

Pertinent Connecticut General Statutes and Regulations for Individuals Holding a Junior Operational Certificate

(March 2021)

This document contains excerpts from the Connecticut statutes and regulations applicable to commercial junior operators. This document was prepared by the State of Connecticut Department of Energy and Environmental Protection (DEEP) and is provided for the convenience of the reader. This document contains excerpts and is not the official version of the statute or regulations. The official regulations are published by the State of Connecticut, Judicial Branch, and Commission on Official Legal Publications in the Connecticut Law Journal. The statutes are published by the Connecticut General Assembly. In the event there is inconsistency between this document and the regulations as published in the Connecticut Law Journal, the Connecticut Law Journal publication will serve as the official version. Similarly, the statutes published by the Connecticut General Assembly are the official version.

Statutes

Section 22a-47(f) of the Connecticut General Statutes is the definition of the term commercial applicator” which includes supervisors and operators.

Section 22a-47(f) of the Connecticut General Statutes states, “Commercial applicator” means any individual, whether or not he is a private applicator with respect to some uses, who uses or supervises the use of (1) any restricted use pesticides or (2) any pesticide on property not owned or rented by him or his employer.”

Section 22a-54(b) explains the difference between a supervisory certificate holder, who is the decision maker, and the operational certificate holder, who applies pesticides only under the instructions of the supervisor.

Section 22a-54(b) of the Connecticut General Statutes states, “There shall be two classifications for commercial applicators, supervisory and operational. Supervisory certification shall be required for commercial applicators who are responsible for deciding whether or not pesticides are to be employed, how they are to be mixed, where they are to be employed, what pesticides are to be used, the dosages and timing involved in the pesticide use and the methods of application and precautions to be taken in the use of such pesticides. Operational certification shall be required for commercial applicators who actively use pesticides in other than a supervisory capacity”.

Section 22a-54(c)(1) states that you must have the correct type of certification for the job Section 22a-63(a) states the penalties for violations of the Connecticut Pesticide Control Act. To apply for certification, you must contact the DEEP, Pesticide Management Program. To receive certification, you must demonstrate knowledge of proper pesticide use by passing an examination.

Section 22a-54(c)(1) of the Connecticut General Statutes states, “No person shall engage in commercial application of pesticides within this state at any time without a certificate issued in accordance with the provisions of this section. No person shall engage in the private application of restricted use pesticides without a certificate issued in accordance with the provisions of this section.

Application for such certificate shall be made to the commissioner and shall contain such information regarding the applicant's qualifications and proposed operations and other relevant matters including, but not limited to, a knowledge of integrated pest management and the role of honey bees in agriculture, pesticides that are especially toxic to honey bees, and methods of application which minimize damage to honey bees, as the commissioner may require."

Section 22a-63(a) states the penalties for violations of the Connecticut Pesticide Control Act.

Section 22a-63(a) of the Connecticut General Statutes states "Any registrant, commercial applicator, uncertified person who performs or advertises or solicits to perform commercial application, wholesaler, dealer, retailer or other distributor who knowingly violates any provision of this chapter, section 10-231b, 10-231c or 10-231d, subsection (a) of section 23-61a or section 23-61b, shall be fined not more than five thousand dollars, or imprisoned for not more than one year or both."

Regulations Regulation Section 22a-66-5(b) is self-explanatory.

Section 22a-66-5(b) of the Regulations of Connecticut State Agencies states "The commissioner shall not issue a pesticide certification to any person under 18 years of age."

Regulation Section 22a-66-5(i) states that a supervisory license holder must either be present at the time of pesticide application or must send written instructions with the operator doing the application.

Section 22a-66-5(i) of the Regulations of Connecticut State Agencies states "(i) (1) No commercial application of pesticides shall be made unless a person holding a valid supervisory certificate:

(A) is present at the time of application where such presence is required by the labeling;

or

(B) where labeling does not require the presence of a certified supervisory applicator at the site of application, the certified supervisory applicator shall either be present at the time of application or provide written instruction to the certified operator. 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.

(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."

Regulation Section 22a-66-5(g) states the criteria for determining who is required to possess an operator's certification.

Section 22a-66-5(g) of the Regulations of Connecticut State Agencies states "An operator's license shall be required for commercial applicators who actively use 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.

(3) a person who assists with the application of pesticides under the supervision of a holder of a supervisory license."

Sec. 22a-66a. Notification of the application of pesticides. Registry.

b) On or after the adoption of regulations pursuant to subsection (g) of this section, a pesticide application business, prior to applying a pesticide within one hundred yards of any property line, shall provide notice of the time and date of the application to any owner or tenant who abuts the property to be treated and who requests notification. Notification may be requested by submitting a form prescribed by the commissioner to the pesticide application business or the commissioner. The form shall include the name, address and telephone number of the person requesting notification and the best time for notification and the name, address and telephone number, if listed in the directory, of any person whose property abuts the property of the person requesting notification. Each pesticide application business shall submit requests for notification to the commissioner who shall maintain a registry of persons requesting notification. A pesticide application business shall make not less than two attempts to notify any owner or tenant who requests notification. Such attempts shall be made as early as practicable but not later than twenty-four hours before the application. Notice may be by any method, including telephone, mail or personal notification. If attempts at notification by the applicator fail, an emergency application is necessary or best management practices of integrated pest management, as defined in section 22-11a, recommend an immediate pesticide application to reduce the amount of pesticides that would otherwise be necessary, the pesticide application business shall attempt to notify the owner or tenant in person immediately prior to the application. Notice of the application and attempts at notification shall be placed on the door of the person requesting notification if all notification attempts fail. Any person who provides notice of an aircraft application of a pesticide pursuant to regulations adopted under section 22a-66 shall not be required to provide notice under this subsection.

(c) On or after the adoption of regulations pursuant to subsection (g), any person making an outdoor application of a pesticide within one hundred yards of any property line shall at the time of application post a sign notifying the public of the application at any conspicuous point of entry. A commercial

pesticide applicator making an application shall post a sign every one hundred fifty feet of road frontage of treated property notifying the public of such application. Any sign posted pursuant to this subsection shall comply with the requirements adopted pursuant to subsection (g) of this section. The provisions of this subsection shall not apply to (1) noncommercial applications to an area less than one hundred square feet or to a fenced area or (2) 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.