

Environment Committee
JOINT FAVORABLE REPORT

Bill No.: SB-443

Title: AN ACT CONCERNING PESTICIDES ON SCHOOL GROUNDS, PARKS, PLAYGROUNDS, ATHLETIC FIELDS AND MUNICIPAL GREENS AND BANNING THE SALE AND USE OF GENETICALLY-ENGINEERED LAWN OR TURF SEEDS.

Vote Date: 3/21/2014

Vote Action: Joint Favorable Substitute

PH Date: 3/17/2014

File No.: 240

SPONSORS OF BILL:

Environment Committee

REASONS FOR BILL:

This bill would expand a ban on pesticide use at K-8 schools and day-care centers to high schools, parks, playgrounds and municipal greens, to take effect on Jan. 1, 2017. A section on emergency pesticide applications allowing use in instances of threats to human health would take effect on Oct. 1, 2104. An added section would ban the sale and use of genetically modified lawn or turf seed.

SUBSTITUTE LANGUAGE:

The substitute bill adds a new section (4), banning genetically modified lawn or turf seed.

RESPONSE FROM ADMINISTRATION/AGENCY:

State Department of Energy and Environmental Protection, Robert J. Klee, Interim Commissioner:

Commissioner Klee, speaking on sections 1 to 3, notes that the agency is "cautious" about the bill's language, feeling it is import to address current concerns from municipalities. DEEP held four sessions regarding current policy, a summary of which is available at <http://www.ct.gov/deep/pesticides>. DEEP also contracted Dr. Chensheng (Alex) Lu, Associate Professor of

Environmental Exposure Biology at Harvard University to produce a literature review and policy implication synthesis of the impact of United States Environmental Protection Agency (EPA) registered pesticides most widely used on turf and school grounds.

Web page links to the rough drafts of the literature review papers, that are scheduled to be finalized by Dr. Lu in autumn of 2014, are also available at <http://www.ct.gov/deep/pesticides>.

State Department of Energy and Environmental Protection, Macky McCleary, Deputy Commissioner:

Deputy Commissioner McCleary presented an overview of the agency's findings from roundtables with municipalities, documenting their experience with the current pesticide ban. McCleary noted that the ban has been labeled as an unfunded mandate and resulted in opposition from industry groups and sports associations. On the other hand, some municipalities have gone above and beyond, extending new practices to all town fields.

In part, successful towns have:

- Significant equipment and training investments;
- Significant increase in operating costs;
- Usually have a number of fields to rotate use;
- Are aided by artificial turf fields;
- Municipal efforts backed by concerned of residents and parents; and,
- Some towns have voluntarily exceeded the ban, including town and high school fields.

Issues cited by towns that have struggled include:

- Strong opposition to turf field “flaws” from parents and athletic groups;
- Small number of playing fields subject to intensive use;
- Lack of funds for artificial turf fields; and,
- Difficulty choosing the most effective allowed product and understanding the timing and proper application of cultural methods.

Based on the input and New York state law, DEEP suggests:

- Flexibility for emergent issues such as environmental “threats” (e.g., invasives), grubs and weeds and clarity around using banned pesticides to control poison ivy;
- Capital assistance from the state for startup and operating costs;
- Online database of organic best practices and products;
- Bulk state or regional buying of key commodities (seed, nematodes, etc.);
- Switching restriction to site based rather than product based;

- Limiting ban to ONLY short grass fields, no ornamentals, no wooded areas, etc.;
- Consistency throughout high traffic fields (K-12), so that one regime can be used everywhere; and,
- Exempting Borates and Horticultural oils and microbial and biochemical pesticides.

NATURE AND SOURCES OF SUPPORT:

State Senator Donald E. Williams Jr., President Pro Tempore:

Senator Williams expressed support for the underlying bill, saying Connecticut set an example with its pesticide ban and should expand it to all schools. Williams also asked the committee to add language to the bill to ban genetically modified grass seed in the state, as well as other perennial and annual landscaping materials. A company is currently developing a grass seed resistant to “glyphosate,” often sold as a formula known as RoundUp®. Williams argues that while companies say these seeds are designed to work with fewer chemicals, the opposite happens, encouraging people to spray more of the chemical since the grass is resistant to it. The applications will further pollute the air and water, leading to further health problems. Long-term consequences could be dire as weeds develop resistance to the chemical and stronger ones are used.

Representative Jonathan Steinberg:

Rep. Steinberg strongly endorses expanding the ban to high schools but suggests adding a definition for Integrated Pest Management.

Citizen's Campaign for the Environment, Louis W. Burch, Government Relations:

The organization conditionally supports the bill, with the suggestion to make the controlling authority for emergency use of pesticides a local health director, Commissioner of Public Health or a designee. Pesticide exposure is especially dangerous to children and the organization supports expanding the ban to all school green spaces, public parks and playing fields.

Sierra Club, Connecticut Chapter Martin Mador, Legislative Chair:

Mr. Mador supports the original bill as well as the section concerning GMO grass seed. Pesticides have been linked to asthma, cancer, liver damage, nervous system damage and more. Pesticides are especially dangerous to children and EPA registration does not mean they are tested or safe. The organization would like the bill to more clearly state that pesticides should not be used for ongoing protection against pests.

Pesticide-Free New Canaan:

Members Heather Lauver and Micaela Porta are proud that their town has voluntarily opted out of using pesticides on high school grounds. Lawn chemicals offer a quick fix but don't solve long-term pest problems and are not worth the risk to children.

Rivers Alliance of Connecticut:

Executive Director Margaret Miner notes the American Academy of Pediatrics “2012 Technical Report, Pesticide Exposure in Children” as “chilling.” Doctors have found links between pesticide use and cancers and neurodevelopment disorders. Data also suggests an association with parental pesticide use and adverse birth outcomes. Additional pesticides are found in all rivers and

streams and contribute to the death of freshwater species.

Other organizations supporting expansion of the pesticide ban include:

Eco-justice Network; American Academy of Pediatric Executive Committee of the Council on Environmental Health; Middletown Project Green Lawn; The Watershed Partnership; Farmington River Watershed Association; The Jonah Center for Earth and Art; Environment and Human Health; Osborne Organics; Clean Up Sound and Harbors; CT Families Against Chemical Trespass; Philip J. Landrigan, Mount Sinai School of Medicine.

Residents supporting the expansion of the ban include:

Michael E. Nadeau; Elizabeth Beisel; Catherine April; Laura Cahn, New Haven; Margaret Wheeler; Marty Ryczek; Monica J. Belyea, Food and Nutrition Consulting, Middletown; Roberta Silbert, Guilford; Stacy Prince, Westport; Susan Gray, Terryville; Cathy and Steve Carlson, Branford; Courtney Kolakowski; Diane St. John; Jane L. Brawerman, Middletown; Lauralyn Lewis, Old Lyme; Lise Goedewaagen, Gaylordsville; Mike G. Papa; Rebecca MacLachlan, Middletown

Residents specifically supporting a ban on GMO grass include:

Amy Kalafa; Ann Bertini, Old Lyme; Brandie McKay Coburn, CT Health Counseling; David Denome; Garrett Sullivan, East Haven; JoAnne Bauer, Hartford; John Pavel, Wallingford; Kristin Nord Phelps; Lois Tolley, Megan Haney, Marble Valley Farm, Kent; Mike Brett; Patricia Margaitis, Lakeside; Sue Murray; Therese Hervieux, Vernon; Andrea Kern, Fairfield; Ann Harford, Ellington; Brooke Carlson; Chris Elliott; Jessica Cook; Loretta Stagen; Margaret Morningstar, Voluntown; Maureen Wilson; Paul Bucciaglia, Fort Hill Farm New Milford; Sue Stern.

The following people also supported all sections of the bill:

Hilary Noonan, Syntax Land Design; Lorrie Ogren, Innovative Counseling, Northborough, Mass.; Theresa Velendzas, Glastonbury;

NATURE AND SOURCES OF OPPOSITION:

Connecticut Association of Public School Superintendents:

Executive Director Joseph J. Cirusuolo states that since the ban on EPA registered pesticides at K-8 schools, school officials have used more expensive and labor-intensive organic treatments, which have proven ineffective. Many fields have been extensively damaged or are even unplayable, compromising student safety. Additionally the ban has led to problems with pests, diseases and invasives like poison ivy. The association recommends the U.S. Environmental Protection Agency Integrated Pest Management approach.

Connecticut Conference of Municipalities (CCM):

This bill would expand a costly unfunded mandate. Since the ban on pesticide use on K-8 school grounds, towns and cities have faced increasing expenses and “rapidly deteriorating” fields. The town of Hebron, for example, found that maintaining an elementary school field went from \$10,212 to \$17,310 and yet found the approach less successful than an Integrated Pest Management approach. CCM suggests an Advisory Council to study the issue and come up with recommendations for a “balanced” approach.

Connecticut Council of Small Towns:

Many towns throughout the state have had numerous problems maintaining fields since the ban went in to effect. Extending it will result in even more fields that suffer from disrepair and create potentially hazardous situations. The use of an Integrated Pest Management approach and the creating of an advisory council would be a better way to develop policies and disseminate best practices.

Scotts Miracle-Grow:

The company states that along with some of the country's top universities, it is working on grass seeds that require less mowing, less fertilizer use, fewer pesticides and are drought tolerant. Such seeds are still in the research and development phase and will be tested in a few residential and commercial settings. The U.S. Department of Agriculture has confirmed enhanced grasses in development phase are not a plant pest and do not present a noxious weed threat. The proposed amendment would prohibit sale of a product that is misunderstood and not fully developed. The legislature should delve more into the issue and host a fact-driven discussion before making any decisions.

Connecticut Recreation and Parks Association:

Member Greg Foran states the bill does not protect fields and ignores advice from professionals about the problems with the current ban. Association members know what works and do not benefit from the sale of any product, and Foran states that it is "ridiculous" to argue that the Association members are unfamiliar with safe and effective practices. Parks and Recreation Departments throughout the state are facing numerous problems with grubs, rodents, crabgrass and more. Integrated Pest Management is highly regulated and only uses pesticides as a last resort. This bill needs to be rejected for the safety of children, play areas and the environment.

Connecticut School Buildings and Ground Association:

This bill would only expand an unfunded mandate that has led to unsafe and unplayable fields. The organization also supports an Integrated Pest Management approach.

Connecticut Farm Bureau, Henry N. Talmage, Executive Director:

Mr. Talmage indicates that the organization is disappointed with a proposed amendment regarding GMO grass. The argument that such products lead to more pesticide use is not true. While some "RoundUp Ready" products lead to more use of that chemical, they lead to fewer dangerous herbicides overall. Mr. Talmage also expresses concern about other potential language, stating for example that GMO feed corn has been used successfully for years and a ban would decimate the state's dairy industry. He believes that the Committee should hear from a greater number of experts and scientists before taking action on any such proposal.

Connecticut Association of Athletic Directors:

Executive Director Fred Balsamo states that while the environment is a concern for everyone, this legislation can adversely affect students and lead to more injuries, including concussions. Most fields are used extensively and "prudent" use of chemicals is needed.

Connecticut Association of School Business Officials:

Legislative Liaison David G. Lenihan, states that materials and methods allowed since the ban now in place have not been effective in controlling pests, poison ivy, tree disease and more. Many fields

have been severely damaged and some unplayable. Expanding the ban would further these unintended consequences. The Association supports an Integrated Pest Management approach.

Others opposing the bill include:

Don Tuller, President of the Connecticut Farm Bureau; Connecticut Parks Association; Craig Mansfield, Director of Facilities for the Town of East Haddam and Board of Education; Eric S. Morrison, Manager of Golf Course and Parks Maintenance, Town of Groton; Consumer Specialty Products Association; Connecticut Environmental Council; Kendall J. Jackson, Director of Educational Operations for Colchester Public Schools; Michael Wallace, Town of Simsbury; Harry D. Ward, Director of Parks for Watertown; Rick DiBella, West Hartford Department of Public Works; William T. Hart The Chas. C. Hart Seed Co.; Biotechnology Industry Organization; Old Lyme Parks and Recreation; Lisa L. Conroy, Athletic Trainer, Nathan Hale-Ray High School; Matthew Bagshaw, E.A. Quinn Landscape Contracting, Inc.; Mike Dukette, Double Green, Stafford Springs; Erica Fearn, Connecticut Environment Council; CT Federation of Catholic School Parents; Sports Labs USA; Viridis Advisors

Residents opposing the bill include:

David Golembeski, New Milford; Lisa L. Conro, Moodus; Dennis P. Petruzzelli, Certified Golf Course Superintendent; Mike Dukette, Stafford Springs; Peter Gorman, Newington; Robb and Carol Wright

Specifically opposing the GMO grass portion:

Peter S. Montgomery, Montgomery Gardens, Warren; Ira Feinberg, President, The Plant Group Inc.;

Reported by: John Fitts

Date: 04/01/2014