

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Agency

Department of Environmental Protection

Subject

Posting and Notification of Outdoor Pesticide Applications

Inclusive Sections

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Posting and Notification of Outdoor Pesticide Applications

Sec. 22a-66a-1. Public notification of outdoor pesticide applications

(a) Definitions

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

(2) “pesticide” is defined in section 22a-47 of the general statutes.

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

(b) General notification requirements

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

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

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

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

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

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

(7) Each sign required by subsection (c) of section 22a-66a of the general statutes shall conform to the following requirements:

(A) The sign shall be a minimum of four inches high by five inches wide.

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

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

(i) The words, “PESTICIDE APPLICATION” in bold letters of at least thirty-six point

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type;

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

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

(iv) The statement, “This sign must remain for 24 hours after pesticide application” in at least twelve point type.

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

(c) Requirements for pesticide wholesalers, distributors and retailers

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

(2) The owner of each retail establishment selling pesticides which are registered with the state or federal government for outdoor use shall display a sign notifying customers of the posting requirements of section 22a-66a (c) of the general statutes. The sign shall be conspicuously displayed at each point of sale in the retail establishment in such a manner that it is easily read by purchasers at the time of sale and shall comply with the following requirements:

(A) The sign shall be in the following format and contain the following statements which shall be professionally printed:

“NOTICE TO PESTICIDE BUYERS” in bold letters at least one-half inch high, and the following statements in letters at least three-eighths of an inch high:

(1) Under Connecticut law¹, any person making an outdoor application of a pesticide within 100 yards of any property line must, at the time the pesticide is applied, post a sign notifying the public of the pesticide application at each conspicuous point of entry to the property.

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

(3) Exceptions to the posting requirements:

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

¹ (Section 22a-66a (c) of the Connecticut General Statutes and Section 22a-66a-1 of the Regulations of Connecticut State Agencies.)

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b. noncommercial pesticide applications to a completely fenced area; or
c. pesticide applications on land that produces agricultural commodities from which gross sales in excess of one thousand dollars were realized or can reasonably be expected to be realized during any calendar year.”

(d) Notice of pesticide applications to golf courses

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

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

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

(4) Each sign required by subsection (d) of section 22a-66a of the general statutes shall conform to the following requirements:

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

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

(C) The sign shall contain the following information:

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

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

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

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

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

(1) In accordance with subsection (g) of section 22a-66a of the general statutes, any pesticide application business or department, agency or institution of the state or a municipality, prior to making a pesticide application in any lake or pond with any public access owned by the state or a municipality shall give newspaper notice to the public in accordance with subsection (g) of section 22a-66a, and shall post a sign in a conspicuous

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location at each place of public access owned by the state or a municipality.

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

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

(4) Each sign required by subsection (g) of section 22a-66a of the general statutes shall conform to the following requirements:

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

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

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

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

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

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

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

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

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

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

(5) Any notice of pesticide application required to be published pursuant to subsection (g) of section 22a-66a of the general statutes regarding pesticide application to a lake or pond with any public access owned by the state or a municipality and pesticide applications

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to any private lake or pond with more than one owner of shoreline property, or required to be published or posted pursuant to subsection (i) of section 22a-66a of the general statutes regarding mosquito control, shall include but not be limited to the following information:

- (A) the common name of each pesticide to be applied;
- (B) the location of the pesticide application;
- (C) the purpose of the pesticide application;
- (D) the estimated date of the pesticide application, and the statement, "Information on the specific date of application may be obtained from the person named below."
- (E) the name, address and telephone number of a contact person affiliated with the pesticide application business or department, agency or institution of the state or municipality making the pesticide application.
- (F) the statement, "Do not use the water for the following purpose(s) until the date and time noted below:" followed by the dates and times that swimming and other water-contact activities, drinking, fishing, irrigation, livestock watering and other uses specified on the pesticide label or pesticide use permit may be resumed, according to the label and permit, whichever is more stringent. If the label and permit are silent as to when a certain activity may be resumed, the words "No Restriction" shall be used for that activity. Nothing in this subsection shall prohibit a pesticide application business, department, agency or institution from placing more stringent water use restrictions in the notice than are required by the label and permit.

(6) A pesticide application shall not be made prior to the estimated date of application specified in a published notice. If the actual date of pesticide application will exceed the estimated date of application by more than three calendar days, the notice shall be republished.

(Effective November 28, 1990)

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

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

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

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

(b) As part of the business records required under section 22a-66g of the general statutes, a pesticide application business shall retain a copy of any request for notification which it receives, and shall forward the original request to the Pesticide Management Division of the Department of Environmental Protection within five calendar days of its receipt. The

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pesticide application business shall commence twenty-four-hour prior notification of pesticide application immediately upon receipt of a request for notification, notwithstanding the date the person submitting the request is included in the registry maintained by the commissioner. Except as provided in subdivision (c) (2) of this section, the pesticide application business shall continue to provide such notification for a minimum of three years from the date the request for notification was received, and may discontinue notification at that time only if it gives the person who submitted the request no less than thirty days' prior notice of its intention to discontinue notification and the person's right to renew his or her request.

(c)

(1) The commissioner shall maintain a registry of persons who have submitted requests for notification to a pesticide application business or to the commissioner. In order to be included on the registry for any calendar year, the request must be received by the commissioner no later than January 31, 1991 for the 1991 calendar year and no later than December 31 of the preceding year for each calendar year thereafter. In 1991, requests received after February 1 shall be included in the 1992 registry. In years thereafter, requests received after January 1 shall be included in the next year's registry.

(2) The commissioner may periodically send a notice to persons listed on the registry requesting that if they wish to remain on the registry they must submit the information specified in subsection (a) to the Pesticide Management Division within a specified number of days. The commissioner may delete from the registry any person who does not submit the required information by the required date. A pesticide application business may discontinue providing notification to any person who the commissioner deletes from the registry in accordance with this paragraph. Any person deleted from the registry may submit a new request for notification in accordance with subsection (a) of this section, and notice shall be provided to such person in accordance with this section.

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

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

(d)

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

- (A) the common name of the pesticide likely to be applied;
- (B) the location of the pesticide application;

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

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

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

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

(Effective November 28, 1990)