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DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
concerning

Certification of Pesticide Applicators and Licensing of Arborists
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Section 1. Section 22a-66-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) The definitions of terms used in [these regulations] sections 22a-66-1 to 22a-66-7, inclusive, of the Regulations of Connecticut State Agencies shall be consistent with the definitions in [Section] section 22a-47 of the Connecticut General Statutes.

(b) [The] As used in sections 22a-66-1 to 22a-66-7, inclusive, of the Regulations of Connecticut State Agencies, the following terms not defined in [Section 22a-47] section 22a-47 of the Connecticut General Statutes are defined as follows:

(1) "Borer control" means the control through the use of pesticides of insects whose larval life takes place within plant stems;

(2) "Termite control" means the extermination of termites within, beneath or closely adjacent to a structure and the prevention of future termite entry which is accomplished through the use of pesticides[.];

(3) [An Electrical Service Entrance shall be] "Electric service entrance" means that area of a structure where the electrical power supply enters and is subsequently distributed to other parts of the structure[.];

(4) [A pesticide distributor shall be] "Pesticide distributor" means any person representing [himself/herself] themselves or a single firm, corporation, dealership or other entity engaged in the business of distributing, selling, offering for sale, or holding for sale to the ultimate user, any restricted-use or permit-use pesticide[.];

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

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

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

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Section 2. Section 22a-66-5 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 22a-66-5. Certification [and licensing] of applicators.

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

(b) [No person under 18 years of age shall be issued a pesticide certification or license] The commissioner shall not issue a pesticide certification to any person under 18 years of age.

(c) [All requests for duplicate licenses or certificates shall be made in writing. A charge of] A certificate holder shall submit a request for a duplicate certificate to the commissioner in writing. The commissioner may charge two dollars [may be made] to cover the cost of each duplicate [license or] certificate issued.

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

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

(2) Wallet size document: [same information as in full size document except address, plus] applicator's name, certification number, expiration date, categories of certification, applicator's photograph and signature. The wallet size document shall be carried on the person of anyone who applies pesticides for hire when [he or she] such person is acting in the capacity of a [commercial-supervisory] supervisory commercial applicator.

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

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

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

- (1) a person who applies, mixes or handles pesticides in other than completely closed containers[.];
- (2) a person who comes in contact with pesticides through drift for more than brief periods[.]; or
- (3) a person who assists with the application of pesticides under the supervision of a holder of a supervisory [license] certificate.

(h) There shall be two classes of operational certificates: junior operational certificate and senior operational certificate. The commissioner shall require an applicant in either class to take a written examination in order to determine the competency of the applicant. In order to obtain a senior operational certificate, the commissioner may require the applicant to take separate examinations for different categories of pesticide application. The senior operator shall be certified only in those categories in which the senior operator has passed such examination.

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

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

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[(2)] (B) where labeling does not require the presence of a certified supervisory applicator at the site of application, the certified supervisory applicator [must] shall either be present at the time of application or [must] provide written instruction to the certified operator [that shall include the certified supervisor's name and certification number, the certified operator's name and certification number, the pest to be controlled, the pesticide to be used, directions for use of the pesticide, and be available if and when needed]. The written instructions may be delivered to the certified operator in electronic form. If the instructions are delivered in electronic form, they shall be made available in printed form or electronically transmitted to the commissioner or the commissioner's representative at the time of an inspection of the operator or the operator's business. The written instructions shall be in the possession of the certified operator at the time of application.

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

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

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

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

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

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

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

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

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

(A) Year one -
applicators whose last names start with letters A -- C

(B) Year two -
applicators whose last names start with letters D – H

(C) Year three -
applicators whose last names start with letters I - M

(D) Year four -
applicators whose last names start with letters N – S

(E) Year five -
applicators whose last names start with letters T – Z

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

Section 3. Section 22a-66a-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) Definitions.

As used in sections 22a-66a-1 and 22a-66a-2 of the Regulations of Connecticut State Agencies:

- (1) ["fenced area"] "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] "Pesticide" means "pesticide" as defined in section 22a-47 of the [general statutes.] Connecticut General Statutes; and
- (3) ["point of entry"] "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] Connecticut General Statutes, and except as provided [therein] in subsection (c) of section 22a-66a of the Connecticut General Statutes, any person making an outdoor application of a pesticide [within one hundred yards of] one hundred yards or less from any property line shall post a sign notifying the public of the pesticide application at each conspicuous point of entry.
- (2) In addition to the requirements of subsection (b) (1) of this section, a commercial [pesticide] applicator making an outdoor application of a pesticide [within one hundred yards of] one hundred yards or less from any property line shall post signs notifying the public of the pesticide application at conspicuous locations no farther apart than every one hundred fifty feet or part thereof of road frontage of treated property.

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(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] subdivision, the sign shall be posted in a similar manner such that it is conspicuous and easily read by any adult or child entering or passing the property on foot.

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

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

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

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

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

[(i)] (1) The words, "**PESTICIDE APPLICATION**" in bold letters of [at least] thirty-six point type;

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

[(iii)] (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; and

[(iv)] (IV) The statement, "This sign must remain for 24 hours after pesticide application" in [at least] twelve point type[.]; and

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

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

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

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

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(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] Connecticut General Statutes. The sign shall be conspicuously displayed at each point of sale in the retail establishment in such a manner that it is easily read by [purchasers] a purchaser 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)] (A) "Under Connecticut law[*]¹, 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)] (B) "Pesticide sellers must provide the required signs to each buyer of a pesticide which is registered with the state or federal government for outdoor use."; and

[(3)] (C) "Exceptions to the posting requirements:
a. noncommercial pesticide applications to an area less than 100 square feet;
b. noncommercial pesticide applications to a completely fenced area; or
c. pesticide applications on land that produces agricultural commodities from which gross sales in excess of one thousand dollars were realized or can reasonably be expected to be realized during any calendar year."

(d) Notice of pesticide applications to golf courses.

(1) In accordance with subsection [(d)] (e) of section 22a-66a of the [general statutes] Connecticut General Statutes, no more than twenty-four hours prior to applying a pesticide on a golf course, any pesticide application business or other person applying [the] a

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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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] For golf courses with more than nine holes, a pesticide application business or other person applying a pesticide shall place a pesticide application sign at the first tee of each nine holes. If the location of the first tee differs for men and women, a sign shall be posted at both tees.

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

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

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

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

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

(C) The sign shall contain the following information:

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

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

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

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

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

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

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

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

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

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

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

- (i) "**CAUTION**" in bold print of at least thirty-six point type, followed by, "**LAKE TREATED WITH PESTICIDES**" in bold print of at least twenty-four point type;
- (ii) "**Pesticide name(s)**: (the common name of each pesticide applied)" in bold print of at least twenty point type;
- (iii) "**Date/time**: (date and time each pesticide was applied)" in bold print of at least twenty point type;
- (iv) "**Applicator**: (the name and telephone number of the pesticide application business or other person that applied the pesticide)" in bold print of at least twenty point type;
- (v) The statement, "Do not use the water for the following purpose(s) until the date and time noted below:" in at least eighteen point type, followed by the dates and times that swimming and other water-contact activities, drinking, fishing, irrigation, livestock watering and other uses specified on the pesticide label or pesticide use permit may be resumed, according to the label and permit, whichever is more stringent. If the label and permit are silent as to when a certain activity may be resumed, the words "No Restriction" shall be used for that activity. Nothing in this [subsection] clause shall prohibit a pesticide application business, department, agency or institution from placing more stringent water use restrictions on the notice than are required by the label and permit[.]; and
- (vi) The statement, "**This sign must remain posted until the latest date above**" in bold print of at least twenty-four point type[.]; and

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

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

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

[(B)] (ii) the location of the pesticide application;

[(C)] (iii) the purpose of the pesticide application;

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

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

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

[(6)] (B) [A pesticide application shall not be made] A pesticide application business or department, agency or institution of the state or a municipality shall not apply such pesticide prior to the estimated date of application specified in a published notice. If the actual date of

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pesticide application will exceed the estimated date of application by more than three calendar days, the [notice shall be republished] pesticide application business or department, agency or institution of the state or municipality shall republish the notice.

Section 4. Section 22a-66z-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 22a-66z-1. Application of chemicals to state waters.

(a) No person shall introduce or cause to be introduced any chemical into the waters of the [State] state for the control of aquatic vegetation, fish populations, or other aquatic organisms without a permit issued by the [Commissioner of Environmental Protection] commissioner.

(b) [Application for said permit shall be] A person applying for a permit, as required in subsection (a) of this section, shall submit an application to the commissioner on forms provided by the [Commissioner of Environmental Protection and] commissioner. Such forms shall include but need not be limited to the following information:

- (1) Name and address of applicant[.];
- (2) The type of area to be treated (i.e. tidal waters, pond, etc.)[.];
- (3) Whether the area to be treated is in a public water supply watershed[.];
- (4) The name, if any, and size of the area to be treated[.];
- (5) Owner(s) of the area to be treated[.];
- (6) Organisms to be controlled[.];
- (7) Species of fish present[.];
- (8) Chemicals to be applied[.];
- (9) Quantity of each chemical to be applied[.];

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- (10) Person who will treat the pond, tidal waters, etc.;
- (11) Any other information deemed necessary by the [Commissioner of Environmental Protection,] commissioner; and
- (12) Signature of the applicant or person responsible for the accuracy of the information in the permit application.
- (c) No person shall distribute, sell or offer for sale any pesticide for which a permit is required under this section unless the person receiving such pesticide has a valid permit issued under section 22a-66z of the Connecticut General Statutes by the [Commissioner of Environmental Protection] commissioner for the introduction of chemicals to state waters to control aquatic organisms or a valid supervisory certificate for the category of application required by the permit-use pesticide.
- (d) [Permits shall be signed by the] The pesticide distributor shall sign the permit at the time of sale or distribution and the permit shall remain in the possession of the permit holder. Once the permit is signed by the distributor, the permit [will] shall no longer be valid for the purchase of any chemicals.
- (e) [Permits shall be valid for one year following the date of issuance.] The commissioner shall indicate the date of expiration on the permit. The expiration date shall not exceed three calendar years after the date of issuance. The permittee shall report the use of the pesticides allowed under each permit to the commissioner no later than January 31 of the year following application.
- (f) [A] An applicant shall submit a fee of [\$25.00] \$200.00 per year [shall be submitted] with each application filed under this section. [Any] The commissioner shall consider an application submitted without the proper fee [shall be considered] to be incomplete, and shall not [be processed] process such application.
- (g) [Payment] An applicant shall make the payment of fees under this section [shall be] by certified check, money order, or personal check payable to the Department of Energy and Environmental Protection.

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(h) Fees paid under this section shall be nonrefundable.

SECTION 5. Sections 23-61a-1 to 23-61a-7, inclusive, of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 23-61a-1. Purpose

The [tree protection examining board] commissioner shall examine the qualifications of [persons] a person desiring to perform arboriculture as defined in [Sec. 23-61a of the general statutes] section 23-61a of the Connecticut General Statutes. The [department issues licenses to qualified applicants and renews these licenses] commissioner shall issue a license to a qualified applicant and renew such license as provided in section 23-61a-4 of the Regulations of Connecticut State Agencies. The [board] commissioner may cause to be investigated complaints against licensees. [The board maintains its headquarters at the State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06106.] Information on licensing requirements may be obtained from the [department] Department of Energy and Environmental Protection.

Sec. 23-61a-1a. Definitions

As used in sections 23-61a-1 to 23-61a-7, inclusive, of the Regulations of Connecticut State Agencies:

[(a) "Arboriculture," as used in sections 23-61a-1 through 23-61a-7, inclusive of the regulations of Connecticut State Agencies,] (1) "Arboriculture" means any work done for hire to improve the condition of fruit, shade or ornamental trees by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods of improving tree conditions, or protecting trees from damage from insects or diseases or curing these conditions by spraying or any other method[.];

[(b)] (2) "Board" means the state tree protection examining board[.]; and

[(c) "Department" means the department of consumer protection.] (3) "Commissioner" means the Commissioner of Energy and Environmental Protection.

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Sec. 23-61a-2. Examinations

(a) [Examinations for licensure shall be administered by the department, under the supervision of the board] The commissioner shall administer examinations for licensure in consultation with the board as needed. Examinations for licensure to perform arboriculture [will] shall be held at least four times a year. The form of the examination, oral or written, or both, [will] shall be determined by the [board] commissioner.

(b) Each candidate for a license shall file an application with the [department] commissioner at least thirty days prior to the date set for the examination. [Each applicant will be notified] The commissioner shall notify each applicant by mail as to the time, date and place of the exam. No person shall be admitted to an exam without presenting [a notice of exam card which is the evidence that his or her application has been reviewed] picture identification showing such person to be the person for whom an examination is scheduled.

(c) [A] An applicant shall submit a check or money order for [ten] fifty dollars, made payable to ["Treasurer-State of Connecticut,"] "Department of Energy and Environmental Protection" [shall accompany] with each application. The fee shall be nonrefundable.

(d) If a candidate fails to pass an examination, [he or she] such candidate may subsequently reapply for examination and take any other examinations at dates specified by the [board] commissioner upon payment of the required fee for each examination.

(e) The [board] commissioner shall inform each candidate in writing of examination results. If the [board] commissioner finds a candidate unqualified, the [board] commissioner shall indicate areas of deficiency revealed by the examination.

Sec. 23-61a-3. Licenses

(a) An initial license is valid from date of issue until the [last day of February following] expiration date indicated on the license, unless sooner suspended or revoked. [Each initial license shall be renewed] A licensee shall renew an initial license on or before the [last day of February] expiration date indicated on the license and each five years thereafter on or before the last day of [February] January.

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(b) For each organization, there shall be at least one licensed person actively engaged in supervisory duties for each ten unlicensed personnel actively engaged in arboriculture.

(c) No licensee shall be designated to be licensed on behalf of more than one organization engaged in arboriculture at any time.

(d) Each licensee shall notify the [board] commissioner of any change of address [within thirty days of] not later than thirty days after such change. If any licensee is licensed on behalf of an organization engaged in arboriculture that licensee shall notify the [board] commissioner of any change of the name of the organization or of any change of address [within thirty days of] not later than thirty days after such change.

Sec. 23-61a-4. Renewal

(a) [Renewals of license shall be issued] The commissioner shall issue a license renewal for a period of five years unless sooner suspended or revoked. The expiration date of each license shall be clearly displayed on the face of said license.

(b) At least [thirty] sixty days before the date of expiration of a license, the [department] commissioner shall mail or otherwise provide a notice of expiration and a renewal application to each licensee. If a signed renewal application accompanied by the statutory renewal fee has not been received by the [department] commissioner on or before midnight of the expiration date, or if the expiration date is Saturday, Sunday, or a legal holiday, on or before midnight of the next working day following, the license automatically lapses. Failure of a licensee to receive a notice of expiration and renewal application shall not prevent lapse of license.

(c) The holder of a license lapsed less than one year may renew the license upon submission of a signed renewal application and payment of the statutory renewal fee. The holder of a license lapsed more than one year shall be examined in accordance with section 23-61a-2 of the Regulations of Connecticut State Agencies and licensed in accordance with section 23-61a-3 of the Regulations of Connecticut State Agencies.

Sec 23-61a-5. Complaints and investigations

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[All complaints shall be forwarded] A person shall forward a complaint to the [commissioner of consumer protection] commissioner for investigation under the uniform rules of procedure [concerning boards and commissions within the jurisdiction] of the [department of consumer protection] Department of Energy and Environmental Protection, as contained in sections [21a-9-1 through 21a-9-11] 22a-3a-5 to 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies.

Sec. 23-61a-6. Hearings, suspension and revocation

(a) The [Board] commissioner shall hold such hearings as necessary to decide on suspension or revocation of license or the issuance of an order of immediate discontinuance pursuant to [section 21a-7 of the general statutes] sections 22a-6, 22a-7, 23-61b(f), and 22a-61 of the Connecticut General Statutes. [Notice shall be given and hearings shall be conducted] The commissioner shall provide notice and conduct hearings in accordance with Chapter 54 of the [general statutes] Connecticut General Statutes and [the Uniform Rules of Procedure established by the Commissioner of Consumer Protection pursuant to section 21a-9 of the general statutes, as contained in sections 21a-9-1 through 21a-9-11, inclusive,] section 22a-3a-5 of the Regulations of Connecticut State Agencies.

(b) [A license may be suspended or revoked with the consent of a majority of the members of the board] The commissioner may suspend or revoke a license if the licensee is found to have [done any of the following]:

(1) [Violating] violated any provision of sections 23-61a through 23-61d of the [general statutes] Connecticut General Statutes;

(2) [Violating] violated any provision of the regulations promulgated pursuant to section 23-61a of the [general statutes] Connecticut General Statutes;

(3) [Engaging] engaged in substandard or improper workmanship; or

(4) [Engaging] engaged in fraudulent practices regarding work to be performed.

Sec. 23-61a-7. Records and reports

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(a) Each licensee or the senior licensed officer of an organization with more than one licensee shall report to the [board] commissioner on request, but not more than once yearly, the kinds and amounts of pesticides applied during the period covered by the report on forms provided by the [board] commissioner.

(b) Each individual, firm or corporation doing arboriculture in this state shall furnish the [board] commissioner upon request, but not more than once yearly, the maximum number of unlicensed personnel employed by such individual, firm, or corporation and actively engaged in arboriculture. In organizations with more than one licensee, the report shall include the maximum number of licensed personnel employed in supervisory duties.

Section 9. Section 23-61a-8 of the Regulations of Connecticut State Agencies is repealed.

R-39 Rev. 03/2012
(Certification page—see Instructions on back)

CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

- 1) I hereby certify that the above (check one) Regulations Emergency Regulations
- 2) are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)

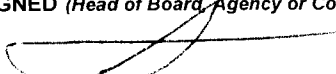
a. Connecticut General Statutes section(s) 22a-6, 22a-66(c), 22a-66a(g), 22a-66z and 23-61a.

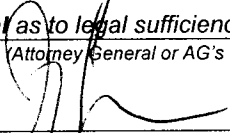
b. Public Act Number(s) _____.
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)

- 3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the **Connecticut Law Journal** on April 17, 2012;
(Insert date of notice publication if publication was required by CGS Section 4-168.)

- 4) And that a public hearing regarding the proposed regulations was held on July 23, 2012;
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)

- 5) And that said regulations are **EFFECTIVE** (check one, and complete as applicable)
 When filed with the Secretary of the State
OR on (insert date) _____

DATE <u>1-28-13</u>	SIGNED (Head of Board, Agency or Commission) 	OFFICIAL TITLE, DULY AUTHORIZED <u>Deputy Commissioner</u>
------------------------	---	---

APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended		
DATE <u>2/4/13</u>	SIGNED (Attorney General or AG's designated representative)  <u>Joseph Rubin</u>	OFFICIAL TITLE, DULY AUTHORIZED <u>Attorney General</u>

Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

- Approved Rejected without prejudice
- Approved with technical corrections Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

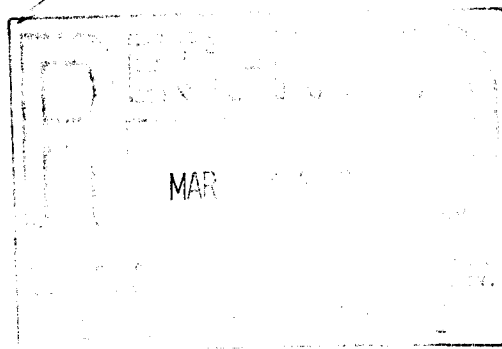
By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE <u>2/26/2013</u>	SIGNED (Administrator, Legislative Regulation Review Committee) <u>Camela B. Booth</u>
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Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE <u>3-4-2013</u>	SIGNED (Secretary of the State) 	BY 
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(For Secretary of the State Use ONLY)

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Regulation
of the

Department of Energy and Environmental Protection

CONCERNING

Certification of Pesticide Applicators and Licensing of
Arborists

Approved by the Attorney General
February 4, 2013

Approved by the Legislative Regulation Review Committee
on

February 26, 2013

Received and filed in the Office of the
Secretary of the State

March 4, 2013

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