

# PUBLIC SCHOOL CODE OF 1949

Act of Mar. 10, 1949, P.L. 30, No. 14 *[as amended]*

*[Excerpts re pesticides]*

<https://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=1949&sessInd=0&smthLwInd=0&act=14&chpt=7&sctn=72&subsctn=1>

Section 772.1. Integrated Pest Management Programs.--a) Each school shall, by January 1, 2003, adopt an integrated pest management plan in accordance with the integrated pest management policies established by the department on the effective date of this section until regulations are promulgated by the department.

(b) The department shall do all of the following:

(1) Maintain a Hypersensitivity Registry to assist in the notification of students and employees who are especially sensitive to pesticides.

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

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

(4) Provide other materials and assistance to schools to aid them in developing integrated pest management plans.

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

(c) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

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

"Integrated pest management plan." A plan which establishes a sustainable approach to managing pests by combining biological, cultural, physical and chemical tools in a way which minimizes economic, health and environmental risks.

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

"Pesticide." A substance or mixture of substances intended for preventing, destroying, repelling or mitigating a pest and a substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. *[So pesticide includes herbicide]*

"School." A school district, an intermediate unit, an area vocational-technical school or any of these entities acting jointly. *[Presumably meaning any institution run by a school district or IU. This was written before charter schools expanded in PA, so interpretation may be unclear, as charter schools function as public schools in receiving public money but as private institutions in hiring and*

*contracting. Needs more research. We could make a map of all schools in the county that qualify for the conditions in this act, and that therefore HD gives a 300' buffer to.]*

(772.1 added Apr. 18, 2002, P.L.262, No.35)

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Section 772.2. Notification of Pesticide Treatments at Schools.--(a) The following apply to pesticide applicators:

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

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

(b) Responsibilities of schools are as follows:

(1) Except as provided in clause (3), notification of pesticide treatments shall be as follows:

(i) For a pesticide treatment at a school building, the school shall be responsible for all of the following:

(A) Posting the pest control sign received under subsection (a)(1) in an area of common access where individuals are likely to view the sign on a regular basis at least seventy-two (72) hours before and for at least two (2) days following each planned treatment.

(B) Providing the pest control information sheet received under subsection (a)(1) to every individual working in the school building at least seventy-two (72) hours before each planned treatment.

(C) Providing notice, including the name, address and telephone number of the applicator providing the treatment, day of treatment and pesticide to be utilized, to the parents or guardians of students enrolled in the school at least seventy-two (72) hours before each planned treatment as follows:

(I) notice to all parents or guardians utilizing normal school communications procedures; or

(II) 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.

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

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

(B) Providing the pest control information sheet received under subsection (a)(2) to every

individual working in the school building at least seventy-two (72) hours before each planned treatment.

(C) Providing notice, including the name, address and telephone number of the applicator providing the treatment, day of treatment and pesticide to be utilized, to the parents or guardians of students enrolled in the school at least seventy-two (72) hours before each planned treatment as follows:

(I) notice to all parents or guardians utilizing normal school communications procedures; or

(II) 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 employees, 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 or guardians of their right to request notification of emergency pesticide use and shall explain procedures for requesting such notification.

(2) Except as provided in clause (3), each school shall maintain detailed records of all chemical pest control treatments for a period of at least three (3) years. *[Should be subject to RTK]*

(3) The notice and recordkeeping requirements in clauses (1) and (2) 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):

(i) pesticides may not be applied within a school building where students are expected to be present for normal academic instruction or organized extracurricular activities within seven (7) hours following the application or on school grounds where students will be in the immediate vicinity for normal academic instruction or organized extracurricular activities within seven (7) hours following the application; or

(ii) the applicator shall comply with reentry time restrictions contained on the pesticide label; whichever time period is longer.

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

(d) The department shall promulgate such rules and regulations as necessary to administer this section.

(e) The following words and phrases when used in this section shall have the meanings given to

them in this subsection unless the context clearly indicates otherwise:

"Applicator." A certified applicator, commercial applicator or public applicator.

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

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

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

"Insect." Any of the numerous small invertebrate animals generally having a more or less obviously segmented body, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees and flies, and to other allied classes of arthropods whose members are wingless and usually have more than six (6) legs, as, for example, spiders, mites, ticks, centipedes and wood lice.

"Nematode." An invertebrate animal of the phylum Nematelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform or saclike bodies covered with cuticle and inhabiting soil, water, plants or plant parts. The term includes nemas and eelworms.

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

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

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

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

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

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

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

(772.2 added Apr. 18, 2002, P.L.264, No.36)