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| Senate Pages: | 1442-1472, 1518-1526, 1657, 1659 | 40 |
| House Pages: | 3765-3770 | 6 |
| Committee: | Environment: 1972, 1975, 1982-1985, 1986-1991, 2052, 2221-2234, 2298, 2299, 2325 Public Health: 1595, 1596, (1597-1603), 1862 | 42 |
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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

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amended?

Senator Stillman.

SENATOR STILLMAN:

Thank you, sir. If there's no objection, I'd like to ask that this be placed on the Consent Calendar.

THE CHAIR:

There's a motion on the floor for consent. Seeing none, it will placed on consent.

Mr. Clerk.

THE CLERK:

Calendar page 25, Calendar Number 432, File Number 650, Substitute for Senate Bill 1020, An Act Concerning Pesticide Applications at Child Day Care Centers and Schools, favorable report of the Committee on Energy -- correction, on Environment, Public Health, and Education.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President. I move the acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

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Acting on approval of the bill, sir, would you like to remark further?

SENATOR MEYER:

I would. Colleagues, you will recall in 2005 we passed a restriction on pesticides in elementary schools and day care centers because of the very substantial evidence that pesticides were effecting young people in a very toxic manner. This bill tries to make that legislation more efficient. And before I get into the bill itself -- I'm sorry, that's coming up, I withdraw that comment.

What the bill does in substance here is it permits the use of pesticides in day care centers by certified pesticide applicators. And that's a very significant step with respect to pesticides and the ensurance of the health of children, that certified pesticide applicators are going (inaudible).

It makes one exception, and that is in the case of an emergency application, that wherefore example a bunch of bees come in very, very quickly and there's no opportunity to go and get a certified pesticide applicator, the day care center itself is allowed to administer the pesticides to get rid of the insects.

The real crux of the bill is the provision in

Line 46 and forward, that day care centers, as defined here, shall not permit any child to enter an area where the pesticide has been applied in accordance with this section, until it is safe to do so according to the provisions on the pesticide label. So that's the crux of the protection of children.

The last thing this bill does is that with respect to the elementary and middle schools that we otherwise provided for in prior years, it postpones the effective date from July 1, 2009 to July 1, 2010. And permits during that year of postponement the use of an integrated pest management plan, IPM, as it's called in the industry.

So that's what the bill does, and I urge its support. Thank you.

THE CHAIR:

Thank you, Senator Meyer.

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Mr. President, a few questions for the proponent of the bill. Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR FASANO:

Through you, Mr. President, if it is a day care center in which it is a -- typically some of these day care centers have a house, connected to the house is a back portion, perhaps, that's used as a small day care center, can the proponent of the bill describe to me what the current law is with respect to that and this would effect that area? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, to Senator Fasano. Senator, we do have what we call "family day care centers," and I think that's what you're referring to. And a family day care center with six or more children has to be licensed under our law. What this bill does with family day care centers -- it says that if the licensee, the day care licensee, is living on that property or controls that property then it will be subject to the pesticide provisions in the bill. But if the licensee of a family day care center does not live there and does not control it, then it provides that these pesticide restrictions will not be applicable to that small family day care center.

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SENATOR FASANO:

Thank you. Through you, Mr. President, so if I had a family day care unit set up, if I would, and my wife was the licensee and I was the owner of the property, this law would not apply in allowing me to put pesticides on the property as per this law? Is that correct? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, it would depend upon whether or not you were living there. If you were living there, the pesticide restrictions would apply. If you were not living there and not controlling it because it was under the control of your wife and not you, then the pesticide restrictions of this bill would not be applicable.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Sorry, Mr. President. So if I were the owner of the property -- strike that -- with respect to control, would it be control over the entire portion of the property or only that portion of property where

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the day care center is? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, to Senator Fasano, it would be only if you control the day care center part of the property.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And would control mean -- so could you give me an example where someone would be the licensee of that portion of the day care center and not have control? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Because I -- in my experience, I'm sure as in yours, a licensee of any particular right or responsibility can actually license or assign responsibilities to somebody else. And so you're the licensee, by law you don't have direct responsibility because you've assigned the responsibility to somebody else. That's the kind of family day care center where

we're saying under those circumstances the actual person in control who is not the licensee should not have to comply with the pesticide restrictions, because it's such a small, small center -- it's got six children.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. So through you, Mr. President, so if I had -- if I owned a piece of property and I had an area that was a day care center, more than six kids, the licensee -- is what you're telling me -- could lease out its interest, get the license, and not control that section of the day care center? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, that appears to be the system that we have in Connecticut, yes.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So to avert the possible negative implications

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that this bill could have, someone could avert that simply by getting the license, assigning it or giving responsibility to somebody else, and then this law wouldn't effect them? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

That's true. And through you, Mr. President, the reason for that is that we're talking about a very small family day care center, for which, obviously, expenses would be a more critical issue than it would be in a larger organization. And particularly where the licensee himself or herself or itself is not living and controlling the operation, that makes cost even a bigger factor.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So through you, Mr. President, a licensee though, would be for six or more, would that not be correct? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, that's correct.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. So you can have 30 kids and have a licensee, which is a pretty decent size day care center, who could then absolve himself from responsibility under this bill by assigning the rights to someone else. Is that how I'm understanding this bill? Through you, Mr. President.

THE CHAIR:

Gentlemen, through me please. Thank you. You guys are really excited about this...

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, that's actually incorrect, Senator Fasano. Through you, Mr. President, the only exception where the pesticide regulations here would not have to be applied would be in a family day care center, which would have six or more, but less than 12.

SENATOR FASANO:

Okay.

SENATOR MEYER:

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Because the way our law defines a day care center, not a family day care center, an ordinary day care center, is 12 or more children. So the limitation, the exemption, applies only to family day care centers of six to 11 children and not to any more, because they would be a regular day care center subject to these restrictions.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Through you, Mr. President, so a regular day care center is subject to this no matter licensee control or whatever? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, that is correct.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. If you were the six to 12, not in the day care portion but in your house, would you be entitled to place pesticides on the grass around the front lawn, inside the premise, except not

in the day care center? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, that is correct. You could place pesticides in areas in which children were not playing or studying or whatever, because Lines 46 and going forward in this bill, makes it clear that the duty of the licensee is not to allow children to go on areas where pesticides have been applied.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Through you, Mr. President, so if my area was in the back and it had a walk across the front, would I be entitled as a homeowner to put -- even though the day care is in the back -- could I put pesticides on my lawn, knowing that the kids are going to walk through my lawn to the back area? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Well the bill is very clear on it, it says that

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no licensee shall permit any child enrolled in the licensee's day care center to enter an area where a pesticide has been applied. And so the answer to your question is yes.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

The answer is yes?

THE CHAIR:

Senator Fasano, is that through me to Senator Meyer? Thank you. (Inaudible).

Senator Meyer.

SENATOR MEYER:

Okay. The answer is that if a child walks through the licensee's lawn in which pesticides have been applied, that children is walking though an area in which pesticides have been applied and therefore, the licensee would be violating the law if permitting a child to do that.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So through you, Mr. President, so the homeowner who actually put the pesticides down would have no

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responsibility, but somehow the licensee with respect to this would be afoul of this legislation? Through you, Mr. President. Is that correct?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

If the licensee -- through you, Mr. President, if the licensee is running a day care center on a particular piece of property, that licensee is responsible for ensuring that the children attending the day care center don't go on property in which pesticides have been applied. And that's for good health reasons.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So could a licensee be in trouble essentially if a property owner placed pesticides on that area of their front lawn, which the licensee does not control because they're renting the back, if you will, of the property? If the property owner put pesticides, can the licensee be in trouble with the state if the kids were to cross that lawn to get to the back area of the property.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yeah, through you, Mr. President, I think there's a rule of reason here. If the licensee didn't know that a pesticide had been applied on the lawn described, I think there's a rule of reason there. But if the licensee, you know, knows that pesticide has been applied, that's what we're trying to get at with this bill.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Through you, Mr. President, so with respect to control, it's not really control of the licensee, it's what the licensee controls and what the licensee knows. So if the licensee is aware that the property owner put pesticides down, it would be up to the licensee to somehow protect the kids from that pesticide that is on that front lawn.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, through you, Mr. President.

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THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And just so I can have a full understanding of a -- stinging insect, are we just talking about bees and hornets? Or are we talking about other varieties for which I am uncertain? Through you, Mr. President.

THE CHAIR:

Senator Fasano, could you please repeat your question.

SENATOR FASANO:

Yes. Just so I'm aware of what particular insect we're talking about, a stinging insect, is that bees and hornets? Or is there something else that I'm unaware of in the insect kingdom that perhaps we're offending on this?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, the bill does refer to emergency applications in the event that stinging insects or mosquitoes suddenly invade the day care center.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. And then, Mr. President, through you, if there was a child in the class who was allergic to the bee and two or three bees came in, would it be okay and would you consider that emergency for them to use insecticide to kill those bees? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

What was the end of the question, I'm sorry.

THE CHAIR:

I'm sorry, I interrupted there. Senator Fasano, could you please ask that question again.

SENATOR FASANO:

Sure.

THE CHAIR:

There was a little bit of a buzz in here.

SENATOR FASANO:

If there was a child who was allergic to a bee and two or three bees got into the facility, would you consider that an emergency as the legislation stands? Through you, Mr. President.

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THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Well again, it's a rule of reason. I think, clearly, under a rule of reason that would be an emergency situation in which a licensed -- certified pesticide applicator would not be required.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And then through you, Mr. President, if -- so when we talk about emergencies, we're talking about, as you put it, a rule of reasoning, that is not an emergency where one would think necessarily life or death, but one that makes sense given the reasonable facts presented to them. Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, indeed, Line 25-26 deal that, what kind of emergencies would exist where a certified applicator would not be required, and they include the elimination of mosquitoes, ticks, and stinging insects.

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THE CHAIR:

Senator Fasano.

SENATOR FASANO: So given those scenarios, through you, Mr. President, one would be entitled to grab a Raid can and kill those bees or insects while the children were in the room, if they felt that that was a problem. Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Well the bill goes on to give a couple of conditions to that, which you can see in Lines 26 through 29. And that is that the noncertified person can apply that can of Raid, if the licensee or the licensee's designee determines that an emergency application is necessary and determines it would impractical to obtain the services of a certified pesticide applicator.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So if you had a day care service with young kids and bees were coming in a room, and you knew one or two were subject to possible reaction to the bees, a

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person could not immediately just grab that Raid can, they'd have to think whether or not it was prudent for them to take the Raid can and kill some bees to protect the kids? Is that -- would be a scenario that they would have to think through before they would be able to eliminate the bees through this bill, is that correct? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, I think that's both the letter and the intent of this law.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Through you, Mr. President, the question I'm trying to get to here is what is the issue that we're trying to avert, or what problems have come to the attention of the committee that has given birth to this new legislation? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Well, through you, Mr. President, this circle,

since 1955 has received a substantial amount of material and evidence that pesticides are harmful to young children and to pets. And indeed, we've had cases of a number of serious illness and at least one case that I know of, a death. And so the causation between pesticides and very substantial health problems, I believe the case has been made, and that's why this circle has approved pesticide restrictions in the past and are going forward clarification of it this evening.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Through you, Mr. President, could the good Senator identify a particular study that when Raid cans are used to kill mosquitoes in a given instance, that that has risen to a level of health risk to children. Raid cans or anti-wasp cans or bee stinging anti-cans, can the good Senator refer to something -- not pesticides as a whole -- I'm talking about the use of a Raid can to stop insects on a case-by-case scenario. Through you, Mr. President.

THE CHAIR:

Senator Meyer.

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SENATOR MEYER:

Through you, Mr. President, I guess I can best refer this point to the testimony in the public hearing on this bill. And there were a number of scientific people who came before the committee to testify to the toxicity of pesticides for young children; and they included the Connecticut Nurses Association, the Connecticut Conference of Municipalities, the Consumer Speciality Products Association, the Sierra Club, a (inaudible), and the Connecticut Environmental Council. And each of those people, organizations testified to the causation effect of pesticides on young children and urged support of this bill.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Well I wholeheartedly agree that pesticides as a whole and in mass use over a continued period of time there may be evidence to suggest that that would be harmful to children -- I'm with you on that. I guess the question I'm posing though, is if a day care center were to have a can of Raid in their office to eliminate bugs that

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infrequently come in to a facility and kill those bugs by pressing that Raid can, or putting those mosquito hotel things in the corner of the rooms for insects, is there any studies to suggest that either one of those two pose a risk threat, not pesticides as a whole, because it's a blanket -- either one of those two methods would cause a risk threat to children? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, I don't have enough information to answer that with respect to a can of Raid. But clearly what this bill says is if a bunch of mosquitoes or stinging insects come into contact with children, you don't need a certified pesticide applicator, you can respond to that emergency by applying the can of Raid or whatever it is right then to avert the emergency.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you for the (inaudible), Mr. President.
Mr. President, I guess the question I would have is,

through you, is that as I understand it, it isn't just a question of eliminating, it's a question -- if I could find my line again -- it's a question of the fact that it is an emergency application. Which as I understand it, eliminates immediate threat to human health and it is those words that raise the level to an unbelievable height. And yet we look at reasonableness when we talk about points in this legislation -- and I agree, 'reasonableness,' what the reasonable person would do; I don't think a reasonable person would say, gee, you know what, I have to wait until this person is severely threatened before I can take out a can of Raid and kill the bee. I mean, they'll probably just take out a magazine and swat the darn thing.

But the point of it is, I think legislation is clearly overreaching. This is -- I understand pesticides, I get that -- but when you're talking about mosquitoes coming into a room and the inability to use a can, when you talk about you can't put an ant/roach motel in a corner of a room to stop insects from getting at the lunch pails, I think we've gone a little bit too far.

I think we've crossed the line where we're going

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to say everything has got to be regulated in this state, and then we wonder why we lose 3,500 jobs in the first four months of this year. And we lose job after job after job after job after job after job after job after job, because we just don't stop. I agree to pesticides, I'm with you. And I agree if you're going to fumigate the building that there must be rules and regulations, but this just goes that bit too far, that raises the question -- and people wonder what we're doing up here, that you can't use a can of Raid when a bunch of bees get into a corner of a room. I know in my house we get this bees in our attic no matter what I do to the darn bees.

And if I had a day care center and I saw bees coming out, I am going to use the can of Raid whether the kids are allergic or not, because I'm going to protect the people that are in my house. And I don't think any kid is going to get deathly ill from me using that can of Raid that one or two times. But this says no, I have to say there's an imminent threat of risk of health to that person before I'm able to pick up a can of Raid -- before I'm able to put an ant hotel to stop ants from interfering with their lunch --

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A VOICE:

Question.

SENATOR FASANO:

-- that just doesn't make sense to me.

Therefore, Mr. President, for those reasons, not because I don't agree that pesticides are bad over long-term, because I do. Not because I don't believe we shouldn't regulate that, because I think we should. I just think to give that one inch and you go the mile, and that's what we've done.

Senator Meyer's right, we got to use reasonableness. And if reasonableness was in this regulation or in this bill, we would not be suggesting that you need a Godzilla-looking type of fly before you can resort to doing with pesticides, it makes no sense. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. Mr. President, through you, some questions to the proponent of the bill.

THE CHAIR:

Please frame your question.

SENATOR DEBICELLA:

Thank you, Mr. President. And through you to Senator Meyer, starting in Line 5 of the bill, Line 5 of the bill refers to "pesticide bait" as an area that's excluded. Just for purposes of legislative intent, Mr. President, through you, what is pesticide bait?

THE CHAIR:

Senator Meyer, if you care to respond.

SENATOR MEYER:

Through you, Mr. President, never used it, I don't know what it is.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

So through you, Mr. President, why would we therefore --

SENATOR MEYER:

It might be cheese for a rat, I don't know.

SENATOR DEBICELLA:

Through you, Mr. President, it sounds delicious. But Mr. President, but the question, through you, is why would we exclude that -- I understand we're

excluding sanitizer, disinfectant, anti-microbial agent, I know what all those are, it doesn't sound like we should be using the of them -- why would we include pesticide bait then? Why is pesticide bait good, but insecticide bad in this case? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, it actually says just the opposite. Senator Debicella, it says that pesticide does not include pesticide bait.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Through you, Mr. President, that's my interpretation as well, is that we're saying pesticide bait is okay and that things like insecticide are not. And I'm just wondering -- and not knowing what pesticide bait is -- to me, that could imply any number of things that might be used to kill pests, that might not just be a piece of cheese -- which I think we would all agree a piece of cheese is absolutely fine. But if there are other dangerous

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chemicals that we're allowing to be put out, I'm just curious as to why we would allow some and not others? And I understand if the Senator doesn't know, but through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, this is current law and the bill doesn't change it. The bill defines pesticides under current law as meaning a fungicide used on plants, an insecticide or herbicide or a rodenticide. And then it goes on to say, but it does not mean a sanitizer, a disinfectant, an anti-microbial agent, or a pesticide bait. So that's existing law, this bill doesn't try to change that law.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. Thank you for that answer, Senator. Mr. President, I'd like to move on then to Lines 42 to 45, and the bill actually seems to imply that there is a difference to whether or not a family day care center is owned by the licensee or

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not. And it appears that -- and Senator Meyer, through you, Mr. President, can correct me if I'm wrong -- that this bill says that if you are an owner or a licensee, you can actually apply pesticides under certain conditions, but if you are not, you cannot. And I'm just wondering what the purpose is of Lines 42 to 45 in the context of promoting public safety? And I'll give the Senator a moment to look those up. Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, I went over that very carefully in the dialogue with Senator Fasano and those lines relate to a family day care center, and whether or not that family day care center, for the reasons discussed with Senator Fasano, is going to be subject to the provisions of this bill.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

And thank you, Mr. President. And I think similar to Senator Fasano, I think I kind of question that language that's there, in terms of making

exceptions if something's good it's good, if it's bad it's bad. And making exceptions based on ownership when it comes to public safety seems a little odd to me.

Mr. President, another question through you, is in looking at Lines 52 and 53, we use language in this bill that we actually normally use in our budget bills, which is "within the existing budgetary resources of such day care center." Through you, Mr. President, what is the intent of saying that in a bill that doesn't have a fiscal impact to the state, but we're saying within the budgetary resources of the day care center itself? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

I think the words are really unnecessary, they're surplusage, but the fact is that this is a very significant section which says that, if you're going to apply pesticides and you're to notify the parents on 24 hours notice unless it's an emergency situation. And that kind of parental notice is something that I think makes this bill very strong and is what our parents -- constituents are asking for.

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THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. I might have future questions later, but for now I thank Senator Meyer and I thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Looney.

SENATOR LOONEY:

Yes. Mr. President, thank you. If might pass this bill temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, the Clerk is in possession of Senate Agenda Number 4.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Mr. President, Clerk is in possession of Senate Agenda Number 4, dated Wednesday, April 22, 2009. Copies of which have been distributed.

THE CHAIR:

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unless there are other members seeking to comment, I would move that the bill as amended be referred to the Appropriations Committee.

THE CHAIR:

There is a motion on the floor to send Senate Bill 384 to Appropriations. Without objection, sir, so ordered.

Mr. Clerk.

THE CLERK:

Calendar page 13, Calendar Number 432, File Number 650, Substitute for Senate Bill 1020, An Act Concerning Pesticide Applications at Child Day Care Centers and Schools, favorable report of the Committee on Environment, Public Health, and Education.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Acting on approval of the bill, sir, would you like to remark further?

SENATOR MEYER:

Very briefly. Colleagues, you recall we

discussed this bill at some length last week. And it's a bill that seeks to improve the restriction of pesticides in day care centers. Back in 2005, we put in some restrictions for day care centers realizing that the evidence had grown that pesticides are very toxic to young children.

What this bill does in trying to streamline those restrictions, it requires a trained, licensed applicator to use pesticides at day care centers, it sets forth an emergency use provision that does not require a licensed applicator, it provides for notification of parents or guardians before pesticides are applied at day care centers, it has a provision concerning the maintenance of records, and extends the legislation to grounds of certain family day care facilities. For those reasons, I urge its approval. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Meyer.

Will you remark?

Senator LeBeau.

SENATOR LeBEAU:

Thank you, Mr. President. I would like to speak in favor of this bill. To be honest with you, last

week when this bill came out I had some significant questions. I was able to speak to Dr. Silver, who's an expert in this field, and also doing some of my own research -- I was concerned, some of the issues that were raised by the minority -- and some questions about pesticide bait, which would apply for rats and mice.

What a certified pesticide applicator was, I found out that that's basically your ChemLawn' guy -- anybody who's paid, who is -- or I didn't want to go plug the ChemLawn particularly, or any TruGreen or any of those folks -- anybody who's paid to apply pesticides has to be, in the state of Connecticut under current law, has to be a certified pesticide applicator.

I was concerned furthermore about the small -- the intrusion upon small day care providers. But I think that there's enough flexibility in this bill, given the fact that the parts of the home that are not as a day care center, this bill does not apply to. And that would include, for instance, you know, say a person, a small day care center had to -- the husband or the wife or a family member would a pesticide in the front yard, not a -- certified pesticide

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applicator, but trying to save some dollars. That would be okay, as long as there was a sidewalk or there was a driveway where people could pass through without having to go through the lawn.

So my questions on this have been satisfactorily and going through the bill, again, I commend the committee, the Environment Committee and the Education Committee, for bringing this bill out. I think it is a well-thought out bill, it is a balanced bill, after kind of going through the intricacies of how this would work. And I think that it is a good bill and we ought to pass it today. Thank you very much, Mr. President.

THE CHAIR:

Thank you, Senator LeBeau.

Will you remark further on Senate Bill 1020?

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. I had an amendment drafted on this bill -- I don't believe I'm going to call it -- because I had some concerns in that many day cares or the smaller ones are operated out of their homes. And I think that the bill before us may be a little onerous in that people can't do certain

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things in their home, like gardening, if they were going to put some kind of organic fertilizer in the garden or pesticides, like have a can of Black Flag if they see a group of ants coming into the home. But then I read a little bit further and the conversations between Senator Meyer and Senator Fasano helped alleviate some of those concerns in that this only deal with day care facilities that 12 or more children.

So -- but I still have some concern that maybe -- why six or why not seven? I mean we're putting those kids in the same type of danger by being exposed to pesticides. And if we're going to do it for one, we should probably do it for all of them.

But through you, Mr. President, a question to the proponent of the bill.

THE CHAIR:

Senator Meyer.

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. Through you, with this language, would a worker at the facility be allowed to apply things like mosquito repellent directly to the skin of the children if they're going outside,

depending on the time of day? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, there's noting in this bill that restricts that.

THE CHAIR:

I'm sorry, Senator Meyer, could you repeat that, your mic is on now.

SENATOR MEYER:

I'm sorry. There's noting in the bill that would restrict a child from having insect repellent.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. And through you, Mr. President, one last question. It may not be considered an emergency in nature, but if the kids were going to go outside and have a picnic and they wanted to go ahead of time and spray something on the ground or in the air, a fogger, prior to the children going outside and having that picnic. Would that be allowed under this legislation? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President. The children could not, under this bill, could not go outside and picnic in an area which had recently been treated with pesticides. So if they wanted to go out on a lawn that had been treated within the last 24 hours with a pesticide, they could not have that direct contact with the pesticide. If the lawn, on the other hand, had not been treated within the last 24 hours with pesticide, of course they could do that.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. And through you, Mr. President, on the EPA web site they list -- folks to follow the recommended manufacturers' time lines when you should be exposed or not exposed to these things. And if the manufacturer says that it should be a two hour delay before being exposed to that, would that be trumped by this legislation saying it has to be a 24 hour delay, even though the recommended manufacturer's exposure is two hours in the scenario I just gave you? Through

you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

And through you, Mr. President, to Senator Witkos. The answer to that is that this bill actually tracks the same language, and says that they'll be looking at the labeling of the manufacturer of the pesticides as to when the time becomes safe. So the federal and state standard there would be the same.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. I thank the gentleman for his answers.

THE CHAIR:

Thank you, Senator Meyer.

Will you remark further on Senate Bill 1020?

Will you remark further?

Senator Meyer.

SENATOR MEYER:

If there's no objection, Mr. President, could this please be added to the Consent Calendar?

THE CHAIR:

There's a motion on the floor to send this item to the Consent Calendar. Seeing no objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

Calendar page 29, Calendar Number 166, File Number 139, Substitute for Senate Bill 825, An Act Concerning Paintball Safety, favorable report of the Committee on Public Safety and Judiciary.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. If this item might be passed temporarily.

THE CHAIR:

Without objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

Calendar page 30, Calendar Number 184, File Number 175, Senate Bill 34, An Act Concerning Canceled Doctors' Appointments, favorable report of the Committee on General Law and Public Health. Clerk is in possession of an amendment.

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Calendar page 6, Calendar 245, Substitute for House Bill 6266.

Calendar page 7, Calendar 272, Substitute for Senate Bill 1040.

Calendar Page 8, Calendar 359, Senate Bill 1082.

Calendar page 10, Calendar 389, Substitute for House Bill 6327; Calendar 391, Substitute for House Bill 5930.

Calendar page 11, Calendar 395, Substitute for House Bill 5297; Calendar 403, House Bill 6462.

Calendar page 12, Calendar 414, Senate Bill 905.

Calendar page 13, Calendar 416, Senate Bill 998;
Calendar 432, Substitute for Senate Bill 1020.

Calendar page 15, Calendar 457, Substitute for House Bill 6356.

Calendar page 16, Calendar 460, Substitute for House Bill 6301; Calendar 465, Senate Bill 963.

Calendar page 18, Calendar 487, Senate Bill 707;
Calendar 489, Substitute for Senate Bill 810.

Calendar page 21, Calendar Number 506, Senate Bill 1136; Calendar 507, Senate Bill 1141.

Calendar page 22, Calendar 515, Substitute for Senate Bill 832.

Calendar page 23, Calendar 524, Substitute for

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Have all Senators voted?

If all Senators have voted, please check the machine. The machine will be locked, the Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1. Total number voting, 36; those voting yea, 36; those voting nay, 0; those absent/not voting, 0.

THE CHAIR:

Consent Calendar Number 1 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would move that all items referred to various committees from the chamber today be transmitted to those committees immediately.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, also, would announce that we will be convening tomorrow about -- at 11:30 a.m., it's our intention to pick up with bills that had previously been marked "go" today. So I would move that all items previously marked go

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2009**

**VOL.52
PART 12
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Will the clerk please call Calendar Number 584.

CLERK:

On Page 47, Calendar Number 584, Substitute for
Senate Bill Number 1020 AN ACT CONCERNING PESTICIDE
APPLICATIONS AT CHILD DAY CARE CENTERS AND SCHOOLS.
Favorable Report by the Committee on Health.

DEPUTY SPEAKER ORANGE:

Representative Richard Roy, you have the floor,
Sir.

REP. ROY: (119th)

Thank you, Madam Speaker. Madam Speaker, I move
adoption of the Joint Committee's Favorable Report and
passage of the Bill.

DEPUTY SPEAKER ORANGE:

The question is acceptance of the Joint
Committee's Favorable Report and passage of the Bill.

Representative Roy, you have the floor, Sir.

REP. ROY: (119th)

Thank you, Madam Speaker. Madam Speaker, what
this Bill does is adds daycare centers to the law that
we have in place that restricts the use of pesticides
on lawns and gardens on such properties.

The other important thing is that when we first
enacted the law, we had the Department of Education

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overseeing an integrated pest management program that was used on athletic fields and playgrounds.

When we found that wasn't working, they didn't have the resources, we moved that to the Department of Environmental Protection and that, out of, will reach its sunset this July 1st.

This will extend it out one more year so the DEP has time to get good data for us to act on the IPM program.

Madam Speaker, I move passage.

DEPUTY SPEAKER ORANGE:

Thank you, Sir. Will you remark further on the Bill before us? Will you remark further on the Bill before us?

Representative Chapin, you have the floor, Sir.

REP. CHAPIN: (67th)

Thank you, Madam Speaker. A question to the Chairman of the Environment Committee, through you, please.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN: (67th)

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Thank you, Madam Speaker. The Chairman indicated that Section 1 applies to daycare or daycare centers. Would these include licensed daycare centers?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY: (119th)

Thank you, Madam Speaker. They will include the licensed daycare centers. Yes.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Madam Speaker. And again, through you, in Line 15, it talks about family daycare, a family daycare home. If a member of my community may have their own sibling as well, or their own children as well as maybe the next door neighbor's, would that qualify under this Bill?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY: (119th)

Thank you, Madam Speaker. Yes, through you.

DEPUTY SPEAKER ORANGE:

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Representative Chapin.

REP. CHAPIH: (67th)

Thank you, Madam Speaker. So this Bill goes beyond what's just licensed daycare centers. It would also be private daycare centers that don't fall under licensing requirements. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY: (119th)

Thank you, Madam Speaker, yes, Sir.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Madam Speaker, and I thank the gentleman for his answers.

Madam Speaker, this Bill isn't a new bill to the Environment Committee. We've seen various versions of this over the last several years. I think the language in this is good compromise language, and would encourage my colleagues to support it.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

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Thank you, Sir. Would you remark further on the Bill before us? Will you remark further on the Bill before us?

If not, staff and guests to the Well of the House. Members please take your seats. The machine will be opened.

CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber.

The House is taking a Roll Call Vote. Members to the Chamber, please.

DEPUTY SPEAKER ORANGE:

Have all the Members voted? Have all the Members voted? Please be sure to check the board to make sure that your vote is properly cast.

If all the Members have voted, the machine will be closed and the Clerk will take a tally.

And the Clerk will announce the tally, please.

CLERK:

Senate Bill Number 1020 in concurrence with the Senate.

| | |
|-----------------------|-----|
| Total Number Voting | 142 |
| Necessary for Passage | 72 |
| Those voting Yea | 137 |

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HOUSE OF REPRESENTATIVES May 12, 2009
Those voting Nay 5
Those absent and not voting 9

DEPUTY SPEAKER ORANGE:

The Bill passes.

Will the Clerk please call Calendar Number 188.

CLERK:

On Page 5, Calendar Number 188, House Bill Number 6437 AN ACT CONCERNING AN AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE. Favorable Report by the Government Administration and Elections Committee.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE: (36th)

Thank you, Madam Speaker, good evening.

DEPUTY SPEAKER ORANGE:

Good evening to you, too, Sir.

REP. SPALLONE: (36th)

Madam Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

DEPUTY SPEAKER ORANGE:

The question is acceptance of the Joint Committee's Favorable Report and passage of the Bill.
Will you remark?

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 7
1972 - 2325**

2009

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ch ENVIRONMENT COMMITTEE

March 2, 2009
11:00 A.M.

POLLY BARRY: Okay. Thank you for your time.

REP. ROY: Martin Mador followed by Joan Lawrence.

MARTIN MADOR: I guess it's good afternoon, members
of the Committee. I'm Martin Mador. I'm the
Legislative and Political Chair for the
Connecticut Sierra Club. I'm here today
representing our 10,000 Connecticut members
concerned about the health of our environment,
our economic well-being and the quality of
life in Connecticut.

SB 919 SB 1020
SB 792

Sierra considers the intentional introduction of toxics into our environment an important environmental issue. So we feel this is an issue which is properly before the Environment Committee. Industry over the past century has marketed products with scant regard for their effects. To protect our health, we must move to the precautionary principle, as you've heard this morning, which requires discontinuance of a product when significant evidence of harm is accumulated.

We feel that it is the duty and obligation of government to exercise effective oversight, which is why we're asking this Committee to examine this issue. It would be appropriate to regulate toxic products at the federal level. Unfortunately, the federal government has clearly not upheld its duty to do so, particularly in the last eight years. We all read stories about the failure of the FDA to police the industry. Therefore, the State must step up to provide these necessary protections.

6572 concerns Bisphenol-A. As you've heard, it's implicated in a wide range of disorders and diseases. It's now a ubiquitous product

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ch ENVIRONMENT COMMITTEE

11:00 A.M.

to get. We're getting a little impatient.

REP. ROY: Thank you.

Any other questions or comments?

Senator.

SENATOR MEYER: Martin, the idling bill, a question was raised whether or not it applies -- Nancy Alderman I think did, whether it applies to motor busses. Did you look at it from that standpoint? And if it does not apply to motor busses, would you have us include busses?

SB192

MARTIN MADOR: My feeling is it should apply to everything unless there's a demonstrated reason for an exemption. Motor busses I think is -- the history of motor busses is they will park somewhere and idle indefinitely waiting for their passengers to come. Unless there's some demonstrated reason why they should be allowed to do that, we think it should apply to them because the problems that we're pointing out certainly are more severe with busses that have much larger engines than they would be to passenger automobiles.

REP. ROY: Thank you.

Representative Hennessy.

REP. HENNESSY: Thank you, Mr. Chairman. Hi, Martin. How are you?

MARTIN MADOR: Good morning.

REP. HENNESSY: Good morning. In regards to the idling bill, are you aware of the placement of electrical hookups? I've heard that they're in truck stops in which the truck can get hooked up and have, say, the air-conditioning running or the heating running without having

600 jobs in this facility in the world headquarters located in Middlebury. These jobs are engineering jobs, chemistry jobs, very high paying, very good quality labor, good quality work force that we have. This is a very dangerous thing that may occur if this ban takes place. From a technological standpoint, I know that it has been tested for over ten years in the European Union without any knowledge that it has caused any harm.

I believe that the letter that I attached from the firefighters and as well as the state fire marshals have said that they don't want to take a position on this as of yet, because further study needs to be done. And that would be my suggestion as well, so before we have a ban on something that could really, truly hurt the economy in my district as well as throughout the state of Connecticut, I'm sure there are many people who work at this company that live in your districts. Before we do something like that, I think continual study needs to be done. The firefighters believe so. The fire marshals believe so, and quite frankly, I believe so as well. So I'd ask that you go in opposition of this bill, and if you have any further questions of me, feel free to do so.

REP. ROY: Any questions or comments from members of the Committee? Seeing none. Thanks, Rob. Take care.

David Brown followed by Dick Tice. David Brown is not here? Dick Tice. He'll be followed by Kachina Wokh-Weaver.

DICK TICE: Good afternoon, Senator Meyer and Representative Roy, members of the Environmental Committee. My name is Dick Tice. I am the President of the Connecticut

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Environmental Council, and we support Senate Bill 1020, An Act Concerning the Pesticide Applications of Day Care Centers and Schools.

CTEC is an association supported by the Connecticut Groundskeepers Association, the Connecticut Irrigation Contractors Association, the Golf Course Superintendents Association and the Connecticut Tree Protective Association.

Over the past three years, Connecticut contractors have been applying lawn-care pesticides on school athletic fields and playgrounds according to integrated pest-management plans at both public and private schools. By state statute, IPM calls for the judicious use of pesticides to maintain a pest population at or below an acceptable level while decreasing the use of pesticides. As a result of IPM's judicious methods of applying lawn-care pesticides over the past three years, a large amount of active ingredients have been withheld from use on school grounds. IPM has proven to be a safe, reliable and affordable way of applying lawn-care pesticides while protecting the financial investments towns have made in athletic fields and school grounds.

The Environmental Protection Agency has recently weighed in on this issue by recommending that schools use IPM to reduce pesticide risk and exposure to children. Put simply, IPM is a safer and frequently less costly option for effective pest management in a school community. The EPA plan calls for IPM in all schools in the United States by 2015. The Connecticut General Assembly should be commended for the establishment of IPM programs for schools during the 2006 session, a full nine years ahead of the federal

government's goal for schools.

In conclusion, CTEC would support the removal of the July 1, 2009 sunset making IPM permanent for all public and private schools in the state. However, in the spirit of compromise, we would support the one-year extension of the IPM program, which will give DEP and their ad-hoc committee on pesticide use time to develop standards for the continued, judicious use of lawn-care pesticides to protect against pest population. I thank you for the opportunity to testify. I'll be glad to answer any questions that you might have.

REP. ROY: Thank you, Dick. Senator Meyer.

SENATOR MEYER: What's your understanding of the toxicity or nontoxicity of pesticides on children?

DICK TICE: Every study that I have seen that has withstood peer review has said that properly and judiciously used pesticides create no problem for the environment or human health. There have been studies out there which have not been able to be peer reviewed acceptably, and in fact, there was even a large one a number of years ago that was proven fraudulent. That one was conducted down at Tulane University. And there was recently a large scale -- this was not on children, now -- study on Long Island Sound on the effects of pesticides on breast cancer. And that thing went on for years and years, and every time the committee would come back with a finding, they had the little tack-on on the end, "but more study is needed," hence a plea for more money. And finally, I think two years ago, that committee even had to come back and say that there was no effect.

Keeping in mind, sir, that that was on breast cancer in women. Nothing to do with kids.

SENATOR MEYER: Okay. I guess it's a controversial area, but we've had -- as we move forward with pesticide restrictions over the last three or four years, we've had substantial evidence of tox effect, particularly on young children, and that's why we've set in place the restrictions that we have. We haven't yet made any restrictions with respect to high schools and town fields and town parks and that sort of thing, although that's under consideration. But with respect to young children, I think the General Assembly feels that the case has been made that we don't need to put those children at risk from pesticides except in emergency situations.

DICK TICE: My only comment to that, sir, was I have not seen any study that showed that that did receive peer review and was able to be duplicated, to be perfectly honest. I'm not saying that there's not one out there, but I have not seen one. And I've been following them probably as close as you guys have. I mean, this is an annual trip.

SENATOR MEYER: Okay. If you want to see that study, you can turn to the man right directly behind you, Dr. Jerome Silbert.

DICK TICE: At one point, sir, we asked for that study and did not receive it.

REP. ROY: Any other questions or comments from members of the Committee? Seeing none. Dick, thank you very much.

DICK TICE: Thank you.

REP. ROY: I'm told Kachina is not here, so we will

go to Leslie Wood followed by Tanya Murphy.

LESLIE WOOD: Good morning, Representative Roy and Senator Meyer and the Committee. My name is Leslie Wood, and I'm with the Pharmaceutical Research and Manufacturers of America. Our companies research and develop new medicines, and after receiving Food and Drug Administration or FDA approval, bring these medicines to patients.

I just want to take a brief moment of your time this morning to respectfully request a slight amendment to Senate Bill 791 and also House Bill 6572. We'd like to thank the State very much for exempting drugs from the definition of hazardous substance, and for clarification, we do also request an exemption for biologic medicines as well as drug and biologic packaging. The reason for these is as with drugs, biologics, which are mostly injectable medicines, as well as the packaging components of all medicines and biologics, are under the review of the FDA and materials for safety and sustainability must be sent to the Food and Drug Administration before a medicine can be approved. So with that, that is our request for an amendment on those bills. I'd be happy to take any questions, and thank you for having me this morning.

SENATOR MEYER: Any questions by members of the Committee? Thanks so much.

LESLIE WOOD: Thank you very much.

SENATOR MEYER: You're very welcome.

Tanya Murphy. Is Ms. Murphy here? Okay, followed by Jerome Silbert.

JEROME SILBERT: Thank you, Senator Meyer, members

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of the Committee. My name is Dr. Jerry Silbert. I'm a physician board certified in pathology, laboratory medicine and special training in environmental health, and I'm here to support Bill 1020 as Dick Tice did. We're not often supporting the same bill at the same time, but we both support this bill.

Bottom line, I'd like to make two important points, because if you're in favor of this bill to protect the youngest children at daycare centers from the exposure to toxic pesticides, it's extremely important to add to this bill a provision that this section shall be enforced within existing resources, because if that short sentence is not on this bill, the bill will probably die under the circumstances where the State budget is under siege, and there will be a fiscal note from the Department of Public Health and the bill will probably die. So please add that to the bill, that this section shall be enforced within existing resources.

Second point I'd like to make, you may hear testimony today asking for exceptions, further exceptions to what constitutes a pesticide, and such as gels or solutions that can be put in cracks, or even spray cans that can be sprayed in cases of emergencies. Do not do that. There's a provision in this bill for a certified pesticide applicator to apply pesticides, and if there's an exception to that, you will not have a certified pesticide applicator putting down toxic pesticides in places where the youngest children may be exposed to them. So just don't do that, okay? Don't make any further exceptions in terms of what can be used without the use of a certified pesticide applicator.

This bill almost passed last year. It was

unanimously passed by the Senate and it was on the House calendar, and it just didn't come up at the last minute. So this bill actually is an improved version of that. It was negotiated with some of the daycare organization people and also with some of the people at the Department of Public Health.

I have written testimony if you'd like to see that, but it does provide for a trained applicator where it doesn't now. It clarifies the authority to use a pesticide in an emergency. It provides for prior notification of parents. They weren't even notified that a pesticide was going to be applied at a daycare center. And it provides for record keeping, because there was no record-keeping requirements at daycare centers, either, so we even knew what they could use or what they did use. And extends the legislation to the grounds of a family daycare facilities where the grounds are owned and controlled by the licensee, because many of these are in condos or apartment buildings where the licensee does not have control over the ground, so we can't make them responsible for something they can't control. So with that, I'm happy to answer any questions.

SENATOR MEYER: Do I understand correctly, Dr. Silbert, that the crux of this bill is to tighten provisions relating to daycare centers? Because the General Assembly in 2005 actually did restrict the use of pesticides in elementary schools and daycare centers, focusing on young children. And this bill, which as you pointed out, passed the Senate last year I think unanimously. It tightens it up with respect to a certified applicator in emergencies? Is that right?

JEROME SILBERT: The major difference between this

and the bill that was passed is that the bill that was passed before only applied to the grounds of the daycare center, not to the inside of the daycare center. So there was no provision, as I said, for a trained applicator inside where the kids, you know, are all the time clawing around, playing with things. There was no information about who could -- like if they see a wasp, they could take a can of Raid and spray it around to try to kill the wasp. There was no control over that. There was no prior notification of the parents should a pesticide application be needed, and there was no provision for keeping records. So all those things which were applied to schools did not apply to daycare centers. So this bill corrects that.

SENATOR MEYER: Okay, fine. So when we passed the bill in 2005, we actually neglected to include the interior of daycare centers, but we were including the interior of elementary schools?

JEROME SILBERT: Correct, and that was because, interestingly, that the daycare centers come under the Department of Public Health. The schools came under the Department of Education, and the pesticide regulation came under the Department of Environmental Protection, and it just fell through the cracks.

SENATOR MEYER: Okay. Well, we appreciate you being a mentor, really, to the General Assembly and to this Committee on this issue of pesticides. Are there any questions or comments? Representative Lambert.

REP. LAMBERT: Yes, thank you for your testimony. When they record what kind of pesticides they use, where will the record keeping be reported to? Is this going to be the Public Health or

is it going to be back to the Environmental?

JEROME SILBERT: They will keep the record at the daycare center, and the Department of Public Health visits the daycare center on a two-year cycle. So every two years, they visit every daycare center, and this will give them the opportunity to review the records and to see if any pesticides were used and whether a certified applicator was used, and if there was an emergency, what was used. And that's the way the Department of Public Health will find out.

If they happen not to realize that they should keep records, the Department of Public Health will give them a letter of warning to tell them that they need to keep records and tell them how, and then the daycare center will write a letter back to the Department of Health saying yes, they did that, and that would be that. So it's really not difficult for the DPH to enforce this. They go to the daycare centers in a two-year cycle and they just have to look at the records and make sure that the records will be kept in the future. So that's why I say it's so important to have this fiscal note that -- rather, the addition, that it should be enforced within existing resources, because if for some reason the DPH may put in a big fiscal note, and that will kill the bill.

REP. LAMBERT: And also, on the notification, is that something that they're going to have a required letter and then just every time any application is used, the parents will be notified? And also, just for an aside, there are some children that are very sensitive to any kind of chemicals. Is there usually dialogue back and forth with parents telling the daycares now? They do the schools, I

know, but I wonder if that's an application in the daycare.

JEROME SILBERT: With respect to notification, the legislation says by any means practicable. And what that means is because daycare centers are different than schools and usually the parents bring their children to the daycare center, and they can actually post it right on the door or in a prominent place in the daycare center that there will be a pesticide application, so the parent will know when they bring their children in advance. They don't have to write a letter, because kids are coming in and out and belonging and not belonging, and it would be a burden on the daycare center to have to send them a written notice. So it's by any means practicable.

REP. LAMBERT: And you think that's sufficient? A notice?

JEROME SILBERT: Yes, I do. I spoke to people who actually represent daycare centers, and this is what they said was most workable for them.

REP. LAMBERT: Thank you very much for your testimony. Thank you, Mr. Chairman.

SENATOR MEYER: Thank you, Representative.

Are there any other questions or comments of the Committee? Dr. Silbert, we appreciate it. Thank you.

Tanya Murphy, I neglected you. I didn't see you. And Ms. Murphy will be followed by Gretchen Raffa.

TANYA MURPHY: Thank the Committee for allowing me to speak. I'm here in support of HB 5280 and SB 924. I'm also here to represent the

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ch ENVIRONMENT COMMITTEE

March 2, 2009
11:00 A.M.

much.

ERIC HUGHES: Thank you.

REP. ROY: Mark Mitchell followed by Andrea Kiener.

MARK MITCHELL: Good afternoon, Representative Roy and Senator Meyer and other members of the Committee. My name is Dr. Mark Mitchell and I'm President of the Connecticut Coalition for Environmental Justice. We're concerned about the fact that environmental hazards are disproportionately located in low-income communities and in communities of color. We're also concerned about chemicals and toxins, because as you may know, Connecticut burns a higher percentage of its trash than any other state in the country, and we also have a lot of sewage sludge that is burned.

SB 791

I'm here to testify or to show our support for SB 919 regarding polybrominated diphenyl ethers. Also, SB 1020, an act concerning pesticide applications. But I wanted to testify on two other matters. One is SB 792, An Act Prohibiting the Idling of Motor Vehicles, and also HB 6572, An Act Concerning Bisphenol-A in Children's Products.

As far as the idling of motor vehicles, we're very concerned about idling of motor vehicles. There was a study done by EPA that looked at toxics in every census tract in the continental United States and found that at least two toxics that are associated with automobile exhaust are elevated to the level of known carcinogenicity or reproductive health issues in every census tract in the continental United States. We're also concerned about toxicity of diesel and we're concerned about the concentration of this in urban areas and the effect on urban

SB 792

Connecticut Environmental Council

P.O. Box 1305
Cheshire, CT 06410

Written Testimony of
Dick Tice, President
Connecticut Environmental Council

Raised Bill No. 1020, An Act Concerning Pesticide Applications of Child Day Care Centers and Schools

March 2, 2009
General Assembly's Environment Committee

Good afternoon Senator Meyer, Representative Roy and member of the Environment Committee, my name is Dick Tice, I am the President of the Connecticut Environmental Council (CTEC). CTEC supports Senate Bill 1020, An Act Concerning the Pesticide Applications of Child Day Care Centers and Schools. CTEC is an association supported by the Connecticut Grounds Keepers Association, the Connecticut Irrigation Contractors Association, the Connecticut Golf Course Superintendents Association, and the Connecticut Arborist.

Over the past three years Connecticut contractors have been applying lawn care pesticides on school athletic fields and playgrounds according to Integrated Pest Management (IPM) plan at both public and private schools. By state statute IPM calls for "the judicious use of pesticides to maintain a pest population at or below an acceptable level, while decreasing the use of pesticides." As a result of IPM's judicious methods of applying lawn care pesticides, over the past three years tons of active ingredients have been withheld from use on school grounds. IPM has proven to be safe, reliable and affordable way of applying lawn care pesticide, while protecting the financial investments towns have made in athletic fields and school grounds.

The Environmental Protection Agency has recently weighed in on this issue by recommending "that schools use IPM to reduce pesticide risk and exposure to children. Put simply, IPM is a safer and frequently less costly option for effective pest management in a school community." The EPA plan calls for IPM in all schools in the United States by 2015. The Connecticut General Assembly should be commended for the establishment of IPM program for schools during the 2006 session, a full 9 years ahead of the federal government's goal for schools.

In conclusion, CTEC would support the removal of the July 1, 2009 sunset making IPM permanent for all public and private schools in the state. However, in the spirit of compromise we would support the one year extension of the IPM program which will give DEP and their ad hoc committee on pesticide use, time to develop standards for the continued judicious use of lawn care pesticides to protect against pest populations.

Thank you for this opportunity to testify, I'd be glad to answer any questions you may have at this time.

Testimony on Bill 1020 Legislation Pertaining to Day Care Facilities

I am a former Commissioner of the Connecticut Department of Public Health. I support this legislation to protect Connecticut's youngest children from exposure to toxic pesticides. In fact, the language of this bill is better suited to day care centers than the language in a similar Bill, number 257

Many pesticides are among the most toxic chemicals used where people live, work, and play. It is a fact that young children are the most vulnerable to the toxic effects of these chemicals. The effects of exposures have been linked with cancer, birth defects, reproductive effects, liver or kidney damage, neurotoxicity, and hormonal system disruption.

This statute is much more protective of young children at day care facilities than the present pesticide statutes

- It provides for a licensed applicator to apply pesticides
- The authority to use a pesticide in an emergency is clarified.
- It provides for prior notification of parents or guardians of a pesticide application by any means.
- It provides that records of what pesticide was applied (when, where, and why) be kept in the facility for 5 years
- It extends this legislation to the grounds of family day care facilities where the grounds are owned and controlled by the family day care licensee

As a former Commissioner of the Connecticut DPH, I can tell you that the enforcement of this legislation will not be difficult. The DPH inspects day care facilities on a two-year cycle. They only have to look at the records that are now required of the facility to see if they are compliant with this legislation. If the facility is not in compliance, DPH tells them what they have to do and the facility replies in writing as to how they have complied with the requirements of the legislation.

Because of the current economic situation, it is likely that this bill will not pass if you do not add the following provision: "The provisions of this section shall be enforced within existing resources".

It is incumbent on us to provide the same protection from these toxins to Connecticut's youngest children as is provided to their older brothers and sisters.

Respectfully,

Susan Addiss, MPH, MUrS
8 Spring Rd
Branford, CT 06405-4932

The Watershed Partnership, Inc.

Bill 1020
Pesticide Application at Day Care Facilities

Honorable members of the Environment Committee, I am a physician pathologist trained in the cause and effects of human disease. I am familiar with the toxic effects of pesticides. Many pesticides are among the most toxic chemicals used where people live, work, and play. Young children are the most vulnerable to the toxic effects of these chemicals. The effects of exposure are linked to cancer, birth defects, reproductive effects, liver or kidney damage, neurotoxicity, and hormonal system disruption.

This statute is **MUCH MORE PROTECTIVE** of young children at day care facilities than the present pesticide statutes. Further, it is much better suited to the needs of day care facilities than another day care pesticide bill 257 raised at the Select Committee on Children.

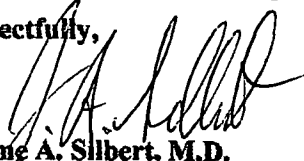
- It provides for a trained licensed applicator to apply pesticides
- The authority to use a pesticide in an emergency is clarified
- It provides for prior notification of parents or guardians of a pesticide application by any means where none existed before
- It provides that records of what pesticide was applied (when, where, and why) be kept in the facility for 5 years
- It extends this legislation to the grounds of family day care facilities where the grounds are owned and controlled by the family day care licensee

Because of the current economic situation, and despite the fact that this legislation protects the youngest and most vulnerable children from toxic pesticides, this bill will not pass if you do not add the following provision.

ADD: "The provisions of this section shall be enforced within existing resources"

The enforcement of this legislation will not be difficult. The DPH inspects day care facilities on a two-year cycle. They only have to look at the records of the facility to see that they are compliant with this legislation. If the facility is not compliant, DPH tells them what they have to do and the facility replies in writing how they have complied with the requirements of the legislation.

Respectfully,


Jerome A. Silbert, M.D.
Executive Director
The Watershed Partnership, Inc.

P.S. Further exceptions to the definition of pesticides should not be made. A certified pesticide applicator is the most qualified person to know what, where, and how to use indoor pesticides. If further exceptions are allowed the misuse of toxic pesticide products is certain and will endanger children who are most vulnerable.

Jerome A. Silbert, M.D., Executive Director • 155 White Birch Drive, Guilford, CT 06437
Telephone: (203) 453-8537 • Email: waterpartnership@sbcglobal.net

The Watershed Partnership, Inc.

The attached letters were written by nationally recognized authorities to support past pesticide legislation and are very relevant to Dr. Silbert's testimony on bill 1020 "An Act Concerning the Application of Pesticides at Day Care Centers and Schools."

**Jerome A. Silbert, M.D., Executive Director • 155 White Birch Drive, Guilford, CT 06437
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MOUNT SINAI
SCHOOL OF
MEDICINE

Philip J. Landrigan, M.D., M.Sc.
Ethel H. Wise Professor of
Community Medicine
Chairman, Department of
Community and Preventive Medicine

One Gustave L. Levy Place,
Box 1057
New York, NY 10029-6574

Tel 212-241-4804
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February 26, 2008

Jerry Silbert, M.D.
Executive Director
The Watershed Partnership, Inc.
155 White Birch Drive
Guilford, CT 06437

Re: Bill 370 An Act Concerning Pesticide Applications at Day Care Centers

Dear Dr. Silbert:

Thank you for having asked me to comment on the proposed day care legislation that is being considered in the State of Connecticut. I understand that the intent of this bill is to better regulate the use of pesticides at day care centers in Connecticut. I support the goals of this important legislation. In my opinion, if this bill is passed into law, it will prevent cases of acute pesticide poisoning as well as subclinical neurotoxicity among Connecticut's children at day care centers.

I am a pediatrician who has been involved for many years in studying the impact of pesticides, heavy metals and environmental factors on the health of children. My biosketch is attached to this letter. From 1988 to 1993, I chaired the Committee on Pesticides in the Diets of Infants and Children that was convened by the U.S. National Academy of Sciences at the direction of the U.S. Senate. The report of this Committee documented the very substantial differences that exist between children and adults in exposure and in vulnerability to pesticides. This report concluded that children are uniquely susceptible to pesticides, and it made the strong recommendation that children be provided special protections in law and regulation to safeguard them against the hazardous impacts of pesticides. The recommendations of the NAS Committee on Pesticides that I chaired provided the intellectual basis for the Food Quality Protection Act, the principal federal legislation governing the use of pesticides in the United States.

I am currently Professor of Pediatrics and Chairman of the Department of Community and Preventive Medicine at the Mount Sinai School of Medicine in New York City. At Mount Sinai, I am co-principal investigator of our Center for Children's Health and the Environment and Principal Investigator for the New York Vanguard Center for the National Children's Study.

I strongly support the proposal to better regulate toxic pesticides at day care centers in Connecticut. Pesticides are chemicals that are deliberately designed to be toxic. Two widely used classes of chemicals that are of particular concern are the organophosphate and the carbamate pesticides. These classes of chemicals are specifically designed to be toxic to the nervous system, and the war gas sarin, which was used in the Tokyo subway attack, is a member of the organophosphate family. Recent research has shown that organophosphate

pesticides, chloropyrofos in particular, are extremely hazardous to the developing brains of children. These compounds can cause acute, clinically obvious poisoning and also can causesilent brain damage. Several years ago the U.S. Environmental Protection Agency banned all residential uses of two organophosphates – chloropyrofos and diazanon. However, many more organophosphate and carbamate pesticides remain on the market. Herbicides are another class of chemical of great concern. Many herbicides are used on school grounds to control weed growth. Among the hazards associated with herbicides are developmental problems and increased risk of certain cancers particularly lymphomas.

In summary, I strongly support the proposed legislation, and I wish you all best success in achieving its passage.

Sincerely,



Philip J. Landrigan, MD, MSc, DIH
Professor and Chairman
Department of Community & Preventive Medicine
Professor of Pediatrics
Mount Sinai School of Medicine
New York NY 10029 USA

Tel: 212-241-4804

Fax: 212-996-0407

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Enclosure



Philip J. Landrigan, M.D., M.Sc.
 Chair, Department of Community and Preventive Medicine
 Director, Center for Children's Health and the Environment
 Mount Sinai School of Medicine
 New York, NY

Philip J. Landrigan, M.D., M.Sc. is a pediatrician and the Ethel H. Wise Professor and Chair of the Department of Community and Preventive Medicine of the Mount Sinai School of Medicine in New York City. He holds a Professorship in Pediatrics at Mount Sinai. He directs the Mount Sinai Center for Children's Health and the Environment.

Dr. Landrigan obtained his medical degree from the Harvard Medical School in 1967. He interned at Cleveland Metropolitan General Hospital. He completed a residency in Pediatrics at the Children's Hospital Medical Center in Boston. He obtained a Master of Science in occupational medicine and a Diploma of Industrial Health from the University of London.

From 1970 to 1985, Dr. Landrigan served as a commissioned officer in the United States Public Health Service. He served as an Epidemic Intelligence Service Officer and then as a medical epidemiologist with the Centers for Disease Control in Atlanta. While with CDC, Dr. Landrigan served for one year as a field epidemiologist in El Salvador and for another year in northern Nigeria.

Dr. Landrigan was the co-founder and from 1971 to 1977 the medical co-director of the Beacon Hill Community Clinic, a medical center established in partnership with community residents in Decatur, Georgia.

Dr. Landrigan is a member of the Institute of Medicine of the National Academy of Sciences. He is Editor-in-Chief of the *American Journal of Industrial Medicine* and previously was Editor of *Environmental Research*. He has chaired committees at the National Academy of Sciences on *Environmental Neurotoxicology* and on *Pesticides in the Diets of Infants and Children*. Dr. Landrigan's report on pesticides and children's health was instrumental in securing passage of the Food Quality Protection Act of 1996, the major federal pesticide law in the United States.

In New York City, he served on the Mayor's Advisory Committee to prevent Childhood Lead Paint Poisoning and on the Childhood Immunization Advisory Committee. From 1995 to 1997, Dr. Landrigan served on the Presidential Advisory Committee on Gulf War Veteran's Illnesses.

In 1997 and 1998, Dr. Landrigan served as Senior Advisor on Children's Health to the Administrator of the U.S. Environmental Protection Agency. He was responsible at EPA for helping to establish a new Office of Children's Health Protection. Dr. Landrigan has been involved since 1999 in development of the National Children's Study, a major prospective epidemiological study that will follow 100,000 American children from conception to age 21 years in order to identify preventable environmental causes of disease and developmental dysfunction.



John Peter Wargo, PhD
Professor of Environmental Policy and Risk Analysis
Yale University
john.wargo@yale.edu

January 30, 2007

Senate Environment Committee
State of Connecticut

Dear Committee Members:

First, I offer my apology for my absence from the hearing. I have two classes at Yale on January 31st. My name is John Wargo, and I am a professor of risk analysis and environmental policy and political science at Yale University with appointments in the School of Forestry and Environmental Studies, the Department of Political Science, and I have been Director of Undergraduate Studies for Yale's recently formed Environmental Studies major. I hold a PhD in environmental policy from Yale (1984), taught at Dartmouth in the Thayer School of Engineering until 1986, returned to Yale in 1986, and was promoted to tenure in 1996. Currently, I am a full professor. I have participated in several National Academy of Sciences Panels on human exposure to pesticides, have provided advice to several EPA administrators, have been a long time contributor to EPA's Scientific Advisory Board, testified in both the U.S. House and Senate on issues related to children's environmental health, and advised the U.N. World Health Organization and the Food and Agriculture Organizations on methods to protect children's health from pesticides. I have also participated in the drafting of federal, state and local law designed to protect children from exposure to pesticides in food, air, water, soils, and consumer products, including pesticides. I also have specific experience measuring and modeling children's exposure to pesticides. I have only a few points to make and they follow.

1. Pesticides are intentionally toxic substances. It is a serious mistake to assume they will affect only species they were designed to harm. Pesticides often have unintended effects on non-targeted species.
2. Children are especially vulnerable to pesticides for two reasons. First, children are physiologically more susceptible to health loss due to rapid growth and development of organs and functions. Second, children breathe more air volume, drink more water, eat more food and touch more potentially contaminated surfaces—all per unit of their bodyweight—than adults. For any concentration of pesticide residue in air, water, food or surfaces, children normally experience higher levels of exposure than adults.

3. Children experience rapid growth and development of different organ systems and functions during different periods. Full maturity often does not occur until the age of 20, after high school years.
4. Most pesticides have not been tested to know their effects on the developing nervous, immune, and endocrine systems of humans. There is plausible evidence that many pesticides are neurotoxic, others mimic human hormones, and still others may affect the immune system. Adverse effects are normally dependent upon the intensity of dose, however the doses that children and adolescents experience in school settings are poorly understood.
5. Current pesticide law permits the application of dozens of pesticides in the school environment, and they are normally applied by individuals who have little or no training in modern chemistry, biology, toxicology, epidemiology, exposure assessment or risk assessment.
6. Collectively, these are serious challenges to those who propose continued application of pesticides in or near schools. I strongly support State legislation that would ban pesticide applications for cosmetic purposes and nuisances on school property. A serious public health threat should be demonstrated before any application is permitted. If public health officials determine that a serious health threat from pests does exist, non-chemical solutions should be attempted before the least persistent, mobile and toxic pesticides are applied. Integrated pest management (IPM) is a term-of-art that often used to justify continuation of past pesticide use practices. It is my opinion that IPM should not be relied upon to provide sufficient protection for children's and women's health.
7. I have not accepted payment for this comment, and I encourage all who offer testimony on this issue to disclose their financial interest in the bill.

Sincerely,

John Peter Wargo, Ph.D.
Professor
Yale University

American
Academy of
Pediatrics



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SB1020

Good afternoon, my name is Robert Zavoski, MD, MPH, President of the Connecticut Chapter of the American Academy of Pediatrics and Medical Director of Community Health Services, a community health center in Hartford. I am here to offer the Academy of Pediatrics' support to Proposed Bill 5234, An Act Banning Pesticide Use in Middle and High Schools.

Children are not little adults. Their physiology and anatomy are different than those of adults, placing them at additional risks when exposed to poisons and toxins in their environments above those faced by adults. Children's metabolic rates are relatively rapid, therefore children and adolescents breathe faster than do adults; their skin is thinner and therefore more likely to absorb toxins; children are shorter with their airways closer to the ground and thus inhale more of ground level toxins than do adults; children are developmentally immature and therefore less likely to recognize risks and take the proper precautions or actions when exposed to toxins. For all of these reasons, children are at far greater relative risk from poisons and toxins in their environment than are adults. In addition, children hopefully have longer to live than adults, therefore the cumulative effects of toxins over time are more likely to effect children than they are to effect adults.

Lastly, the long term adverse effects of many toxins are simply not known. It takes relatively little time to develop a new chemical but generations to determine its long term toxicity. History has many examples of "safe" procedures or products, such as asbestos, arsenic treated lumber, chlordane, DDT, diethylstibesterol, etc, later found to be unsafe or deadly. It is therefore vitally import to limit exposure to such substances to only the necessary circumstances.

Pesticide use on school athletic fields and lawns is not a necessary exposure. Generations of children have successfully played and competed on fields that were not aesthetically perfect. The risk of pesticides to the present and future health of our children does not justify the use of these toxins; their use should be prohibited.

Thank you for your kind attention.



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THE VOICE OF LOCAL GOVERNMENT

TESTIMONY
 of the
CONNECTICUT CONFERENCE OF MUNICIPALITIES
 to the
ENVIRONMENT COMMITTEE

March 2, 2009

CCM is Connecticut's statewide association of towns and cities and the voice of local governments - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population. We appreciate this opportunity to provide testimony to you on issues of concern to towns and cities.

Raised Senate Bill 1020 "An Act Concerning Pesticide Applications at Child Day Care Centers and Schools"

Section 2 of this bill would extend to July 1, 2010, from 2009, the sunset date for municipalities to continue to be allowed to utilize integrated pest management (IPM) programs.

IPM has been required for three years now in Connecticut and has been successful. IPMs are structured as a comprehensive management plan for grounds maintenance and upkeep. They focus on a thorough understanding of pests and pest biology by pest managers; careful inspection and monitoring for pest presence and pest-conducive conditions; pest prevention through effective education, sanitation and facility maintenance; and a restrictive treatment plan as a last resort. Such treatment plans call for the use of pesticides only when non-chemical measures have not been able to eradicate the problem and even then products are selected that minimize toxicity and potential for exposure.

The United States Environmental Protection Agency (EPA) "recommends that schools use IPM to reduce pesticide risks and exposure to children" and that it is a "safer" and "less costly option for pest management in a school community." The EPA plan calls for all schools to utilize IPM by 2012.

It is also important to note, for those who feel that "organic" is a better way to go, that the organic industry is not regulated - whereas the pesticide industry is highly regulated - and, just because something is organic does not mean it is not toxic. The use of IPMs on any grounds provides a greater guaranty of safety and reduces the risk of toxic exposure significantly.

In addition, it is important to understand the costs associated with replacement, resodding, or reseeding the grounds that this bill covers can be upwards of \$25,000 per ¼ acre. That does not even take into consideration the liability that is inherent in improperly maintained fields filled with gopher holes; soft spots from grub infestation; and bare spots from erosion.

A coalition was formed several years ago around this issue between municipal officials and local park and recreation staff in support of the continued use of IPM. We strongly urge the committee to **remove the sunset date and the use of IPMs be continued and required** - short of this, **the sunset date should be postponed until at least July 1, 2011** in order for the Department of Environmental Protection to thoroughly evaluate and comment on the successes of this program.

##

If you have any questions, please contact Kachina Walsh-Weaver, Senior Legislative Associate of
 via email kweaver@ccm-ct.org or via phone (203) 498-3026.



**The Consumer Specialty Products Association
Testimony In Opposition to Senate Bill 1020**

**Presented: March 2, 2009
To: Joint Committee on Environment**

Submitted on Behalf Of: Sean Moore, State Affairs Representative

Chairman Meyer, Chairman Roy and distinguished members of the Joint Committee on Environment, my name is Sean Moore and I am State Affairs Representative for the Consumer Specialty Products Association (CSPA). CSPA is testifying today to express our concerns with Senate Bill 1020. As it is currently drafted, the bill would place unnecessary restrictions on "ready-to-use" pesticides, (such as: repellants, pastes, gels and crack and crevice treatments) which are used to help control and prevent pest infestations at various locations, including daycares.

CSPA is a non-profit trade association representing the interests of approximately 250 companies engaged in the manufacture, formulation, distribution and sale of hundreds of familiar consumer products that help household, institutional and industrial consumers create cleaner and healthier environments. Our products include disinfectants that kill germs in homes, hospitals and restaurants; candles, fragrances and air fresheners that eliminate odors; pest management products for the home; cleaning products for use throughout the home; products used to protect and improve the performance and appearance of automobiles; and a host of other products used every day. Specifically, our members that manufacture pest management products would be directly affected by this bill.

Pest Management Products Protect Children's Health

CSPA appreciates that for the purposes of this bill, antimicrobial products and baits are exempted from the definition of a pesticide. Antimicrobial products, such as disinfectants and sanitizers are used every day in a variety of settings and provide many important health protection benefits by limiting the spread of diseases such as MRSA, Norovirus and the flu, as well as controlling the spread of bacteria like E.coli, Shigella and Salmonella. Baits are commonly recommended to reduce exposure to pesticides, are tamper-resistant, and can be left in areas inaccessible to children.

When used in conjunction with proper cleaning techniques, other "ready-to-use" pesticides, such as pastes and gels, serve as a safe and proven means of preventing and eliminating pest infestations. Along with tamper-proof bait stations, these products are commonly recommended alternatives to treating an entire building; they may be placed in areas that are inaccessible to children and are targeted to eliminate and prevent specific pests. Crack and crevice treatments are also frequently recommended as least toxic options to prevent pest infestations. All of these products come with clear and easy to understand instructions, are easy to use and do not require the services of a certified applicator.

CSPA believes that these low-risk pesticides, used in places inaccessible to children, should be afforded the same exemption for antimicrobial products and baits under subsection (a) of this bill. These are preventative measures that, when used in conjunction with proper cleaning practices, can ultimately reduce the future need for pesticide applications and reduce children's exposure to

CSPA Testimony in Opposition to Senate Bill 1020
Page 2 of 2
March 2, 2009

proven asthma triggers like cockroach allergen. They are also commonly used and do not require the services of a certified applicator.

Additionally, a 2005 study by the National Institutes of Health found that cockroach allergens exacerbated symptoms of childhood asthma more than other triggers such as dust mites and pet dander. Proper cleaning procedures and proven extermination techniques were recommended to keep these allergens under control.

Conclusion

Daycares need to have the resources to prevent pest infestations before they occur. This ability would reduce the overall need for pesticide applications and benefit children's health by providing a clean and sanitary environment. While Senate Bill 1020 exempts antimicrobial products and baits from the provisions in this bill, there remain overly stringent requirements on "ready-to-use" pesticides. Repellants, pastes, gels and crack and crevice treatments, can be safely used by an adult without exposing children to the products.

CSPA supports the responsible and judicious use of pesticides and encourages the committee to amend the bill to protect the use of the preventative measures outlined above. CSPA would suggest the attached amendments to address these concerns. We appreciate your consideration of our position on this important issue.

The Consumer Specialty Products Association

Proposed Amendments to Senate Bill 1020

Section 1

- (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, repellant or a pesticide bait, including pastes or gels, crack and crevice treatments and pesticides exempted from regulation by the U.S. Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide and Rodenticide Act [7 U.S.C. § 136w (b)], and "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...



*Connecticut Chapter
645 Farmington Ave.
Hartford, Connecticut 06105
www.connecticut.sierraclub.org*

Environment Committee

March 2, 2009

Testimony of Martin Mador

In Support of

HB 6572 An Act Concerning Banning Bisphenol-A in Children's Products and Food Products
and Prohibiting Certain Alternative Substances

SB 919 An Act Phasing out the Use of Polybrominated Diphenyl Ethers

SB 792 An Act Prohibiting the Idling of Motor Vehicles

In Partial Support of

SB 1020 An Act Concerning Pesticide Applications at Child Day Care Centers and Schools

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the Legislative and Political Chair of the Connecticut Sierra Club, and am here today representing our 10,000 Connecticut members concerned about the health of our environment, our economic well-being, and the quality of life in Connecticut. I possess a Master's of Environmental Management degree from Yale.

Sierra considers the intentional introduction of toxics into our environment an important environmental issue. Industry over the past century has marketed products with scant regard for their effects. To protect our health, we must move to the "precautionary principle", which requires discontinuance once significant evidence of harm has accumulated. It is the duty and obligation of government to exercise effective oversight.

It would be appropriate to regulate toxic products at the federal level. Unfortunately, the federal government has clearly not upheld its duty to do so, particularly in the past eight years. Therefore, the state must step up to provide these necessary protections.

SB 6572 concerns bisphenol-A (BPA). BPA is used as a plastics hardener, as a liner in most metal food cans, and a component in microwaveable containers. BPA can leach out of these materials, especially when heat is applied. It is estimated that over 90% of Americans now carry it in our body tissue. It is implicated in a wide range of disease, including infertility, obesity, breast and prostate cancer, diabetes, thyroid malfunction, birth defects, and neurological disorders. Sierra considers 6572 a priority bill for this session.

SB 919 concerns polybrominated diphenyl ethers (PBDE) added as flame retardants in bedding, clothing, electronics, and plastics. They are implicated in cancer, birth defects, thyroid disruption, hearing deficits, learning disorders such as ADHD, and mental retardation. While they may retard combustion, they become extremely toxic once they start burning. There are alternatives available now. 919 is an appropriate and well-crafted bill which would restrict the sale and use of these flame retardants.

SB 1020 extends the ban on pesticide applications on school grounds to day care centers. As younger children are the most susceptible to these toxins, it is imperative that we protect them as we now do for children in grades eight and below.

However, Sierra is UNCONDITIONALLY opposed to yet another year's delay in the application of these restrictions to school grounds. We see no reason of any sort to grant this unnecessary extension to 2010, and urge the committee to protect the health of our younger school children by striking the change to the effective date in Section 10-231b (b).

SB 792 extends the prohibition on extended motor vehicle idling from a DEP infraction to a state infraction, enforceable not only by DEP conservation officers, but municipal police. Its purpose is to act as a deterrent to extended idling, which results in the unnecessary release of incomplete combustion products and global warming gases. Except in severe weather or other exceptional cases, there is no need for it, so it is appropriate for the legislature to take action. However, we are concerned that this may be used by the police for selective prosecution, or harassment. We would like to see language added to the bill to discourage that.



ECHO

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MISSION
 To safeguard the health and
 well-being of the environ-
 ment and its inhabitants

March 2, 2009

Senator Meyers, Representative Roy, Members of the Environment Committee

My name is Carolyn Wysocki and as President of ECHO, (Ecological Health Organization, Inc) I am here to voice strong support for all the Bills on the Agenda.

1. S B No 791 (RAISED) AN ACT BANNING BISPHENOL-A IN CERTAIN CHILDREN'S PRODUCTS

2. S B No 792 (RAISED) AN ACT PROHIBITING THE IDLING OF MOTOR VEHICLES

3. S B No 919 (RAISED) AN ACT PHASING OUT THE USE OF POLYBROMINATED DIPHENYL ETHERS

4. S B No 924 (RAISED) AN ACT CONCERNING A MORATORIUM ON STATE FUNDED ARTIFICIAL TURF ATHLETIC FIELDS AND THE POSTING OF SIGNS

5. S B No 1020 (RAISED) AN ACT CONCERNING PESTICIDE APPLICATIONS AT CHILD DAY CARE CENTERS AND SCHOOLS.

6. S B No 1021 (RAISED) AN ACT CONCERNING NOTIFICATION AND REMEDIATION OF CONTAMINANTS IN DRINKING WATER.

7. H B No 6572 (RAISED) AN ACT CONCERNING BANNING BISPHENOL-A IN CHILDREN'S PRODUCTS AND FOOD PRODUCTS AND PROHIBITING CERTAIN ALTERNATIVE SUBSTANCES

In January, 1992-ECHO was formed as a statewide nonprofit, advocacy, support, educational and referral organization for people with Multiple Chemical Sensitivity (MCS) and for others who care about its prevention. MCS is a chronic disorder in which people develop increased reactions to various chemicals found in products such as pesticides, building materials, fragrances carpets, food, clothing, exhaust, smoke and cleaning products...Our MCS members are living proof of the linkages between the environment and health.

MCS affects multiple organ systems (respiratory, digestive, neurological, musculoskeletal, reproductive, cardiovascular) and commonly includes symptoms such as asthma, difficulty breathing and concentrating, migraines, loss of memory, dizziness, muscle/joint pains, and fatigue. There is no known cure for MCS, and the most effective treatment found to date is avoidance of toxic chemicals, a difficult task in today's world.

People with MCS can suffer serious adverse reactions to low levels of chemicals such as PBA (Biphenyl, PBDEs (Polybrominated Diphenyl Ethers, pesticides, diesel pollutants emitted from artificial turf and contaminants in our water. We have had to make serious changes in our way of life such as using non-toxic cleaning products, safe building materials, growing and eating organic foods and using non toxic methods of lawn care. We are at risk of exposures and whenever we go out in the public whether its grocery shopping, school/community events, church, work, hospital or here to testify at the LOB We have been "Green" long before it became fashionable.

Through past and current legislation, Connecticut has taken a leadership roll in the prevention of illnesses related to chemicals and is supporting a cleaner and Healthier Community for all. These bills would help to prevent children and adults from developing MCS or other illnesses due to exposures to toxic chemicals. There are alternatives

People with MCS are tired of being an experiment for the Chemical Industry. ECHO supports Prevention and these Bills

Prevention is Our Intention!

Sincerely,

Carolyn Wysocki

Carolyn Wysocki, ECHO President

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
HEALTH
PART 6
1556 - 1871**

2009

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jr PUBLIC HEALTH COMMITTEE

March 6, 2009
10:00 A.M.

REP. WIDLITZ: You did? Well, you're here for a different -- for a good cause. We'll give you a note to say you were here.

But it's been -- it's difficult. It's difficult because each town has its own set of issues, and its own way of doing things. So it's been difficult, but I'm proud of our towns for working together, and certainly we don't want to disincentivize our towns from doing that, so thank you for coming. We appreciate your testimony.

WILL FRITZ: Thank you.

SENATOR HARRIS: Thank you. Have a good day.

WILL FRITZ: Thank you.

SENATOR HARRIS: Next we have Dr. Silbert, followed by Senator LeBeau.

JERRY SILBERT: Senator Harris, distinguished members of the committee, my name is Dr. Jerry Silbert, and I'm a pathologist trained in the cause and effect of human disease with boards in anatomic and clinical pathology and special training in environmental health.

SB1020

I want to touch on some important points with respect to Bill 6597, pesticide application at daycare facilities. One of my most important requests to your committee is if you really feel this bill is of benefit, I strongly suggest you put in a provision that the section will be enforced under existing resources.

The reason for that is given the present financial system of the state, that many bills which have fiscal notes on them of any

significance will fail.

Fortunately, this enforcement of protecting children at daycare centers is not difficult or costly. You have my testimony, and you also have the written testimony of Susan Addiss, who is former commissioner of the Department of Public Health, and she said -- and I concur -- that because daycare facilities are inspected on a two-year cycle, that the inspection of their pesticide use is pretty easy if this legislation is passed because they have to keep records, and they simply look at the records and say, Did you use the pesticides? Do you have the proper records here?

And if they don't have records, they're simply sent a letter and -- to comply and they send a letter back saying that we're in compliance, and that basically solves the problem until they're inspected next.

So I think that's very important. I have a section that says that it should be enforced within existing resources.

Interestingly, there's another bill which is almost identical to this, 1020, in the Environment Committee. Actually, I prefer this one. I think the language is a little bit tighter than that, a little bit more focused, but they're almost essentially identical.

So you'll be getting a joint favorable from the Environment Committee, and if you pass this, which I hope you do, you'll be getting a -- you'll be giving it to the Environment Committee. And -- but as I said, I think this is better. It has all the same provisions.

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Interestingly, daycare centers have no provision to use a certified pesticide applicator for applications of pesticides inside the daycare center.

The authority to use a pesticide in an emergency is not it very clear. It doesn't even provide for notification of the parents or guardians with respect to an application of pesticides. It provides for no records to be kept, and family daycare centers are exempt.

And this corrects all those issues with respect to daycare centers which have the youngest and most vulnerable population with respect to their sensitivity to the toxicity of pesticides.

So I think that your bill is an excellent one. I strongly recommend it. I think this was an important gap that needs to be filled in terms of the protection of the youngest children of Connecticut, give them the same protection that their older brothers and sisters have at schools.

SENATOR HARRIS: Thank you.

Any questions? Representative Heinrich.

REP. HEINRICH: Thank you, Mr. Chair.

Thank you very much for your testimony, Dr. Silbert. Appreciate you coming up. And I just wanted to very quickly thank you for your years of hard work, working to protect our children, and for the many, many times you've come up to support that role. Thank you.

JERRY SILBERT: Thank you.

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SENATOR HARRIS: Representative Widlitz.

REP. WIDLITZ: Thank you, Mr. Chairman.

I would also like to welcome you to the Public Health Committee and thank you for appearing. We won't tell your favorite senator that we think our bill is better than the Environment Committee's.

(Laughter.)

REP. WIDLITZ: But, Jerry, don't you think that, you know, we have -- we have protections for school-age children that you've already mentioned, but do pesticides have a more -- greater impact on younger children with their developing organs and immune systems?

It seems bizarre, almost, that we started at the upper end of the age scale and we're working our way down.

JERRY SILBERT: Right.

The answer to your question is yes, younger children are more vulnerable. They have -- they take in more toxins according to their body weight. They ingest more things according to their body weight. So because they're smaller, they have larger surface area, they're much more sensitive to these things.

I've included testimony from three nationally known authorities with respect to pesticides in children in my testimony, and it basically corroborates what you suggested and what I just said.

Interesting history of this bill, it was presented last year to legislators. It passed

unanimously in the Senate. It almost got through the house. It was on the calendar but didn't make it to the end of the session.

So this is actually a tighter bill. It was negotiated with representatives from the daycare industries. It was negotiated with the Department of Public Health people as well.

So I think this is an excellent bill. And the only difference between this and the environment bill essentially is there's an addition in the environment bill that calls for the extension of the exception to the pesticide ban on athletic fields and playgrounds at schools -- at elementary and middle schools. It's not on this bill.

But I'll tell you that Representative Dick Roy really wants that, and he said that if this bill is referred to him in the Environment Committee, he will put on that amendment.

So I'm -- I'm giving you a little forewarning about that.

SENATOR HARRIS: Thank you, Representative Widlitz. Any further questions?

Doctor, I have a question on the emergency situation. You talk about tightness of language. Hopefully you can help me make sure I understand and define a situation in which you don't need a certified applicator.

Line 24 and one other place it talks -- 39, it talks about immediate threat to human health, and then it talks about later potential or permissible emergencies, mosquitoes, ticks and stinging insects.

If you have a bee or two around, I guess I could say that's a threat to health because it will hurt and I don't want to get stung and I guess potentially I could be allergic to that. But, I mean, what are we talking about here?

When you just say "stinging insects around," does it have to be a lot of them? What are you envisioning?

JERRY SILBERT: In this particular section, there are two reasons why the emergency application is written in that fashion.

Number one, people were very concerned if there was -- wasps or yellow jackets or something like that got into the facility or was found on the ground, that it should be taken care of right away. And that sometimes they said that it would be difficult to get a hold of a certified pesticide applicator and there would be too long of a time lag between when you needed to deal with the problem and protect the kids.

So it was written so that the licensee of the daycare center would have the authority to say that yes, there should be an emergency application.

I think it mainly pertains to the outdoors rather than the indoors, but also is conceivable that there will be a possible emergency indoors in terms of a wasps nest or hornet getting in, and that's why it applies to both.

Does that address what you're getting at?

SENATOR HARRIS: It helps; but again, I just was trying to think of if there's a couple of bees around, is that an immediate threat to health?

I mean, I can now all of a sudden start spraying stuff around the inside of the school or even the outside?

JERRY SILBERT: Yes, I understand what you're saying. And, you know, one can micromanage these kinds of things that, you know -- I think that, you know -- I think hopefully just like the DEP has established guidelines with respect to what is an emergency application, it will probably be very relevant to the daycare centers as well.

So I think it's probable necessary for the DPH to just establish some kind of guidelines and education of the people at the daycare centers about pesticides when it's appropriate to use them.

And I think this bill provides that opportunity, because it -- it just raises the bar in terms of awareness of the fact that these are very toxic substances and shouldn't be used around young children.

SENATOR HARRIS: Thank you. That does help.

And in lines 52 through 64 -- actually, really line 54 when you talk about the provision -- requirement to notify parents --

JERRY SILBERT: Uh-huh.

SENATOR HARRIS: -- you're talking there not actual notice. They don't need to actually know that the parent received the notice. Just by leaving a message on an answering machine, sending a letter home, that that would suffice?

JERRY SILBERT: It says -- it says by any means

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practicable.

And when I've spoken to the daycare people, they said that the most practical means for notifying parents is basically to put a notice right on the door, because parents generally bring their kids right to the daycare center, and that's where they're going to see that -- that there's a warning that they're going to use pesticides.

And, of course, the children can't be in the area or can't enter the area until it's safe to do so.

So, you know, when you think of applying pesticides in an area where there are children, the children have to leave if it's a toxic pesticide and they have to wait a certain period of time before they can reenter.

SENATOR HARRIS: Okay.

So what we in the law would call constructive notice as opposed to actual notice? That's what I wanted to get to.

JERRY SILBERT: Yes.

SENATOR HARRIS: Okay.

JERRY SILBERT: And the other thing that I wanted to mention, which is really important, is that I don't think you should make any exceptions to the -- to the definition of pesticides.

There's a definition of "pesticides" right at the beginning of the legislation, and I think that it would be dangerous to make exceptions to what's already there.

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And you may hear testimony with respect to asking you to make exceptions to that. I would suggest that you look very carefully at that, because the use of pesticides by an unqualified person could result in a very dangerous situation.

SENATOR HARRIS: Thank you, Dr. Silbert. Thank you very much for bringing this to us and for all your guidance on it.

JERRY SILBERT: Thank you. Thank you for raising the bill.

SENATOR HARRIS: Any further questions? You're welcome. Now, Senator LeBeau. I don't think he's here.

Oh, Senator LeBeau is here. I can't turn my neck that way.

SENATOR HARRIS: You must be blending into the chairs, Gary.

SENATOR LeBEAU: It must be what I'm wearing today.

(Laughter.)

SENATOR LeBEAU: Bluish-gray decor.

SENATOR HARRIS: Institutional camo.

SENATOR LeBEAU: That's it. That's it. Actually, I'm not trying to -- I'm not trying to blend in, John.

(Laughter.)

SENATOR LeBEAU: So I guess I'm failing miserably.

HB 6616

I want to thank you, Senator Harris, and

Bill 6597
Pesticide Application at Day Care Facilities

Honorable members of the Public Health Committee, I am a physician pathologist trained in the cause and effects of human disease and familiar with the toxic effects of pesticides. Many pesticides are among the most toxic chemicals used where people live, work, and play. Young children are the most vulnerable to the toxic effects of these chemicals. The effects of exposure are linked to cancer, birth defects, reproductive effects, liver or kidney damage, neurotoxicity, and hormonal system disruption.

This statute is **MUCH MORE PROTECTIVE** of young children at day care facilities than the present pesticide statutes. 6597 is very similar to bill 1020 raised by the Environment Committee, except that it does not have the addition of extending the exemption to the pesticide ban for athletic fields and playgrounds at elementary and middle schools for another year. 6597 is much better suited to the needs of day care facilities than bill 257, another day care pesticide bill raised by the Select Committee on Children.


- It provides for a trained, licensed applicator to apply pesticides
- The authority to use a pesticide in an emergency is clarified
- It provides for prior notification of parents or guardians of a pesticide application by any means where none existed before
- It provides that records of what pesticide was applied (when, where, and why) be kept in the facility for 5 years
- It extends this legislation to the grounds of family day care facilities where the grounds are owned and controlled by the family day care licensee

Despite the fact that this legislation protects the youngest and most vulnerable children from toxic pesticides, because of Connecticut's economic situation, this bill will not pass if you do not add the following provision.

ADD: "The provisions of this section shall be enforced within existing resources"

The enforcement of this legislation will not be difficult or costly. The DPH inspects day care facilities on a two-year cycle. They only have to look at the records of the facility to see that they are compliant with this legislation. If the facility is not compliant, DPH tells them what they have to do and the facility replies in writing how they have complied with the requirements of the legislation.

Respectfully,


Jerome A. Silbert, M.D.

P.S. More exceptions to the definition of pesticides should not be made. A certified pesticide applicator is the most qualified person to know what, where, and how to use indoor pesticides. If further exceptions are allowed the misuse of toxic pesticide products is certain and will endanger children who are most vulnerable.