

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1166 Session of 2023

INTRODUCED BY STEELE, PISCIOTTANO, MADDEN, SANCHEZ, PROBST, HILL-EVANS, SAPPEY, FLEMING, RABB, INNAMORATO, SHUSTERMAN, McNEILL, KINKEAD, BOROWSKI, KIM, KHAN AND PIELLI, MAY 18, 2023

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 19, 2024

AN ACT

1 Providing for restrictions on the sale and application of high-
2 PAH sealants; establishing the Safer Sealant Fund; imposing
3 duties on the Department of Environmental Protection; and
4 imposing penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Safer Sealant
9 Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Department." The Department of Environmental Protection of
15 the Commonwealth.

16 "Fund." The Safer Sealant Fund established under section
17 5(a).

1 "High-PAH sealant." A sealant product containing more than
2 0.1% polycyclic aromatic hydrocarbons by weight.

3 "Municipality." A county, city, borough, incorporated town
4 or township.

5 Section 3. Restrictions on use of high-PAH sealants.

6 (a) Prohibitions.--A person may not:

7 (1) ~~Supply~~, AS OF JANUARY 1, 2025, SUPPLY, sell or offer <--
8 for sale a high-PAH sealant for application to a driveway or
9 parking area.

10 (2) ~~Apply~~ AS OF JANUARY 1, 2026, APPLY or solicit the <--
11 application of a high-PAH sealant to a driveway or parking
12 area.

13 (b) Civil penalty.--A person violating subsection (a) shall
14 be subject to a civil penalty not exceeding \$2,500 for each
15 violation.

16 ~~(c) Separate violations. Each day in which a violation <--
17 under this section occurs shall be deemed a separate violation
18 for the purpose of calculating civil penalties.~~

19 ~~Section 4. Municipal ordinances.~~

20 ~~A municipality may enact an ordinance relating to prohibiting
21 the supply of, sale of, offer to sell, application of or
22 solicitation to apply a high PAH sealant to a driveway or
23 parking area if the ordinance is at least as stringent as, and
24 not in conflict with, the provisions of this act.~~

25 SECTION 4. MUNICIPAL ORDINANCES. <--

26 (A) GENERAL RULE.--A MUNICIPALITY MAY ENACT AN ORDINANCE IN
27 ACCORDANCE WITH THE PROVISIONS OF SECTION 3.

28 (B) JURISDICTION.--A MUNICIPALITY ADOPTING AN ORDINANCE
29 UNDER SUBSECTION (A) HAS JURISDICTION CONCURRENT WITH THE
30 DEPARTMENT TO ENFORCE THIS ACT, PROVIDED THAT THE ORDINANCE IS

1 AT LEAST AS STRINGENT AS THE MODEL ORDINANCE UNDER SUBSECTION
2 (D).

3 (C) COLLECTION OF CIVIL PENALTIES.--A MUNICIPALITY ENFORCING
4 AN ORDINANCE UNDER THIS SECTION MAY COLLECT AND USE A CIVIL
5 PENALTY ASSOCIATED WITH VIOLATIONS IN SECTION 3(A).

6 (D) MODEL ORDINANCE.--THE DEPARTMENT SHALL DRAFT A MODEL
7 MUNICIPAL ORDINANCE FOR ANY MUNICIPALITY THAT OPTS TO ENFORCE
8 THE PROVISIONS OF THIS ACT.

9 Section 5. Fund.

10 (a) Establishment.--The Safer Sealant Fund is established
11 within the State Treasury which, along with interest earned,
12 shall be administered by the department to further the purposes
13 of this act.

14 (b) Deposits.--Civil penalties ~~paid~~ COLLECTED BY THE
15 DEPARTMENT under this act shall be deposited into the fund.

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16 Section 6. Administration.

17 (a) Enforcement.--The department shall enforce the
18 provisions of this act.

19 (b) Rules and regulations.--The department shall adopt or
20 promulgate any rules or regulations necessary for the
21 administration of this act, including the use and disbursement
22 of money from the fund.

23 Section 7. Effective date.

24 This act shall take effect in 60 days.