

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 705 Session of  
2001

INTRODUCED BY GREENLEAF, STOUT, BELL, BOSCOLA, CONTI, COSTA,  
DENT, GERLACH, HOLL, HUGHES, KASUNIC, KITCHEN, KUKOVICH,  
LAVALLE, LOGAN, SCHWARTZ, STACK, TARTAGLIONE, TILGHMAN,  
TOMLINSON, WAGNER AND C. WILLIAMS, MARCH 23, 2001

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 8, 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.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding a  
11 section to read:

12 ~~Section 772.1. Integrated Pest Management Programs. (a)~~ <—

13 ~~The following apply to pesticide applicators:~~

14 ~~(1) For a pesticide treatment at a school building, the~~  
15 ~~certified applicator or pesticide application technician shall~~  
16 ~~supply the pest control information sheet and a pest control~~  
17 ~~sign, which must be at least eight and one half by eleven (8 1/2~~  
18 ~~by 11) inches in size, to the chief administrator or building~~

1 ~~manager.~~

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

8 ~~(b) Responsibilities of schools are as follows:~~

9 ~~(1) Each public school district shall, by July 1, 2002,~~

10 ~~SECTION 772.1 INTEGRATED PEST MANAGEMENT PROGRAMS.--(A) <—~~

11 ~~EACH PUBLIC SCHOOL DISTRICT SHALL, BY JULY 1, 2002, adopt an <—~~

12 ~~EACH SCHOOL SHALL, BY JANUARY 1, 2003, ADOPT AN integrated pest <—~~

13 ~~management plan in accordance with the integrated pest~~

14 ~~management policies established by the department on the~~

15 ~~effective date of this section, until regulations are~~

16 ~~promulgated by the department.~~

17 ~~(2) Except as provided in clause (4), notification of <—~~

18 ~~pesticide treatments shall be as follows:~~

19 ~~(i) For a pesticide treatment at a school building, the~~

20 ~~school shall be responsible for all of the following:~~

21 ~~(A) Posting the pest control sign received under subsection~~

22 ~~(a)(1) in an area of common access where individuals are likely~~

23 ~~to view the sign on a regular basis at least seventy two (72)~~

24 ~~hours before and for at least two (2) days following each~~

25 ~~planned treatment.~~

26 ~~(B) Providing the pest control information sheet received~~

27 ~~under subsection (a)(1) 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~~

~~1 telephone number of the applicator providing the treatment, day  
2 of treatment and pesticide to be utilized, to the parents or  
3 guardians of students enrolled in the school at least seventy-  
4 two hours before each planned treatment as follows:~~

~~5 (1) Notice to all parents or guardians utilizing normal  
6 school communications procedures; or~~

~~7 (2) Notice to a list of interested parents or guardians who,  
8 at the beginning of each school year, or upon the child's  
9 enrollment, requested notification of individual application of  
10 pesticides. The school shall provide procedures or materials for  
11 such requests to parents and guardians of students. Notification  
12 of each pesticide application shall be provided using first  
13 class mail or other means deemed appropriate by the school to  
14 each parent or guardian requesting notification.~~

~~15 (ii) For a pesticide treatment on school grounds, the school  
16 shall be responsible for all of the following:~~

~~17 (A) Posting the pest control sign received under subsection  
18 (a)(2) at the place to be treated at least seventy two (72)  
19 hours before and for two (2) days after the planned treatment.~~

~~20 (B) Providing the pest control information sheet received  
21 under subsection (a)(2) to every individual working in the  
22 school building at least seventy two (72) hours before each  
23 planned treatment.~~

~~24 (C) Providing notice, including the name, address and  
25 telephone number of the applicator providing the treatment, day  
26 of treatment and pesticide to be utilized, to the parents or  
27 guardians of students enrolled in the school at least seventy-  
28 two hours before each planned treatment as follows:~~

~~29 (1) Notice to all parents or guardians utilizing normal  
30 school communications procedures; or~~

~~(2) 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 employes, 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 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 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) and subsection (c) do not apply to the application of:~~

~~(i) disinfectant and antimicrobial products;~~

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

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

~~(c) The following prohibitions shall apply:~~

~~(1) Except as provided in clause (2), pesticides may not be~~

~~1 applied within a school building where students are expected to  
2 be present for normal academic instruction or organized  
3 extracurricular activities within seven hours following the  
4 application, or on the school or on school grounds where  
5 students will be in the immediate vicinity for normal academic  
6 instruction or organized extracurricular activities within seven  
7 hours following the application. The applicator shall also  
8 comply with re entry time restrictions contained on the  
9 pesticide label.~~

~~10 (2) Students may not be present in an untreated portion of  
11 the school building unless the area being treated has a separate  
12 ventilation system and is separated from the untreated portion  
13 by smoke or fire doors, or is a separate building.~~

~~14 (d) (B) The department shall do all of the following:~~ <—

~~15 (1) Maintain a Hypersensitivity Registry to assist in the  
16 notification of students and employes who are especially  
17 sensitive to pesticides.~~

~~18 (2) Designate an integrated pest management coordinator  
19 within the department to assist schools in the adoption and  
20 administration of integrated pest management plans.~~

~~21 (3) Prepare a standard structural integrated pest management  
22 agreement and distribute the standard agreement to schools.~~

~~23 (4) Provide other materials and assistance to school  
24 districts to aid schools and school districts in developing  
25 SCHOOLS TO AID THEM IN DEVELOPING integrated pest management  
26 plans.~~ <—

~~27 (5) Promulgate regulations, consistent with its policies in  
28 effect on the date of this section, to assist schools in  
29 implementing their responsibilities under this section.~~ <—

~~30 (e) (C) The following words and phrases when used in this~~ <—

1 section shall have the meanings given to them in this subsection  
2 unless the context clearly indicates otherwise:

3 "Applicator."— A certified applicator, commercial applicator <—  
4 or public applicator.

5 "Certified applicator."— An individual who is certified under  
6 section 16.1, 17 or 17.1 of the act of March 1, 1974 (P.L.90,  
7 No.24), known as the "Pennsylvania Pesticide Control Act of  
8 1973," as competent to use or supervise the use or application  
9 of any pesticide.

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

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

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 (6) legs,  
28 as, for example, spiders, mites, ticks, centipedes and wood  
29 lice.

30 "Integrated pest management plan." A plan which establishes

1 a sustainable approach to managing pests by combining  
2 biological, cultural, physical and chemical tools in a way which  
3 minimizes economic, health and environmental risks.

4 ~~"Nematode." An invertebrate animal of the phylum~~ <—  
5 ~~Nemathelminthes and class Nematoda, that is, unsegmented round~~  
6 ~~worms with elongated, fusiform or sac like bodies covered with~~  
7 ~~cuticle and inhabiting soil, water, plants or plant parts. The~~  
8 ~~term includes nemas and celworms.~~

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

12 "Pest." An insect, rodent, nematode, fungus, weed or other  
13 form of terrestrial or aquatic plant or animal life or virus,  
14 bacteria or other micro-organism, except viruses, bacteria or  
15 other micro-organisms on or in living man or other living  
16 animals, declared to be a pest under section 25(c)(1) of the  
17 Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat.  
18 163, 7 U.S.C. § 136w).

19 ~~"Pest control information sheet." A document which contains~~ <—  
20 ~~the date of treatment, the name, address and telephone number of~~  
21 ~~the applicator, the pesticide utilized and any other information~~  
22 ~~that is required by the Secretary of Agriculture.~~

23 "Pesticide." A substance or mixture of substances intended  
24 for preventing, destroying, repelling or mitigating a pest and a  
25 substance or mixture of substances intended for use as a plant  
26 regulator, defoliant or desiccant.

27 ~~"Pesticide application technician." An individual employed~~ <—  
28 ~~by a commercial applicator or governmental agency who, having~~  
29 ~~met the competency requirements as set forth in the act of March~~  
30 ~~1, 1974 (P.L.90, No.24), known as the "Pennsylvania Pesticide~~

1 ~~Control Act of 1973," is registered by the Secretary of~~  
2 ~~Agriculture to apply pesticides under the direct supervision of~~  
3 ~~a certified applicator.~~

4 ~~"Public applicator." A certified applicator who applies~~  
5 ~~pesticides as an employe of the Commonwealth or its~~  
6 ~~instrumentalities or a local agency.~~

7 ~~"School." A school district, an intermediate unit, an area~~  
8 ~~vocational-technical school or any of these entities acting~~  
9 ~~jointly.~~

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