

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1648 Session of
1989

INTRODUCED BY BISHOP, KUKOVICH, TRELLO, PISTELLA, ROBINSON,
GIGLIOTTI, FOX, BELARDI, JOSEPHS, HALUSKA AND JAMES,
JUNE 7, 1989

REFERRED TO COMMITTEE ON CONSERVATION, JUNE 7, 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 classification of pesticides.

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

10 Section 1. Section 7 of the act of March 1, 1974 (P.L.90,
11 No.24), known as the Pennsylvania Pesticide Control Act of 1973,
12 amended December 12, 1986 (P.L.1542, No.167), is amended to
13 read:

14 Section 7. Determinations; Rules and Regulations; Classified
15 for Restricted Use; and Uniformity.--(a) The secretary is
16 authorized, after due notice and an opportunity for a hearing or
17 public comment:

18 (1) To declare as a pest any form of plant or animal life
19 (except virus, bacteria, or other microorganisms on or in living
20 man or other living animals) which is injurious to man,

1 desirable animals, desirable plants, and land; and

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

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

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

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

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

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

25 (5) Regulating the labeling of devices.

26 (6) Adopting lists of pesticides classified for restricted
27 use for the Commonwealth or for designated areas within the
28 Commonwealth if the secretary determines that such pesticides
29 may require regulations restricting or prohibiting their
30 distribution or use. Such lists are to be consistent with

1 Federal lists unless there is a local need or imminent hazard.
2 Lists under this paragraph shall proscribe the use of any
3 pesticide which has daminozide as its active ingredient. The
4 secretary may include in the regulation the time and conditions
5 of distribution or use of such pesticides classified for
6 restricted use and may, if he deems it necessary to carry out
7 the purpose and provisions of this act, require that any or all
8 pesticides classified for restricted use shall be purchased,
9 possessed, or used only under the permit of the secretary and
10 under his direct supervision in certain areas and/or under
11 certain conditions or in certain quantities or concentrations.

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

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

23 (e) Nothing in this act shall be construed as requiring the
24 secretary to report minor violations of this act for prosecution
25 or for the institution of condemnation proceedings when he
26 believes that the public interest will be served best by a
27 suitable notice of warning in writing. However, the secretary
28 shall maintain an appropriate record of all violations
29 identified as a result of use observations, misuse
30 investigations or by inspectors in the normal conduct of their

1 duties.

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