

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 16, 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;
4 AUTHORIZING CERTAIN MUNICIPAL ORDINANCES; and imposing <--
5 penalties.

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

8 Section 1. Short title.

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

11 Section 2. Definitions.

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

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

17 "Fund." The Safer Sealant Fund established under section
18 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) As of January 1, 2025, supply, sell or offer for~~  
8 ~~sale a high PAH sealant for application to a driveway or~~  
9 ~~parking area.~~

10 ~~(2) As of January 1, 2026, apply or solicit the~~  
11 ~~application of a high PAH sealant to a driveway or parking~~  
12 ~~area.~~

13 (A) PROHIBITIONS.-- <--

14 (1) A PERSON MAY NOT SUPPLY, SELL OR OFFER FOR SALE A  
15 HIGH-PAH SEALANT FOR APPLICATION ON A DRIVEWAY OR PARKING  
16 AREA AFTER DECEMBER 31, 2024.

17 (2) A PERSON MAY NOT APPLY OR SOLICIT THE APPLICATION OF  
18 A HIGH-PAH SEALANT TO A DRIVEWAY OR PARKING AREA AFTER  
19 DECEMBER 31, 2025.

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

23 Section 4. Municipal ordinances.

24 ~~(a) General rule. A municipality may enact an ordinance in~~ <--  
25 ~~accordance with the provisions of section 3.~~

26 ~~(b) Jurisdiction. A municipality adopting an ordinance~~  
27 ~~under subsection (a) has jurisdiction concurrent with the~~  
28 ~~department to enforce this act, provided that the ordinance is~~  
29 ~~at least as stringent as the model ordinance under subsection~~

30 ~~(d).~~

1 (A) GENERAL RULE.--A MUNICIPALITY MAY ENACT AN ORDINANCE <--  
2 THAT PROVIDES:  
3 (1) A PERSON MAY NOT SUPPLY, SELL OR OFFER FOR SALE A  
4 HIGH-PAH SEALANT FOR APPLICATION ON A DRIVEWAY OR PARKING  
5 AREA IN THE MUNICIPALITY.  
6 (2) A PERSON MAY NOT APPLY OR SOLICIT THE APPLICATION OF  
7 A HIGH-PAH SEALANT TO A DRIVEWAY OR PARKING AREA IN THE  
8 MUNICIPALITY.  
9 (B) CONSTRUCTION.--NOTHING IN THIS ACT SHALL BE CONSTRUED  
10 TO:  
11 (1) PROHIBIT A MUNICIPALITY FROM ENACTING AN ORDINANCE  
12 THAT IS MORE STRINGENT THAN THE ORDINANCE AUTHORIZED UNDER  
13 SUBSECTION (A); OR  
14 (2) AFFECT AN ORDINANCE ENACTED BY A MUNICIPALITY PRIOR  
15 TO THE EFFECTIVE DATE OF THIS SECTION THAT IS AT LEAST AS  
16 STRINGENT AS THE ORDINANCE AUTHORIZED UNDER SUBSECTION (A).  
17 (c) Collection of civil penalties.--A municipality enforcing  
18 an ordinance under this section may collect and use a civil  
19 penalty ~~associated with violations in section 3(a).~~ THE AMOUNT <--  
20 OF WHICH MAY BE DETERMINED BY THE MUNICIPALITY.  
21 (d) Model ordinance.--The department shall draft a model  
22 ~~municipal ordinance for any municipality that opts to enforce~~ <--  
23 ~~the provisions of this act.~~ ORDINANCE THAT MUNICIPALITIES MAY <--  
24 USE UNDER THIS SECTION.  
25 Section 5. Fund.  
26 (a) Establishment.--The Safer Sealant Fund is established  
27 within the State Treasury which, along with interest earned,  
28 shall be ~~administered~~ USED by the department to further the <--  
29 purposes of this act.  
30 (b) Deposits.--Civil penalties collected by the department

1 under ~~this act~~ SECTION 3 shall be deposited into the fund. <--  
2 Section 6. Administration.  
3 (a) Enforcement.--The department shall enforce the  
4 provisions of ~~this act~~ SECTION 3. <--  
5 (b) Rules and regulations.--The ~~department shall~~ <--  
6 ENVIRONMENTAL QUALITY BOARD MAY adopt or promulgate any rules or <--  
7 regulations necessary for the administration of this act,  
8 including the use and disbursement of money from the fund.  
9 Section 7. Effective date.  
10 This act shall take effect ~~in 60 days~~ IMMEDIATELY. <--