

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 895 Session of  
1999

INTRODUCED BY GREENLEAF, LOEPER, HOLL, STOUT, KASUNIC, CONTI,  
SCHWARTZ, KUKOVICH, BELL, BOSCOLA, COSTA, DENT, GERLACH,  
HART, KITCHEN, LAVALLE, SALVATORE, TARTAGLIONE, TOMLINSON,  
WAGNER AND WILLIAMS, MAY 3, 1999

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MAY 3, 1999

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," providing for advance notification of  
6 pesticide application within schools, school grounds,  
7 athletic fields and playgrounds.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
11 as the Public School Code of 1949, is amended by adding a  
12 section to read:

13 Section 772.1. Notification of Pesticide Treatments at  
14 Schools.--(a) For an indoor pesticide treatment at a school  
15 building, the certified applicator or pesticide application  
16 technician shall supply the pest control information sheet and a  
17 pest control sign, which shall be at least eight and one-half by  
18 eleven (8 1/2 by 11) inches in size, to the chief administrator  
19 or building manager. The chief administrator or building manager

1 shall be responsible for all of the following:

2 (1) Posting the sign in an area of common access that  
3 individuals are likely to view on a regular basis at least  
4 seventy-two (72) hours before and for at least two (2) days  
5 following each planned treatment.

6 (2) Providing the information sheet to every individual  
7 working in the school building at least seventy-two (72) hours  
8 before each planned treatment.

9 (3) Providing notice in writing to the parents or guardians  
10 of the students enrolled in that school building at least  
11 seventy-two (72) hours before each planned treatment. The notice  
12 shall include the name, address and telephone number of the  
13 applicator applying the treatment, day of treatment and the  
14 pesticide utilized. The notice may be included in normal school  
15 communications to parents or guardians and need not be mailed  
16 separately to parents or guardians.

17 (b) For an outdoor treatment to be applied anywhere on  
18 school grounds, including, but not limited to, athletic fields  
19 or playgrounds, the certified applicator or technician shall  
20 supply the pest control information sheet and a pest control  
21 sign, which shall be at least eight and one-half by eleven (8  
22 1/2 by 11) inches in size, to the chief administrator or grounds  
23 manager. The pest control sign shall be posted at the field or  
24 playground to be treated at least seventy-two (72) hours before  
25 and for two (2) days after the planned treatment.

26 (c) School officials at a school with an athletic field or a  
27 playground to be treated with a pesticide shall include the  
28 following information in any registration materials that they  
29 distribute to parents or guardians of children attending the  
30 school:

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

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

5     (d) The secretary shall establish by regulation procedures  
6 for emergency pesticide applications for which the required  
7 notification in subsections (a) and (b) may be waived. The  
8 regulations shall include the following:

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

12     (2) Before any emergency application, students and employees  
13 shall vacate the portion of the building or grounds to be  
14 treated and shall not be allowed to return to that portion of  
15 the building or grounds for at least twenty-four (24) hours  
16 following the application.

17     (3) School officials shall notify by telephone any parents  
18 or guardians who have requested such notification. Schools shall  
19 advise parents of their right to request notification of  
20 emergency pesticide use on an annual basis and shall explain  
21 procedures for requesting such notification.

22     (e) Each school district and private elementary or secondary  
23 school shall maintain detailed records of all chemical pest  
24 control treatments for a period of at least three (3) years.

25     (f) The board of school directors of each public school  
26 district and the governing boards of private schools shall, on  
27 or before September 1, 2000, adopt an integrated pest management  
28 plan that incorporates the standards developed by the  
29 Secretaries of Agriculture and Education.

30     (g) The Secretaries of Agriculture and Education, with the

1 assistance of the board, shall develop and adopt standards for  
2 the integrated pest management plan no later than March 1, 2000.  
3 The secretaries shall also prepare model integrated pest  
4 management plans and sample materials for use by schools in  
5 developing and adopting their integrated pest management plans.  
6 The Department of Agriculture shall provide materials, training  
7 and assistance to schools in developing integrated pest  
8 management plans. In developing standards for the integrated  
9 pest management plan, the board shall consult with a person who  
10 is knowledgeable in the area of integrated pest management in  
11 schools. The standards shall include the following:

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

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

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

18 (h) (1) A pesticide may be applied in a school building only  
19 during periods in which students are not expected to use the  
20 building for normal academic instruction or organized  
21 extracurricular activities for at least twenty-four (24) hours  
22 following the application.

23 (2) A pesticide may be applied on school grounds only during  
24 periods in which students are not expected to use the treated  
25 portion of the grounds for normal academic instruction or  
26 organized extracurricular activities for at least twenty-four  
27 (24) hours following the application. The secretary shall  
28 establish by regulation standards for pesticide application on  
29 school grounds, including, but not limited to, the buffer areas  
30 around the treated portion of the grounds in which students will

1 not be permitted for twenty-four (24) hours after application.

2 (3) If a portion of a school building having a separate  
3 ventilation system which is separated from the remainder of the  
4 building by smoke or fire doors is treated with a pesticide, the  
5 twenty-four (24) hour waiting period established under paragraph  
6 (1) shall apply only for the treated portion of the building.  
7 Students shall not be present for normal academic instruction or  
8 organized extracurricular activities for at least twelve (12)  
9 hours in the untreated portion of the building. Access to the  
10 treated portion of the building, plus a buffer zone as  
11 prescribed by the secretary, shall be restricted for twenty-four  
12 (24) hours. In all such applications, the school shall make  
13 every effort to prevent the pesticide from migrating into the  
14 untreated portion of the building, including sealing doors and  
15 windows from the treated portion of the building.

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

21 (5) The secretary shall promulgate regulations which  
22 establish procedures for pesticide applications in school  
23 buildings and on school grounds of schools in which students are  
24 in residence.

25 (i) (1) Disinfectant and antimicrobial products shall be  
26 exempted from the notification and recordkeeping requirements of  
27 subsections (a) and (e) and the restrictions on application in  
28 subsection (h).

29 (2) Application of self-contained bait packages placed in  
30 areas not accessible to students shall be exempted from the

1 notification and restriction on application requirements of  
2 subsections (a) and (h).

3 (j) The Commonwealth shall reimburse a school district for  
4 increased costs associated with the implementation of this act  
5 if the school district can demonstrate that the act has  
6 increased total pest control costs for the district, after  
7 adjusting for savings from reduced pesticide use. Costs for  
8 building and grounds maintenance shall not be eligible for  
9 reimbursement. Costs for first class mailings of notices to  
10 parents shall not be eligible for reimbursement unless a  
11 district can demonstrate a compelling need to use other than  
12 normal school communications to notify parents in a timely  
13 fashion. The secretary shall establish standards by regulation  
14 which shall specify reasonable costs eligible for reimbursement,  
15 a schedule for submission of reimbursement requests by school  
16 districts and procedures for review and verification of  
17 reimbursement requests.

18 (k) The secretary shall promulgate regulations which define  
19 a perimeter treatment and adopt the definitions provided by  
20 Federal law for the purpose of indoor pesticide treatment.

21 (l) The following words and phrases when used in this  
22 section shall have the meanings given to them in this subsection  
23 unless the context clearly indicates otherwise:

24 "Applicator." A certified applicator, private applicator,  
25 commercial applicator or public applicator.

26 "Board." The Pesticide Advisory Board of the Department of  
27 Agriculture of the Commonwealth.

28 "Certified applicator." An individual who is certified under  
29 section 16.1, 17 or 17.1 of the act of March 1, 1974 (P.L.90,  
30 No.24), known as the "Pennsylvania Pesticide Control Act of

1 1973," as competent to use or supervise the use or application  
2 of any pesticide.

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

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

15 "Indoor pesticide treatment." A pesticide treatment that  
16 includes an outside perimeter treatment of the building if the  
17 primary purpose of the treatment is to treat the inside of the  
18 building.

19 "Insect." Any of the numerous small invertebrate animals  
20 generally having a more or less obviously segmented body, for  
21 the most part belonging to the class Insecta, comprising six-  
22 legged, usually winged forms, as, for example, beetles, bugs,  
23 bees and flies, and to other allied classes of arthropods whose  
24 members are wingless and usually have more than six legs, as,  
25 for example, spiders, mites, ticks, centipedes and wood lice.

26 "Integrated pest management plan." A decision-making process  
27 which includes inspection and pest identification, monitoring of  
28 pest and beneficial insect populations and recordkeeping of  
29 same, injury-level assessment to determine when treatment is  
30 needed, treatment selection and application with pest prevention

1 methods, such as habitat modification and sanitation measures,  
2 and nontoxic controls being the primary selections, and  
3 evaluation of results.

4 "Nematode." An invertebrate animal of the phylum  
5 Nemathelminthes and class Nematoda, that is, unsegmented round  
6 worms with elongated, fusiform or sac-like bodies covered with  
7 cuticle and inhabiting soil, water, plants or plant parts. The  
8 term includes nemas and eelworms.

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

12 "Person." An individual, partnership, association,  
13 corporation or any organized group of persons, whether  
14 incorporated or not.

15 "Pest." An insect, rodent, nematode, fungus, weed or other  
16 form of terrestrial or aquatic plant or animal life or virus,  
17 bacteria or other micro-organism, except viruses, bacteria or  
18 other micro-organisms on or in living man or other living  
19 animals, declared to be a pest under section 25(c)(1) of the  
20 Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat.  
21 163, 7 U.S.C. § 136 et seq.).

22 "Pest control information sheet." A document which contains  
23 the date of treatment, the name, address and telephone number of  
24 the applicator, the pesticide utilized and any other information  
25 that is required by the Secretary of Agriculture.

26 "Pesticide." A substance or mixture of substances intended  
27 for preventing, destroying, repelling or mitigating a pest and a  
28 substance or mixture of substances intended for use as a plant  
29 regulator, defoliant or desiccant.

30 "Pesticide application technician." An individual employed

1 by a commercial applicator or governmental agency who, having  
2 met the competency requirements as set forth in the act of March  
3 1, 1974 (P.L.90, No.24), known as the "Pennsylvania Pesticide  
4 Control Act of 1973," is registered by the Secretary of  
5 Agriculture to apply pesticides under the direct supervision of  
6 a certified applicator.

7 "Private applicator." A certified applicator who uses or  
8 supervises the use of a pesticide which is classified for  
9 restricted use for purposes of producing an agricultural  
10 commodity on property owned or rented by the applicator or the  
11 applicator's employer or, if applied without compensation other  
12 than trading of personal services between producers of  
13 agricultural commodities, on the property of another person.

14 "Public applicator." A certified applicator who applies  
15 pesticides as an employe of the Commonwealth or its  
16 instrumentalities or a local agency.

17 "School." A public or private elementary or secondary school  
18 wherein a resident of this Commonwealth may fulfill the  
19 compulsory school attendance requirements and which meets the  
20 applicable requirements of Title IV of the Civil Rights Act of  
21 1964 (Public Law 88-352, 78 Stat. 241). The term also includes a  
22 kindergarten program operated by a school.

23 "Secretary." The Secretary of Agriculture of the  
24 Commonwealth.

25 Section 2. This act shall take effect in 60 days.