department of Education from any and all liability of any kind that may arise from the disclosure or release of records requested pursuant to C.G.S. § 10-222c, as amended by Public Act 16-67.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**NOTES:**

The terms provided below are currently defined in state law as follows. Please note that statutes may be amended from time to time.

Sexual Misconduct means – “any verbal, nonverbal, written or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature and any other sexual, indecent or erotic contact with a student.” Connecticut General Statutes § 10-222c(k).

Abuse or neglect means – “abuse or neglect as described in Section 46b-120, and includes any violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a.” Connecticut General Statutes § 10-222c(k).

The Connecticut State Department of Education is an affirmative action/equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, gender identity or expression, sexual orientation, marital status, national origin, ancestry, age, criminal record, political beliefs, genetic information, intellectual disability, past or present history of mental disability, learning disability, or physical disability, including, but not limited to, blindness or any other basis prohibited by Connecticut state and/or federal nondiscrimination laws.

Addenda A

PERTINENT PESTICIDE STATUTES AND REGULATIONS  
FOR  
CERTIFIED COMMERCIAL SUPERVISORS AND ARBORISTS  
(Revised to July 2015)

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

[http://www.ct.gov/deep/lib/deep/pesticide\\_certification/supervisor/stats\\_\\_regs\\_superv\\_and\\_arborists\\_rev\\_may\\_2008.pdf](http://www.ct.gov/deep/lib/deep/pesticide_certification/supervisor/stats__regs_superv_and_arborists_rev_may_2008.pdf)

## 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](http://www.cslib.org/psaindex.htm). Copies of Regulations of Connecticut State Agencies may be obtained from the state agency that oversees them or from the Connecticut State Library.

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

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Connecticut General Statutes

Chapter 170

Boards of Education

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

As used in sections 10-231b to 10-231d, inclusive, as amended by this act, (1)

"pesticide" means a fungicide used on plants, an insecticide, a herbicide or a rodenticide, but does not mean a sanitizer, disinfectant, antimicrobial agent or pesticide bait, (2) "lawn care pesticide" means a pesticide registered by the United States Environmental

Protection Agency and labeled pursuant to the federal Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and ornamental sites or areas. "Lawn care

pesticide" does not include (A) a microbial pesticide or biochemical pesticide that is registered with the United States Environmental Protection Agency, (B) a horticultural

soap or oil that is registered with the United States Environmental Protection Agency and does not contain any synthetic pesticide or synergist, or (C) a pesticide classified by the

United States Environmental Protection Agency as an exempt material pursuant to 40 CFR 152.25, as amended from time to time, (3) "integrated pest management" means

use of all available pest control techniques, including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while

decreasing the use of pesticides, (4) "microbial pesticide" means a pesticide that consists of a microorganism as the active ingredient, and (5) "biochemical pesticide"

means a naturally occurring substance that controls pests by nontoxic mechanisms.

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

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

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

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

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

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

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

(2) On and after October 1, 2015, prior to providing for any application of pesticide within any building or on the grounds of any school, in addition to the requirements of subdivision (1) of this subsection, the local or regional board of education shall provide for notice of such application not less than twenty-four hours prior to such application by posting the notice required by subdivision (1) of this subsection either on or through: (A) The home page of the Internet web site for the school where such application will occur, or, in the event such school does not have a web site, on the home page of the Internet web site for such local or regional board of education, and (B) the primary social media account of such school or local or regional board of education. Each local or regional board of education shall indicate on the home page of such board of education how parents may register for prior notice of pesticide applications, as described in subdivision (1) of this subsection. Not later than March fifteenth of each year, the local or regional board of education shall send through the electronic mail notification or alert system or service of such school or local or regional board of education the notice required by subdivision (1) of this subsection for applications made since January first of such year and a listing of such notices for applications made during the March fifteenth through December thirty-first timeframe from the preceding calendar year. The local or regional board of education shall additionally print such electronic mail notification required by this

subdivision in the applicable parent handbook or manual, provided nothing in this subdivision shall be construed to require the reprinting of such handbook or manual to provide such notification. Nothing in this subdivision shall require the development or use of an Internet web site, social media account or electronic mail notification or alert system that is not already in use or existence prior to the effective date of this section. For purposes of this section and section 10-231d, as amended by this act, "social media" means an electronic medium where users may create and view user-generated content, such as uploaded or downloaded videos or still photographs, blogs, video blogs, podcasts or instant messages.

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

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

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

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

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

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

(c) On and after July 1, 2000, parents or guardians of children in any school and school staff may register for notice of pesticide application at their school. Each school shall maintain a registry of persons requesting such notice. Notice under this subsection shall

include (1) the name of the active ingredient of the pesticide being applied, (2) the target pest, (3) the location of the application on the school property, (4) the date of the application, and (5) the name of the school administrator, or a designee, who may be contacted for further information.

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

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

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

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

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

- (2) "Microbial pesticide" means a pesticide that consists of a microorganism as the active ingredient;
- (3) "Biochemical pesticide" means a naturally occurring substance that controls pests by nontoxic mechanisms;
- (4) "Lawn care pesticide" means a pesticide registered by the United States Environmental Protection Agency and labeled pursuant to the federal Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and ornamental sites or areas. "Lawn care pesticide" does not include (A) a microbial pesticide or biochemical pesticide that is registered with the United States Environmental Protection Agency, (B) a horticultural soap or oil that is registered with the United States Environmental Protection Agency and does not contain any synthetic pesticide or synergist, or (C) a pesticide classified by the United States Environmental Protection Agency as an exempt material pursuant to 40 CFR 152.25, as amended from time to time;
- (5) "Certified pesticide applicator" means a pesticide applicator with (A) supervisory certification under section 22a-54 of the general statutes, or (B) operational certification under section 22a-54 of the general statutes, who operates under the direct supervision of a pesticide applicator with such supervisory certification;
- (6) "Controlling authority" means the executive head of the municipal department responsible for the maintenance of a playground or such person's designee. "Controlling authority" does not include the executive head of any municipal department responsible for the maintenance of any school;
- (7) "Municipal playground" means an outdoor area owned or controlled by any town, city or borough, consolidated town and city or consolidated town and borough that is designated, dedicated and customarily used for playing by children, such as any such outdoor area that contains any swing set, slide, climbing structure, playset or device or object upon which children play. "Municipal playground" does not include any: (A) Playground located on the premises of any school, or (B) athletic field; and
- (8) "Athletic field" means any field or open space used primarily for sporting activities.
- (b) No person other than a certified pesticide applicator shall apply pesticide within any municipal playground except a person other than a certified pesticide applicator may make an emergency application of pesticide to eliminate an immediate threat to human health, including, but not limited to, the elimination of mosquitoes, ticks and stinging insects, provided (1) the controlling authority determines such emergency application of pesticide to be necessary, (2) the controlling authority deems it impractical to obtain the services of a certified pesticide applicator, and (3) such emergency application of pesticide does not involve a restricted use pesticide, as defined in section 22a-47 of the general statutes.
- (c) No person shall apply a lawn care pesticide on the grounds of any municipal playground, except an emergency application of pesticide may be made to eliminate an immediate threat to human health, including, but not limited to, the elimination of mosquitoes, ticks and stinging insects, provided (1) the controlling authority determines such emergency application of pesticide to be necessary, and (2) such emergency application of pesticide does not involve a restricted use pesticide, as defined in section 22a-47 of the general statutes.
- (d) Prior to providing for any application of pesticide on the grounds of any municipal playground, the controlling authority shall, if the situation permits, within the existing budgetary resources available to the controlling authority, provide public notice of such

application not later than twenty-four hours prior to such application of pesticide. Such public notice shall be posted on the Internet web site of the applicable municipality. If a controlling authority determines an emergency application of pesticide to be necessary pursuant to subsection (b) or (c) of this section, such notice shall be given as soon as practicable. Notice under this subsection shall include (1) the name of the active ingredient of the pesticide being applied, (2) the target pest, (3) the location of the application of pesticide on the grounds of the municipal playground, and (4) the date or proposed date of the application of pesticide. A copy of each notice of such application of pesticide at a municipal playground shall be maintained by the controlling authority for a period of five years from the date of application of the pesticide and available to members of the public.

Chapter 368a

Department of Public Health

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

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

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

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

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

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

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

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

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

- (5) Drop-in supplementary child care operations for educational or recreational purposes and the child receives such care infrequently where the parents are on the premises;
  - (6) Drop-in supplementary child care operations in retail establishments where the parents are on the premises for retail shopping, in accordance with section 19a-77a, provided that the drop-in supplementary child-care operation does not charge a fee and does not refer to itself as a child day care center;
  - (7) Drop-in programs administered by a nationally chartered boys' and girls' club; or
  - (8) Religious educational activities administered by a religious institution exclusively for children whose parents or legal guardians are members of such religious institution.
- (c) No registrant or licensee of any child day care services as defined in subsection (a) of this section shall be issued an additional registration or license to provide any such services at the same facility.

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

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

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

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



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

#### Chapter 422

#### Department of Agriculture

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

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

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

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

#### Chapter 426

#### Agriculture Experiment Stations

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

#### Chapter 441

#### Pesticide Control

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

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

(a) "Active ingredient" means:

(1) In the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate any pest;

(2) In the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof;

(3) In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant; and

(4) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue;

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

(1) Its strength or purity falls below the professed standard of quality as expressed on its labeling under which it is sold;

(2) Any substance has been substituted wholly or in part for the pesticide; or

(3) Any valuable constituent of the pesticide has been wholly or in part abstracted;

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

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

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

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

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

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

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

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

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

- (l) "Imminent hazard" means a situation which exists when the continued use of a pesticide, during the time required for a cancellation proceeding as provided in section 22a-52, would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of the Interior pursuant to the provisions of 83 Stat. 275 (P.L. 91-135), as may be amended from time to time;
- (m) "Inert ingredient" means an ingredient which is not active;
- (n) "Ingredient statement" means a statement which contains the name and percentage of each active ingredient, and the total percentage of all inert ingredients, in the pesticide; and a statement of the percentages of total and water soluble arsenic, calculated as elementary arsenic, if any;
- (o) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, including, but not limited to, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, including, but not limited to, spiders, mites, ticks, centipedes, and wood lice;
- (p) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers;
- (q) "Labeling" means all labels and all other written, printed or graphic matter, accompanying the pesticide or device or to which reference is made on the label or in literature accompanying the pesticide or device;
- (r) A pesticide is misbranded if:
- (1) Its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;
  - (2) It is contained in a package or other container or wrapping which does not conform to the standards established by 86 Stat. 979 (P.L. 92-516), as may be amended from time to time;
  - (3) It is an imitation of, or is offered for sale under the name of another pesticide;
- (s) "Microorganism" means any microscopic organism including but not limited to alga, bacterium, fungus, and virus except those on or in living man or other animals and those on or in processed food, beverage or pharmaceuticals;
- (t) "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle and inhabiting soil, water, plants, or plant parts which may also be called nemas or eelworms;
- (u) "Person" means any individual, partnership, association, corporation, limited liability company, government entity, or any organized group of persons whether incorporated or not;
- (v) "Pest" shall have the meaning provided in 40 CFR 152.5, as amended from time to time;
- (w) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant;
- (x) "Plant regulator" means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace

elements, nutritional chemicals, plant inoculants, and soil amendments which are not for pest destruction and are nontoxic, nonpoisonous in the undiluted packaged concentration;

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

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

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

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

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

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

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 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.

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

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

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

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

(e) The Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Public Health, shall adopt regulations, in accordance with the provisions of chapter 54, establishing requirements for the application of pesticides by any state department, agency or institution. Such regulations shall include provisions: (1) Requiring the use of integrated pest management methods that reduce the amount of pesticides used if the Commissioner of Energy and Environmental Protection has provided model pest control management plans pertinent to such facilities, and (2) for the retention of records by each state department, agency or institution that applies any pesticide or implements an integrated pest management program that include, but are not limited to, the need that resulted in the use of pesticides, the location treated with such pesticide, the frequency of pesticide application at such location, the toxicity category and carcinogenic classification for any pesticide used, as established by the United States Environmental Protection Agency, and the cost for each pesticide application. Notwithstanding the provisions of this section and any regulations adopted under this section, a pesticide may be applied if the Commissioner of Public Health determines there is a public health emergency or the Commissioner of Energy and Environmental Protection determines that such application is necessary for control of mosquitoes.

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

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



the marine district. The provisions of this section shall not apply to normal, emergency or experimental operations of the Department of Environmental Protection, the Department of Public Health or public water supply utilities, except that chemicals may not be applied to waters used for water supply furnished to the public or tributary to such water supply without prior approval of the Department of Public Health. Enforcement officers of the Department of Environmental Protection and the Department of Public Health may enforce the provisions of this section.

Chapter 451

(Arborist)

Public Shade Trees and Tree Protection Examining Board

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

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

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

(e) The Commissioner of Environmental Protection, with the advice and assistance of the board, may adopt such regulations as are necessary for the purpose of giving

examinations, issuing and renewing licenses, inspection of work or revocation of licenses.

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

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

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

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

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

(f) The commissioner may suspend for not more than ten days and, after notice and hearing as provided in any regulations established by the commissioner, may suspend for additional periods, or the commissioner may revoke, any license issued under this

section if the commissioner finds that the licensee is no longer qualified or has violated any provision of section 23-61a or this section, or any regulation adopted thereunder.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The applicant's name and residential address,
- (2) the name, address and telephone number of the place of business,
- (3) the name and license number of the licensed arborist employed by the arborist business, and
- (4) the type of business.

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

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

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

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

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

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

- (1) Violation of any provision of this chapter or chapter 441 or any regulation, permit, certificate, registration or order adopted, issued or administered or issued pursuant to this chapter and chapter 441;
- (2) Inclusion of false or misleading information in an application or the failure to notify the commissioner of a change, as required by section 23-61h;
- (3) Inclusion of false or misleading information in records required to be maintained pursuant to section 23-61k, or the failure to maintain such records or provide the commissioner with the records required by section 23-61k;
- (4) Use of a pesticide in a manner inconsistent with the registered labeling or with state or federal restrictions on the use of such pesticide;
- (5) Application of pesticides generally known in the trade to be ineffective or improper for the intended use;

- (6) Operation of faulty or unsafe equipment which may result in improper pesticide application or harm to the environment, a worker or other persons;
  - (7) Application of a pesticide or performance of arboriculture in a faulty, careless or negligent manner;
  - (8) Aiding or abetting a licensed or unlicensed person to evade the provisions of this chapter or chapter 441 or any regulation, permit, certificate, registration or order adopted, issued or administered pursuant to this chapter and chapter 441;
  - (9) The making of a false or misleading statement during an inspection or investigation concerning an infestation of pests, an accident in applying a pesticide, misuse of a pesticide, or violation of a statute, regulation, certificate, registration or order;
  - (10) The performance of arboriculture which does not meet generally accepted industry standards;
  - (11) The performance of work, whether or not for compensation, in a category for which the arborist is not certified; and
  - (12) The conviction of the applicant of a felony, as defined in section 53a-25.
- (d) Any arborist business whose certificate of registration is denied, suspended or revoked shall not be eligible to reapply for a certificate of registration until the commissioner determines that such applicant may reapply.
- (e) The commissioner shall not issue a certificate of registration or a renewal of a certificate of registration to an arborist business unless such arborist business submits the summary required pursuant to subsection (d) of section 22a-58 for the previous calendar year.

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

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

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

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

(B) the date and place of work,  
(C) the name and license number of the licensed arborist supervising the work, and  
(D) the names of any unlicensed or licensed persons performing the work under the supervision of the licensed arborist.

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

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

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

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

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

#### Regulations of Connecticut State Agencies Pesticide Control

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

(1) Commercial Applicator - Supervisory

(A) examination fee: \$100.00\*

(B) recertification examination fee for certificate holders: \$100.00\*

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(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 or 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 themselves or a single firm, corporation, dealership or other entity engaged in the business of distributing, selling, offering for sale, or holding for sale to the ultimate user, any restricted-use or permit-use pesticide;

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

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

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

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

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

(2) Benzene hexachloride (BHC).

(3) Cadmium products.

(4) Dichloro diphenyl dichloroethane (DDD).

(5) Dichloro diphenyl trichloroethane (DDT).

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

(7) Lead products.

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

(9) Phosphorous paste products

(10) Selenium products

(11) Terpene polychlorinates (65 or 66% chlorine) consisting of chlorinated camphene, pinene and related polychlorinates (Strobane).

(12) Thallium products.

(13) Toxaphene

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

(1) Aldrin\* for use as a termite control.

(2) Dieldrin\* for use as a termite control.

(3) Lindane\* for leafminer, bark beetle, powder post beetle, or borer control, or for prescribed use on humans by a physician licensed by the State of Connecticut, or for prescribed use on animals by a veterinarian licensed by the State of Connecticut.

(4) Endrin\* for use as a mouse control in commercial orchards.

(5) Sodium fluoride for use as a wood preservative.

(6) Strychnine\* for use as a rat and mouse control.

(7) Heptachlor\* to control subterranean termites when the method involves soil injection, trench application, or other soil incorporation method of application.

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

(1) Any pesticide activated by thermal means, except pyrethrum, pyrethrins or pyrethroids, for indoor application, except indoor application for agricultural purposes;

(2) Captan on pets or other animals;

(3) Chlordane\* products

(A)\*for indoor applications except by applicators licensed by the State of Connecticut;

(B)\* on pets or other animals except by veterinarians licensed by the State of Connecticut;

(C)\* for indoor or outdoor application by mistblowers and other mist generators or thermal foggers.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) There shall be two classes of operational certificates: junior operational certificate and senior operational certificate. The commissioner shall require an applicant in either class to take a written examination in order to determine the competency of the applicant. In order to obtain a senior operational certificate, the commissioner may require the

applicant to take separate examinations for different categories of pesticide application. The senior operator shall be certified only in those categories in which the senior operator has passed such examination.

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

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

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

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

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

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

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

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

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

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

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

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

(A) Year one -

applicators whose last names start with letters A – C

(B) Year two -

applicators whose last names start with letters D – H

(C) Year three -

applicators whose last names start with letters I -M

(D) Year four -

applicators whose last names start with letters N – S

(E) Year five -

applicators whose last names start with letters T – Z

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

Section 22a-66a-1. Public notification of outdoor pesticide applications. (a) Definitions. As used in sections 22a-66a-1 and 22a-66a-2 of the Regulations of Connecticut State Agencies:

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

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

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

(b) General notification requirements.

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

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

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

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

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

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

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

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

(ii) The sign shall be of a rigid material substantial enough to be easily read for at least twenty-four hours

after the pesticide application despite adverse weather conditions;

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

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

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

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

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

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

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

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

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

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

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

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

(3) "Exceptions to the posting requirements:

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

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

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

(d) Notice of pesticide applications to golf courses.

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

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

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

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

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

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

(C) The sign shall contain the following information:

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

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

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

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

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

(1) In accordance with subsection (h) of section 22a-66a of the Connecticut General Statutes, any pesticide application business or department, agency or institution of the state or a municipality, prior to making a pesticide application in any lake or pond with

any public access owned by the state or a municipality shall give newspaper notice to the public in accordance with subsection (h) of section 22a-66a of the Connecticut General Statutes, and shall post a sign in a conspicuous location at each place of public access owned by the state or a municipality.

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

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

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

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

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

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

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

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

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

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

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

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

(D) Except for the date and time of the pesticide application, the name and telephone number of the pesticide

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

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

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

(ii) the location of the pesticide application;

(iii) the purpose of the pesticide application;

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

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

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

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

Section 22a-66a-2. Requests for notification of pesticide application to abutting property.

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

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

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

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

(c)(1) The commissioner shall maintain a registry of persons who have submitted requests for notification to a pesticide application business or to the commissioner. In

order to be included on the registry for any calendar year, the request must be received by the commissioner no later than January 31, 1991 for the 1991 calendar year and no later than December 31 of the preceding year for each calendar year thereafter. In 1991, requests received after February 1 shall be included in the 1992 registry. In years thereafter, requests received after January 1 shall be included in the next year's registry.

(2) The commissioner may periodically send a notice to persons listed on the registry requesting that if they wish to remain on the registry they must submit the information specified in subsection (a) to the Pesticide Management Division within a specified number of days. The commissioner may delete from the registry any person who does not submit the required

information by the required date. A pesticide application business may discontinue providing notification to any person who the commissioner deletes from the registry in accordance with this paragraph. Any person deleted from the registry may submit a new request for notification in accordance with subsection (a) of this section, and notice shall be provided to such person in accordance with this section.

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

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

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

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

(B) the location of the pesticide application;

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

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

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

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

Section 22a-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.

# PESTICIDE APPLICATION



Pesticide  
Applied On:

By:

This sign must remain for 24 hours following  
pesticide application

# CAUTION

## LAKE TREATED WITH PESTICIDES

**PESTICIDE NAME (S):**

**DATE/TIME:**

**APPLICATOR:**

**PHONE:**

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

Swimming or other  
Water contact:

Fishing:

Irrigation:

Drinking:

Livestock watering:

Other:

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

## Addenda B

### **Policy 3518**

#### **Non-Instructional Operations**

##### **Pest Management**

The Ledyard Board of Education believes that structural and landscape pests can pose significant hazards to people, property and the environment. Pests are living organisms such as plants, animals or microorganisms, which interfere with human uses for the school site. Strategies for managing pest populations will be influenced by the pest species and the degree to which that population poses a threat to people, property or the environment. Further, the Board also believes that pesticides can also pose hazards to people, property and the environment. The intent of this policy is to ensure the health and safety of students, teachers, staff and all others using District buildings and grounds. The Director of Maintenance shall develop and implement an integrated pest management (IPM) plan to manage structural and landscape pests, and the toxic chemicals for their control, in order to alleviate pest problems with the least possible hazard to people, property and the environment. The IPM plan shall be consistent with the model plan provided by the Commissioner of Environmental Protection under section 22a-66l of the Connecticut General Statutes (CGS).

The IPM plan procedures will determine when to control pests and whether to use mechanical, physical, chemical, cultural or biological means. Chemical controls shall be used as a last resort. The Board establishes that the District shall use pesticides only after consideration of the full range of alternatives, including taking no action, based upon an analysis of environmental effects, safety, effectiveness and costs.

##### **Definitions**

**“Integrated pest management”** means the use of all available pest control techniques, including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the overall use of pesticides.

**“Pesticide”** means a fungicide used on plants, an insecticide, a herbicide or rodenticide but does not mean a sanitizer, disinfectant, anti-microbial agent or a pesticide bait.

A **“certified pesticide applicator”** is a person who has obtained either (1) supervisory certification under CGS section 22a-54 or (2) operational certification under CGS section 22a-54 and is working under the direct supervision of a supervisory pesticide applicator.

**“Lawn care pesticide”** means a pesticide registered by the United States Environmental Protection Agency (EPA) and labeled pursuant to the federal *Insecticide, Fungicide and Rodenticide Act* for use in lawn, garden and ornamental sites or areas.

**“Restricted use pesticides,”** as classified by the EPA or the Connecticut Department of Environmental Protection (DEP), are those pesticides which may present a hazard to the applicator or other people by reason of acute dermal or inhalation toxicity or which may have an unreasonable adverse effect on the environment. Restricted use pesticides shall only be applied by a certified pesticide applicator.

##### **Notification of IPM Plan**

The Superintendent shall ensure that:

- At the beginning of each school year, the staff of each school are provided with written guidelines on how the IPM plan is to be implemented, and
- At the beginning of each school year, and when any child transfers to a school during the school year, parents/guardians are provided with a statement that shall include a summary of the District’s IPM plan for the school.

The staff and parent/guardian notifications shall (1) indicate that they may register for prior notice of pesticide applications to be made at the school and (2) describe the procedures for notification in the event an emergency application of a pesticide is



required.

A notice of any modifications to the IPM plan shall be sent to any person who has registered for prior notice of pesticide application.

#### **Notification of Pesticide Application**

Notices of planned pesticide applications shall be posted in designated areas at the affected school at least forty-eight (48) hours prior to the application.

The building Principal, or his/her designee, shall ensure that all notifications regarding pesticide application are provided, by any means practicable, to those persons who have registered for prior notice of pesticide application on or before the day that any application of pesticide is to take place at a school.

Notifications of pesticide applications 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.

#### **Records of Pesticide Application**

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 records shall include the information required under CGS section 22a-66a (i.e., a copy of that portion of the pesticide label 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).

#### **Limitations on Pesticide Use**

All pesticide use on school grounds or in school building shall be in accordance with the District's IPM plan.

Pesticides shall normally only be applied on school grounds or within any school building by a certified pesticide applicator.

Staff and students may use pesticides, with the exception of restricted use pesticides, at Ledyard High School as part of the approved Agri-Science program. However, such use shall be limited to the minimum necessary to accomplish curricular objectives. Agri-Science staff members shall ensure that students are informed of and observe all safety precautions regarding the handling, use and storage of pesticides.

Appropriately trained staff members may apply pesticides in an emergency situation to eliminate an immediate threat to human health, as determined by the Superintendent or his/her designee, and where it is impractical to obtain the services of a certified pesticide applicator, provided such situation does not involve a restricted use pesticide.

Starting July 1, 2009, lawn care pesticides shall only be used on the playing fields and playgrounds of District elementary schools and Ledyard Middle School in an emergency situation to eliminate an immediate threat to human health, as determined by the Superintendent or his/her designee.

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. In such cases, staff and students shall be prohibited from entering an area of such application until it is safe to do so according to the provisions on the pesticide label.

#### **Responsibilities**

Each building Principal shall:

- Ensure that a registry is maintained of all staff members and parents/guardians who have requested prior notice of pesticide applications at the school.

- Ensure that sanitary measures are enforced and that the school building is regularly cleaned and maintained in good repair in order to prevent pest infestations and minimize the need for the use of pesticides.
- Ensure that all notifications regarding pesticide applications at the school are provided as required.

The Director of Maintenance shall:

- Develop and implement an IPM plan that is consistent with the model plan provided by the Commissioner of Environmental Protection under section 22a-661 of the CGS.
- Ensure that all District employees who use chemicals to control a pest problem, including Agri-Science staff, are trained on the requirements of this policy and the IPM plan and are instructed on the necessity to observe and follow all precautions and application procedures listed on the pesticide label.
- Ensure that pesticides are stored in a secure site not accessible to students or unauthorized staff and that such storage, and any pesticide disposal, is in accordance with the directions on the pesticide container's label.
- Notify the Superintendent and building Principal of planned pesticide applications.
- Direct and supervise all IPM procedures to be carried out by District employees and/or pest control contractors.
- Maintain a copy of the record of each pesticide application made at all District schools.

**Legal References:**

Connecticut General Statutes:

10-231a. Pesticide applications at schools: Definitions.

10-231b. Pesticide applications at schools: Authorized applicators.

Exception.

(as revised by PA 07-168)

10-231d. Pesticide applications at schools with an integrated pest management plan.

22a-46. Short title: Connecticut Pesticide Control Act.

22a-47. Definitions.

22a-54. Pesticide applicators, certification, classification, notice, fees, reciprocity;

financial responsibility; aircraft, tree, public employee applicators.

22a-58. Records to be kept by distributors and applicators.

22a-66a. Notification of the application of pesticides. Registry. Regulations.

Penalty.

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

Nonresidents. Records. Pesticides. Title 7, USC, Section 136 et seq. - *Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)*

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