

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1289 Session of
2001

INTRODUCED BY RUBLEY, ADOLPH, ALLEN, M. BAKER, BARD, BASTIAN, BEBKO-JONES, BELARDI, BELFANTI, BLAUM, BROWNE, CALTAGIRONE, CAPPABIANCA, CAPPELLI, CASORIO, CAWLEY, CIVERA, CLARK, L. I. COHEN, M. COHEN, COLAFELLA, CORNELL, COSTA, COY, CRUZ, CURRY, DALEY, DALLY, DeLUCA, DERMODY, DeWEESE, DIVEN, FAIRCHILD, FICHTER, FLICK, FRANKEL, FREEMAN, GEORGE, GRUCELA, HARHAI, HARPER, HENNESSEY, HERMAN, HORSEY, JOSEPHS, KAISER, KELLER, LAUGHLIN, LEDERER, LEH, LEVDANSKY, LYNCH, MANDERINO, MANN, MARSICO, MAYERNIK, McCALL, McGILL, McILHINNEY, MELIO, MICHLOVIC, R. MILLER, S. MILLER, MYERS, NAILOR, PETRARCA, PIPPY, PISTELLA, READSHAW, ROBINSON, ROONEY, RUFFING, SAMUELSON, SANTONI, SCHRODER, SCRIMENTI, SHANER, SOLOBAY, STABACK, STEELMAN, STEIL, T. STEVENSON, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, THOMAS, TRAVAGLIO, TRELLO, VITALI, WALKO, WANSACZ, WATSON, C. WILLIAMS, WOJNAROSKI, WRIGHT, YOUNGBLOOD, YUDICHAK, HESS, MUNDY, SAINATO, MAHER AND JAMES, APRIL 4, 2001

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 19, 2001

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 integrated ~~pesticide~~ <—
6 PEST management programs in schools. <—

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

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

12 Section 772.1. Integrated ~~Pesticide~~ PEST Management <—

Programs.--(a) The following apply to pesticide applicators:

(1) For a pesticide treatment at a school building, the certified applicator or pesticide application technician shall supply the pest control information sheet and a pest control sign, which must be at least eight and one-half by eleven (8 1/2 by 11) inches in size, to the chief administrator or building manager.

(2) For a pesticide treatment on school grounds, including athletic fields and playgrounds, the certified applicator or pesticide application technician shall supply the pest control information sheet and a pest control sign, which must be at least eight and one-half by eleven (8 1/2 by 11) inches in size, to the chief administrator or grounds manager.

(b) Responsibilities of schools are as follows:

(1) Each public school district shall, by July 1, 2002, adopt an integrated pest management plan in accordance with the integrated pest management policies established by the department on the effective date of this section, until regulations are promulgated by the department.

(2) Except as provided in clause (4), notification of pesticide treatments shall be as follows:

(i) For a pesticide treatment at a school building, the school shall be responsible for all of the following:

(A) Posting the pest control sign received under subsection (a)(1) in an area of common access where individuals are likely to view the sign on a regular basis at least seventy-two (72) hours before and for at least two (2) days following each planned treatment.

(B) Providing the pest control information sheet received under subsection (a)(1) to every individual working in the

1 school building at least seventy-two (72) hours before each
2 planned treatment.

3 (C) Providing notice, including the name, address and
4 telephone number of the applicator providing the treatment, day
5 of treatment and pesticide to be utilized, to the parents or
6 guardians of students enrolled in the school at least seventy-
7 two (72) hours before each planned treatment as follows:

8 (I) notice to all parents or guardians utilizing normal
9 school communications procedures; or

10 (II) notice to a list of interested parents or guardians
11 who, at the beginning of each school year, or upon the child's
12 enrollment, requested notification of individual application of
13 pesticides. The school shall provide procedures or materials for
14 such requests to parents and guardians of students. Notification
15 of each pesticide application shall be provided using first
16 class mail or other means deemed appropriate by the school to
17 each parent or guardian requesting notification.

18 (ii) For a pesticide treatment on school grounds, the school
19 shall be responsible for all of the following:

20 (A) Posting the pest control sign received under subsection
21 (a)(2) at the place to be treated at least seventy-two (72)
22 hours before and for two (2) days after the planned treatment.

23 (B) Providing the pest control information sheet received
24 under subsection (a)(2) to every individual working in the
25 school building at least seventy-two (72) hours before each
26 planned treatment.

27 (C) Providing notice, including the name, address and
28 telephone number of the applicator providing the treatment, day
29 of treatment and pesticide to be utilized, to the parents or
30 guardians of students enrolled in the school at least seventy-

two (72) hours before each planned treatment as follows:

(I) notice to all parents or guardians utilizing normal school communications procedures; or

(II) notice to a list of interested parents or guardians who, at the beginning of each school year, or upon the child's enrollment, requested notification of individual application of pesticides. The school shall provide procedures or materials for such requests to parents and guardians of students. Notification of each pesticide application shall be provided using first class mail or other means deemed appropriate by the school to each parent or guardian requesting notification.

(iii) Notwithstanding any other provision of this section, where pests pose an immediate threat to the health and safety of students or employees, the school may authorize an emergency pesticide application. In the case of an emergency pesticide application, the school shall notify by telephone any parent or guardian who has requested such notification. School officials shall annually advise parents of their right to request notification of emergency pesticide use and shall explain procedures for requesting such notification.

(3) Except as provided in clause (4), each school shall maintain detailed records of all chemical pest control treatments for a period of at least three (3) years.

(4) The notice and recordkeeping requirements in clauses (2) and (3) and subsection (c) do not apply to the application of:

(i) disinfectant and antimicrobial products;

(ii) self-containerized baits placed in areas not accessible to students and gel type baits placed in cracks, crevices or voids; or

(iii) swimming pool maintenance chemicals in the care and

1 maintenance of a swimming pool.

2 (c) The following prohibitions shall apply:

3 (1) Except as provided in clause (2), pesticides may not be
4 applied within a school building where students are expected to
5 be present for normal academic instruction or organized
6 extracurricular activities within seven (7) hours following the
7 application, or on school grounds where students will be in the
8 immediate vicinity for normal academic instruction or organized
9 extracurricular activities within seven (7) hours following the
10 application. The applicator shall also comply with re-entry time
11 restrictions contained on the pesticide label.

12 (2) Students may not be present in an untreated portion of
13 the school building unless the area being treated has a separate
14 ventilation system and is separated from the untreated portion
15 by smoke or fire doors, or is a separate building.

16 (d) The department shall do all of the following:

17 (1) Maintain a hypersensitivity registry to assist in the
18 notification of students and employees who are especially
19 sensitive to pesticides.

20 (2) Designate an integrated pest management coordinator
21 within the department to assist schools in the adoption and
22 administration of integrated pest management plans.

23 (3) Prepare a standard structural integrated pest management
24 agreement and distribute the standard agreement to schools.

25 (4) Provide other materials and assistance to school
26 districts to aid schools and school districts in developing
27 integrated pest management plans.

28 (5) Promulgate regulations, consistent with its policies in
29 effect on the date of this section, to assist schools in
30 implementing their responsibilities under this section.

1 (e) The following words and phrases when used in this
2 section shall have the meanings given to them in this subsection
3 unless the context clearly indicates otherwise:

4 "Applicator." A certified applicator, commercial applicator
5 or public applicator.

6 "Certified applicator." An individual who is certified under
7 section 16.1, 17 or 17.1 of the act of March 1, 1974 (P.L.90,
8 No.24), known as the "Pennsylvania Pesticide Control Act of
9 1973," as competent to use or supervise the use or application
10 of any pesticide.

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

21 "Department." The Department of Agriculture of the
22 Commonwealth.

23 "Insect." Any of the numerous small invertebrate animals
24 generally having a more or less obviously segmented body, for
25 the most part belonging to the class Insecta, comprising six-
26 legged, usually winged forms, as, for example, beetles, bugs,
27 bees and flies, and to other allied classes of arthropods whose
28 members are wingless and usually have more than six (6) legs,
29 as, for example, spiders, mites, ticks, centipedes and wood
30 lice.

1 "Integrated pest management plan." A plan which establishes
2 a sustainable approach to managing pests by combining
3 biological, cultural, physical and chemical tools in a way which
4 minimizes economic, health and environmental risks.

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

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

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

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

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

28 "Pesticide application technician." An individual employed
29 by a commercial applicator or governmental agency who, having
30 met the competency requirements as set forth in the act of March

1 1, 1974 (P.L.90, No.24), known as the "Pennsylvania Pesticide
2 Control Act of 1973," is registered by the Secretary of
3 Agriculture to apply pesticides under the direct supervision of
4 a certified applicator.

5 "Public applicator." A certified applicator who applies
6 pesticides as an employe of the Commonwealth or its
7 instrumentalities or a local agency.

8 "School." A school district, an intermediate unit or an area
9 vocational-technical school or any of these entities acting
10 jointly.

11 "Secretary." The Secretary of Agriculture of the
12 Commonwealth.

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