

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1349 Session of
2010

INTRODUCED BY WOZNIAK, PIPPY, M. WHITE, FONTANA, EICHELBERGER
AND STOUT, MAY 4, 2010

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MAY 4, 2010

AN ACT

1 Regulating lead management and remediation at firing ranges.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Freedom to
6 Shoot Act.

7 Section 2. Definitions.

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

11 "Commission." The Pennsylvania Game Commission.

12 "Director." The director of the commission.

13 "Federal standard." The Best Management Practices for Lead
14 at Outdoor Shooting Ranges (June 2005), established by the
15 Environmental Protection Agency.

16 "Task force." The Task Force on Lead Management and
17 Remediation at Firing Ranges established in section 3.

1 Section 3. Task force.

2 (a) Establishment.--The Task Force on Lead Management and
3 Remediation at Firing Ranges is established.

4 (b) Membership.--The task force shall consist of the
5 following individuals:

6 (1) The Secretary of Conservation and Natural Resources
7 or a designee.

8 (2) The Secretary of Environmental Protection or a
9 designee.

10 (3) The Secretary of Health or a designee.

11 (4) A representative of the Amateur Trapshooting
12 Association.

13 (5) A representative of the Pennsylvania Federation of
14 Sportsmen's Club, Inc.

15 (6) A representative of the Pennsylvania State
16 Sportsmen's Association.

17 (7) The director.

18 (c) Organization.--

19 (1) The director shall serve as chair.

20 (2) Four members constitute a quorum.

21 (d) Functions.--The task force has the following functions:

22 (1) To study lead management and remediation at firing
23 ranges.

24 (2) To recommend to the commission, within six months of
25 the effective date of this section, regulations for lead
26 management and remediation at firing ranges which can be
27 applied evenly and fairly throughout this Commonwealth.

28 Section 4. Commission.

29 (a) Regulations.--The commission shall promulgate
30 regulations for lead management and remediation at firing

1 ranges.

2 (b) Time.--The commission shall initiate the regulatory
3 process on the earlier of:

4 (1) receipt of the recommendation under section 3(d)(2);

5 or

6 (2) six months after the effective date of section 3.

7 Section 5. Primacy.

8 (a) Legal principles.--The only law of this Commonwealth for
9 the regulation of lead management and remediation at firing
10 ranges is:

11 (1) before the effective date of regulations under
12 section 4, the Federal standard; and

13 (2) on and after the effective date of regulations under
14 section 4, the regulations under section 4.

15 (b) Commonwealth agencies.--Commonwealth agencies shall
16 apply the legal principles under subsection (a).

17 (c) Firing ranges.--

18 (1) Except as set forth in paragraph (2), shooting at a
19 firing range may not be curtailed nor impeded by a
20 Commonwealth agency.

21 (2) Shooting at a firing range may be curtailed or
22 impeded by a Commonwealth agency if any of the following
23 apply:

24 (i) The management of the firing range consents in
25 writing to the action.

26 (ii) The commission consents to the action because
27 of scientific proof that the action is necessary to avoid
28 environmental degradation which is beyond remediation.

29 Section 20. Effective date.

30 This act shall take effect immediately.