

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 351 Session of
1999

INTRODUCED BY GREENLEAF, BOSCOLA AND KUKOVICH, FEBRUARY 16, 1999

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 16, 1999

AN ACT

1 Amending the act of March 1, 1974 (P.L.90, No.24), entitled "An
2 act relating to the labeling, distribution, storage,
3 transportation, use, application and disposal of pesticides
4 and devices; providing for registration and examination of
5 such materials; the licensing of pesticide dealers and pest
6 management consultants and imposing penalties," changing the
7 enforcing official from the Secretary of Agriculture to the
8 Secretary of Environmental Protection; providing for powers
9 of the Environmental Hearing Board; and making an editorial
10 change.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 2 of the act of March 1, 1974 (P.L.90,
14 No.24), known as the Pennsylvania Pesticide Control Act of 1973,
15 is amended to read:

16 Section 2. Enforcing Official.--This act shall be
17 administered by the Secretary of [Agriculture] Environmental
18 Protection, hereinafter referred to as the secretary.

19 Section 2. Sections 4(9.1) and (39.1) and 25(a) of the act,
20 amended or added December 12, 1986 (P.L.1542, No.167), are
21 amended to read:

22 Section 4. Definitions.--As used in this act:

1 * * *

2 (9.1) "Department" means the Department of [Agriculture]
3 Environmental Protection of the Commonwealth.

4 * * *

5 (39.1) "Secretary" means the Secretary of [Agriculture]
6 Environmental Protection of the Commonwealth.

7 * * *

8 Section 25. Pesticide Advisory Board.--(a) There is hereby
9 created a Pesticide Advisory Board. Members of the Pesticide
10 Advisory Board shall be residents of the Commonwealth of
11 Pennsylvania. The Pesticide Advisory Board shall consist of
12 three licensed pesticide applicators (one shall be licensed to
13 operate ground equipment, one shall be licensed to operate
14 aerial equipment and one shall be licensed for structural pest
15 control), one entomologist in public service, one environmental
16 health specialist from the Pennsylvania Department of Health,
17 one toxicologist in public service, one plant pathologist in
18 public service, one member from the agricultural chemical
19 industry, one member from the food processing industry, two
20 producers of agricultural crops or products on which pesticides
21 are applied or which may be affected by the application of
22 pesticides, one member representing environmental interests
23 (having demonstrated significant expertise and knowledge of
24 pesticide handling and application), one representative of the
25 Pennsylvania Department of Agriculture, one representative of
26 the Pennsylvania Fish Commission, one representative of the
27 Pennsylvania Game Commission, one representative of the
28 Pennsylvania Department of Environmental [Resources] Protection
29 and one representative of the Pennsylvania Department of
30 Transportation. Such members shall be appointed by the Governor

1 for terms of four years and may be appointed for successive
2 four-year terms at the discretion of the Governor. The Governor
3 may remove any member of the board prior to the expiration of
4 his term of appointment for cause: Provided, That at the
5 inception of this act the Governor shall appoint six members
6 which shall not include two members from any one representative
7 group for a period of two years; six members for a period of
8 three years which shall not include two members from any one
9 representative group; and five members for a period of four
10 years which shall not include two members from any one
11 representative group. All subsequent terms for appointments to
12 such board shall be for a period of four years.

13 * * *

14 Section 3. The act is amended by adding sections to read:

15 Section 39.1. Environmental Hearing Board.--No action of the
16 department under this act adversely affecting a person shall be
17 final as to that person until the person has had the opportunity
18 to appeal the action to the Environmental Hearing Board as
19 provided by law. If a person has not perfected an appeal in
20 accordance with the regulations of the board, the department's
21 action shall be final as to the person.

22 Section 39.2. Environmental Quality Board.--(a) The
23 Environmental Quality Board shall have the power and its duty
24 shall be to adopt rules and regulations of the department
25 implementing the provisions of this act.

26 (b) The department shall consult with the Pesticide Advisory
27 Board in the formulation, drafting and presentation of all
28 regulations promulgated under this act. The advisory board shall
29 be given a reasonable opportunity to review and comment on all
30 regulations prior to their submission to the Environmental

1 Quality Board for consideration.

2 Section 4. All allocations, equipment, files, records,
3 contracts, agreements, obligations and other materials which are
4 used, employed or expended in connection with the powers, duties
5 or functions of the Department of Agriculture in relation to the
6 subject matter of this act are hereby transferred from the
7 Department of Agriculture to the Department of Environmental
8 Protection with the same force and effect as if the
9 appropriations had been made to and the items had been the
10 property of the Department of Environmental Protection in the
11 first instance and as if the contracts, agreements and
12 obligations had been incurred or entered into by the Department
13 of Environmental Protection.

14 Section 5. This act shall take effect in 60 days.