
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 718 Session of
2005

INTRODUCED BY GEORGE, HERSHEY, SURRA, BROWNE, BUNT, CALTAGIRONE,
HARHAI, JOSEPHS, KIRKLAND, MANN, McILHINNEY, O'NEILL,
PETRARCA, PISTELLA, ROEBUCK, WALKO AND YOUNGBLOOD,
MARCH 1, 2005

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 1, 2005

AN ACT

1 Prohibiting the production, sale and distribution of gasoline
2 containing methyl tertiary-butyl ether; and prescribing a
3 penalty.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Prohibition
8 of Methyl Tertiary-Butyl Ether Act.

9 Section 2. Declaration of policy.

10 The General Assembly finds and declares as follows:

11 (1) Section 27 of Article I of the Constitution of
12 Pennsylvania states that it is the responsibility of the
13 Commonwealth to preserve the environment "for the benefit of
14 all the people," including the provision of clean air and
15 pure water.

16 (2) The oxygenate and gasoline additive methyl tertiary-
17 butyl ether poses the following risks to the environment and

1 people of this Commonwealth:

2 (i) Leaks in both aboveground and underground gas
3 tanks are common, leading to contamination of nearby soil
4 and water.

5 (ii) Methyl tertiary-butyl ether is highly water
6 soluble, enabling it to be quickly absorbed and
7 transported through waterways, and has low
8 biodegradability in comparison to other additives.

9 (iii) Methyl tertiary-butyl ether has been linked to
10 increased rates of cancer and noncancer effects in
11 animals and, pending ongoing study, potentially poses a
12 similar risk to humans.

13 (3) While the inclusion of oxygenates in gasoline is
14 designed to prevent air pollution by lowering carbon monoxide
15 levels, methyl tertiary-butyl ether itself is an air
16 contaminant that is potentially carcinogenic to humans.

17 (4) There are numerous other oxygenates available, most
18 commonly ethanol, that are just as or more effective than
19 methyl tertiary-butyl ether in reducing carbon monoxide
20 emissions.

21 (5) The Commonwealth has both a constitutional right and
22 duty to remove the risks posed by methyl tertiary-butyl ether
23 by banning its use in gasoline within this Commonwealth.

24 Section 3. Definitions.

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

28 "Department." The Department of Environmental Protection of
29 the Commonwealth.

30 "MTBE." The oxygenate and gasoline additive commonly known

1 as methyl tertiary-butyl ether.

2 Section 4. Prohibition.

3 (a) Offense defined.--Except as otherwise provided in
4 subsection (b):

5 (1) No person in this Commonwealth may produce gasoline
6 that contains MTBE two years after the effective date of this
7 section.

8 (2) No person may sell or distribute gasoline which
9 contains MTBE two years after the effective date of this
10 section.

11 (b) De minimis violations.--Subsection (a) shall not apply
12 to gasoline containing concentrations of MTBE of 0.5 volume
13 percent or less.

14 (c) Construction.--Nothing in this act shall be construed to
15 prohibit the transport of gasoline containing any amount of MTBE
16 through this Commonwealth.

17 Section 5. Penalty.

18 Any person convicted of violating this act commits a
19 misdemeanor of the third degree and, upon conviction, shall be
20 sentenced to pay a fine of no more than \$2,500 per violation.

21 Section 6. Department action.

22 (a) Reports.--Within six months after the effective date of
23 this section, the department shall submit a report to the
24 General Assembly concerning the areas within this Commonwealth
25 affected by MTBE contamination, the extent of that contamination
26 and the steps necessary to safely decontaminate those areas.
27 Beginning one year from this initial report, the department
28 shall give annual reports on the status of the cleanup efforts.

29 (b) Enforcement.--The department is authorized to take
30 action in order to promulgate this act.

1 Section 7. Special privileges of Governor.

2 In the event of a natural or manmade emergency, the Governor
3 may, by executive order, temporarily suspend this act for the
4 duration of the crisis. The Governor shall publish the executive
5 order in the Pennsylvania Bulletin and shall also publish a
6 notice therein when the crisis is removed stating the date that
7 the suspension is lifted.

8 Section 8. Effective date.

9 This act shall take effect immediately.