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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1871 Session of  
1989

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INTRODUCED BY SAURMAN, HAGARTY, MORRIS, HALUSKA, LEH, HECKLER,  
FOX, BELARDI, MICOZZIE, KENNEY, LANGTRY, TRELLO, LAUGHLIN,  
DeLUCA, MRKONIC, BATTISTO, DONATUCCI, RIEGER, NAHILL,  
E. Z. TAYLOR, CIVERA, FARGO, ADOLPH, VEON, KASUNIC AND VROON,  
SEPTEMBER 18, 1989

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
SEPTEMBER 18, 1989

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AN ACT

1 Requiring posting of residential premises; and providing  
2 penalties.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Residential  
7 Pesticide Application Posting Act.

8 Section 2. Definitions.

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

12 "Bureau." The Bureau of Plant Industry in the Department of  
13 Agriculture.

14 "Department." The Department of Agriculture of the  
15 Commonwealth.

16 Section 3. Posting requirements.

1 (a) Requirements enumerated.--

2 (1) Immediately following application of lawn chemicals  
3 to a lawn by a commercial applicator, the applicator shall  
4 place a lawn marker at a prominent location on the lawn.

5 (2) The lawn marker shall consist of a 4-inch by 5-inch  
6 sign attached to the upper portion of a dowel or other  
7 supporting device of not less than 18 inches in length.

8 (3) Lettering on the lawn marker shall be in a  
9 contrasting color and shall read on one side "Lawn Care  
10 Application - Keep Off Grass Until Dry" in letters not less  
11 than three-eighths inches high. The lawn marker may also  
12 display a symbol depicting the required message or the name,  
13 logo and service mark of the applicator, or both.

14 (4) The lawn marker shall be removed and discarded by  
15 the property owner or resident, or a person authorized by the  
16 property owner or resident, the day following application.

17 (5) For applications to a residential property of three  
18 dwelling units or less, the applicator shall not be required  
19 to place more than one lawn marker per property, except that  
20 markers shall be placed at 50-foot intervals along the  
21 boundary of the property where a public sidewalk, right-of-  
22 way or public property abuts the application site.

23 (6) For applications to a residential property of more  
24 than three dwelling units, the applicator shall place lawn  
25 markers at usual points of entry to the property and at 50-  
26 foot intervals along the boundary of the property where a  
27 public sidewalk, right-of-way or public property abuts the  
28 application site.

29 (7) At the time of purchase of lawn chemicals from a  
30 retail outlet, the retail outlet shall provide each purchaser

1 of lawn chemicals with a sufficient quantity of lawn markers  
2 of the type specified in paragraphs (2) and (3) and a written  
3 notice explaining the use of the markers and the requirements  
4 of this section.

5 (b) Information supplied to customer.--At the time of  
6 application of lawn chemicals to a lawn, a commercial applicator  
7 shall provide the following information to the homeowner or  
8 landlord customer:

9 (1) The brand or common name of each lawn chemical  
10 applied.

11 (2) The chemical type (fertilizer, pesticide or  
12 defoliant).

13 (3) The reason for use.

14 (4) The concentration of end use product applied to the  
15 lawn and the rate of application.

16 (5) Any special instruction that appears on the label of  
17 the lawn chemical product and that is applicable to the  
18 customer's use of the lawn following application.

#### 19 Section 4. Violations and penalties.

20 (a) Commercial applicators.--

21 (1) It shall be a violation for a commercial pesticide  
22 applicator to willfully or negligently fail to comply with  
23 section 2(a)(1) through (6) or (b). Failure to post proper  
24 notices at any property will be deemed a separate violation.

25 (2) Any violation of this section constitutes a summary  
26 offense, punishable by a fine of not less than \$25 nor more  
27 than \$100 for each violation.

28 (3) Each separate violation of this section shall be  
29 reported by the district justice to the bureau in the  
30 department. In addition to fines levied under this act, six

1 violations of this section within any three-month period  
2 shall constitute sufficient evidence for temporary suspension  
3 of the applicator's license under section 23.1 of the act of  
4 March 1, 1974 (P.L.90, No.24), known as the Pennsylvania  
5 Pesticide Control Act of 1973.

6 (b) Retail pesticide outlets.--

7 (1) It shall be a violation for any retail pesticide  
8 outlet to willfully or negligently fail to comply with  
9 section 2(a)(7). Each retail sale of pesticides not in  
10 compliance with this act shall be deemed a violation of this  
11 act.

12 (2) Each separate violation of this section shall  
13 constitute a summary offense, punishable by a fine of not  
14 less than \$25 nor more than \$100 for each violation.

15 (c) Other violations.--

16 (1) It shall be a violation of this act for any person  
17 to willfully or negligently remove any lawn marker from a  
18 residential property to which a pesticide was commercially  
19 applied, except as specified in section 2(a)(4).

20 (2) Each violation shall constitute a summary offense,  
21 punishable by a fine of not less than \$25 nor more than \$100  
22 for each violation.

23 (d) Disposition of fines.--Fines collected under this  
24 section shall be paid into a special restricted account in the  
25 General Fund, to be known as the Pesticide Regulatory Account,  
26 for use by the department in administering this act. All such  
27 moneys placed in the Pesticide Regulatory Account under the  
28 provisions of this section are hereby made available immediately  
29 and are hereby appropriated to the Department of Agriculture on  
30 a continuing basis for the purposes herein specified.

1 Section 4. Effective date.

2 This act shall take effect in 60 days.