

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, M. WRIGHT, YOUNGBLOOD, YUDICHAK, HESS, MUNDY, SAINATO, MAHER AND JAMES, APRIL 4, 2001

SENATOR M. WHITE, ENVIRONMENTAL RESOURCES AND ENERGY, IN SENATE,  
AS AMENDED, MARCH 19, 2002

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 PEST~~ <—  
6 ~~management programs in schools.~~ NOTIFICATION OF PESTICIDE <—  
7 TREATMENTS AT SCHOOLS.

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:

1        Section 772.1. ~~Integrated PEST Management Programs~~ <—

2    NOTIFICATION OF PESTICIDE TREATMENTS AT SCHOOLS.--(a) The <—  
3    following apply to pesticide applicators:

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

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

16       (b) Responsibilities of schools are as follows:

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

22       ~~(2) Except as provided in clause (4), notification of~~

23       (1) EXCEPT AS PROVIDED IN CLAUSE (3), NOTIFICATION OF <—  
24    pesticide treatments shall be as follows:

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

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

1 planned treatment.

2 (B) Providing the pest control information sheet received  
3 under subsection (a)(1) to every individual working in the  
4 school building at least seventy-two (72) hours before each  
5 planned treatment.

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

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

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

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

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

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

30 (C) Providing notice, including the name, address and

telephone number of the applicator providing the treatment, day of treatment and pesticide to be utilized, to the parents or 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 OR GUARDIANS 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~~

(2) EXCEPT AS PROVIDED IN CLAUSE (3), 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)~~

(3) THE NOTICE AND RECORD KEEPING REQUIREMENTS IN CLAUSES

1 (1) AND (2) and subsection (c) do not apply to the application  
2 of:

3 (i) disinfectant and antimicrobial products;

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

7 (iii) swimming pool maintenance chemicals in the care and  
8 maintenance of a swimming pool.

9 (c) The following prohibitions shall apply:

10 (1) Except as provided in clause ~~(2)~~, (2):

<—

11 (I) pesticides may not be applied within a school building  
12 where students are expected to be present for normal academic  
13 instruction or organized extracurricular activities within seven  
14 (7) hours following the application, or on school grounds where  
15 students will be in the immediate vicinity for normal academic  
16 instruction or organized extracurricular activities within seven  
17 (7) hours following the application. The applicator shall also

<—

18 APPLICATION; OR

<—

19 (II) THE APPLICATOR SHALL comply with re-entry time  
20 restrictions contained on the pesticide label;

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21 WHICHEVER TIME PERIOD IS LONGER.

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

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

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27 ~~(1) Maintain a hypersensitivity registry to assist in the~~  
28 ~~notification of students and employees who are especially~~  
29 ~~sensitive to pesticides.~~

30 ~~(2) Designate an integrated pest management coordinator~~

~~within the department to assist schools in the adoption and  
administration of integrated pest management plans.~~

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

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

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

~~(D) THE DEPARTMENT SHALL PROMULGATE SUCH RULES AND  
REGULATIONS AS NECESSARY TO ADMINISTER THIS SECTION.~~

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

~~"Applicator." A certified applicator, commercial applicator  
or public applicator.~~

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

~~"Commercial applicator." A certified applicator, whether or  
not he is a private applicator with respect to some uses, who  
uses or supervises the use of any pesticide on the property or  
premises of another or on easements granted under State law, or  
any applicator who uses or supervises the use of any restricted-  
use pesticide on property owned or rented by him or his  
employer, when not for purposes of producing an agricultural  
product. The secretary may by regulation deem certain types of~~

applicators using any pesticide on their own property or that of their employer as commercial applicators.

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

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

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

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

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

"Pest." An insect, rodent, nematode, fungus, weed or other form of terrestrial or aquatic plant or animal life or virus, bacteria or other micro-organism, except viruses, bacteria or other micro-organisms on or in living man or other living animals, declared to be a pest under section 25(c)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat.

1 163, 7 U.S.C. § 136w).

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

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

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

17 "Public applicator." A certified applicator who applies  
18 pesticides as an employe of the Commonwealth or its  
19 instrumentalities or a local agency.

20 "School." A school district, an intermediate unit or an area  
21 vocational-technical school or any of these entities acting  
22 jointly.

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

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