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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO HEALTH AND SAFETY -- PESTICIDE CONTROL

Introduced By: Senators Murray, Valverde, DiMario, LaMountain, Britto, Gu, Kallman,
Miller, and Tikoian

Date Introduced: March 08, 2024

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-25-4 of the General Laws in Chapter 23-25 entitled "Pesticide
2 Control" is hereby amended to read as follows:

3 **23-25-4. Definitions. [Effective January 1, 2024.]**

4 As used in this chapter:

5 (1) "Active ingredient" means any ingredient that will prevent, destroy, repel, control, or
6 mitigate pests, or that will act as a plant regulator, defoliant, or desiccant.

7 (2) "Adulterated" applies to any pesticide if its strength or purity falls below the professed
8 standards of quality as expressed on its labeling under which it is sold, or if any substance has been
9 substituted wholly or in part for the pesticide, or if any valuable constituent of the pesticide has
10 been wholly or in part abstracted.

11 (3) "Agricultural commodity" means any plant, or part of plant, or animal, or animal
12 product, produced by a person (including farmers, ranchers, vineyardists, plant propagators,
13 Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable
14 persons) primarily for sale, consumption, propagation, or other use by humans or animals.

15 (4) "Animal" means all vertebrate and invertebrate species, including, but not limited to,
16 humans and other mammals, birds, fish, and shellfish.

17 (5) "Beneficial insects" means those insects that, during their life cycle, are effective
18 pollinators of plants, are parasites or predators of pests, or are otherwise beneficial.

19 (6) "Board" means the pesticide advisory board as provided for under § 23-25.2-3.

1 (7) "Defoliant" means any substance or mixture of substances intended for causing the
2 leaves or foliage to drop from a plant with or without causing abscission.

3 (8) "Desiccant" means any substance or mixture of substances intended for artificially
4 accelerating the drying of plant tissue.

5 (9) "Device" means any instrument or contrivance (other than a firearm) that is intended
6 for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life
7 (other than humans and other than bacteria, virus, or other micro-organism on or in living humans
8 or other living animals) but not including equipment used for the application of pesticides when
9 sold separately from it.

10 (10) "Director" means the director of environmental management.

11 (11) "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for
12 shipment, or receive and (having so received) deliver or offer to deliver pesticides in this state.

13 (12) "Environment" includes water, air, land, and all plants and humans and other living
14 animals in it, and the interrelationships that exist among these.

15 (13) "EPA" means the United States Environmental Protection Agency.

16 (14) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §
17 136 et seq., and other legislation supplementary to it and amendatory of it.

18 (15) "Fungi" means all nonchlorophyll-bearing thallophytes (that is, all nonchlorophyll-
19 bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews,
20 molds, yeasts, and bacteria, except those in or on living humans or other living animals, and except
21 those in or on processed food, beverages, or pharmaceuticals.

22 (16) "Highly toxic pesticide" means any pesticide determined to be a highly toxic pesticide
23 under the authority of § 25(c)(2) of FIFRA, 7 U.S.C. § 136w(c)(2), or by the director under § 23-
24 25-9(a)(2).

25 (17) "Imminent hazard" means a situation that exists when the continued use of a pesticide
26 during the time required for cancellation proceedings pursuant to § 23-25-8 would likely result in
27 unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival
28 of a species declared endangered by the secretary of the interior under 16 U.S.C. § 1531 et seq.

29 (18) "Inert ingredient" means an ingredient that is not an active ingredient.

30 (19) "Ingredient statement" means:

31 (i) A statement of the name and percentage of each active ingredient together with the total
32 percentage of the inert ingredients in the pesticide; and

33 (ii) When the pesticide contains arsenic in any form, the ingredient statement shall also
34 include percentages of total and water soluble arsenic, each calculated as elemental arsenic.

1 (20) "Insect" means any of the numerous small invertebrate animals generally having the
2 body more or less obviously segmented, for the most part belonging to the class insecta, comprising
3 six (6) legged, usually winged forms, as for example, moths, beetles, bugs, bees, flies, and their
4 immature stages, and to other allied classes of anthropods whose members are wingless and usually
5 have more than six (6) legs, as for example, spiders, mites, ticks, centipedes, and wood lice.

6 (21) "Integrated Pest Management (IPM)" refers to a method of pest control that uses a
7 systems approach to reduce pest damage to tolerable levels through a variety of techniques,
8 including natural predators and parasites, genetically resistant hosts, environmental modifications
9 and, when necessary and appropriate, chemical pesticides. IPM strategies rely upon nonchemical
10 defenses first and chemical pesticides second.

11 (22) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide
12 or device or any of its containers or wrappers.

13 (23) "Labeling" means the label and all other written, printed, or graphic matter:

14 (i) Accompanying the pesticide or device at any time; or

15 (ii) To which reference is made on the label or in literature accompanying the pesticide or
16 device, except to current official publications of EPA, the United States Departments of Agriculture
17 and Interior, and the department of health and human services; state experiment stations; state
18 agricultural colleges; and other federal or state institutions or agencies authorized by law to conduct
19 research in the field of pesticides.

20 (24) "Land" means all land and water areas, including airspace, all plants, animals,
21 structures, buildings, contrivances, and machinery appurtenant to it or situated on it, fixed or
22 mobile, including any used for transportation.

23 (25) "Nematode" means invertebrate animals of the phylum Nematelminthes and class
24 Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered
25 with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms.

26 (26) "Neonicotinoids" means any of a class of systemic water soluble insecticides related
27 to nicotine that affect the central nervous system of insects by selectively binding to the
28 postsynaptic nicotinic receptors of insects thereby causing paralysis and death. Neonicotinoids
29 include, but are not limited to:

30 (i) Imidacloprid;

31 (ii) Acetamiprid;

32 (iii) Clothianidin;

33 (iv) Nitenpyram;

34 (v) Nithiazine;

- 1 (vi) Thiacloprid;
- 2 (vii) Thiamethoxam; and
- 3 (viii) Dinotefuran.

4 (27) "Permit" means a written certificate, issued by the director, authorizing the purchase,
5 possession, and/or use of certain pesticides or pesticide uses defined in subsections (36) and (37)
6 of this section.

7 (28) "Person" means any individual, partnership, association, fiduciary, corporation,
8 governmental entity, or any organized group of persons whether incorporated or not.

9 (29) "Pest" means:

10 (i) Any insect, rodent, nematode, fungus, or weed; and

11 (ii) Any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other
12 micro-organism (except viruses, bacteria, or other micro-organisms on or in living humans or other
13 living animals) which the director declares to be a pest under § 23-25-9(a)(1).

14 (30) "Pesticide" means:

15 (i) Any substance or mixture of substances intended for preventing, destroying, repelling,
16 or mitigating any pest; and

17 (ii) Any substance or mixture of substances intended for use as a plant regulator, defoliant,
18 or desiccant.

19 (31) "Pesticide dealer" means any person who distributes within the state any pesticide
20 product classified for restricted use by EPA or limited use by the director.

21 (32) "Plant regulator" means any substance or mixture of substances intended, through
22 physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for
23 altering the behavior of plants or the produce of these but shall not include substances to the extent
24 that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and
25 soil amendments. Also, the term "plant regulator" is not required to include any of those nutrient
26 mixtures or soil amendments as are commonly known as vitamin-hormone horticultural products,
27 intended for improvement, maintenance, survival, health, and propagation of plants, are not for pest
28 destruction and are nontoxic and nonpoisonous in the undiluted packaged concentration.

29 (33)(i) "Private applicator" means any person who uses or supervises the use of any
30 pesticide for purposes of producing any agricultural commodity on land owned or rented by him or
31 her or his or her employer or (if applied without compensation other than trading of personal
32 services between producers of agricultural commodities) on land of another person.

33 (ii) "Certified private applicator" means any private applicator who is certified under § 23-
34 25-14 as authorized to purchase, acquire, apply, or supervise the application of any pesticide

1 classified for restricted use by EPA or limited use by the director.

2 (iii) “Commercial applicator” means any person (whether or not that person is a private
3 applicator with respect to some uses), including employees of any federal, state, county or
4 municipal agency, department, office, division, section, bureau, board, or commission, who applies
5 or supervises the application of any pesticide for any purpose or on any property other than as
6 provided by the definition of “private applicator”.

7 (iv) “Certified commercial applicator” means any commercial applicator who is certified
8 under § 23-25-13 as authorized to purchase, acquire, apply, or supervise the application of a
9 pesticide classified for restricted use by EPA or limited use by the director.

10 (v) “Licensed commercial applicator” means any commercial applicator who is licensed
11 under § 23-25-12 as authorized to use or supervise the use of any pesticide not classified for
12 restricted use by EPA or limited use by the director on land not owned or rented by him or her.

13 (34) “Protect health and the environment” means protection against any unreasonable
14 adverse effects on the environment.

15 (35) “Registrant” means a person who has registered any pesticide pursuant to the
16 provisions of this chapter.

17 (36) “Restricted use pesticide” means a pesticide or pesticide use that is classified for
18 restricted use by the administrator of EPA, or under § 23-25-6(h).

19 (37) "Second generation anticoagulant rodenticide" means any pesticide product that
20 contains any of the following active ingredients:

21 (i) Brodifacoum;

22 (ii) Bromadiolone;

23 (iii) Difenacoum; or

24 (iv) Difethialone.

25 (38) “State limited use pesticide” means any pesticide or pesticide use that, when used as
26 directed or in accordance with a widespread and commonly recognized practice, the director
27 determines, subsequent to a hearing, requires additional restrictions to prevent unreasonable
28 adverse effects on the environment including humans, land, beneficial insects, animals, crops, and
29 wildlife, other than pests.

30 ~~(38)~~(39) “Under the direct supervision” means on-site supervision of any pesticide
31 application by an appropriately certified or licensed applicator who is responsible for the
32 application and is capable of dealing with emergency situations which might occur.

33 ~~(39)~~(40) “Unreasonable adverse effects on the environment” means any unreasonable risk
34 to humans or the environment, taking into account the economic, social, and environmental costs

1 and benefits of the use of any pesticide.

2 ~~(40)~~(41) "Weed" means any plant that grows where not wanted.

3 ~~(41)~~(42) "Wildlife" means all living things that are neither human nor, as defined in this
4 chapter, pests, including but not limited to mammals, birds, and aquatic life.

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

7 **23-25-41. Rodenticides restricted.**

8 (a) All pesticides registered in the state as a second generation anticoagulant rodenticide,
9 as defined in § 23-25-4, shall be prohibited.

10 (b) Subsection (a) of this section shall not apply to the following:

11 (1) The use of any second generation anticoagulant rodenticide by a state or municipal
12 employee for public health activities; the protection of a drinking water supply; to control vectors
13 for mosquito borne illnesses; the eradication on nonnative invasive species of rodents; or for control
14 of an actual rodent infestation that has been deemed a public health issue where it has been
15 documented that all other rodent control alternatives, including nonchemical alternatives, are
16 inadequate to control the infestation.

17 (2) The use of any second generation anticoagulant rodenticide at a medical waste
18 generator or a facility registered annually and subject to inspection under 21 U.S.C. § 360 et seq.
19 and compliant with the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 136 et seq.).

20 (3) The use of any second generation anticoagulant rodenticide for agricultural activities
21 conducted in the following locations:

22 (i) A warehouse used to store foods for humans or animal consumption;

23 (ii) An agricultural food production site including, but not limited to, a slaughterhouse or
24 cannery; and

25 (iii) A distillery, meadery, brewery, or winery.

26 SECTION 3. This act shall take effect on January 1, 2025.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- PESTICIDE CONTROL

1 This act would preclude the use of second generation anticoagulant rodenticide products
2 which contain brodifacoum, bromadiolone, difenacoum, or difethialone, except in certain
3 circumstances, such as for public health activities, the protection of a drinking water supply, to
4 control vectors for mosquito borne illnesses, the eradication of nonnative invasion species of
5 rodents, for control of an actual rodent infestation that has been deemed a public health issue, at a
6 medical waste generator, or for agricultural activities in certain locations.

7 This act would take effect on January 1, 2025.

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