

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

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MAY 18, 2023

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, sell or offer for sale a high-PAH sealant
8 for application to a driveway or parking area.

9 (2) Apply or solicit the application of a high-PAH
10 sealant to a driveway or parking area.

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

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

17 Section 4. Municipal ordinances.

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

23 Section 5. Fund.

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

28 (b) Deposits.--Civil penalties paid under this act shall be
29 deposited into the fund.

30 Section 6. Administration.

1 (a) Enforcement.--The department shall enforce the
2 provisions of this act.

3 (b) Rules and regulations.--The department shall adopt or
4 promulgate any rules or regulations necessary for the
5 administration of this act, including the use and disbursement
6 of money from the fund.

7 Section 7. Effective date.

8 This act shall take effect in 60 days.