
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 605 Session of
2023

INTRODUCED BY ISAACSON, SCHLOSSBERG, SAMUELSON, GALLOWAY,
CIRESI, FLEMING, GIRAL, HOHENSTEIN, HOWARD, KRAJEWSKI,
MADDEN, OTTEN AND SANCHEZ, MARCH 21, 2023

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 21, 2023

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for public health; imposing
3 duties on the Department of Environmental Protection relating
4 to lead levels in soil; and imposing penalties.

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 I

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.

18 3103. Prohibited lead levels.

1 3104. Enforcement and penalties.

2 3105. Administrative agency law.

3 3106. Regulations.

4 § 3101. Scope of chapter.

5 This chapter relates to lead levels in soil.

6 § 3102. Definitions.

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

10 "Abatement." As follows:

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

14 (2) The term includes:

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

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

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

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

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

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

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

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

7 "Person." Any of the following:

8 (1) An individual.

9 (2) A corporation, partnership, association or other
10 similar entity.

11 (3) The Commonwealth, including an agency or
12 instrumentality of the Commonwealth.

13 (4) A municipality, including an agency or
14 instrumentality of a municipality.

15 (5) A school entity.

16 (6) A religious institution.

17 (7) A child care center.

18 (8) A charitable, educational or religious institution
19 camp for children.

20 "Playground." As follows:

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

23 (2) The term includes an area that is exclusively used
24 as an athletic playing field or athletic court.

25 "School entity." A school district, joint school district,
26 public school, private school, nonpublic school, charter school,
27 regional charter school, intermediate unit or area career and
28 technical school operating within this Commonwealth.

29 § 3103. Prohibited lead levels.

30 Notwithstanding any other law, the permissible levels of lead

1 regarding a playground shall be as follows:

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

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

7 § 3104. Enforcement and penalties.

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

9 (1) cause, suffer, permit or allow levels of lead in
10 violation of this chapter or regulations promulgated under
11 this chapter; or

12 (2) cause, suffer, permit or allow the performance of an
13 act or operation in violation of an order issued by the
14 department under this chapter or regulations promulgated
15 under this chapter.

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

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

25 (d) Hazardous conditions.--If the department determines that
26 a hazardous condition exists due to the failure to comply with
27 this chapter or a regulation promulgated under this chapter, the
28 department, in addition to invoking other sanctions available to
29 the department, may invoke any of the following remedies:

30 (1) Issue an order to cease immediately all activities

1 on the playground or yard in which the playground is located
2 until the hazardous condition is corrected.

3 (2) Evacuate appropriate portions of the playground or
4 yard in which the playground is located until the hazardous
5 condition is corrected.

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

12 (4) Apply to an appropriate court for relief by
13 injunction or restraining order against a person responsible
14 for the hazardous condition.

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

20 (1) Imposition of an administrative penalty of not more
21 than \$1,000 for the first offense, not more than \$5,000 for
22 the second offense and not more than \$10,000 for the third
23 and each subsequent offense.

24 (2) Issuance of an order to cease immediately all
25 activities on the playground or yard in which the playground
26 is located.

27 (3) Initiation of a legal action or proceeding in a
28 court of competent jurisdiction.

29 (f) Continued violations.--Each day a violation continues to
30 exist shall constitute an additional, separate and distinct

1 violation for which a separate penalty shall be imposed.

2 § 3105. Administrative agency law.

3 Penalties and other orders of the department under this
4 chapter are subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to
5 practice and procedure of Commonwealth agencies) and 7 Subch. A
6 (relating to judicial review of Commonwealth agency action).

7 § 3106. Regulations.

8 The department shall adopt regulations necessary to carry out
9 the provisions of this chapter.

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