

2012 -- S 2443

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LC01540
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO HEALTH AND SAFETY -- PESTICIDE CONTROL

Introduced By: Senators Jabour, Metts, Perry, Miller, and McCaffrey

Date Introduced: February 16, 2012

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-25 of the General Laws entitled "Pesticide Control" is hereby
2 amended by adding thereto the following section:

3 **23-25-40. Neighborhood notification of pesticide applications.** – (a) The director of the
4 department of environmental management shall establish a neighborhood pesticide notification
5 registry for occupants of a dwelling who want prior notification of any commercial lawn
6 application of a pesticide.

7 (b) At least forty-eight (48) hours prior to any commercial lawn application of a
8 pesticide, the person or business making such application shall supply written notice to the
9 persons on the neighborhood pesticide notification registry who are:

10 (1) Occupants of all dwellings on abutting property with a boundary that is within one
11 hundred fifty (150) feet of the site of such application, and to owners, owners' agents, or other
12 persons in a position of authority for all other types of premises, that are on abutting property
13 with a boundary that is within one hundred fifty (150) feet of the site of such application. Owners
14 or owners' agents of multiple family dwellings shall supply such written notice to the occupants
15 of such multiple family dwellings and for all other types of premises, owners, owners' agents or
16 other persons in a position of authority shall post such written notice in a manner specified in
17 subsection (c); and

18 (2) Owners, owners' agents or other persons in positions of authority for multiple family
19 dwellings, the property of which is the site of such application. Owners, or owners' agents of

1 multiple family dwellings shall supply such written notice to the occupants of such multiple
2 family dwellings in a manner specified in subsection (b).

3 (c) The written notice shall contain a prominent statement that reads: "This notice is to
4 inform you of a pending pesticide application to: (1) A neighboring property; or (2) This premise.
5 You may wish to take precautions to minimize pesticide exposure to yourself, family members,
6 pets or family possessions."

7 (d) The prior notification provisions of this subsection shall not apply to the following:

8 (1) The application of anti-microbial pesticides and anti-microbial products as defined by
9 FIFRA in U.S.C. Section 136 (mm) and 136 q (h)(2);

10 (2) The use of an aerosol product with a directed spray, in containers of eighteen (18)
11 fluid ounces or less, when used to protect individuals from an imminent threat from stinging and
12 biting insects, including venomous spiders, bees, wasps and hornets. This section shall not
13 exempt from notification the use of any fogger product or aerosol product that discharges to a
14 wide area;

15 (3) The use of non-volatile insect or rodent bait in a tamper resistant container;

16 (4) The application of a pesticide classified by the United States environmental protection
17 agency as an exempt material under 40 CFR Part 152.25;

18 (5) The application of a pesticide which the United States environmental protection
19 agency has determined satisfies its reduced risk criteria, including a biopesticide;

20 (6) The use of boric acid and disodium octaborate tetrahydrate;

21 (7) The use of horticultural soap and oils that do not contain synthetic pesticides or
22 synergists;

23 (8) The application of a granular pesticide, where granular pesticide means any ground
24 applied solid pesticide that is not a dust or powder;

25 (9) The application of a pesticide by direct injection into a plant or the ground;

26 (10) The spot application of a pesticide, where spot application means the application of
27 pesticide in a manually pressurized or non-pressurized container of thirty-two (32) fluid ounces or
28 less to an area of ground less than nine (9) square feet;

29 (11) The application of a pesticide to the ground or turf of any cemetery; and

30 (12) An emergency application of a pesticide when necessary to protect against an
31 imminent threat to human health; provided, however, that prior to any such emergency
32 application, the person providing such application shall make a good faith effort to supply the
33 written notice required pursuant to this section. Upon making an emergency application, the
34 person making such application shall notify the director of the department of environmental

1 management, using a form developed by the director for such purposes that shall include
2 minimally the name of the person making such application, the pesticide business registration
3 number or certified applicator number of the person making such application, the location of such
4 application, the date of such application, the product name and United States environmental
5 protection agency registration number of the pesticide applied and the reason for such application.

6 SECTION 2. This act shall take effect on January 1, 2013.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY -- PESTICIDE CONTROL

1 This act would establish a neighborhood pesticide notification registry for occupants of a
2 dwelling who want prior notification of any commercial lawn application of a pesticide. The act
3 would require at least forty-eight (48) hours notice prior to any commercial lawn application of a
4 pesticide.

5 This act would take effect on January 1, 2013.

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