



Substitute House Bill No. 5219

Public Act No. 24-9

**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:

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 Subsection (j) of section 22a-66a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

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

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

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

(4) Notwithstanding the provisions of any vegetation management

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plan, integrated pest management plan or yearly operation plan submitted pursuant to this subsection, no railroad company or agent of any such railroad company within any rights-of-way shall: (A) Apply any pesticide at an exceedance of the minimum labeled rate appropriate for the site, pest and application, (B) apply herbicides when, due to the wind velocity, there is a likelihood of drift off target or if there is measurable precipitation, (C) apply herbicides that have been identified as a potential groundwater contaminant by either the Environmental Protection Agency or the Department of Energy and Environmental Protection, (D) engage in a foliar application of a herbicide if such vegetation is greater than twelve feet in height, except for side trimming, (E) for any area determined by the Department of Energy and Environmental Protection to be a sensitive area: (i) Mix a herbicide within one hundred feet of such sensitive area, (ii) fail to make readily visible the perimeter of such sensitive area prior to application of any herbicide, or (iii) fail to use a low pressure method on foliar, basal or cut-stump applications when mechanical control in sensitive areas is not possible, (F) in water supply areas: (i) Apply any herbicide within one hundred feet of a Class A public surface water source, (ii) apply any herbicide within one hundred feet of any tributary or associated surface water body located within the Zone A of a Class A public surface water source, or within ten feet of any tributary or associated surface water body located outside of the Zone A of the Class A public surface water source, (iii) apply herbicides within a lateral distance of one hundred feet for a span of four hundred feet upstream of any Class B drinking water intake, (iv) apply any herbicide within a distance of between one hundred feet from any Class A surface water source and the outer boundary of any Zone A, (v) apply any herbicide within a distance of between ten feet and the outer boundary of any Zone A for any tributary or associated surface water body located outside of the Zone A of a Class A surface water source, or (vi) apply any herbicide within a lateral distance of between one hundred and two hundred feet for a span of four hundred feet upstream of a Class B drinking water intake, unless a

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