
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1521 Session of
1995

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YOUNGBLOOD, SCHRODER, RICHARDSON, BARD, GRUPPO, DENT,
DeWEESE, VEON AND BAKER, MAY 2, 1995

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MAY 2, 1995

AN ACT

1 Providing for advance notification of pesticide application
2 within schools, school grounds, athletic fields and
3 playgrounds.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Pesticide
8 Notification Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Applicator." A certified applicator, private applicator,

1 commercial applicator or public applicator.

2 "Board." The Pesticide Advisory Board.

3 "Certified applicator." An individual who is certified under
4 section 16.1, 17 or 17.1 of the act of March 1, 1974 (P.L.90,
5 No.24), known as the Pennsylvania Pesticide Control Act of 1973,
6 as competent to use or supervise the use or application of any
7 pesticide.

8 "Commercial applicator." A certified applicator, whether or
9 not he is a private applicator with respect to some uses, who
10 uses or supervises the use of any pesticide on the property or
11 premises of another or on easements granted under State law, or
12 any applicator who uses or supervises the use of any restricted-
13 use pesticide on property owned or rented by him or his
14 employer, when not for purposes of producing an agricultural
15 product. The Secretary of Agriculture may by regulation deem
16 certain types of applicators using any pesticide on their own
17 property or that of their employer as commercial applicators.

18 "Department." The Department of Agriculture of the
19 Commonwealth.

20 "Indoor pesticide treatment." A pesticide treatment that
21 includes an outside perimeter treatment of the building if the
22 primary purpose of the treatment is to treat the inside of the
23 building. The Secretary of Agriculture shall define a perimeter
24 treatment by regulation and shall adopt the definitions provided
25 in Federal law.

26 "Insect." Any of the numerous small invertebrate animals
27 generally having a more or less obviously segmented body, for
28 the most part belonging to the class Insecta, comprising six-
29 legged, usually winged forms, as, for example, beetles, bugs,
30 bees and flies, and to other allied classes of arthropods whose

1 members are wingless and usually have more than six legs, as,
2 for example, spiders, mites, ticks, centipedes and wood lice.

3 "Integrated pest management plan." A decision-making process
4 which includes inspection and pest identification, monitoring of
5 pest and beneficial insect populations and recordkeeping of
6 same, injury-level assessment to determine when treatment is
7 needed, treatment selection and application with pest prevention
8 methods, such as habitat modification and sanitation measures,
9 and nontoxic controls being the primary selections, and
10 evaluation of results.

11 "License." Written permission issued by the Department of
12 Agriculture to a business or person as authorized under the act
13 of March 1, 1974 (P.L.90, No.24), known as the Pennsylvania
14 Pesticide Control Act of 1973.

15 "Nematode." Invertebrate animals of the phylum
16 Nemathelminthes and class Nematoda, that is, unsegmented round
17 worms with elongated, fusiform or sac-like bodies covered with
18 cuticle and inhabiting soil, water, plants or plant parts; may
19 also be called nemas or eelworms.

20 "Outdoor pesticide treatment." An outdoor pesticide
21 treatment that is applied anywhere on the school grounds,
22 including, but not limited to, athletic fields or playgrounds.

23 "Person." An individual, partnership, association,
24 corporation or any organized group of persons, whether
25 incorporated or not.

26 "Pest." An insect, rodent, nematode, fungus, weed or other
27 form of terrestrial or aquatic plant or animal life or virus,
28 bacteria or other micro-organism, except viruses, bacteria or
29 other micro-organisms on or in living man or other living
30 animals, declared to be a pest under section 25(c)(1) of the

1 Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat.
2 163, 7 U.S.C. § 136 et seq.).

3 "Pest control information sheet." A document which contains
4 the date of treatment, the name, address and telephone number of
5 the applicator, the pesticide utilized and any other information
6 that is required by the Secretary of Agriculture.

7 "Pesticide." A substance or mixture of substances intended
8 for preventing, destroying, repelling or mitigating any pest and
9 a substance or mixture of substances intended for use as a plant
10 regulator, defoliant or desiccant.

11 "Pesticide application technician." An individual employed
12 by a commercial applicator or governmental agency who, having
13 met the competency requirements as set forth in the act of March
14 1, 1974 (P.L.90, No.24), known as the Pennsylvania Pesticide
15 Control Act of 1973, is registered by the Secretary of
16 Agriculture to apply any pesticides under the direct supervision
17 of a certified applicator.

18 "Private applicator." A certified applicator who uses or
19 supervises the use of any pesticide which is classified for
20 restricted use for purposes of producing any agricultural
21 commodity on property owned or rented by him or his employer or,
22 if applied without compensation other than trading of personal
23 services between producers of agricultural commodities, on the
24 property of another person.

25 "Public applicator." A certified applicator who applies
26 pesticides as an employee of the Commonwealth or its
27 instrumentalities or any local agency.

28 "School." A public or private elementary or secondary school
29 wherein a resident of this Commonwealth may fulfill the
30 compulsory school attendance requirements and which meets the

1 applicable requirements of Title IV of the Civil Rights Act of
2 1964 (Public Law 88-352, 78 Stat. 241). The term also includes a
3 kindergarten program operated by a school.

4 "Secretary." The Secretary of Agriculture of the
5 Commonwealth.

6 Section 3. Notification of pesticide treatments at schools.

7 (a) Indoor pesticide treatment.--For an indoor pesticide
8 treatment at a school building, the certified applicator or
9 pesticide application technician shall supply the pest control
10 information sheet and a pest control sign, which shall be at
11 least 8 1/2 by 11 inches in size, to the chief administrator or
12 building manager. The chief administrator or building manager
13 shall be responsible for all of the following:

14 (1) Posting the sign in an area of common access that
15 the individuals are likely to check on a regular basis at
16 least 72 hours before and for at least two days following
17 each planned treatment.

18 (2) Providing the information sheet to every individual
19 working in the building at least 72 hours before each planned
20 treatment.

21 (3) Providing notice in writing to the parents or
22 guardians of the students enrolled in that school at least 72
23 hours before each planned treatment. The notice shall include
24 the name, address and telephone number of the applicator
25 applying the treatment, day of treatment and the pesticide
26 utilized. The notice may be included in normal school
27 communications to parents or guardians and need not be mailed
28 separately to parents or guardians.

29 (b) Outdoor pesticide treatment.--For an outdoor treatment
30 to be applied anywhere on the school grounds, including, but not

1 limited to, athletic fields or playgrounds, the certified
2 applicator or technician shall supply the pest control
3 information sheet and a pest control sign, which shall be at
4 least 8 1/2 by 11 inches in size, to the chief administrator or
5 grounds manager. The pest control sign shall be posted at the
6 field or playground to be treated at least 72 hours before and
7 for two days after the planned treatment.

8 (c) Notification.--Personnel at a school with an athletic
9 field or a playground to be treated with a pesticide are
10 required to notify in writing the parents or guardians of the
11 children attending the school at the time the child is
12 registered of the following:

13 (1) The school periodically applies pesticides indoors
14 and on school grounds.

15 (2) Information on the application of pesticides is
16 available at the request of the parents or guardians.

17 (d) Emergency pesticide use.--The secretary shall establish
18 by regulation procedures for emergency pesticide applications
19 for which the required notification in subsections (a) and (b)
20 shall be waived. The regulations shall include the following:

21 (1) Emergency pesticide applications shall be allowed
22 only in the event of an immediate threat to the health and
23 safety of students and employees.

24 (2) Before any emergency application, students and
25 employees shall vacate the portion of the building or grounds
26 to be treated and shall not be allowed to return to that
27 portion of the building or grounds for at least 24 hours
28 following the application.

29 (3) School officials shall notify by telephone any
30 parents or guardians who have requested such notification.

Schools shall advise parents of their right to request notification of emergency pesticide use on an annual basis and explain procedures for requesting such notification.

(e) Records.--Each school district and private elementary or secondary school shall maintain detailed records of all chemical pest control treatments for a period of at least seven years so that chronic health problems suffered by school personnel and students can be monitored.

(f) Integrated plan.--Each board of public school directors and the governing boards of private schools shall, on or before September 1, 1996, adopt an integrated pest management plan that incorporates the standards developed by the secretary.

(g) Standards.--The secretary, with the assistance of the board, shall develop and adopt standards for the integrated pest management plan no later than March 1, 1996. The secretary shall also prepare model integrated pest management plans and sample materials for use by schools in developing and adopting their integrated pest management plans. In developing standards for the integrated pest management plan, the board shall consult with a person who is knowledgeable in the area of integrated pest management in schools. The standards shall include the following:

(1) A requirement that the least toxic methods available to control pests, rodents, insects and weeds be used.

(2) A hierarchy of treatments that schools shall use in controlling pests, rodents, insects and weeds.

(3) A uniform pest control sign to be utilized in school buildings which meets the requirements of this section.

(h) Restriction on application.--

(1) Except as provided in paragraph (4), the secretary

1 shall require that a pesticide may be applied in a school
2 building only during periods in which students are not
3 expected to use the building for normal academic instruction
4 or organized extracurricular activities for at least 24 hours
5 following the application.

6 (2) Except as provided in paragraph (4), the secretary
7 shall also require that a pesticide may be applied on school
8 grounds only during periods in which students are not
9 expected to use the treated portion of the grounds for normal
10 academic instruction or organized extracurricular activities
11 for at least 24 hours following the application. The
12 secretary shall establish by regulation standards for
13 pesticide application on school grounds, including, but not
14 limited to, the buffer areas around the treated portion of
15 the grounds in which students will not be permitted for 24
16 hours after application.

17 (3) Under no circumstances shall pesticides be applied
18 in a school building or on school grounds when students are
19 present in the school building or on school grounds for
20 normal academic instruction or organized extracurricular
21 activities, except as provided in subsection (d).

22 (4) The secretary shall establish by regulation
23 procedures for pesticide applications in school buildings and
24 on school grounds of schools in which students are in
25 residence.

26 (i) Exemptions.--

27 (1) Disinfectant and antimicrobial products shall be
28 exempted from the notification and recordkeeping requirements
29 of subsections (a) and (d).

30 (2) Application of self-contained bait packages placed

1 in areas not accessible to students shall be exempted from
2 the notification and restriction on application requirements
3 of subsections (a) and (h).

4 (j) Reimbursement for increased costs.--The Commonwealth
5 shall reimburse a school district for increased costs associated
6 with the implementation of this act if the school district can
7 demonstrate that the act has increased total pest control costs
8 for the district, after adjusting for savings from reduced
9 pesticide use. Costs for building and grounds maintenance are
10 not eligible for reimbursement. The Secretary of Education shall
11 establish standards by regulation which will specify reasonable
12 costs eligible for reimbursement, a schedule for submission of
13 reimbursement requests by school districts and procedures for
14 review and verification of reimbursement requests.

15 Section 4. Liability of school board members.

16 The board of directors of any school entity shall not be held
17 liable, individually or as a group, for injuries or illness to
18 students and school personnel resulting from the application of
19 pesticides when a good faith effort has been made to notify
20 parents or guardians and school personnel in accordance with
21 section 3.

22 Section 5. Effective date.

23 This act shall take effect in 60 days.