

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2892 Session of
1992

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MELIO, RUDY, McHALE, PRESTON AND BELARDI, JULY 2, 1992

REFERRED TO COMMITTEE ON EDUCATION, JULY 2, 1992

AN ACT

1 Providing for advance notification of pesticide application
2 within schools, school grounds, athletic fields and
3 playgrounds.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Pesticide
8 Notification Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Applicator." A certified applicator, private applicator,
14 commercial applicator or public applicator.

15 "Board." The Pesticide Advisory Board.

16 "Certified applicator." An individual who is certified under
17 section 16.1, 17 or 17.1 of the act of March 1, 1974 (P.L.90,

1 No.24), known as the Pennsylvania Pesticide Control Act of 1973,
2 as competent to use or supervise the use or application of any
3 pesticide.

4 "Commercial applicator." A certified applicator, whether or
5 not he is a private applicator with respect to some uses, who
6 uses or supervises the use of any pesticide on the property or
7 premises of another or on easements granted under State law, or
8 any applicator who uses or supervises the use of any restricted-
9 use pesticide on property owned or rented by him or his
10 employer, when not for purposes of producing an agricultural
11 product. The Secretary of Agriculture may by regulation deem
12 certain types of applicators using any pesticide on their own
13 property or that of their employer as commercial applicators.

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

16 "Indoor treatment." A treatment that includes an outside
17 perimeter treatment of the building if the primary purpose of
18 the treatment is to treat the inside of the building. The
19 Secretary of Agriculture shall define a perimeter treatment by
20 regulation and shall adopt the definitions provided in Federal
21 law.

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

29 "Integrated pest management plan." A decision-making process
30 which includes inspection and pest identification, monitoring of

1 pest and beneficial insect populations and recordkeeping of
2 same, injury-level assessment to determine when treatment is
3 needed, treatment selection and application with pest prevention
4 methods, such as habitat modification and sanitation measures,
5 and nontoxic controls being the primary selections and
6 evaluation of results.

7 "Land." All land and water areas, including airspace, and
8 all plants, animals, structures, buildings, contrivances and
9 machinery appurtenant thereto or situated thereon, fixed or
10 mobile, including any used for transportation.

11 "License." Written permission issued by the Department of
12 Agriculture to a business or person as authorized under the act
13 of March 1, 1974 (P.L.90, No.24), known as the Pennsylvania
14 Pesticide Control Act of 1973.

15 "Nematode." Invertebrate animals of the phylum
16 Nemathelminthes and class Nematoda, that is, unsegmented round
17 worms with elongated, fusiform or saclike bodies covered with
18 cuticle and inhabiting soil, water, plants or plant parts; may
19 also be called nemas or eelworms.

20 "Permit." A written certificate issued by the Secretary of
21 Agriculture or his authorized agent authorizing the purchase,
22 possession or use of pesticides classified for restricted use by
23 a private applicator.

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

27 "Pest." An insect, rodent, nematode, fungus, weed or other
28 form of terrestrial or aquatic plant or animal life or virus,
29 bacteria or other micro-organism, except viruses, bacteria or
30 other micro-organisms on or in living man or other living

1 animals, which the administrator declares to be a pest under
2 section 25(c)(1) of the Federal Insecticide, Fungicide, and
3 Rodenticide Act (61 Stat. 163, 7 U.S.C. § 136 et seq.).

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

8 "Pest management consultant." An individual who is not a
9 licensed applicator and who for a fee offers or supplies
10 technical advice, supervision or aid or makes recommendations to
11 the user of pesticides classified for restricted use.

12 "Pesticide." A substance or mixture of substances intended
13 for preventing, destroying, repelling or mitigating any pest and
14 a substance or mixture of substances intended for use as a plant
15 regulator, defoliant or desiccant.

16 "Pesticide application technician." An individual employed
17 by a commercial applicator or governmental agency who, having
18 met the competency requirements as set forth in the act of March
19 1, 1974 (P.L.90, No.24), known as the Pennsylvania Pesticide
20 Control Act of 1973, is registered by the Secretary of
21 Agriculture to apply any pesticides under the direct supervision
22 of a certified applicator.

23 "Private applicator." A certified applicator who uses or
24 supervises the use of any pesticide which is classified for
25 restricted use for purposes of producing any agricultural
26 commodity on property owned or rented by him or his employer or,
27 if applied without compensation other than trading of personal
28 services between producers of agricultural commodities, on the
29 property of another person.

30 "Public applicator." A certified applicator who applies

1 pesticides as an employee of the Commonwealth or its
2 instrumentalities or any local agency.

3 "School." A public or private elementary or secondary school
4 wherein a resident of this Commonwealth may fulfill the
5 compulsory school attendance requirements and which meets the
6 applicable requirements of Title IV of the Civil Rights Act of
7 1964 (Public Law 88-352, 78 Stat. 241). The term also includes a
8 kindergarten program operated by a school.

9 "Secretary." The Secretary of Agriculture of the
10 Commonwealth.

11 Section 3. Notification of pesticide treatments at schools.

12 (a) Indoor treatment.--For an indoor treatment at a school
13 building, the certified applicator or technician shall supply
14 the pest control information and a pest control sign, which
15 shall be at least 8 1/2 by 11 inches in size, to the chief
16 administrator or building manager. The chief administrator or
17 building manager shall notify all employees who work in the
18 building by doing all of the following:

19 (1) Posting the sign in an area of common access that
20 the individuals are likely to check on a regular basis at
21 least seven days before and for at least two days following
22 each planned treatment.

23 (2) Providing the information sheet to every individual
24 working in the building.

25 (3) Providing notice in writing to the parents or
26 guardians of the students enrolled in that school. The notice
27 shall include the name, address and telephone number of the
28 applicator applying the treatment.

29 (b) Outdoor treatment.--For an outdoor treatment to be
30 applied anywhere on the school grounds, including, but not

1 limited to, athletic fields or playgrounds, the certified
2 applicator or technician shall supply the pest control
3 information sheet and a pest control sign, which shall be at
4 least 8 1/2 by 11 inches in size, to the chief administrator or
5 grounds manager. The pest control sign shall be posted at the
6 field or playground to be treated at least seven days before and
7 for two days after the planned treatment.

8 (c) Notification.--Personnel at a school with an athletic
9 field or a playground to be treated are required to notify in
10 writing the parents or guardians of the children attending the
11 school at the time the child is registered of the following:

12 (1) The school periodically applies pesticides indoors
13 and on school grounds.

14 (2) Information on the application of pesticides is
15 available at the request of the parents or guardians.

16 (d) Records.--Each school district shall maintain detailed
17 records of all chemical pest control treatments for a period of
18 at least 30 years so that chronic health problems suffered by
19 school personnel and students can be monitored.

20 (e) Integrated plan.--Each school district shall, on or
21 before September 1, 1995, adopt an integrated pest management
22 plan that incorporates the standards developed by the secretary.

23 (f) Standards.--The board shall assist the secretary in
24 developing standards for the integrated pest management plan. In
25 developing these standards, the board shall consult with a
26 person who is knowledgeable in the area of integrated pest
27 management in schools. The standards shall include the
28 following:

29 (1) A requirement that the least toxic methods available
30 to control pests, rodents, insects and weeds be used.

1 (2) A list of products that a school district is allowed
2 to use in its application.

3 (g) Restriction on application.--The secretary shall require
4 that a pesticide may be applied in a school building or on
5 school grounds only during periods in which students are not
6 expected for normal academic instruction or organized
7 extracurricular activities for at least 24 hours following the
8 application.

9 Section 4. Effective date.

10 This act shall take effect in 60 days.