
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~~
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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
26 treatment, day
27 of treatment and pesticide to be utilized, to the parents
28 or
29 guardians of students enrolled in the school at least
30 seventy-
20010S0705B1860 two hours before each planned treatment as follows:
- 3 -
(1) Notice to all parents or guardians utilizing
normal
school communications procedures; or

1 (2) Notice to a list of interested parents or
2 guardians who,
3 at the beginning of each school year, or upon the child's
4 enrollment, requested notification of individual
5 application of
6 pesticides. The school shall provide procedures or
7 materials for
8 such requests to parents and guardians of students.
9 Notification
10 of each pesticide application shall be provided using
11 first
12 class mail or other means deemed appropriate by the
13 school to
14 each parent or guardian requesting notification.
15 (iii) Notwithstanding any other provision of this
16 section,
17 where pests pose an immediate threat to the health and
18 safety of
19 students or employees, the school may authorize an
20 emergency
21 pesticide application. In the case of an emergency
22 pesticide
23 application, the school shall notify by telephone any
24 parent or
25 guardian who has requested such notification. School
26 officials
27 shall annually advise parents of their right to request
28 notification of emergency pesticide use and shall explain
29 procedures for requesting such notification.
30 (3) Except as provided in clause (4), each school
shall
31 maintain detailed records of all chemical pest control
32 treatments for a period of at least three (3) years.
33 (4) The notice and recordkeeping requirements in
34 clauses (2)
35 and (3) and subsection (c) do not apply to the
36 application of:
37 (i) disinfectant and antimicrobial products;

24 ~~(ii) self-contained baits placed in areas not~~
~~accessible~~
25 ~~to students and gel type baits placed in cracks, crevices~~
~~or~~
26 ~~voids, or~~
27 ~~(iii) swimming pool maintenance chemicals in the care~~
~~and~~
28 ~~maintenance of a swimming pool.~~
29 ~~(c) The following prohibitions shall apply:~~
30 ~~(1) Except as provided in clause (2), pesticides may~~
~~not be~~

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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 employees 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 <--
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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

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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 eelworms.
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~~

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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.

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