
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2026 Session of
2019

INTRODUCED BY ISAACSON, A. DAVIS, HILL-EVANS, HOHENSTEIN,
HOWARD, KINSEY, KOSIEROWSKI, McNEILL, SAMUELSON, SCHLOSSBERG,
ULLMAN, VITALI, YOUNGBLOOD, DEASY AND CIRESI,
NOVEMBER 14, 2019

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
NOVEMBER 14, 2019

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for public health and
3 imposing duties on the Department of Environmental
4 Protection.

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

7 Section 1. Title 35 of the Pennsylvania Consolidated
8 Statutes is amended by adding a part to read:

9 PART II

10 PUBLIC HEALTH

11 Chapter

12 31. Lead Levels in Soil

13 CHAPTER 31

14 LEAD LEVELS IN SOIL

15 Sec.

16 3101. Scope of chapter.

17 3102. Definitions.

- 1 3103. Prohibited lead levels.
- 2 3104. Enforcement and penalties.
- 3 3105. Administrative agency law.
- 4 3106. Regulations.

5 § 3101. Scope of chapter.

6 This chapter relates to lead levels in soil.

7 § 3102. Definitions.

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

11 "Abatement." As follows:

12 (1) Any set of measures designed to eliminate or reduce
13 the levels of lead specified in section 3103 (relating to
14 prohibited lead levels).

15 (2) The term shall include:

16 (i) The removal or covering of lead-contaminated
17 soil.

18 (ii) All preparation, cleanup, disposal and
19 postabatement clearance testing activities associated
20 with the abatement measures.

21 (iii) Less-than-full abatement whereby the sources
22 of lead contamination are reduced sufficiently to create
23 a "lead-safe" environment rather than a "lead-free"
24 environment.

25 (3) The term shall not include landscaping activities by
26 contractors whose primary intent is not to permanently
27 eliminate or reduce the levels of lead specified in section
28 3103.

29 "Child care center." As the term is defined in section 1001
30 of the act of June 13, 1967 (P.L.31, No.21), known as the Human

1 Services Code.

2 "Children." Individuals who are under 18 years of age.

3 "Department." The Department of Environmental Protection of
4 the Commonwealth.

5 "Hazardous condition." A condition that causes exposure to
6 prohibited levels of lead from lead-contaminated soil that would
7 result in adverse human health effects.

8 "Municipality." A county, city, borough, incorporated town
9 or township.

10 "Person." Any of the following:

11 (1) An individual.

12 (2) A corporation, partnership, association or other
13 similar entity.

14 (3) The Commonwealth, including an agency or
15 instrumentality of the Commonwealth.

16 (4) A municipality, including an agency or
17 instrumentality of a municipality.

18 (5) A school entity.

19 (6) A religious institution.

20 (7) A child care center.

21 (8) A charitable, educational or religious institution
22 camp for children.

23 "Playground." As follows:

24 (1) An outdoor improved area that is designed, equipped
25 and set aside for children to play.

26 (2) The term shall include an area that is exclusively
27 used as an athletic playing field or athletic court.

28 "School entity." A school district, joint school district,
29 public school, private school, nonpublic school, charter school,
30 regional charter school, intermediate unit or career and

1 technical school operating within this Commonwealth.

2 § 3103. Prohibited lead levels.

3 Notwithstanding any other law to the contrary, the
4 permissible levels of lead regarding a playground shall be as
5 follows:

6 (1) In the bare soil on the playground, lead levels
7 shall not exceed 200 parts per million.

8 (2) In the bare soil of the yard in which the playground
9 is located, lead levels shall not exceed 1,200 parts per
10 million.

11 § 3104. Enforcement and penalties.

12 (a) Prohibitions.--A person may not:

13 (1) cause, suffer, permit or allow levels of lead in
14 violation of this chapter or regulations promulgated under
15 this chapter; or

16 (2) cause, suffer, permit or allow the performance of an
17 act or operation in violation of an order issued by the
18 department under this chapter or regulations promulgated
19 under this chapter.

20 (b) Violations.--The department may issue an order requiring
21 compliance with this chapter or regulations promulgated under
22 this chapter to a person engaging in a prohibited activity
23 specified in subsection (a), including the owner or operator of
24 the playground or yard in which the playground is located that
25 contains prohibited levels of lead.

26 (c) Service.--An order shall be served personally or by
27 certified mail at the last known address of the person violating
28 this chapter or a regulation promulgated under this chapter.

29 (d) Hazardous conditions.--If the department determines that
30 a hazardous condition exists due to the failure to comply with

1 this chapter or a regulation promulgated under this chapter, the
2 department, in addition to invoking other sanctions available to
3 the department, may invoke any of the following remedies:

4 (1) Issue an order to cease immediately all activities
5 on the playground or yard in which the playground is located
6 until the hazardous condition is corrected.

7 (2) Evacuate appropriate portions of the playground or
8 yard in which the playground is located until the hazardous
9 condition is corrected.

10 (3) Certify that the hazardous condition exists due to
11 the failure of a person to comply with this chapter or a
12 regulation promulgated under this chapter and charge the
13 added cost of any corrective cleanup or removal to the person
14 responsible for the hazardous condition and collect the cost
15 by lien or any other means as may be authorized by law.

16 (4) Apply to an appropriate court for relief by
17 injunction or restraining order against a person responsible
18 for the hazardous condition.

19 (e) Penalties.--In addition to the sanctions or remedial
20 orders provided in this section, a person that fails to comply
21 with this chapter or a regulation promulgated under this
22 chapter, or that fails to obey an order issued by the
23 department, may be subject to any of the following penalties:

24 (1) Imposition of an administrative penalty of not more
25 than \$1,000 for the first offense, not more than \$5,000 for
26 the second offense and not more than \$10,000 for the third
27 and each subsequent offense.

28 (2) Issuance of an order to cease immediately all
29 activities on the playground or yard in which the playground
30 is located.

1 (3) Initiation of a legal action or proceeding in a
2 court of competent jurisdiction.

3 (f) Continued violations.--Each day a violation continues to
4 exist shall constitute an additional, separate and distinct
5 violation for which a separate penalty shall be imposed.

6 § 3105. Administrative agency law.

7 Penalties and other orders of the department under this
8 chapter are subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to
9 practice and procedure of Commonwealth agencies) and Ch. 7
10 Subch. A (relating to judicial review of Commonwealth agency
11 action).

12 § 3106. Regulations.

13 The department shall adopt regulations necessary to carry out
14 the provisions of this chapter.

15 Section 2. This act shall take effect in 60 days.