

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2152 Session of  
1989

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DECEMBER 5, 1989

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
DECEMBER 5, 1989

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," further  
7 providing for the regulation and certification of persons  
8 using or applying pesticides; and requiring certain notice  
9 and posting when pesticides are used.

10 The General Assembly of the Commonwealth of Pennsylvania

11 hereby enacts as follows:

12 Section 1. Sections 4, 7, 16.1 and 25.1 of the act of March  
13 1, 1974 (P.L.90, No.24), known as the Pennsylvania Pesticide  
14 Control Act of 1973, amended or added December 12, 1986  
15 (P.L.1542, No.167), are amended to read:

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

17 (1) "Active ingredient" means:

1 (i) in the case of a pesticide other than a plant regulator,  
2 defoliant, or desiccant, an ingredient which will prevent,  
3 destroy, repel, or mitigate any pest;

4 (ii) in the case of a plant regulator, an ingredient which,  
5 through physiological action, will accelerate or retard the rate  
6 of growth or rate of maturation or otherwise alter the behavior  
7 of ornamental or crop plants or the product thereof;

8 (iii) in the case of a defoliant, an ingredient which will  
9 cause the leaves or foliage to drop from a plant; and

10 (iv) in the case of a desiccant, an ingredient which will  
11 artificially accelerate the drying of plant tissue.

12 (2) "Administrator" means the administrator of the Federal  
13 Environmental Protection Agency.

14 (3) "Adulterated" applies to any pesticide if:

15 (i) its strength or purity falls below the professed  
16 standard of quality as expressed on its labeling under which it  
17 is sold;

18 (ii) any substance has been substituted wholly or in part  
19 for the pesticide; or

20 (iii) any valuable constituent of the pesticide has been  
21 wholly or in part abstracted.

22 (4) "Animal" means all vertebrate and invertebrate species,  
23 including but not limited to man and other mammals, birds, fish,  
24 and shellfish.

25 (5) "Antidote" means a practical treatment in case of  
26 poisoning and includes first-aid treatment.

27 (6) "Applicator" means certified applicator, private  
28 applicator, commercial applicator [or], public applicator or  
29 residential applicator.

30 (A) "Certified applicator" means any individual who is

1 certified under section 16.1, 17 or 17.1 of this act as  
2 competent to use or supervise the use or application of any  
3 pesticide.

4 (B) "Private applicator" means a certified applicator who  
5 uses or supervises the use of any pesticide which is classified  
6 for restricted use for purposes of producing any agricultural  
7 commodity on property owned or rented by him or his employer or,  
8 if applied without compensation other than trading of personal  
9 services between producers of agricultural commodities, on the  
10 property of another person.

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

21 (D) "Public applicator" means any certified applicator who  
22 applies pesticides as an employe of the State or its  
23 instrumentalities or any local agency.

24 (E) "Pesticide application technician" means any individual  
25 employed by a commercial applicator or governmental agency who,  
26 having met the competency requirements of section 16.1 of this  
27 act, is registered by the secretary to apply any pesticides  
28 under the direct supervision of a certified applicator.

29 (F) "Residential applicator" means a person who is neither  
30 certified nor licensed who applies general use pesticides to

1 property that the person owns or rents.

2 (7) "Beneficial insects" means those insects which, during  
3 their life cycle, are effective pollinators of plants, are  
4 parasites or predators of pests, or are otherwise beneficial.

5 (8) "Board" means the Pesticide Advisory Board.

6 (8.1) "Central registry system" means a list maintained by  
7 the Bureau of Plant Industry of the department of all medically  
8 certified chemically sensitive persons who have requested in  
9 writing that they desire forty-eight hours notification of an  
10 application of a pesticide within a one-half mile radius of  
11 their property, to be accessed by all licensees prior to any  
12 contractual application.

13 (8.2) "Customer" means a person who has entered into a  
14 contract with a licensee for the application of pesticides.

15 (9) "Defoliant" means any substance or mixture of substances  
16 intended for causing the leaves or foliage to drop from a plant,  
17 with or without causing abscission.

18 (9.1) "Department" means the Department of Agriculture of  
19 the Commonwealth.

20 (10) "Desiccant" means any substance or mixture of  
21 substances intended for artificially accelerating the drying of  
22 plant tissue.

23 (11) "Device" means any instrument or contrivance (other  
24 than a firearm) which is intended for trapping, destroying,  
25 repelling, or mitigating any pest or any other form of plant or  
26 animal life (other than man and other than bacteria, virus, or  
27 other microorganism on or in living man or other living  
28 animals); but not including equipment used for the application  
29 of pesticides when sold separately therefrom.

30 (12) "Distribute" means to offer for sale, hold for sale,

1 sell, barter, or supply pesticides in this State.

2 (13) "Environment" includes water, air, land, and all plants  
3 and man and other animals living therein, and the  
4 interrelationships which exist among these.

5 (14) "Equipment" means any type of ground, water or aerial  
6 equipment or contrivance using motorized, mechanical or  
7 pressurized power and used to apply any pesticide on land and  
8 anything that may be growing, habitating or stored on or in such  
9 land, but shall not include any pressurized hand-sized household  
10 apparatus used to apply any pesticide, or any equipment or  
11 contrivance of which the person who is applying the pesticide is  
12 the source of power or energy in pesticide application.

13 (15) "Establishment" means any place where a pesticide or  
14 device is produced, or held, for distribution or sale.

15 (15.1) "Experimental use pesticide" means a pesticide that  
16 has not yet been fully approved by the Commonwealth and the  
17 Federal Environmental Protection Agency and is allowed to be  
18 used on an experimental basis with a permit.

19 (16) "Fungus" means any non-chlorophyll bearing thallophyte  
20 (that is, any non-chlorophyll bearing plant of a lower order  
21 than mosses and liverworts), as for example, rust, smut, mildew,  
22 mold, yeast, and bacteria, except those on or in living man or  
23 other animals and those on or in processed food, beverages, or  
24 pharmaceuticals.

25 (16.1) "General use pesticide" means any pesticide that is  
26 not classified as either a restricted use or experimental use  
27 pesticide.

28 (17) "Highly toxic" means any highly toxic pesticide as  
29 determined by the administrator.

30 (18) "Imminent hazard" means a situation which exists when

1 the continued use of a pesticide during the time required for  
2 cancellation proceeding would be likely to result in  
3 unreasonable adverse effects on people and the environment or  
4 will involve unreasonable hazard to the survival of a species  
5 declared endangered by the Secretary of the Interior of the  
6 United States under Public Law 91-135.

7 (19) "Inert ingredient" means an ingredient which is not  
8 active.

9 (20) "Ingredient statement" means a statement which  
10 contains:

11 (i) the name and percentage of each active ingredient, and  
12 the total percentage of all inert ingredients, in the pesticide;  
13 and

14 (ii) if the pesticide contains arsenic in any form, a  
15 statement of the percentages of total and water soluble arsenic,  
16 calculated as elementary arsenic.

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

25 (22) "Label" means the written, printed, or graphic matter  
26 on, or attached to, the pesticide or device or any of its  
27 containers or wrappers.

28 (23) "Labeling" pertaining to pesticide registration means  
29 all labels and all other written, printed, or graphic matter:

30 (i) accompanying the pesticide or device at any time; or

1 (ii) to which reference is made on the label or in  
2 literature accompanying the pesticide or device, except to  
3 current official publications of the Federal Environmental  
4 Protection Agency, the United States Departments of Agriculture  
5 and Interior, the Department of Health, Education and Welfare,  
6 State experiment stations, State agricultural colleges, and  
7 other similar Federal or State institutions or agencies  
8 authorized by law to conduct research in the field of  
9 pesticides.

10 (24) "Land" means all land and water areas, including  
11 airspace, and all plants, animals, structures, buildings,  
12 contrivances, and machinery appurtenant thereto or situated  
13 thereon, fixed or mobile, including any used for transportation.

14 (24.1) "License" means written permission, issued by the  
15 department, to a business or person as authorized in sections  
16 12, 13 and 15.1 of this act.

17 (24.2) "Local agency" means a governmental unit other than  
18 the Commonwealth government. The term shall include, but not be  
19 limited to, a county, city, borough, town, township, school  
20 district or municipal authority.

21 (24.3) "Material Safety Data Sheet" or "MSDS" means a  
22 written document prepared by a manufacturer, supplier or  
23 importer for the purpose of transmitting information concerning  
24 a chemical.

25 (25) "Misbranded" means any pesticide which fails to be  
26 labeled in accordance with section 2, definitions - (q)  
27 misbranded - of the "Federal Insecticide, Fungicide and  
28 Rodenticide Act of 1947[, " as amended in 1972]."

29 (27) "Nematode" means invertebrate animals of the phylum  
30 nemathelminthes and class nematoda, that is unsegmented round

1 worms with elongated, fusiform, or saclike bodies covered with  
2 cuticle, and inhabiting soil, water, plants, or plant parts; may  
3 also be called nemas or eelworms.

4 (28) "Permit" means a written certificate, issued by the  
5 secretary or his authorized agent, authorizing the purchase,  
6 possession, and/or use of pesticides classified for restricted  
7 use by a private applicator.

8 (29) "Person" means any individual, partnership,  
9 association, corporation, or any organized group of persons  
10 whether incorporated or not.

11 (30) "Pest" means any insect, rodent, nematode, fungus,  
12 weed, or any other form of terrestrial or aquatic plant or  
13 animal life or virus, bacteria, or other microorganism (except  
14 viruses, bacteria, or other microorganisms on or in living man  
15 or other living animals) which the administrator declares to be  
16 a pest under section 25(c)(1) of the "Federal Insecticide,  
17 Fungicide and Rodenticide Act of 1947[, " as amended in 1972]."

18 (31) "Pesticide" means any substance or mixture of  
19 substances intended for preventing, destroying, repelling, or  
20 mitigating any pest, and any substance or mixture of substances  
21 intended for use as a plant regulator, defoliant, or desiccant.

22 (32) "Pesticide dealer" means any person who sells or  
23 distributes pesticides classified for "restricted use."

24 (33) "Pest management consultant" means any individual who  
25 is not a licensed applicator, and who for a fee offers, or  
26 supplies technical advice, supervision or aid, or makes  
27 recommendations to the user of pesticides classified for  
28 restricted use.

29 (34) "Plant regulator" means any substance or mixture of  
30 substances intended, through physiological action, for



1 accelerating or retarding the rate of growth or rate of  
2 maturation, or for otherwise altering the behavior of plants or  
3 the produce thereof, but shall not include substances to the  
4 extent that they are intended as plant nutrients, trace  
5 elements, nutritional chemicals, plant inoculants, and soil  
6 amendments. Also, the term "plant regulator" shall not be  
7 required to include any of such of those nutrient mixtures or  
8 soil amendments as are commonly known as vitamin-hormone  
9 horticultural products, intended for improvement, maintenance,  
10 survival, health, and propagation of plants, and as are not for  
11 pest destruction and are nontoxic, nonpoisonous in the undiluted  
12 packaged concentration.

13 (35) "Producer and produce". The term "producer" means the  
14 person who manufactures, prepares, compounds, propagates, or  
15 processes any pesticide or device. The term "produce" means to  
16 manufacture, prepare, compound, propagate, or process any  
17 pesticide or device.

18 (36) "Protect health and the environment" mean protection  
19 against any unreasonable adverse effects on people and the  
20 environment.

21 (37) "Registrant" means a person who has registered any  
22 pesticide pursuant to the provisions of this act.

23 (38) "Registration" includes reregistration.

24 (38.1) "Residential properties" include single dwellings,  
25 duplexes, triplexes, apartments, townhouses and condominiums.  
26 The term does not include farms, golf courses, arbors or  
27 orchards.

28 (38.2) "Residential use" means applying chemicals to lawns,  
29 trees and shrubs on residential properties.

30 (39) "Restricted use" means the use of a pesticide which is

1 classified as a restricted use pursuant to section 3(d) of the  
2 "Federal Insecticide, Fungicide and Rodenticide Act of 1947[,"  
3 as amended in 1972]."

4 (39.1) "Secretary" means the Secretary of Agriculture of the  
5 Commonwealth.

6 (39.2) "Summary sheet" means the condensation of a Material  
7 Safety Data Sheet, written in plain English.

8 (40) "Snails or slugs" includes all harmful mollusks.

9 (40.1) "Under the direct supervision of a certified  
10 commercial or public applicator," unless otherwise prescribed by  
11 labeling, means application by a registered pesticide  
12 application technician acting under the instructions and control  
13 of a certified applicator who is available if and when needed,  
14 even though such certified applicator is not physically present  
15 at the time and place the pesticide is applied, or application  
16 by a crew of noncertified or nonregistered employees working  
17 under the instruction and control of a certified commercial or  
18 public applicator who is physically present at the job site.

19 (41) "Unreasonable adverse effects on the environment" means  
20 any unreasonable risk to man or the environment, taking into  
21 account the health, economic, social, and environmental costs  
22 and benefits of the use of any pesticide.

23 (42) "Weed" means any plant which grows where not wanted.

24 (43) "Wildlife" means all living things that are neither  
25 human, domesticated, nor, as defined in this act, pests;  
26 including, but not limited to mammals, birds, and aquatic life.

27 Section 7. Determinations; Rules and Regulations; Classified  
28 for Restricted Use and General Use; and Uniformity.--(a) The  
29 secretary is authorized, after due notice and an opportunity for  
30 a hearing or public comment:

(1) To declare as a pest any form of plant or animal life (except virus, bacteria, or other microorganisms on or in living man or other living animals) which is injurious to man, desirable animals, desirable plants, and land; and

(2) To determine pesticides, and quantities of substances contained in pesticides, which are injurious to people and the environment. The secretary shall be consistent with the Federal Environmental Protection Agency regulations in this determination.

(b) The secretary is authorized, after due notice and a public hearing or public comment, to adopt appropriate regulations for carrying out the provisions of this act, including but not limited to regulations providing for:

(1) The collection, examination, and reporting of samples of pesticides or devices.

(2) The safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers consistent with "Federal Insecticide, Fungicide and Rodenticide Act of 1947[, " as amended in 1972]."

(3) Restricting or prohibiting the use of certain types of containers or packages for pesticides not federally registered. These restrictions may apply to type of construction, strength, and/or size to alleviate danger of spillage, breakage, or misuse. The secretary shall be consistent with Federal regulations concerning pesticide containers.

(4) Labeling requirements of all pesticides not federally registered required to be registered under provisions of this act.

(5) Regulating the labeling of devices.

(6) Adopting lists of pesticides classified for restricted

1 and general use for the Commonwealth or for designated areas  
2 within the Commonwealth if the secretary determines that such  
3 pesticides may require regulations restricting or prohibiting  
4 their distribution or use. Such lists are to be consistent with  
5 Federal lists unless there is a local need or imminent hazard.  
6 The secretary may include in the regulation the time and  
7 conditions of distribution or use of such pesticides classified  
8 for restricted or general use and may, if he deems it necessary  
9 to carry out the purpose and provisions of this act, require  
10 that any or all pesticides classified for restricted or general  
11 use shall be purchased, possessed, or used only under the permit  
12 of the secretary and under his direct supervision in certain  
13 areas and/or under certain conditions or in certain quantities  
14 or concentrations.

15 (c) Such rules and regulations shall be adopted pursuant to  
16 the provisions of the act of July 31, 1968 (P.L.769, No.240),  
17 known as the "Commonwealth Documents Law."

18 (d) For the purpose of uniformity of requirements between  
19 the states and the Federal Government, and to avoid confusion  
20 endangering people and the environment, the secretary may, after  
21 a public hearing or public comment, adopt regulations in  
22 conformity with the primary pesticide standards, particularly as  
23 to labeling, registration requirements, and pesticides  
24 classified for restricted use as established by the Federal  
25 Environmental Protection Agency or other Federal or Commonwealth  
26 agencies.

27 (e) Nothing in this act shall be construed as requiring the  
28 secretary to report minor violations of this act for prosecution  
29 or for the institution of condemnation proceedings when he  
30 believes that the public interest will be served best by a

1 suitable notice of warning in writing. However, the secretary  
2 shall maintain an appropriate record of all violations  
3 identified as a result of use observations, misuse  
4 investigations or by inspectors in the normal conduct of their  
5 duties.

6 Section 16.1. Standards of Qualifications for Certification  
7 of Commercial Applicators.--No individual shall be certified  
8 competent to apply or supervise the application of any pesticide  
9 for any purpose unless he has demonstrated his competence to  
10 apply pesticides in the proper certification category. Each  
11 category shall be subject to separate written testing  
12 procedures, requirements and examination fees and shall  
13 demonstrate minimum standard proficiency on the basis of a  
14 written examination conducted at an approved test site under  
15 direction of the department or its designated agents. The  
16 secretary shall require a fee not to exceed fifty dollars (\$50)  
17 for the basic core examination for certified applicators, and an  
18 additional fee not to exceed ten dollars (\$10) shall be charged  
19 for each additional category in which the applicant desires to  
20 be certified. An annual fee of thirty dollars (\$30) shall be  
21 charged when the certification does not require an examination.  
22 Certifications shall be valid for one calendar year. The  
23 secretary shall promulgate rules and regulations pertaining to:

24 (1) Written examination requirements for obtaining an  
25 applicator's certification. Each applicant for certification  
26 shall demonstrate knowledge and competence as to:

27 (i) Identification of pests to be controlled and the damages  
28 caused by such pests.

29 (ii) The appropriate control measures to be used, including  
30 pesticides, nonchemical means and integrated pest management

1 technique.

2 (iii) The hazards that may be involved in applying  
3 pesticides, so as to protect people and the environment.

4 (iv) The proper use of pesticide application equipment,  
5 including calibration and dosage calculations.

6 (v) Protective clothing and respiratory equipment required  
7 during application and handling of pesticides.

8 (vi) General precautions to be followed in cleaning and  
9 maintaining equipment used.

10 (vii) Transportation, storage and disposal of pesticides.

11 (viii) Applicable Federal and State pesticide laws and  
12 regulations.

13 (2) Renewal of applicator's certificates shall be on the  
14 basis of attendance at approved courses. Such courses shall  
15 include, at a minimum, a review of certification course subject  
16 matter, but shall not include a written examination.

17 Section 25.1. Additional Regulatory Authority.--(a) The  
18 secretary shall, after due notice and public comment, adopt  
19 appropriate regulations providing for:

20 (1) The control of the aerial application of [restricted  
21 use] pesticides to rights-of-way only after notice in a  
22 newspaper of general circulation in the affected area, at least  
23 one week prior to the date of application. This regulation shall  
24 include, but not be limited to:

25 (i) Minimum spraying distances.

26 (ii) Procedural prohibitions and restrictions relating to  
27 weather conditions.

28 (2) The prior notification by commercial applicators to  
29 individuals residing in dwellings on land contiguous to a  
30 [restricted use] pesticide application site[.] or on residential

1 properties within a one-half-mile radius of an application site  
2 where medically certified chemically sensitive individuals have  
3 registered with the central registry system, as provided for in  
4 sections 4(8.1) and 25.2. The secretary, by regulations, shall  
5 determine the appropriate mechanism for and the timing and form  
6 of notification.

7 (3) Regulations to prohibit the application of restricted  
8 use pesticides within one hundred feet of certain publicly owned  
9 or designated lands unless a waiver is granted. The secretary  
10 may grant a waiver if an applicant demonstrates that:

11 (i) The application of the specified pesticide is necessary  
12 and will result in a demonstrated public benefit.

13 (ii) The application of the pesticide will not cause adverse  
14 impact on the use of the area to be protected.

15 (iii) The application of the pesticide will not result in  
16 the destruction or loss of any rare or endangered flora or fauna  
17 or significant natural community existing in the protected area.

18 (b) The protected publicly owned or designated area under  
19 this section shall include:

20 (1) Designated natural areas on State forest lands.

21 (2) Areas designated on Pennsylvania's Natural Diversity  
22 Inventory containing rare or endangered species or significant  
23 natural communities.

24 Section 2. The act is amended by adding sections to read:

25 Section 25.2. Notification.--(a) Any person residing on  
26 residential property may request to be notified of the date of  
27 an application of any pesticide on any residential property  
28 contiguous to his or her residence or where medically certified  
29 chemically sensitive individuals have registered with the  
30 central registry system for notification of pesticide

1 application within a one-half mile radius of an application  
2 site.

3 (b) No less than forty-eight hours notice in writing or by  
4 direct phone contact shall be given by the commercial applicator  
5 proposing to apply the pesticide to any person requesting such  
6 notice. The notice shall state, within one hour, the time of the  
7 proposed spraying.

8 (c) A request for prior notice may be made by making the  
9 request directly to the commercial applicator or by registering  
10 in the central registry system.

11 (d) Commercial applicators shall consult the central  
12 registry system monthly for updates before any proposed  
13 application.

14 (e) A person who has requested and been given notice shall  
15 have the right to make a request for a new date and time for  
16 spraying by any commercial applicator acceptable to both the  
17 requestor and the applicator.

18 (f) If for any reason the proposed residential spraying  
19 cannot be carried out at the time stated in the notice required  
20 by subsection (b), the commercial applicator shall, by direct  
21 phone contact or any other means, promptly so inform the persons  
22 who have requested notice of the proposed spraying and, at that  
23 time or as soon as a new date is set, inform them of the new  
24 date and time.

25 (g) This section shall not apply when spraying is done on  
26 farms.

27 Section 25.3. Contracts.--All licensees shall, prior to  
28 application on residential property, have a written contract  
29 with their customers. The contract shall include information  
30 about all the chemicals to be applied. The information shall be



1 either complete label information or summary sheet. Such  
2 information, in addition to being set forth in the contract,  
3 shall be given to the customers prior to each application. For  
4 the sake of informed consent, all licensees must provide  
5 information that there exists alternatives to chemical spraying,  
6 such as organic alternatives, as well as integrated pest  
7 management. The contract shall also include complete information  
8 about the responsibility of displaying a sticker or sign and  
9 complete information about the responsibility of notifying  
10 persons who request to be notified. After entering into a  
11 contract the customer shall display a sticker or sign on a front  
12 window or other easily seen portion of a residential property  
13 containing the name of the licensee, so that there will be no  
14 danger of misapplication. The sticker or sign shall be  
15 recognizable from the nearest street.

16 Section 25.4. Odor.--No pesticide shall be applied unless it  
17 has a clearly perceptible odor. The odor may either be from the  
18 pesticide itself or from one of the inert ingredients.

19 Section 25.5. Application of Pesticides in or near  
20 Schools.--No pesticide shall be applied in or on school grounds  
21 at any time that students, teachers or administrative staff are  
22 in the school.

23 Section 25.6. Posting of Signs.--(a) Signs shall be posted  
24 at least forty-eight hours before any pesticide application. The  
25 signs shall be posted on the perimeter of the property to be  
26 sprayed at reasonable intervals and shall be not less than nine  
27 inches by twelve inches in size, printed on both sides. One sign  
28 shall be posted and readable by the main access to the property  
29 and any other major thoroughfare. Posting of signs shall be  
30 required for all applicators, including residential applicators.

Applicators must include on the signs that are posted prior to the application the following:

(1) The name and phone number of their company in the case of a licensee, or the name and home phone number in the case of a residential applicator.

(2) The name of the pesticide or active ingredient that will be sprayed.

(3) The date and time of proposed applications.

(b) After any application of a pesticide, signs shall be posted on the perimeter of the property sprayed. Such signs shall be the same size and posted in the same manner as provided in subsection (a), and shall remain in place for at least forty-eight hours. These signs shall include the following:

(1) The name of the commercial applicator applying the chemical.

(2) The names of the pesticides or the active and inert ingredients.

(3) The address and phone number of the Pennsylvania poison control center or the nearest local poison control center.

(4) A "Mr. Yuk" symbol.

(5) Health, safety and medical information or labels or summary sheet to provide the health, safety and medical information in plain English as prescribed by the secretary by regulation.

(c) Information on pesticides which is required to appear on signs shall be supplied by and obtained from the manufacturer.

(d) A residential applicator using nonchemical biological products and integrated pest management techniques shall be exempt from the posting requirements of this section.

(e) The secretary may, by regulation, determine what

additional information should be included on the signs and may, by regulation, determine more specifically colors or additional areas where signs are to be posted.

(f) When the application is by a commercial applicator, both the customer and the commercial applicator shall be responsible to see that the signs are posted before and after the spraying. No application shall be made unless they have confirmed that the signs have been posted.

(g) It shall be unlawful for anyone to remove, alter or deface a sign that has been so posted or to conspire with another to remove, alter or deface a sign. The customer or licensee shall not be held liable for any penalty for sign removal if the sign is removed by another person under circumstances over which the customer or licensee has no control.

(h) At the time of purchase of lawn chemicals from a retail outlet, the retail outlet shall provide each purchaser of lawn chemicals with a sign of the type specified in this section and a written notice explaining the use of the sign, the requirements of this section, and alternatives to the chemicals which are available.

(i) If a property owner has services performed on the exterior of his or her property within seven days after the application of a pesticide it shall be his or her duty to inform the person performing the services of the application and the name of the pesticide applied.

Section 25.7. Indoor Pesticide Applications.--A permanent notice of the application of pesticides shall be conspicuously posted near the entrance in all buildings open to the public, including, but not limited to, health care facilities,

1 restaurants, hotels and motels, schools, places of worship and  
2 public meeting places, malls, department stores, food stores and  
3 the work place. The notice shall include the date and time of  
4 the application of a pesticide, the name of the pesticide used,  
5 possible adverse health effects and the date of the next  
6 proposed application.

7 Section 25.8. Vehicles Transporting Pesticides.--Any  
8 commercial vehicle transporting pesticides shall, by decal or  
9 otherwise, display on both sides of the cab, a list of the  
10 chemical contents of the pesticide in order to enable emergency  
11 personnel to take proper action in the event of an accident or  
12 leakage.

13 Section 3. This act shall take effect in 60 days.