

● PENNSYLVANIA PESTICIDE CONTROL ACT OF 1973

STATUTORY CITATION: 3 Pa. Stat. §§ 111.21 – 112

RELATED REGULATIONS: 7 Pa. Code Ch. 128

GENERAL SUMMARY: Among other matters, the Pennsylvania Pesticide Control Act regulates the application and disposal of pesticides in the state, in part by requiring the licensing of pesticide application businesses, the registration of their employees, and the certification of certain private applicators. The Act also authorizes the state administering agency to adopt specific procedural controls over the use of pesticides, in the interest of individual and community-wide safety.

SPECIFIC TERMS AND CONDITIONS

LICENSING OF BUSINESSES — Every individual, firm or other entity in the business of applying pesticides commercially must have a license, issued by the state, specifying the categories of pesticide use in which the business may engage. Among other prerequisites to licensing, the applicant must furnish evidence of financial responsibility, in the form of a surety bond, liability insurance or comparable security. Likewise, an applicant must at all times have in its employ a certified applicator, an individual who has been examined by the state agency and found knowledgeable and competent in such areas as (1) identification of target pests, (2) appropriate pest control measures, (3) pesticide hazards, (4) proper use of application equipment, (5) protective clothing and devices, (6) precautions in cleaning and maintaining equipment, (7) transportation, storage and disposal of pesticides, and (8) applicable federal and state pesticide laws and regulations.

REGISTRATION OF TECHNICIANS — Non-certified employees of any business engaged in applying pesticides to someone else's property may apply pesticides only under the direct supervision of a certified applicator. Such employees must be formally registered as application technicians if they use pesticides where a certified applicator is not physically present on the site. Moreover, application technicians must annually undergo training in pest identification, proper use of pesticides, use and maintenance of equipment, use of protective gear, pesticide transportation and disposal, and state and federal pesticide regulations.

CERTIFICATION OF PRIVATE APPLICATORS — No one, including most farm operators, may use any restricted-use pesticide without first being certified by the state as a private applicator. Certification requires, among other conditions, passing a written examination covering product labeling, safety and health, environmental protection, pests, pesticides, integrated pest management, equipment, application techniques, and laws and regulations.

RECORDKEEPING — Licensed application businesses and private applicators are required to keep a complete and accurate record of each pesticide application they perform. The record must include such information as the date of application, the location and size of the area treated, the pesticide product used, and the amount and dosage applied.

PRIOR NOTIFICATIONS — Commercial applicators planning to apply a restricted-use pesticide for an agricultural purpose generally must either (1) publish a notice of the proposed application in two general-circulation newspapers in the affected area, (2) individually notify people living adjacent to the treatment area at least 18 hours prior to the application, or (3) post signs of prescribed size and content at entry points and along property borders at least 18 hours prior to the application. Signs must remain posted until the expiration of any restricted-entry period specified on the pesticide label.

SPECIAL NOTES OR ADVISORIES

EFFECT OF FEDERAL RULE CHANGES ON STATE APPLICATOR CERTIFICATION REQUIREMENTS — Effective March 6, 2017, amendments to the U.S. Environmental Protection Agency's regulations governing the certification of pesticide applicators (*see entry, U.S. — Pesticides & Agricultural Chemicals — General Application Standards*) may require state pesticide regulatory agencies to strengthen their requirements for the certification of commercial and private applicators of restricted-use pesticides. In general, existing state rules approved by EPA before the effective date of the new federal regulations will remain in effect until March 6, 2020. If, however, the state agency submits an amended certification plan before that date, the existing state rules will remain in effect until EPA has reviewed and responded to the plan, but generally no longer than two more years.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Division of Health and Safety, Bureau of Plant Industry, Pennsylvania Department of Agriculture, Harrisburg, Pennsylvania 17110 (717-772-5214)*. This agency is responsible for the licensing and certification of pesticide applicators in the state, and for assuring compliance with the limitations and duties applicable to their operations. Representatives of the Department may enter public or private property in order to sample pesticides, examine pesticide equipment, inspect lands exposed to pesticides, inspect storage and disposal areas, and investigate specific complaints of injury to humans or land. In addition to suspension and revocation of licensing and certification, the Department's enforcement tools include the power to assess civil money penalties and to initiate court action to restrain violations. The Act also prescribes criminal penalties for most such infractions.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

