
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 219 Session of
2022

INTRODUCED BY METCALFE, ARMANINI, BERNSTINE, COOK, GREGORY,
JAMES, MUSTELLO, RAPP AND WARNER, JULY 1, 2022

REFERRED TO COMMITTEE ON JUDICIARY, JULY 1, 2022

A RESOLUTION

1 Impeaching Patrick McDonnell, Secretary of the Pennsylvania
2 Department of Environmental Protection, for misbehavior in
3 office.

4 BE IT RESOLVED, That Patrick McDonnell, Secretary of the
5 Pennsylvania Department of Environmental Protection, be
6 impeached for misbehavior in office, and that the following
7 Article of Impeachment be exhibited to the Senate:

8 ARTICLE I

9 Secretary McDonnell, as head of the Department of
10 Environmental Protection, has presided over a Department that
11 has committed a number of flagrant violations of the
12 Constitution of Pennsylvania and State law. A number of these
13 violations occurred during the development of the regulation
14 regarding the Regional Greenhouse Gas Initiative, or RGGI.
15 First, the core of the regulation involves a tax, which can only
16 be implemented under the Constitution by the General Assembly,
17 not by the Executive branch of Pennsylvania's government.

18 Next, The act of January 8, 1960 (1959 P.L.2119, No.787),

1 known as the Air Pollution Control Act, requires that the
2 Department, when developing a regulation such as the RGGI
3 regulation, hold hearings on the regulation in impacted
4 communities, which Secretary McDonnell's Department failed to
5 do. Further, Pennsylvania's Sunshine Act was violated during an
6 Environmental Quality Board meeting chaired by Secretary
7 McDonnell, which was held in a room that was closed to the
8 public.

9 Secretary McDonnell's Department has also blatantly flouted
10 the law related to a number of other subjects. Section 1920-A(j)
11 of the act of April 9, 1929 (P.L.177, No.175), known as The
12 Administrative Code of 1929, requires the Department to
13 promulgate regulations related to manganese. This was a clear
14 statutory directive which Secretary McDonnell's Department
15 ignored for a number of years and is finally attempting to
16 resolve with a regulatory process that violates the act of June
17 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.
18 The Secretary's Department has also treated section 5 of the act
19 of January 24, 1966 (1965 P.L.1535, No.537), known as the
20 Pennsylvania Sewage Facilities Act, with similar disdain, as the
21 Department has refused to implement the law's clear directive to
22 allow for the use of alternative on-lot septic systems. Very
23 recently, the Secretary's Department has attempted to put
24 forward a regulation related to VOC emissions which ignores the
25 clear directives of the act of June 23, 2016 (P.L.375, No.52),
26 known as the Pennsylvania Grade Crude Development Act, requiring
27 that separate regulations be promulgated for the conventional
28 oil and gas industry. The repeated refusal by the Secretary and
29 his Department to follow the Constitution of Pennsylvania and
30 Pennsylvania's statutes is unequivocally misbehavior in office.

1 Wherefore, Secretary Patrick McDonnell is guilty of an
2 impeachable offense warranting removal from office and
3 disqualification to hold any office of trust or profit under
4 this Commonwealth.

5 The House of Representatives hereby reserves to itself the
6 right and ability to exhibit at any time hereafter further
7 Articles of Impeachment against Secretary Patrick McDonnell, to
8 reply to any answers that Secretary Patrick McDonnell may make
9 to any Articles of Impeachment which are exhibited and to offer
10 proof at trial in the Senate in support of each and every
11 Article of Impeachment which shall be exhibited by them.