
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1716 Session of
1983

INTRODUCED BY SHOWERS, PHILLIPS AND LUCYK, NOVEMBER 29, 1983

REFERRED TO COMMITTEE ON CONSERVATION, NOVEMBER 29, 1983

AN ACT

1 Imposing duties and conferring powers on the Department of
2 Environmental Resources and the Department of Transportation
3 relating to litter control; imposing a litter tax; requiring
4 litter receptacles in certain areas; prohibiting the sale of
5 certain containers; imposing penalties; and making a repeal.

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10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Short title.

13 This act shall be known and may be cited as the Litter
14 Control Act.

15 Section 2. Legislative findings and declaration of purpose.

16 (a) Findings.--The General Assembly finds that the
17 population of Pennsylvania is increasing steadily, requiring
18 vigilance on the part of government to protect the public health
19 and safety as well as to maintain a healthful, clean and
20 beautiful environment. The proliferation and accumulation of
21 litter discarded throughout this Commonwealth impairs these
22 objectives and constitutes a public hazard and, in addition,
23 litter tends to damage the economy of this Commonwealth by
24 making it less attractive to tourists and newcomers. There is an
25 imperative need to anticipate, plan for and accomplish effective
26 litter control through a State-developed and coordinated plan of
27 education, control, prevention and elimination.

28 (b) Declaration of purpose.--

29 (1) The General Assembly declares that it is the purpose
30 of this act to accomplish litter control throughout this

1 Commonwealth by delegating to and vesting in the Department
2 of Environmental Resources the authority to conduct a
3 continuous program to control, prevent and eliminate litter
4 to the maximum practical extent. Every department of State
5 government and all governmental units and agencies of the
6 Commonwealth shall cooperate with the Department of
7 Environmental Resources in the administration and enforcement
8 of this act.

9 (2) This act is intended to add to and to coordinate
10 existing litter control and removal efforts and not terminate
11 existing efforts nor, except as specifically stated, to
12 repeal or affect any law governing or prohibiting litter or
13 the control and disposition of waste.

14 Section 3. Definitions.

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

18 "Department." The Department of Environmental Resources.

19 "Disposal package or container." All packages or containers
20 intended or used to contain solids, liquids or materials and so
21 designated.

22 "Litter." All waste material including, but not limited to,
23 disposable packages or containers, but not including the wastes
24 of the primary processes of mining, logging, sawmilling, farming
25 or manufacturing.

26 "Litter bag." A bag, sack or other container made of any
27 durable material which is large enough to serve as a receptacle
28 for litter inside the vehicle or watercraft of any person. It is
29 not necessarily limited to the State-approved litter bag but
30 shall be similar in size and capacity.

1 "Litter receptacle." Containers acceptable to the department
2 and which may be standardized as to size, shape, capacity and
3 color and which shall bear the Commonwealth anti-litter symbol,
4 as well as any other receptacles suitable for the depositing of
5 litter.

6 "Person." A natural person, corporation, partnership,
7 association, firm, receiver, guardian, trustee, executor,
8 administrator, fiduciary or representative or group of
9 individuals or entities of any kind.

10 "Public place." An area that is used or held out for use by
11 the public whether owned or operated by public or private
12 interests.

13 "Sold in this Commonwealth" or "sales of business in this
14 Commonwealth." All sales of retailers engaged in business in
15 this Commonwealth and all sales of products for use and
16 consumption in this Commonwealth in the case of manufacturers
17 and wholesalers.

18 "Vehicle." Every device capable of being moved upon a public
19 highway and in, upon or by which any person or property may be
20 transported and drawn upon a public highway, except devices
21 moved by human power or used exclusively upon stationary rails
22 or tracks.

23 "Watercraft." A boat, ship, vessel, barge or other floating
24 craft.

25 Section 4. Collection and survey of litter.

26 (a) Survey by Department of Transportation.--The Department
27 of Transportation shall make a collection and survey of litter
28 to be completed within 60 days of the types and kinds of litter
29 that are discarded in violation of the laws of this
30 Commonwealth. The survey shall include litter found throughout

1 this Commonwealth, including Standard Metropolitan Statistical
2 Areas and rural and recreational areas. To the fullest extent
3 possible in Standard Metropolitan Statistical Areas, the
4 Department of Transportation shall make use of local litter and
5 trash collection services through arrangements with local
6 governing bodies and appropriate agencies in the discharge of
7 the duties imposed by this section. The Department of
8 Transportation shall report to the Governor, the General
9 Assembly and the department as to the amount of litter collected
10 pursuant to this section and shall include in its report an
11 analysis by item, weight and volume and, where practicable, the
12 biodegradability of the types of products, packages, wrappings
13 and containers which compose the principal amounts of the litter
14 collected. The products whose packages, wrappings and containers
15 constitute the litter shall include, but not be limited to, the
16 following categories:

- 17 (1) Food for human or pet consumption.
- 18 (2) Groceries.
- 19 (3) Cigarettes and tobacco products.
- 20 (4) Soft drinks and carbonated waters.
- 21 (5) Beer and other malt beverages.
- 22 (6) Wine.
- 23 (7) Newspapers and magazines.
- 24 (8) Paper products and household paper.
- 25 (9) Glass containers.
- 26 (10) Metal containers.
- 27 (11) Plastic or fiber containers made of synthetic
28 material.
- 29 (12) Cleaning agents and toiletries.
- 30 (13) Nondrug drugstore sundry products.

1 (14) Distilled spirits.

2 (15) Motor vehicle parts.

3 (b) Followup surveys.--Followup litter surveys using the
4 same methods, standards and procedures as specified in
5 subsection (a) shall be conducted as the need is determined by
6 the Department of Transportation or as directed by the General
7 Assembly.

8 Section 5. Litter tax.

9 (a) Imposition.--There is hereby levied and imposed upon
10 every person in this Commonwealth engaged in business as a
11 manufacturer, wholesaler, distributor or retailer of products
12 enumerated in section 4(a) an annual litter tax of \$10 for each
13 establishment from which its business is conducted. In addition
14 to the \$10 litter tax, each person engaged in business as a
15 manufacturer, wholesaler, distributor or retailer of products
16 enumerated in section 4(a)(2), (4) and (5) shall pay an
17 additional annual litter tax of \$15 for each establishment from
18 which such business is conducted. For purposes of this tax, a
19 vending machine shall not be deemed a separate establishment,
20 and any person engaged in the business of selling goods, wares
21 and merchandise through the use of coin-operated vending
22 machines shall pay an annual litter tax only with respect to
23 each establishment for which goods, wares or merchandise are
24 stored, kept or assembled for supplying the vending machines.

25 (b) Collection.--The tax imposed in this section shall be
26 collected annually by the Department of Revenue in a manner
27 provided by regulations promulgated by it.

28 (c) Deposit of moneys.--All the moneys collected pursuant to
29 this section shall be deposited in the General Fund of the State
30 Treasury.

1 (d) Penalty.--A penalty of an amount equal to taxes due,
2 including all delinquent taxes under this section, shall be
3 added to the tax levied by subsection (a) for failure to pay the
4 tax within the time limits established by regulations.

5 Section 6. Enforcement of act.

6 The department may designate its trained employees to be
7 vested with police powers to enforce and administer the
8 provisions of this act and all rules and regulations adopted
9 hereunder. The department shall also have authority to contract
10 with other State and local governmental agencies having law
11 enforcement powers for services and personnel reasonably
12 necessary to carry out the provisions of this act. In addition,
13 all law enforcement officers in this Commonwealth and those
14 employees of the Fish Commission and Game Commission vested with
15 police powers shall enforce the provisions of this act and all
16 rules and regulations adopted thereunder. All of these
17 enforcement officers may serve and execute all warrants and
18 other process issued by the courts in enforcing the provisions
19 of this act and rules and regulations adopted under this act.

20 Section 7. Litter receptacles; placement; penalty for
21 violations.

22 (a) Guidelines for placement.--The department shall
23 promulgate regulations establishing reasonable guidelines for
24 the owners or persons in control of any property which is held
25 out to the public as a place for assemblage, the transaction of
26 business, recreation or as a public way who may be required to
27 place and maintain receptacles acceptable to the department. In
28 formulating the regulations, the department shall consider,
29 among other public places, the public highways of this
30 Commonwealth, all parks, campgrounds, trailer parks, drive-in

1 restaurants, construction sites, gasoline service stations,
2 shopping centers, retail store parking lots, parking lots of
3 major industrial and business firms, marinas, boat launching
4 areas, boat moorage and fueling stations, public and private
5 piers, beaches and bathing areas. The number of receptacles
6 required to be placed shall be determined by the department and
7 shall be related to the need for the receptacles. The litter
8 receptacles shall be maintained in a manner to prevent overflow
9 or spillage of litter from the receptacles.

10 (b) Obligation to provide receptacles.--A person owning or
11 operating any establishment or public place in which litter
12 receptacles of a design acceptable to the department are
13 required by this section shall procure and place the receptacles
14 at his expense on the premises in accordance with rules and
15 regulations adopted by the department.

16 (c) Penalty.--Any person who fails to place and maintain
17 litter receptacles on the premises in the number and manner
18 required by rule or regulation of the department or who violates
19 this section or rules or regulations adopted pursuant to this
20 section commits a summary offense and shall, upon conviction, be
21 sentenced to pay a fine of \$15 for each day of violation.

22 Section 8. Litter bag.

23 The department may design and produce a litter bag bearing
24 the Commonwealth anti-litter symbol and a statement of the
25 penalties prescribed for littering. Within one year after the
26 effective date of this act, the litter bags may be distributed
27 by the Department of Transportation at no charge to the owner of
28 every licensed vehicle in this Commonwealth at the time and
29 place of the issuance of license renewal. The department may
30 make the litter bags available to the owners of watercraft in

1 this Commonwealth and may also provide the litter bags at no
2 charge for tourists and visitors at points of entry into this
3 Commonwealth and at visitor centers to the operators of incoming
4 vehicles and watercraft.

5 Section 9. Responsibility for removal of litter from
6 receptacles.

7 The responsibility for the removal of litter from receptacles
8 placed at parks, beaches, campgrounds, trailer parks and other
9 public places shall remain upon those State and local agencies
10 now performing litter removal services. The removal of litter
11 from litter receptacles placed on private property used by the
12 public shall remain the duty of the owner or operator of the
13 private property.

14 Section 10. Further duties of department.

15 In addition to other duties imposed by this act the
16 department shall:

17 (1) Serve as the coordinating agency between the various
18 industry and business organizations seeking to aid in the
19 anti-litter effort.

20 (2) Recommend to local governing bodies that they adopt
21 ordinances similar to the provisions of this act.

22 (3) Cooperate with all local governments to accomplish
23 coordination of local anti-litter efforts.

24 (4) Encourage, organize and coordinate all voluntary
25 local anti-litter campaigns seeking to focus the attention of
26 the public on the programs of this Commonwealth to control
27 and remove litter.

28 (5) Investigate the availability of, and apply for,
29 funds available from any private or public source to be used
30 in the program provided for in this act.

1 (6) Allocate funds annually for the study of available
2 research and development in the field of litter control,
3 removal and disposal, as well as study methods for
4 implementation of research and development in this
5 Commonwealth. In addition, the funds may be used for the
6 development of public educational programs concerning the
7 litter problem. Grants shall be made available for these
8 purposes to those persons deemed appropriate and qualified by
9 the department.

10 (7) Investigate the methods and success of other
11 techniques in the control of litter, and develop, encourage
12 and coordinate programs in this Commonwealth to utilize any
13 successful techniques as may aid in the control and
14 elimination of litter.

15 (8) Establish rules and regulations for the making of
16 either direct or matching grants to municipalities for the
17 purpose of promoting enforcement of anti-litter statutes and
18 ordinances and for the purpose of enhancing local litter
19 control programs.

20 (9) Expend at least 50% of the funds allocated to the
21 litter control program in each year pursuant to contracts
22 with localities. The department may enter into contracts with
23 local planning commissions for the receipt and expenditures
24 of funds attributable to those municipalities which
25 designate, in writing to the department, a local planning
26 commission as the agency to receive and expend funds under
27 this act.

28 Section 11. Private organizations to cooperate in anti-litter
29 campaign.

30 To aid in the Statewide anti-litter campaign, all business,

1 industry and private organizations which are active in anti-
2 litter efforts are requested to cooperate with the department so
3 that the Commonwealth anti-litter campaign may be made more
4 effective.

5 Section 12. Authority of department to contract.

6 The department shall have the authority to make and enter
7 into contracts with other State agencies, local agencies, local
8 governing bodies or, to the extent provided in section 10(9),
9 with local planning commissions to carry out the purposes and
10 provisions of this act.

11 Section 13. Penalty for violations of act.

12 Except as provided in sections 7(c) and 15, any person who
13 violates this act commits a summary offense and shall, upon
14 conviction, be sentenced to pay a fine of not more than \$25 for
15 each violation.

16 Section 14. Notice to public required.

17 Within 60 days of the effective date of this act, pertinent
18 portions of this act shall be posted along the public highways
19 of this Commonwealth and at public highway entrances to this
20 Commonwealth, in all campgrounds and trailer parks, at all
21 entrances to State parks, forest lands and recreational areas,
22 at all public beaches and at other public places in this
23 Commonwealth where persons are likely to be informed of the
24 existence and content of this act and the penalties for
25 violating its provisions.

26 Section 15. Metal beverage containers with detachable metal
27 pull tabs.

28 (a) Prohibition.--On and after January 1, 1984, no person
29 shall sell or offer for sale at retail within this Commonwealth
30 any metal beverage container or any composite beverage container

1 designed and constructed with an all-metal pull tab opening
2 device that detaches from the container when the container is
3 opened in a manner normally used to empty the contents of the
4 container. Producers of products, other than beer and carbonated
5 soft drinks, who are not able to be in compliance on January 1,
6 1984 shall submit a request for an exemption to the department
7 justifying to the satisfaction of the department their inability
8 to comply on January 1, 1984. They shall comply as soon after
9 January 1, 1984 as possible but no later than July 1, 1985. The
10 department shall be authorized to grant requests for exemption.
11 For the purpose of this section, the term "beverage" shall mean
12 malt or brewed beverages as defined in section 102 of the act of
13 April 12, 1951 (P.L.90, No.21), known as the Liquor Code, and
14 mineral waters, soda water and formulated soft drinks, with or
15 without carbonation.

16 (b) Penalty.--Any person who violates subsection (a) commits
17 a summary offense and shall, upon conviction, be sentenced to
18 pay a fine of not more than \$100 or to undergo imprisonment for
19 90 days or both.

20 Section 16. Rules and regulations.

21 The department shall promulgate rules and regulations to
22 carry out this act.

23 Section 17. General repealer.

24 All acts and parts of acts are repealed insofar as they are
25 inconsistent with this act.

26 Section 18. Effective date.

27 This act shall take effect in 60 days.