



General Assembly

Substitute Bill No. 5219

February Session, 2024



**AN ACT CONCERNING STANDARDS FOR THE SPRAYING OF
HERBICIDES ALONG RAILROAD RIGHT-OF-WAYS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (j) of section 22a-66a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2024*):

4 (j) (1) Any railroad company that makes any pesticide application to
5 any rights-of-way shall, not later than twenty-one days prior to such
6 pesticide application, provide notice of such pesticide application to the
7 Department of Transportation and the chief elected official or board of
8 selectmen of each municipality in which such application will be made.
9 Not later than February first of each year, each railroad company that
10 makes any pesticide application to any rights-of-way shall file a
11 vegetation management plan with the Department of Transportation
12 and each municipality in which such pesticide application will be made
13 that identifies target vegetation and management methods for the
14 forthcoming calendar year. Not later than thirty days after receipt of any
15 such vegetation management plan each such municipality shall post
16 such vegetation management plan on such municipality's Internet web
17 site, if such web site is available.

18 (2) Any vegetation management plan submitted on or after February

19 1, 2025, pursuant to subsection (a) of this section shall identify the: (A)
20 Target vegetation, (B) intended methods of vegetation management, (C)
21 equipment proposed for use in such vegetation management, (D) timing
22 of any such herbicide applications, (E) alternative control procedures to
23 be utilized, if any, (F) qualifications of individuals developing and
24 submitting an integrated pest management plan to the Department of
25 Transportation and the chief elected official or board of selectmen of
26 such municipality, as applicable, concomitantly with the submission of
27 a vegetation management plan pursuant to subdivision (1) of this
28 subsection, and (G) contents of such integrated pest management plan
29 that indicates how such plan will minimize the amount and frequency
30 of herbicide application.

31 (3) Any railroad company that makes any pesticide application, as
32 described in subdivision (1) of this subsection, shall develop a yearly
33 operational plan that consists of: (A) Maps that locate the railroad's
34 rights-of-way and sensitive areas that are not readily identifiable in the
35 field, (B) herbicides proposed to be used during such year and the
36 Environmental Protection Agency registration numbers for such
37 herbicides, the anticipated application rates, carriers and adjuvants, (C)
38 the herbicide application techniques and alternative control procedures
39 proposed, (D) the name, address and phone number of the company
40 that will perform any such herbicide treatment, (E) identification of
41 target vegetation, (F) description of methods used to designate sensitive
42 areas in the rights-of-way, and (G) all applicable herbicide fact sheets.
43 Each railroad company shall provide for a forty-five-day public
44 comment period when developing a yearly operational plan and shall
45 submit such yearly operational plan concomitantly with the vegetation
46 management plan and integrated pest management plan described in
47 this subsection.

48 (4) Notwithstanding the provisions of any vegetation management
49 plan, integrated pest management plan or yearly operation plan
50 submitted pursuant to this subsection, no railroad company or agent of
51 any such railroad company within any rights-of-way shall: (A) Apply

52 any pesticide at an exceedance of the minimum labeled rate appropriate
53 for the site, pest and application, (B) apply herbicides when, due to the
54 wind velocity, there is a likelihood of drift off target or if there is
55 measurable precipitation, (C) apply herbicides that have been identified
56 as a potential groundwater contaminant by either the Environmental
57 Protection Agency or the Department of Energy and Environmental
58 Protection, (D) engage in a foliar application of a herbicide if such
59 vegetation is greater than twelve feet in height, except for side trimming,
60 (E) for any area determined by the Department of Energy and
61 Environmental Protection to be a sensitive area: (i) Mix a herbicide
62 within one hundred feet of such sensitive area, (ii) fail to make readily
63 visible the perimeter of such sensitive area prior to application of any
64 herbicide, or (iii) fail to use a low pressure method on foliar, basal or
65 cut-stump applications when mechanical control in sensitive areas is not
66 possible, (F) in water supply areas: (i) Apply any herbicide within one
67 hundred feet of a Class A public surface water source, (ii) apply any
68 herbicide within one hundred feet of any tributary or associated surface
69 water body located within the Zone A of a Class A public surface water
70 source, or within ten feet of any tributary or associated surface water
71 body located outside of the Zone A of the Class A public surface water
72 source, (iii) apply herbicides within a lateral distance of one hundred
73 feet for a span of four hundred feet upstream of any Class B drinking
74 water intake, (iv) apply any herbicide within a distance of between one
75 hundred feet from any Class A surface water source and the outer
76 boundary of any Zone A, (v) apply any herbicide within a distance of
77 between ten feet and the outer boundary of any Zone A for any tributary
78 or associated surface water body located outside of the Zone A of a Class
79 A surface water source, or (vi) apply any herbicide within a lateral
80 distance of between one hundred and two hundred feet for a span of
81 four hundred feet upstream of a Class B drinking water intake, unless a
82 minimum of twenty-four months has elapsed since the last application
83 to the site and herbicides are applied selectively by low pressure using
84 foliar techniques or basal or cut-stump applications, (G) apply any
85 herbicide within a distance of fifty feet of any private well, (H) apply
86 any herbicide within a distance of between fifty feet and one hundred

87 feet of any private well, unless a minimum of twenty-four months has
 88 elapsed since the last application to the site and such herbicides are
 89 applied selectively by low pressure, using foliar techniques or basal or
 90 cut-stump applications, (I) apply herbicides within ten feet of any
 91 wetland, the mean annual high-water line of any river or any vernal
 92 pool, (I) apply any herbicide between ten feet and one hundred feet of
 93 any wetland, within ten feet from the mean annual high-water line of
 94 any river and the outer boundary of any riverfront area or within a
 95 distance of ten feet from any certified vernal pool and the outer
 96 boundary of any certified vernal pool habitat, or (K) apply any foliar
 97 herbicide within one hundred feet of an inhabited area or agricultural
 98 area unless a minimum of twelve months has elapsed since the last site
 99 application and such herbicide is applied selectively by low pressure,
 100 using foliar techniques or basal or cut-stump applications. The
 101 Commissioners of Transportation and Energy and Environmental
 102 Protection may enforce the provisions of this subdivision within
 103 available resources.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	22a-66a(j)

ENV Joint Favorable Subst.