
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1358 Session of
2023

INTRODUCED BY PARKER, KAZEEM, MADDEN, SCHLOSSBERG, A. BROWN,
MAYES, KHAN, CIRESI, T. DAVIS, BOROWSKI, WAXMAN, SANCHEZ,
FIEDLER, HILL-EVANS, HOHENSTEIN, KINSEY AND GALLAGHER,
JUNE 9, 2023

REFERRED TO COMMITTEE ON HEALTH, JUNE 9, 2023

AN ACT

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

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

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

10 CHAPTER 59

11 HEALTHY OUTDOOR PUBLIC GROUNDS

12 Subchapter

13 A. Preliminary Provisions

14 B. Oversight

15 SUBCHAPTER A

16 PRELIMINARY PROVISIONS

17 Sec.

18 5901. Scope of chapter.

1 5902. Findings and declarations.

2 5903. Definitions.

3 § 5901. Scope of chapter.

4 This chapter relates to the promotion of a healthy
5 environment that protects the public from the risks of toxic
6 herbicides by prohibiting their use on public grounds.

7 § 5902. Findings and declarations.

8 The General Assembly finds and declares as follows:

9 (1) As a result of the COVID-19 pandemic and in an
10 effort to avoid spreading the virus as individuals shelter in
11 place, unprecedented numbers of residents of all ages are
12 seeking exercise, recreation and access to natural beauty in
13 the public grounds throughout this Commonwealth.

14 (2) It is imperative that public grounds be free of
15 toxic substances, which have been shown in scientific studies
16 to cause disease and compromise immune systems.

17 (3) Healthy, sustainably and organically managed soils
18 increase organic nutrients and soil microorganisms, allowing
19 grasses and other desirable plants to out-compete other plant
20 species over time, ultimately resulting in a reduction of
21 weeds and pests.

22 (4) Implementation of organic land management practices
23 affirms the right of all residents to have access to healthy
24 food and clean water, in addition to green space and healthy
25 waterways.

26 (5) Currently, some municipalities use synthetic
27 herbicides throughout their public grounds.

28 (6) Scientific studies conducted by the World Health
29 Organization, the National Academies of Sciences,
30 Engineering, and Medicine and the National Research Council

1 of the National Academies of Sciences, Engineering, and
2 Medicine, among others, have linked exposure to certain toxic
3 chemicals with asthma, cancer, developmental and learning
4 disabilities, nerve and immune system damage, liver and
5 kidney damage, reproductive impairment, birth defects and
6 disruption of the endocrine system and the microbiome.

7 § 5903. 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 "Advisory committee." The Advisory Committee on Healthy
12 Outdoor Public Grounds established under section 5912 (relating
13 to advisory committee).

14 "Commonwealth agency." As defined in 62 Pa.C.S. § 103
15 (relating to definitions).

16 "Department." The Department of Health of the Commonwealth.

17 "Municipality." A county, city, borough, incorporated town,
18 township, home rule municipality, optional plan municipality,
19 optional charter municipality or similar general purpose unit of
20 government that may be created or authorized by statute.

21 "Organic land management." A problem-solving strategy that:

22 (1) Prioritizes the following:

23 (i) A natural and organic approach to turfgrass and
24 landscape management.

25 (ii) The care of trees and shrubs without the use of
26 pesticides.

27 (2) Mandates the use of natural and organic practices
28 that promote healthy soil and plant life as a preventative
29 measure against the onset of turf and landscape pest
30 problems.

1 "Pesticide." As follows:

2 (1) A substance or mixture of substances intended for
3 preventing, destroying, repelling or mitigating a plant,
4 insect or fungal pest.

5 (2) The term includes a herbicide, insecticide or
6 fungicide.

7 "Public grounds." As follows:

8 (1) Publicly owned land of this Commonwealth or a
9 municipality, including any of the following:

10 (i) A park.

11 (ii) A trail.

12 (iii) Open space.

13 (iv) A lawn.

14 (v) A recreation center.

15 (vi) A playground.

16 (vii) A sports or athletic field.

17 (viii) A golf course.

18 (ix) Other real property.

19 (2) The term does not include the following:

20 (i) The interior spaces of a building.

21 (ii) A parking lot.

22 (iii) Land or other real estate that is not open for
23 use by the general public.

24 "Synthetic herbicide." As follows:

25 (1) A herbicide containing a synthetic substance,
26 including any material or agent containing a synthetic
27 substance that harms, adversely affects or kills a plant.

28 (2) The term does not include a synthetic herbicide that
29 is allowed on the National List of Allowed Substances under 7
30 U.S.C. § 6501 et seq. (Organic Foods Production Act of 1990),

1 as published by the National Organic Standards Board in
2 accordance with 7 CFR 205.601 (relating to synthetic
3 substances allowed for use in organic crop production).

4 "Synthetic substance." As follows:

5 (1) A substance that is formulated or manufactured by a
6 chemical process or by a process that chemically changes a
7 substance extracted from naturally occurring plant, animal or
8 mineral sources.

9 (2) The term shall not apply to a substance created by
10 naturally occurring biological processes.

11 SUBCHAPTER B

12 OVERSIGHT

13 Sec.

14 5911. Administration.

15 5912. Advisory committee.

16 5913. Prohibited use of synthetic herbicides.

17 5914. Advance posting of notice of anticipated pesticide use.

18 5915. Organic land management.

19 5916. Reports on pesticide usage.

20 5917. Rules and regulations.

21 § 5911. Administration.

22 The department, in consultation and coordination with the
23 Department of Agriculture, the Department of Environmental
24 Protection and other relevant Commonwealth agencies, shall
25 administer the provisions of this chapter.

26 § 5912. Advisory committee.

27 (a) Establishment.--The department shall establish the
28 Advisory Committee on Healthy Outdoor Public Grounds.

29 (b) Composition.--The advisory committee shall consist of
30 individuals with knowledge and expertise in matters involving

1 public health, agriculture, environmental protection and
2 recreation.

3 (c) Powers and duties.--The advisory committee shall:

4 (1) Consult with and provide technical assistance for
5 Commonwealth agencies and municipalities regarding the
6 administration of this chapter.

7 (2) Evaluate and make recommendations to the department
8 regarding waivers requested under section 5913(b) (relating
9 to prohibited use of synthetic herbicides).

10 § 5913. Prohibited use of synthetic herbicides.

11 (a) General rule.--Except as provided in subsection (b), a
12 person may not use or apply synthetic herbicides on public
13 grounds.

14 (b) Exception.--Upon request for a waiver by an applicant,
15 the department may authorize the use or application of a
16 synthetic herbicide on public grounds after receiving a
17 recommendation from the advisory committee, if the department
18 determines the following criteria are met regarding the use or
19 application:

20 (1) The use or application is appropriate to address an
21 emergency that:

22 (i) threatens the public health, safety or welfare
23 of persons; or

24 (ii) involves an invasive species that threatens the
25 overall health of the ecosystem and is necessary after
26 organic methods prove insufficient.

27 (2) The applicant has carefully evaluated all
28 alternative methods and materials, including nonherbicide
29 management tactics and nonsynthetic herbicides, and is
30 requesting to use the minimum amount of the least toxic and

1 most effective herbicide necessary.

2 (3) The person using or applying the synthetic herbicide
3 will, to the greatest extent practical, minimize the impact
4 of the application on abutting properties.

5 (4) The authorized use or application of the synthetic
6 herbicide will not be detrimental to the public's health,
7 safety or welfare.

8 (c) Application process.--

9 (1) The department shall develop an application process
10 for a waiver under subsection (b) that addresses the criteria
11 specified under subsection (b) (1), (2), (3) and (4).

12 (2) The application shall be posted on the publicly
13 accessible Internet website of the department.

14 § 5914. Advance posting of notice of anticipated pesticide use.

15 Each Commonwealth agency and municipality shall post signs
16 prominently providing notice in advance of the application of
17 pesticides. The following apply:

18 (1) The notice must include:

19 (i) The date that the pesticide application will be
20 occurring.

21 (ii) A contact number for questions.

22 (2) The signage must be posted 48 hours prior to the
23 pesticide application and remain for 72 hours after the
24 pesticide application.

25 § 5915. Organic land management.

26 (a) Development.--The Department of Environmental
27 Protection, in consultation with the Department of Agriculture,
28 shall develop an organic land management plan for the
29 Commonwealth, which shall be used by Commonwealth agencies and
30 municipalities as the method of choice to understand, prevent

1 and control actual and potential plants considered to be noxious
2 weeds.

3 (b) Components.--The essential practices of organic land
4 management shall include:

5 (1) Regular soil testing.

6 (2) The addition of approved soil amendments as
7 necessitated by soil test results, following recommendations
8 by appropriate farming and agricultural associations, as
9 determined by the Department of Environmental Protection in
10 consultation with the Department of Agriculture.

11 (3) The selection of plantings using criteria of:

12 (i) Hardiness and suitability to native conditions.

13 (ii) Drought, disease and pest resistance.

14 (iii) Ease of maintenance.

15 (4) Modification of outdoor management practices to
16 comply with organic horticultural science, including
17 scouting, monitoring, watering, mowing, pruning, proper
18 spacing and mulching.

19 (5) The use of physical controls, including hand-weeding
20 and over-seeding.

21 (6) The use of biological controls, including the
22 introduction of natural predators, and enhancement of the
23 environment of a pest's natural enemies.

24 (7) Through observation, determining the most effective
25 treatment time based on pest biology and other variables,
26 such as weather and local conditions.

27 (8) Eliminating pest habitats and conditions supportive
28 of pest population increases.

29 § 5916. Reports on pesticide usage.

30 (a) Required notice.--Beginning six months after the

1 effective date of this subsection, each Commonwealth agency and
2 municipality shall:

3 (1) Report and update information regarding the usage of
4 any kind of pesticide to the department.

5 (2) Post the information under paragraph (1) on the
6 publicly accessible Internet website of the Commonwealth
7 agency or municipality.

8 (b) Contents.--Each required report and update under
9 subsection (a) must include the following information:

10 (1) The common name of the pesticide.

11 (2) The trade name of the pesticide.

12 (3) The registration number designated by the United
13 States Environmental Protection Agency.

14 (4) The amount of pesticide applied.

15 (5) The method of application.

16 (6) The location where the pesticide was applied.

17 (7) The square footage of area where the pesticide was
18 applied.

19 (8) The name of the person applying the pesticide.

20 (9) The name of the entity employing or directing the
21 person applying the pesticide.

22 (10) Whether the person applying the pesticide posted
23 any notices informing the public that the pesticide was
24 applied.

25 § 5917. Rules and regulations.

26 The department shall promulgate or adopt any rules or
27 regulations necessary to implement the provisions of this
28 chapter.

29 Section 2. The prohibition under 35 Pa.C.S. § 5913(a) shall
30 apply as follows:

1 (1) For public grounds in the nature of a golf course or
2 a sports or athletic field, the prohibition shall apply on or
3 after 36 months after the effective date of this paragraph.

4 (2) For public grounds other than a golf course or a
5 sports or athletic field, the prohibition shall apply on or
6 after 18 months after the effective date of this paragraph.

7 Section 3. This act shall take effect in 60 days.