

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**HOUSE BILL**

**No. 2207** Session of  
1986

---

INTRODUCED BY PITTS, LETTERMAN, RYAN, MORRIS, JACKSON, GLADECK,  
SCHEETZ, BIRMELIN, DISTLER, MACKOWSKI, MERRY, NOYE, JOHNSON,  
FLICK, BLACK, E. Z. TAYLOR, GODSHALL, COSLETT, CLYMER,  
SIRIANNI, HERSHEY, FREIND, FARGO, VROON AND  
A. C. FOSTER, JR., FEBRUARY 19, 1986

---

REFERRED TO COMMITTEE ON LABOR RELATIONS, FEBRUARY 19, 1986

---

AN ACT

1 Amending the act of October 5, 1984 (P.L.734, No.159), entitled  
2 "An act requiring chemical identification of substances in  
3 the community and on employer premises; requiring the posting  
4 of the identity of these substances by employers and the  
5 labeling of chemicals; requiring information and safety data  
6 on chemicals to be given to the Department of Labor and  
7 Industry, members of the community and employees; requiring  
8 employers to operate educational programs relating to  
9 hazardous substances; providing for further duties of the  
10 Department of Labor and Industry, for complaint procedures,  
11 for investigations, for compliance orders and the enforcement  
12 thereof; and providing penalties," suspending the enforcement  
13 of the act.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Section 19 of the act of October 5, 1984  
17 (P.L.734, No.159), known as the Worker and Community Right-to-  
18 Know Act, is amended to read:

19 Section 19. Construction of act.

20 (a) No release from liability.--Nothing in this act shall in  
21 any way relieve an employer or supplier from liability with  
22 regard to the health and safety of an employee or other persons

1 exposed to any substances, nor shall it relieve an employer or  
2 supplier from any other duty or responsibility under any other  
3 provision of law.

4 (b) Construction with Federal law.--This act is to be read  
5 in conjunction with any provision of Federal law providing for  
6 the identification, labeling or providing of information  
7 concerning hazardous substances and is intended to supplement  
8 such Federal regulation in the interests of protecting the  
9 health and safety of citizens of the Commonwealth.

10 (c) Local ordinances.--This act shall preempt and supersede  
11 any local ordinance or rule concerning the subject matter of  
12 this act.

13 (d) Review of preemption.--Should Federal Government  
14 preemption be finally adjudicated and result in lessening the  
15 burden on any employer to meet the requirements of this act, it  
16 is the intent that the General Assembly reexamine this act so  
17 that all employers hereunder shall be reexamined as to  
18 requirements necessary in meeting the standards of this act so  
19 as to treat all employers fairly and equitably. This act shall  
20 not be enforced nor shall regulations be promulgated under it  
21 until 90 days after the final disposition of the case of  
22 Manufacturers Association of Tri-County v. Knepper, No. 85-1027  
23 (M.D. Pa., filed July 19, 1985).

24 Section 2. This act shall take effect immediately.