

FREQUENTLY ASKED QUESTIONS CONCERNING IPM Plans and Pesticide Notification Legislation, ACTS 2002-35 AND 2002-36

Disclaimer: The answers to these questions are for guidance and information. If you need further clarification contact your school solicitor or the Pennsylvania Department of Agriculture at (717) 772-5217 for pesticide information and (717) 772-5204 for IPM Plan information.

Biocides

1. We use biocides in the air conditioning units on our buildings. Do the notification and posting requirements apply to their use?

Biocides, used as antimicrobials in areas (air filtration systems, etc.) in which students do not have access, are exempt from notification.

Effective date of legislation

2. When does the legislation take effect?

Schools need an IPM plan by January 1, 2003, and the notification and posting requirements also take effect January 1, 2003. Sample plans, guidelines and sign formats may be found at <http://paipm.cas.psu.edu/schools/schoolMangm.htm>.

Emergency applications

3. If a wasp nest is found under a sliding board on the school's playground, and a **certified pesticide applicator** sprays it with a pesticide such as "Raid," is notification and posting necessary and when can the area be used again?

This is considered an emergency situation according to Act 2002-36. After the pesticide is applied, the school shall notify by telephone any parent or guardian who has requested such notification, close that area of the playground for at least 7 hours and post a pest control sign at the site for 48 hours.

4. A contractor is working on a rooftop-ventilating unit, and when he opens it, sprays a wasp nest. Do the notification and posting requirements apply in this case?

This is also considered an emergency pesticide application according to Act 2002-36. After the application, those parents and guardians requesting notification must be notified by phone, and the area posted for 48 hours. If this unit were an air intake to the vent system, all common access areas affected by the unit would need evacuated for 7 hours.

Hypersensitivity Registry

5. What is the Hypersensitivity Registry and how can I get a copy for my district?

This is a listing of people mandated by the Pesticide Control Act of 1973 and maintained by the PDA who have had their hypersensitivity to pesticides verified by a physician and have asked to be included in the registry. People in the registry must be notified by the certified

applicator of any pesticide applications within 500 feet of their primary residence or secondary location. Copies of the registry are provided to each licensed commercial and public pesticide application business.

6. If we follow all the guidelines of the Hypersensitivity Registry and our school's notification list, can the people notified prevent the school from using the pesticides?

No, parents and guardians can keep the student home at the time of application, but they cannot stop you from using the pesticide.

Improper use of pesticides

7. A teacher uses a can of "Raid" to eliminate some ants in the corner of his/her classroom. Do the notification and posting requirements apply in this case?

First, the teacher would be in violation of the Pesticide Control Act of 1973 since only certified applicators may apply pesticides. Second, the room and any adjoining rooms sharing a common ventilation system must be evacuated and closed off for 7 hours. Third, because a pesticide was applied in a school by someone other than a certified pesticide applicator, the district could be penalized anywhere from a warning letter to a fine of up to \$10,000 depending on the situation. Finally, the room must now have a pest control sign posted for the next 48 hours, and the school must notify by phone all persons that requested such notification.

IPM plan

8. Does our IPM plan need approval by the Pennsylvania Department of Agriculture?

No, but the PDA is willing to review it and offer suggestions at the school district's request.

9. Where can I get more information about developing an IPM plan?

If your district has not yet received a copy of the manual, IPM for Pennsylvania Schools: A How-to Manual, it is available on the web as a PDF file at: <http://paipm.cas.psu.edu>.

There is also a sample IPM plan on web at: <http://paipm.cas.psu.edu>.

10. Where can I obtain a copy of the sample PSBA IPM Policy?

A copy is found in the manual, IPM for Pennsylvania Schools: A How-to Manual, and is also available at: <http://paipm.cas.psu.edu/schools/PSBApolicy.html>. A copy is also in the PSBA policy manual available in all member school districts.

Land adjacent to school

11. Our school district owns land adjacent to the school grounds that is leased to a farmer. Do the notification and posting requirements apply if the farmer uses pesticides?

No, for the purposes of the act the land will be not considered school grounds as it is not under the direct control of the district and is not covered under Act 36.

12. Do the notification and posting requirements apply if a neighbor to district property uses pesticides?

No, the act only addresses applications made on school property.

Non-public schools

13. Do private schools (or colleges, universities, day care centers, etc.) need to notify parents and guardians about pesticide applications and establish an IPM plan?

No, they are not included in the legislation. However, they are encouraged to develop IPM plans. A school as defined in the legislation is “a school district, an intermediate unit, an area vocational-technical school or any of these entities acting jointly.”

Notification

14. Does every parent and guardian need a 72-hour notification for every pesticide application in the school or on school grounds?

The PDA suggests generating a list of parents and guardians at the beginning of each school year requesting such notification of individual applications. A sample copy of a letter explaining how parents and guardians can be placed on the list is downloadable at: <http://paipm.cas.psu.edu/schoolmn/postform.doc>. Those notifications may be by first class mail, email, or other suitable means.

15. Pesticides need to be used where students do not have access such as the furnace room. Since this is not a common access area, do the notification and posting requirements apply?

Parents and guardians do not need notification, but employees in the building need notification and the area needs posting.

16. Can we send a list of dates of scheduled applications to all parents and guardians and employees at the beginning of the year to meet the notification requirements?

Yes, make sure the notice lists the pesticides that may be used as well as the applicator's name, address and phone number. Posting 72 hours prior to application and 48 hours after must still occur. If the dates must be changed due to weather or other conditions, additional notification must then be done.

17. Our Vocational Agriculture program includes training in the use of pesticides as part of the curriculum. If the students apply pesticides in the school greenhouse as part of the curriculum, do the notification and posting requirements apply?

Yes, and the 7-hour reentry time applies as well.

18. Our athletic fields are not fenced in. Where do the pest control signs need to be posted?

The PDA recommends posting the signs at common entry points as determined by the school IPM coordinator. A notice of placement of signs could be posted on the staff bulletin board and sent to parents and guardians so they know where to look for the pest control signs.

19. One of our athletic fields is several miles away from any of our school buildings. Does a notice need placed in each school building prior to pesticide applications on that field?

No, only workers in buildings at that location need notification. What ever method your district uses for notification (by posting in the buildings, emails, announcements) needs followed. The legislation also requires that a pest control sign be placed at the common entry point to that field, and the 7-hour reentry time applies.

20. We only treat the athletic fields in the summer. Is it necessary to notify the parents and guardians at that time?

No, only if students are using the fields for normal academic instruction or organized extracurricular activities. But workers in the schools at the locations need notified and the fields need the pest control signs posted at common entry points. The 7-hour reentry time also applies.

21. Does the legislation require notification and posting for swimming pool chemicals?

No, the legislation exempts these from notification and posting.

Outside agencies using pesticides

22. If a utility company or the Department of Transportation or the county, etc. uses pesticides around meters or rights-of-way on the school property, does notification and posting apply?

Since the application is on school property, the notification and posting requirements would apply. The applicator (utility company, DOT, county, etc.) should provide the pest control information sheet and pest control signs to the district. Then the district would do the notification and posting in its usual way.

PDA IPM Coordinator

23. Who is the IPM Coordinator in the PDA?

Cathy Thomas is the State IPM Coordinator for the PDA, and can be contacted at:

Cathy Thomas
Pennsylvania Department of Agriculture
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Pest control information sheet

24. Where can I get a sample copy of a pest control information sheet?

A copy is downloadable at: <http://paipm.cas.psu.edu/schoolmn/postform.doc>

Pest control sign

25. Where can I get a sample copy of a pest control sign?

A copy is downloadable at: <http://paipm.cas.psu.edu/schoolmn/postform.doc>

Pesticide applicators

26. Who can apply pesticides in schools or around school grounds?

Only a certified applicator, a registered technician or a person under the control of the certified applicator who is physically present at the time may apply pesticides.

27. Who is a “Certified Applicator?”

A Certified applicator is a person who has been found competent to apply pesticides in the commonwealth by passing pesticide certification exams administered by the PDA.

28. Our school wants a staff member certified to make the pesticide applications. How much does it cost?

Applicator exam fees are \$50 for the Core and \$10 for each category. A 3-year certificate is \$10, and the school will also need to register with the PDA for a pesticide business license (\$35/year). In addition, the school must meet the requirements for comprehensive general liability insurance coverage for pesticide applications. For further information go to www.pested.psu.edu or contact your local Regional PDA office.

29. What category is appropriate for an applicator to be certified in to apply pesticides on district property?

Category 23, Park/School Pest Control, will cover all application on district property with the exception of swimming pools. Swimming Pools, Category 24, is needed for persons applying swimming pool chemicals.

30. Does an applicator certified in a category such as 7, 12, 15, or 16 also need category 23 to apply pesticides in schools?

No, category 23 is a category designed to cover all areas needed in pest management in schools (except the swimming pool). An applicator with category 7 can apply lawn and turf pesticides, but cannot apply pesticides in an area in which he is not certified such as spraying for cockroaches in a building.

31. What is a registered technician?

A registered technician is a person trained to do certain pesticide applications, meeting the competency requirements of the Pesticide Control Act of 1973, and acting under the supervision of a certified applicator who is responsible for the applications and is available when needed. The training is provided by the certified applicator with at least one year's experience as required by the Pesticide Control Act.

Pesticides

32. What is considered a pesticide?

A substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substances or mixture of substances intended for use as a plant regulator, defoliant or desiccant. Includes herbicides, fungicides, rodenticides, insecticides, and antimicrobials. Pesticides such as “Raid” and “poison-free” pesticides are also included in this legislation.

Poison-free pesticides

33. Can our district use the “poison-free” pesticides now being marketed for school use without notification and posting?

“Poison-free” pesticides are considered pesticides by the PDA, and thus fall under the notification and posting requirements just the same as any other pesticide.

Record keeping

34. The legislation states that the 3-year record-keeping requirement does not apply to swimming pool maintenance chemicals or baits and gels. Does that mean I no longer need to keep those records?

The Pesticide Control Act of 1973 still requires records be kept by the applicator for swimming pool maintenance chemicals and baits and gels for the 3 year period. The new act does not change this.

Request for Proposal (RFP) or Contract Guide Specifications

35. Where can I get a sample copy of a Request for Proposal (RFP) or Contract Guide Specifications to provide potential Pest Management Professionals for bidding purposes?

There is a sample in the IPM For Pennsylvania Schools: a How-to Manual, and posted on the web at: <http://paipm.cas.psu.edu/schoolmn/postform.doc>.

Students

36. Does the term “student” include adult night school students for the purpose of notification?

Act 2002-36 specifies that notification be given to workers in the school building and parents and guardians of enrolled students. Many adult classes meet only once or twice a week. The PDA suggests that the district give the adult students in those night classes the opportunity for notification by informing the district, in writing, of their desire to be placed on the district’s notification registry, but the legislation is silent on this.

Contacts:

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School IPM information: <http://paipm.cas.psu.edu>
Pesticide Application Certification information: <http://www.pested.psu.edu>
Pennsylvania Department of Agriculture: www.agriculture.state.pa.us.