

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2789 Session of  
2022

INTRODUCED BY PARKER, HILL-EVANS, SANCHEZ, SCHLOSSBERG, HOWARD,  
KIRKLAND, HOHENSTEIN, CIRESI AND SIMS, AUGUST 30, 2022

REFERRED TO COMMITTEE ON HEALTH, AUGUST 30, 2022

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.

19 5902. Findings and declarations.

1 5903. Definitions.

2 § 5901. Scope of chapter.

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

6 § 5902. Findings and declarations.

7 The General Assembly finds and declares as follows:

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

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

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

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

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

27 (6) Scientific studies conducted by the World Health  
28 Organization, the National Academy of Sciences and the  
29 National Research Council, among others, have linked exposure  
30 to certain toxic chemicals with asthma, cancer, developmental

and learning disabilities, nerve and immune system damage,  
liver and kidney damage, reproductive impairment, birth  
defects and disruption of the endocrine system and the  
microbiome.

§ 5903. Definitions.

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

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

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

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

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

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

(1) Prioritizes the following:

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

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

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

"Pesticide." As follows:

(1) A substance or mixture of substances intended for

1 preventing, destroying, repelling or mitigating a plant,  
2 insect or fungal pest.

3 (2) The term includes a herbicide, insecticide or  
4 fungicide.

5 "Public grounds." As follows:

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

8 (i) A park.

9 (ii) A trail.

10 (iii) Open space.

11 (iv) A lawn.

12 (v) A recreation center.

13 (vi) A playground.

14 (vii) A sports or athletic field.

15 (viii) A golf course.

16 (ix) Other real property.

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

18 (i) The interior spaces of a building.

19 (ii) A parking lot.

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

22 "Synthetic herbicide." As follows:

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

26 (2) The term does not include a synthetic herbicide that  
27 is allowed on the National List of Allowed Substances under  
28 the Organic Foods Production Act of 1990 (Public Law 101-624,  
29 104 Stat. 3935), as published by the National Organic  
30 Standards Board in accordance with 7 CFR 205.601 (relating to

synthetic substances allowed for use in organic crop  
production).

"Synthetic substance." As follows:

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

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

## SUBCHAPTER B

### OVERSIGHT

Sec.

5911. Administration.

5912. Advisory committee.

5913. Prohibited use of synthetic herbicides.

5914. Advance posting of notice of anticipated pesticide use.

5915. Organic land management.

5916. Reports on pesticide usage.

5917. Rules and regulations.

§ 5911. Administration.

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

§ 5912. Advisory committee.

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

(b) Composition.--The advisory committee shall consist of  
individuals with knowledge and expertise in matters involving  
public health, agriculture, environmental protection and

1 recreation.

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

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

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

9 § 5913. Prohibited use of synthetic herbicides.

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

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

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

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

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

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

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

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

7       (c) Application process.--

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

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

13      § 5914. Advance posting of notice of anticipated pesticide use.

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

17      (1) The notice must include:

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

20          (ii) A contact number for questions.

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

24      § 5915. Organic land management.

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

1 weeds.

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

4 (1) Regular soil testing.

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

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

11 (i) Hardiness and suitability to native conditions.

12 (ii) Drought, disease and pest resistance.

13 (iii) Ease of maintenance.

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

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

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

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

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

28 § 5916. Reports on pesticide usage.

29 (a) Required notice.--Beginning six months after the  
30 effective date of this subsection, each Commonwealth agency and



1 municipality shall:

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

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

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

9 (1) The common name of the pesticide.

10 (2) The trade name of the pesticide.

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

13 (4) The amount of pesticide applied.

14 (5) The method of application.

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

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

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

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

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

24 § 5917. Rules and regulations.

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

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

30 (1) For public grounds in the nature of a golf course or

1 a sports or athletic field, the prohibition shall apply on or  
2 after 36 months after the effective date of this paragraph.

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

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