

PENNSYLVANIA GRAPE HERBICIDES ACT
Act of Sep. 10, 1965, P.L. 517, No. 262
AN ACT

Cl. 03

Vesting authority in the Secretary of Agriculture to restrict or prohibit the use of certain herbicides causing damage to grape vines or grape crops, and authorizing the Department of Agriculture to establish regulations therefor and providing penalties.

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

Section 1. Short Title.--This act shall be known and may be cited as the "Pennsylvania Grape Herbicides Act."

Section 2. Definitions.--As used in this act--

(1) "Secretary" means the Secretary of Agriculture of the Commonwealth.

(2) "Grape grower" means a producer of grapes for profit.

(3) "Grape vineyard" means lands upon which grapevines are maintained and harvested for profit.

(4) "Proximity" means a radial distance of two miles from the site of damage.

(5) "Development" means natural and normal growth before harvest.

(6) "Affected area" means the area defined in petition. The affected area may be altered by description in the order of the secretary, if the secretary finds that such alteration should be made to effectuate the purposes of the petition.

(7) "Major source of agricultural income" means that the producers of grapes within the affected area obtain at least ten percent of their gross farm income as a group in any five year period from the production of grapes.

(8) "Herbicide" means any agent used to destroy or inhibit plant growth.

Section 3. Petitions, Hearings and Orders.--(a) Authority is hereby vested in the secretary to administer and enforce the provisions of this act and orders issued pursuant thereto.

(b) Whenever the secretary receives a petition in a form prescribed by him, signed by at least five grape growers in the same township or contiguous townships in the Commonwealth, alleging that the use of herbicides, described in the petition in proximity to grape vineyards or crops of grapes described in the petition, has proved harmful to the development of grapevines or the grape crop in the affected area in the same or any prior year and asking that the use of such chemical substances be prohibited or restricted within the affected area, the secretary shall ascertain whether at least five of the signers of the petition are grape growers and owners of grape vineyards within the affected area. In counting the required number of petitioners, joint tenants or tenants by the entirety shall be counted as one signer.

(c) If the secretary determines that the petition is

properly filed, the secretary or his agent shall hold a public hearing after giving at least ten days' notice of the time and place at which the hearing will be held which notice shall be given in a newspaper of general circulation in the area affected and by notice by mail to each named user of herbicides or his agent complained of within the affected area.

(d) If the secretary finds from testimony adduced that:

(1) There has been injury sustained to grapevines or grape crops within affected area; and

(2) Injury was caused by use of herbicides described in petitions; and

(3) Use of herbicides was upon lands within affected area or in proximity to affected area; and

(4) The production of grapes constitutes a major source of agricultural income within affected area, the secretary shall

(i) issue an order prohibiting or restricting the use of herbicides named in the petition or similarly dangerous herbicides within or in proximity of affected area for a period of time to be specified in the order unless such use is authorized by permit issued by the secretary; and (ii) ((ii) repealed July 31, 1968, P.L.769, No.240)

Compiler's Note: Section 609(c) of Act 240 of 1968 provided that section 3 is repealed insofar as it is inconsistent with Act 240.

Section 4. Permits.--Upon written request, the secretary may issue a permit to use herbicides within or in the proximity of an area affected by an order issued pursuant to section 3, if he shall find that such use is reasonably necessary for its purpose, and the proposed manner of use will not be harmful to the grapevines or grape crops which the order is intended to protect. Every such permit shall prescribe the manner of use, either as proposed by the permittee or as the secretary may deem necessary to avoid harm to such grapevines or grape crops.

Section 5. Penalties.--Any person violating the prohibitions of this act or the manner of use prescribed in a permit is guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to imprisonment for not more than six months, or both.

Section 6. Effective Date.--This act shall take effect immediately.