

What Restrictions Are There On State and Municipal Pesticide Use?

Millions of miles of roads, utility lines, railroad corridors and other types of rights-of-way (ROWs) in the US are treated with herbicides to control the growth of unwanted plants. Increasing public concern over the use of dangerous and inadequately tested pesticides has resulted in an increasing effort to pass state laws and local policies requiring notification of pesticide use, restrictions on application types and implementation of less toxic approaches to vegetation management.

The Connecticut legislature passed a law (P.A. 09-56) banning lawn care pesticide applications on the grounds of day care centers, elementary and middle schools (grade 8 and lower) as a result of residents' concerns about children's health and the environment. This ban went into effect for day care centers on October 1, 2009 and for K-8 schools on July 1, 2010. Some Connecticut municipalities have gone beyond the requirements of the law and have stopped using pesticides to manage turfgrass on all their municipal properties. However, ROW management is governed by many different levels of government, including state laws or administrative procedures, state subdivisions' or local government entities' policies, and voluntary agreements. As a result, the level of protection varies considerably and tends to be deficient in protecting the public from the potential exposure to pesticide applications along ROWs.

Many states, including Connecticut, have addressed the issue of ROW herbicide applications by notifying the public of the application, enabling people to better protect themselves from pesticide exposure. Connecticut requires that any electric, telephone or telecommunication company that provides for the application of pesticides within a ROW maintained by the company must notify owners, occupants or tenants of buildings or dwellings abutting the ROW at least 48 hours in advance. If the company provides for the application of pesticides to any utility pole, after it has been installed, it is required to post a notification sign on each pole. If the company provides for the application of pesticides in connection with tree or brush removal from private property, the company must get consent from the occupant before proceeding. State, municipality, pesticide application business, public service company or railroad company ROW

applications are exempt from the notification requirements. The General Statutes also prohibit the aerial application of pesticidal dusts within 100 feet of a public highway and the aerial application of broad-spectrum chemical pesticides for nonagricultural purposes. Several towns in Connecticut (Roxbury, Branford, Essex, and Plainville) have successfully passed regulations to regulate applications of pesticides and fertilizer. In 2012 Connecticut passed a law that establishes certain restrictions on using and selling fertilizer containing phosphate. The law: 1. prohibits applying fertilizer containing phosphate to an “established lawn” except under certain conditions,

2. creates a seasonal moratorium on applying such fertilizer, and
3. bans applying fertilizer containing phosphate within 20 feet of a water body.

Click here to read the entire bill. (link to : <http://www.cga.ct.gov/2012/fc/2012SB-00254-R000364-FC.htm>)